

THE CORPORATION OF THE CITY OF ELLIOT LAKE

***B*Y-LAW NO. 16-74**

Being a By-Law to adopt a Code of
Conduct Policy for Members of Council,
Local Boards, and Advisory Committees

Office Consolidation – By-law No. 17-51

WHEREAS section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person; and

WHEREAS a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority; and

WHEREAS section 11 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes municipalities to pass bylaws regarding accountability and transparency of the municipality and its operations; and

WHEREAS section 223.2(1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes a municipality to establish codes of conduct for members of council of the municipality and of local boards of the municipality; and

WHEREAS the council of the corporation of the City of Elliot Lake deems it expedient to adopt a Code of Conduct for Council, Local Boards and Advisory Committees;

NOW THEREFORE the Council of the Corporation of the City of Elliot Lake hereby enacts a Code of Conduct for Members of Council, Local Boards, and Advisory Committees, attached hereto as Schedule “A”.

1. SEVERABILITY

In the event section(s) of this by-law are found by a court of competent jurisdiction to be invalid or ultra vires, such section(s) or parts thereof shall be deemed to be severable, with all other parts of this by-law remaining in full force and effect.

2. SCHEDULE

The Code of Conduct for members of Council, Local Boards, and Advisory Committees attached hereto as Schedule "A" shall form part of this bylaw.

3. EFFECTIVE DATE

This by-law shall come into full force and effect upon receipt of final passing by City Council.

PASSED this 12th day of December, 2016.

MAYOR

CITY CLERK



THE CORPORATION OF THE CITY OF ELLIOT LAKE

SCHEDULE "A"

TO

BY-LAW NO. 16-74 as amended by By-law No. 17-51

CODE OF CONDUCT FOR MEMBERS OF COUNCIL,
LOCAL BOARDS, AND ADVISORY COMMITTEES

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1. PREAMBLE

A written code of conduct ensures that members of Council, Local Boards, and Advisory Committees share a common integrity base through adherence to its principles. The Code of Conduct also serves to enhance public trust.

The key principles that underline the Code of Conduct are as follows:

- All Members to whom this Code of Conduct applies shall serve in a conscientious and diligent manner;
- Members shall be committed to performing their functions with integrity and to avoid the improper use of the influence of their office, and conflicts of interests, both real and apparent;
- Members are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny;
- Members are responsible for making honest statements and no member shall make a statement when they know that a statement is false, or with the intent to mislead other members or the public; and
- Members shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and Elliot Lake Council.

2. DUTY OF COUNCIL

This Code of Conduct is a public declaration of the principles of good conduct and ethics (standards of behaviour) that the members of the Elliot Lake Council have determined that its stakeholders could reasonably expect members of Council to demonstrate in the performance of their responsibilities as elected community representatives.

Members of Council are held to a high standard as leaders of the community and they are expected to become well informed on all aspects of municipal governance, administration, planning and operations. They are also expected to carry out their duties in a fair, impartial, transparent and professional manner.

The key stakeholders of the City of Elliot Lake represent a broad base of interests and concerns which require fair and open attention, adjudication and disposition. These stakeholders include, but are not limited to:

- Residents
- Ratepayers
- Other members of Council
- Staff
- Local Boards and Committees
- Province of Ontario
- School Boards and Agencies
- Suppliers
- Chamber of Commerce

To assist the City of Elliot Lake in interacting effectively with all stakeholders, the following obligations are expected of each member of council:

- a) That they solemnly promise, declare and carry out their responsibilities as prescribed in the oath of office;
- b) That they familiarize themselves with and follow the Procedural by-law for Council and its Committees; and
- c) That they familiarize themselves with and follow the provisions of the Municipal Act and the Municipal Conflict of Interest Act

3. ROLES AND RESPONSIBILITIES

This Code of Conduct operates along with, and as a supplement to, the existing statutes governing conduct. Five pieces of Federal and Provincial legislation govern the conduct of members of Council, those being:

