

Council Handbook:

Volume 3 - Accountability & Transparency



Norfolk County
50 Colborne St S.
Simcoe ON N3Y 4H4
norfolkcounty.ca

Norfolk
COUNTY

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1. Values

Mission: Working together with our community to provide quality services.

Vision: The Norfolk County way of life is rooted in our:

natural environment;

unique sense of place and community;

business diversity and confidence; and

collaboration to achieve results and adapt to changes we encounter.

Key Principles:

These are the most important principles that we adhere to in everything we do:

- **Accountability and Ownership** – Accountability to the community, transparency and good governance matter.
- **Dedication and Commitment** – We are engaged, helpful, and value public service excellence and the people we serve.
- **Value for Money (Efficient, Effective, Economical)** – Service delivery with a mind to achieving best use of tax dollars.
- **Mutual Respect** – Work with others and conduct ourselves in a civil and diplomatic manner at all times.
- **Collaboration** – A team approach to resolving issues, in a coordinated, cooperative and seamless manner.

Values:

Honesty, integrity, and respect

Teamwork and cooperation

Participatory leadership

Effective communication

Lifelong learning

Accountability and responsibility

Safe and ethical practices

Partnership development

Professional excellence

Valuing our employees

2. The Code of Conduct for Members of Council

The Code of Conduct establishes rules that guide Members of Council in performing their diverse roles in representing their constituents and recognizes Members' accountability for managing City resources allocated to them.

Because ethics and integrity are at the core of public confidence in governance, it is important to develop rules around ethical conduct for elected officials so that they may carry out their duties with impartiality and equality of service to all. Recognizing that Members of Council are leaders of the community, they are held to a higher standard of behaviour and conduct.

The [Code of Conduct](#) applies to the Mayor and all Members of Council.

2.1 Confidentiality

It is recognized that performance of duties within the County may result in Members and staff having access to information regarding the County's business and affairs and some of that information may be sensitive and/or confidential in nature.

Confidential information includes information in the possession of the County that the County is either prohibited from disclosing, or is required to refuse to disclose, such as under Access and Privacy legislation. Confidential information may also include information that concerns personal information of individuals, personnel matters, labour relations, litigation, property acquisitions, the security of the property of the County or a local board, matters authorized in other legislation and matters discussed in closed session. Both Members and County staff have a responsibility to respect matters of confidentiality when they arise. Breach of confidentiality is a serious offense and may result in serious

consequences for both the County and the individual involved.

Similar to Members, County staff must adhere to an [Employee Code of Conduct](#) and the Confidentiality Policy.

3. Municipal Conflict of Interest Act (MCIA)

Members of Council and local boards (Members) should be aware of their duties under the *Municipal Conflict of Interest Act (MCIA)*, contravention of which can have serious consequences. These duties are apart from legal and ethical obligations under the Councillor Code of Conduct and other County policies.

The intent of *MCIA* is to prevent Members from exercising influence in the consideration of matters in which they have or are deemed to have a pecuniary interest. In general terms, where a Member has such an interest, direct or indirect, and is present at a meeting at which the matter is considered, the Member has a duty:

- to disclose the interest and its general nature before the matter is considered;
- not to take part in the discussion of, or vote on any question in respect of the matter;
- not to attempt before, during or after the meeting, to influence the voting on any such question;
- where the meeting is not open to the public, to leave the meeting or the part of the meeting during which the matter is under consideration;
- where the interest has not been disclosed by reason of the Member's absence from the meeting, to disclose it at the first meeting attended by the Member thereafter;
- where there is a pecuniary interest, not to attempt to influence any decision or recommendation in a matter being considered by an officer, employee or person with delegated authority; and
- to provide a written statement of the pecuniary interest to the Clerk at the meeting or as soon as possible afterwards.

Members are responsible for compliance with their statutory obligations in

serving on Council or local boards, and should arrange for their own legal or other professional advice where required.

The County Clerk and legal counsel represent the municipal corporation, and are not in a position to give conflict opinions or other legal advice to individual Members. A Member may request advice from the County's Integrity Commissioner in relation Sections 5, 5.1 and 5.2 of the *MCIA*.