- a) The Criminal Code of Canada
- b) The Municipal Conflict of Interest Act
- c) The Municipal Elections Act
- d) The Municipal Freedom of Information and Protection of Privacy Act
- e) The Municipal Act

Part VI of the Municipal Act, 2001 prescribes the following as the roles of a municipal council, the head of council, and the head of council as chief executive officer:

It is the role of Council:

- To represent the public and to consider the well-being and interests of the Municipality;
- To develop and evaluate the policies and programs of the municipality;
- To determine which services the municipality provides;

- To ensure that administrative policies practices and procedures and controllership policies practices and procedures are in place to implement the decisions of council;
- To ensure the accountability and transparency of the operations of the municipality including the activities of the senior management of the municipality; and
- To maintain the financial integrity of the municipality and to carry out the duties of council under this or any other Act.

It is the role of the head of council

- To act as chief executive officer of the municipality;
- To preside over council meetings so that its business can be carried out efficiently and effectively;
- To provide leadership to the council;
- To provide information and recommendations to the council with respect to the role of council described in Sections 224 d and d1 of the Municipal Act 2001;
- To represent the municipality at official functions; and
- To carry out the duties of the head of council under this or any other Act

As chief executive officer of a municipality the head of council shall:

- Uphold and promote the purposes of the municipality;
- Promote public involvement in the municipality's activities;
- Act as the representative of the municipality both within and outside the municipality and promote the municipality locally nationally and internationally; and
- Participate in and foster activities that enhance the economic social and environmental well-being of the municipality and its residents.

4. **DEFINITIONS**

“**Code of Conduct**” shall mean the City of Elliot Lake Code of Conduct for Members of Council, Local Boards and Advisory Committees.

“**Complaint**” shall mean a purported contravention of the Code of Conduct.

“**Frivolous**” shall mean of little or no weight, worth, or importance; not worthy of serious notice.

“**Immediate Relative**” shall mean a parent, spouse, child, sister, brother, sister-in-law, brother-in-law, father-in-law, mother-in-law as well as step-relationships; spouse shall apply equally to marital relationship and common law.

“**Lobby**” shall mean to communicate with a Member outside of a public process about matters of interest or benefit to the lobbyist and their client/business/organization. Communication may be about a bylaw or resolution on any matter that requires a decision City Council, a Local Board or delegated decision maker. This includes matters regarding policies or programs, the purchase of goods and services, and the awarding of contracts, applications for service, grant, planning approval or other licence.

“**Lobbyist**” shall mean a person who communicates for payment with public office holders, a person who lobbies on a volunteer basis for a business or a not-for-profit professional, business, industry, trade or labour organization or a consultant or voluntary lobbyist who arranges meetings between a Member and any other person for the purpose of lobbying.

“**Local Board**” for the purpose of the Code of Conduct a local board shall mean one of the following boards/quasi-judicial committees established by Elliot Lake Council:

- Any Standing Committee of Council
- Committee of Adjustment
- Property Standards Committee
- Compliance Audit Committee
- Joint Relations Committee

5. APPLICATION

The Code of Conduct shall apply to all members of Council and local boards. In recognizing that Advisory Committees are comprised largely of citizen volunteers from across the City of Elliot Lake who have been appointed by Council to provide special advice and expertise, some of the provisions outlined may not be applicable to those members. Accordingly the conduct of Advisory Committee Members shall be governed by the provisions of the Advisory Committee Members Code of Conduct attached hereto as Appendix A.

6. STANDARD OF CONDUCT

a. BUSINESS RELATIONS

No member shall act as a lobbyist before Council, its committees or an agency, board or commission of the City except in compliance with the terms of the Municipal Conflict of Interest Act. A member shall not refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.

This does not prohibit activities in which a member would normally engage on behalf of constituents in accordance with the duties of their office.

b. CONDUCT AT MEETINGS

At all meetings members shall conduct themselves with decorum in accordance with the provisions of the City of Elliot Lake's Procedural Bylaw.

Respect for delegations, fellow members and staff requires that all members show courtesy and not distract from the business of the City during presentations and when other members have the floor.

c. CONDUCT OF A POLITICAL NATURE

No member shall use City facilities, services or property for his/her election or re-election campaign. No member shall use the services of City employees for his/her election or re-election campaign during hours in which the employees are in the paid employment of the City.

d. CONDUCT RESPECTING STAFF

Only Council as a whole has the authority to approve budgets, policies, committee processes, and other such matters. Therefore members are not permitted to individually direct the actions of staff except as authorized by Council. Members shall be respectful of the fact that staff work for the City as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective without undue influence from any individual member or group of members.

Members shall be respectful of the fact that staff carry out directions of Council and administer the policies of the municipality and are required to do so without any undue influence from any individual member or group of members.

Accordingly no member shall maliciously or falsely injure the professional or ethical reputation or the prospects or practice of staff and all members shall show respect for the professional capacities of the staff of the City of Elliot Lake.

Council as a whole directs the business of the City and passes bylaws or resolutions as appropriate for decisions adopted by Council. Council has delegated responsibility to the Chief Administrative Officer (CAO) for the administration of the affairs of the City in accordance with the decisions adopted by Council. This means that under the direction of the CAO staff have the responsibility and the authority to provide consultation, advice and direction to Council and to implement Council approved policy. To fulfill this role staff establishes the appropriate administrative policies, systems, structures and internal controls to implement the goals and objectives of Council, and to manage implementation within the resources at their disposal. Council therefore should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics the loyalties of persons in power or their personal opinions.

No member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities. Nor shall any member use or attempt to use their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity.

e. CONDUCT WHILE REPRESENTING THE CITY

Members shall make every effort to participate diligently in the activities of the agencies, boards, committees, and commissions to which they are appointed.

f. CONFIDENTIAL INFORMATION

Where a matter discussed at an in camera (closed) meeting remains confidential no member shall disclose the content of that matter or the substance of the deliberations of an in camera meeting. Members shall not permit any persons, other than those who are entitled thereto, to have access to confidential information. Members shall not disclose or release by any means to any member of the public either in verbal or written form any confidential information acquired by virtue of their office except when required to do so by law.

Particular care should be exercised in ensuring the confidentiality of the following types of information:

- The security of the property of the municipality or local board;

- Personal matters about an identifiable individual including municipal or local board employees;
- A proposed or pending acquisition or disposition of land by the municipality or local board;
- Labour relations or employee negotiations;
- Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board;
- Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- A matter in respect of which a council, board, committee, or other body may hold a closed meeting under another Act;
- Items under negotiation or personnel matters;
- Information that infringes on the rights of others (e.g. sources of complaints where the identity of a complainant is given in confidence);
- Price schedules in contract tender or Request For Proposal submissions if so Specified;
- Information deemed to be personal information under the Municipal Freedom of Information and Protection of Privacy Act;
- Statistical data required by law not to be released (e.g. certain census or assessment data); and
- Any and all statements that have been provided in confidence.

The above list is provided as an example and is not exclusive. Requests for information will be referred to appropriate staff to be addressed as either an informal request for access to municipal records or as a formal request under the Municipal Freedom of Information and Protection of Privacy Act.

g. DISCREDITABLE CONDUCT

- (i) Harassment may be defined as any behaviour by any person that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, disability, sexual orientation, marital status, or family status and any other grounds identified under the Ontario Human Rights Code.

All members have a duty to treat members of the public, one another, and staff appropriately and without abuse, bullying, or

intimidation and to ensure that their work environment is free from discrimination and harassment.

- (ii) No member shall make a public statement, including social media post(s), regarding officials or the business of the City which utilizes indecent, offensive, or insulting language.