The *MCIA* also:

- requires a registry of statements of pecuniary interests to be maintained and made publicly available;
- allows Members to take part in matters where the suspension of their remuneration is under consideration;
- permits an elector, an Integrity Commissioner of a municipality or a person demonstrably acting in the public interest, to make an application to a judge; and
- makes available to a judge a range of discretionary remedies, and dispense with mandatory declaration of vacancy where contravention is not due to inadvertence or error in judgement

4. The Integrity Commissioner

4.1 At a Glance

Citizens expect Members to meet the highest standards of conduct when carrying out their public functions. This means serving constituents in a conscientious and diligent manner, acting with integrity, avoiding conflicts of interest and improper use of influence, arranging their private affairs in a way that promotes public confidence and displaying behaviour that will endure close public scrutiny.

Although the standards are authorized by legislation and other binding documents, there is an expectation that members will not only comply, but will serve the public interest by upholding the letter and spirit of the written standards.

The business of Norfolk County and, specifically, of Members of Council can be

complex and often involves multiple competing interests. It is not always easy for the Member to know how to act properly and in accordance with the high standards that are expected of them.

The Office of the Integrity Commissioner is the Member's number one resource to meeting these high expectations and the Integrity Commissioner is available to Members to answer questions and provide advice about how to meet the standards expected of them.

4.2 Duties of the Integrity Commissioner

The Integrity Commissioner has the following duties:

4.2.1 Advisory Role

The Integrity Commissioner provides written and oral advice to individual Members of Council about their own situations respecting the Code of Conduct for Members of Council (the "Code of Conduct") and other by-laws and policies governing ethical behaviour, including general advice about the *Municipal Conflict of Interest Act*.

The Integrity Commissioner provides the Mayor and all Members of Council with opinions on issues of ethics, integrity and related policy matters.

4.2.2 Investigative Role

Complaints about breaches of the Code of Conduct are made to the Integrity Commissioner. Complaints can be dealt with through a formal or informal process. When carrying out a formal complaint investigation, the Commissioner can summon evidence and examine under oath.

Should the Integrity Commissioner find a contravention, they can recommend various penalties for imposition by Council. The available penalties range from suspension of remuneration to a reprimand or apology.

4.2.3 Educational Role

The Integrity Commissioner is responsible for providing educational programs to members of Council and local Boards. This is delivered through group settings, one-on-one meetings, annual reporting and training opportunities organized through the Clerk's department.

5. Ombudsman

The Municipal Ombudsman acts independently and reports to Council, to investigate any decision or recommendation made or act done or omitted in the course of the administration of the municipality.

If a municipality does not appoint a Municipal Ombudsman, then the [Ontario Ombudsman](#) becomes its default Municipal Ombudsman. The Ontario Ombudsman currently functions as the Municipal Ombudsman for Norfolk County.

6. Gift and Participation at Events Registry

Members of Council shall not solicit or accept any gift or accept or receive a fee, advance, cash or personal benefit that is directly or indirectly connected with the performance of his or her duties of office. This provision extends to the Member's child, parent or spouse.

Criteria related to the Member's responsibility in relation to gifts and participation at events is outlined in Section 7 of the [Code of Conduct](#). Council members should become familiar with this section to understand their role and expectations.

Within 30 days of receipt of any gift described in Section 7.2 (a), (b) or (c), Members shall file a disclosure statement with the integrity Commissioner for any gift that exceeds \$200 in value. If the value of any gift described in Section 7.2 (h), (i) or (j) exceeds \$500 or if the total value of such gifts received from any one source during one calendar year exceeds \$1,000 the Member shall file a disclosure statement with the Integrity Commissioner within 30 days of the receipt of the gift. Every disclosure statement shall indicate:

- i. the nature of the gift;
- ii. its source and date of receipt;
- iii. the circumstances under which it was received;
- iv. its estimated value.

Every disclosure statement shall be a matter of public records.

7. Municipal Elections

Municipal elections in Ontario are held every four years and are regulated by the *Municipal Elections Act (MEA)*. Subject to the MEA, municipalities are required to establish rules and procedures with respect to the use of municipal resources during the election campaign period. A candidate's campaign period begins the day they file their nomination with the Clerk and ends on December 31st in the year of the election. The earliest a candidate's campaign can begin is the day they file their nomination with the County Clerk, during the established nomination period.

Local boards (school boards) are also required to establish rules and procedures with respect to the use of board resources. Procedures must be established by May 1st in the year of the election.

The County has established the [Use of Corporate Resources during an Election Policy](#) that provides a consistent approach and direction in relation to the use of corporate resources during a campaign period. The policy is directed at Members, candidates and/or registered third party advertisers and provides guidance and reference points to County staff.

Members should become familiar with this policy throughout their term and ensure adherence to the policy during the campaign period. Any questions related to this policy, or its contents, should be directed to the County Clerk.