7. GIFTS AND BENEFITS

No member shall accept a fee, advance, gift, or personal benefit that is connected directly or indirectly with the performance of his/her duties of office unless permitted by the exceptions listed below. Notwithstanding the exceptions listed, no member shall accept monies or any instrument that can be converted into monies unless authorized by law. For these purposes, a fee or advance paid to, or a gift or benefit provided by a third party with the member's knowledge to a member's spouse, child (who is under the age of 18 years), is deemed to be a gift to that member.

a. EXCEPTIONS

The following are recognized as an exception:

- i. Compensation authorized by by-law;
- ii. Gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- iii. A political contribution otherwise reported by law;
- iv. Services provided without compensation by persons volunteering their time;
- v. A suitable memento of a function honouring the member;
- vi. Food, lodging, transportation and entertainment provided by provincial, regional, and local governments or political subdivisions of them and by the Federal government or the government of a foreign country;
- vii. Food, beverages, and/or admission fees provided for banquets, receptions or similar events if:
 - a. attendance is resultant to protocol or social obligations that accompanies the responsibility of office; and
 - b. the person extending the invitation or a representative of the organization is in attendance;

In the case of categories (ii),(v),(vi), (vii), if the value of the gift or benefit exceeds \$100, or if the total value received from any one source over any 12 month period exceeds

\$300, the member shall within 30 days of receipt of the gift or reaching the annual limit, file a disclosure statement with the City Clerk.

The disclosure statement must indicate:

- i. The nature of the gift or benefit;
- ii. The source and the date of receipt;
- iii. The circumstances under which it was given or received;
- iv. Its estimated value;
- v. What the recipient intends to do with the gift;
- vi. Whether the gift will at any point be donated to the City

All disclosure statements shall be a matter of public record.

8. USE OF INFLUENCE

No member shall use the influence of his/her office for any purpose other than for the exercise of his/her official duties. No member shall seek or obtain by reason of his/her office any personal privilege or private advantage with respect to City services not otherwise available to the general public and not consequent to his/her official duties.

Examples of prohibited conduct are the use of ones status to improperly influence the decision of another person to the private advantage of oneself or ones immediate relative, staff members, friends or associates, business or otherwise. This would include attempts to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the prospect or promise of future advantage through a member's supposed influence in return for present actions or inaction.

9. USE OF CITY PROPERTY, SERVICES, OR OTHER RESOURCES

No member shall use for personal purposes any City property, equipment, services, supplies, or services of consequence other than for purposes connected with the discharge of City duties or associated community activities of which City Council has been advised.

No member shall use information gained in the execution of his or her duties that is not available to the general public for any purposes other than his or her official duties. No member shall obtain financial gain from the use of City developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the City of Elliot Lake.

CODE OF CONDUCT COMPLAINT PROTOCOL

PART A: INFORMAL COMPLAINT PROCEDURE

Any person or a representative of an organization who has identified or witnessed behaviour or an activity by a member of Council that they believe is in contravention of the *Council Code of Conduct* (the “Code”) may wish to address the prohibited behaviour or activity themselves as follows:

- (1) advise the member that the behaviour or activity contravenes the Code of Conduct;
- (2) encourage the member to stop the prohibited behaviour or activity;
- (3) keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;
- (4) tell someone else (for example, a senior staff member or an officer of the organization) about your concerns, your comments to the member and the response of the member;
- (5) if applicable, confirm to the member your satisfaction with the response of the member; or, if applicable, advise the member of your dissatisfaction with the response; and
- (6) consider the need to pursue the matter in accordance with the formal complaint procedure outlined in Part B, or in accordance with another applicable judicial or quasi-judicial process or complaint procedure.

All persons and organizations are encouraged to initially pursue this informal complaint procedure as a means of stopping and remedying a behaviour or activity that is prohibited by the Code of Conduct. With the consent of the complaining individual or organization and the member, the Integrity Commissioner may be part of any informal process. However, it is not a precondition or a prerequisite that those complaining must pursue the informal complaint procedure before pursuing the Formal Complaint Procedure in Part B.

PART B: FORMAL COMPLAINT PROCEDURE: Integrity Commissioner**Requests for Inquiries s.1**

- Complaint
1. (1) A request for an investigation of a complaint that a member has contravened the Code of Conduct (the “complaint”) shall be in writing.
 - (2) All complaints shall be signed by an identifiable individual (which includes the authorized signing officer of an organization).
 - (3) A complaint shall set out reasonable and probable grounds for the allegation that the member has contravened the Code of Conduct. For example, the complaint should include the name of the alleged violator, the provision allegedly contravened, facts constituting the alleged contravention, the names and contact information of witnesses, and contact information for the complainant during normal business hours.

Initial Classification by Integrity Commissioner s. 2

2. (1) The request shall be filed with the Integrity Commissioner for initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code of Conduct and not covered by other legislation or other Council policies.
- No jurisdiction
- (2) If the complaint is not, on its face, a complaint with respect to non-compliance with the Code of Conduct or the complaint is covered by other legislation or a complaint procedure under another Council policy, the Integrity Commissioner shall instruct the City Clerk to advise the complainant in writing as follows:
 - (a) if the complaint on its face is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate police force;

- (b) if the complaint on its face is with respect to non-compliance with the *Municipal Conflict of Interest Act*, the complainant shall be advised to review the matter with the complainant’s own legal counsel;
- (c) if the complaint on its face is with respect to non-compliance with a more specific Council policy with a separate complaint procedure, the complainant shall be advised that the matter will be processed under that procedure; and
- (d) in other cases, the complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the Integrity Commissioner to process, with any additional reasons and referrals as the Integrity Commissioner considers appropriate.

Reports

- (3) The Integrity Commissioner may report to Council that a specific complaint is not within the jurisdiction of the Integrity Commissioner.
- (4) The Integrity Commissioner shall report annually to Council on complaints not within the jurisdiction of the Integrity Commissioner, but shall not disclose information that could identify a person concerned.

Integrity Commissioner Investigation ss. 3 – 8

Refusal to Conduct Investigation

3. (1) If the Integrity Commissioner is of the opinion that the referral of a matter to him or her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, terminate the investigation.

(2) Other than in exceptional circumstances, the Integrity Commissioner will not report to Council on any complaint

described in subsection (1) except as part of an annual or other periodic report.

Investigation & Settlement

4. (1) If a complaint has been classified as being within the Integrity Commissioner's jurisdiction and not rejected under section 3, the Commissioner shall investigate and may attempt to settle the complaint.

Public Inquiries Act

(2) Integrity Commissioner may elect to investigate a complaint by exercise of the powers of a commission under Parts I and II of the *Public Inquiries Act*.

(3) When the *Public Inquiries Act* applies to an investigation of a complaint, the Integrity Commissioner shall comply with the procedures specified in that Act and this Complaint Protocol, but, if there is a conflict between a provision of the Complaint Protocol and a provision of the *Public Inquiries Act*, the provision of the *Public Inquiries Act* prevails.

5. (1) The Integrity Commissioner will proceed as follows, except where otherwise required by the *Public Inquiries Act*:

(a) serve the complaint and supporting material upon the member whose conduct is in question with a request that a written response to the allegation by way of affidavit or otherwise be filed within ten days; and

(b) serve a copy of the response provided upon the complainant with a request for a written reply

within ten days.

Access

(2) If necessary, after reviewing the written materials, the Integrity Commissioner may speak to anyone relevant to the complaint, access and examine any of the information described in the Municipal Act and may enter any City work location relevant to the complaint for the purposes of investigation and settlement.

Interim Reports (3) The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction or retaliation encountered during the investigation.

Final Report 6. (1) The Integrity Commissioner shall report to the complainant and the member generally no later than 90 days after the making of the complaint.

(2) Where the complaint is sustained in whole or in part, the Integrity Commissioner may also report to Council outlining the findings, the terms of any settlement, or recommended corrective action.

(3) Where the complaint is dismissed, other than in exceptional circumstances, the Integrity Commissioner shall not report to Council except as part of an annual or other periodic report.

Lawful Recommendations (4) Any recommended corrective action must be permitted in law and shall be designed to ensure that the inappropriate behaviour or activity does not continue.

Member not Blameworthy 7. If the Integrity Commissioner determines that there has been no contravention of the Code of Conduct or that a contravention occurred although the member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgement made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.

Report to Council 8. The City Clerk shall process the report for the next meeting of Council.

Council Review; Costs ss. 9 – 10

- Duty of Council 9. (1) Council shall consider and respond to the report within 90 days after the day the report is laid before it.
- (2) In responding to the report, Council shall not refer the recommendation other than back to the Integrity Commissioner.
- Confidentiality 10. (1) The Integrity Commissioner and every person acting under her or his instructions shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of any investigation except as required by law in a criminal proceeding or in accordance with the provisions of the *Municipal Act*.
- (2) All reports from the Integrity Commissioner to Council will be made available to the public.
- (3) The Integrity Commissioner in a report to Council on whether a member has violated the Code of Conduct shall only disclose such matters as in the Integrity Commissioner's opinion are necessary for the purposes of the report.

By-law 17-51 – Section 10 & 11 removed
and replaced with the above Parts A and B

12. REPRISALS AND OBSTRUCTIONS

Members shall respect the integrity of the Code of Conduct and investigations conducted under it. Any reprisal or threat of reprisal against a complainant or anyone for providing relevant information to the investigation is therefore prohibited. It is also a violation of the Code of Conduct to obstruct the investigation.

The purpose of an advisory committee is to provide informed advice and guidance as well as to facilitate public input to City Council on programs and policies. In recognition of the impartial and objective advice received from advisory committees, as well as the challenges and inherent restrictions placed upon these same individuals in assessing and recommending various options in a conscientious and ethical manner, the following Code of Conduct is provided as a general standard for all advisory committee members to ensure they are acting in a manner that is appropriate with regard to his/her committee.

1. Advisory committee members shall, when conducting committee business, preparing written correspondence, interacting with the media, members of Council, staff or members of the public, act in a manner that accomplishes the following:
 - a. Fulfills the mandate and mission statement of his/her advisory committee;
 - b. Respects due process and the authority of the Chair, Vice-Chair or Presiding Officer;
 - c. Demonstrates respect for all fellow committee members, Council, staff and the public;
 - d. Respects and gives fair consideration to diverse and opposing viewpoints;
 - e. Demonstrates due diligence in preparing for meetings, special occasions or other committee related events;
 - f. Demonstrates professionalism, transparency, accountability and timeliness in completing any tasks or projects undertaken by the committee;
 - g. Conforms with all relevant legislation, bylaws, policies and guidelines; and
 - h. Contributes in a meaningful manner, offering constructive comments to Council, staff and fellow committee members.

2. A member of an advisory committee shall not:
 - a. Place themselves in a position where the member is under obligation to any person who might benefit from special consideration or favour on their part or who might seek in any way preferential treatment;
 - b. accord in the performance of his or her official duties, preferential treatment to relatives or to organizations in which the member, his or her relatives have an interest, financial or otherwise;
 - c. deal with an application to the City for a grant, award, contract, permit or other benefit involving the member, his or her immediate relative;
 - d. place themselves in a position where the member could derive any direct benefit or interest from any matter about which they can influence decisions; and
 - e. benefit from the use of information acquired during the course of his or her official duties which is not generally available to the public;
 - f. make a public statement, including social media post(s), regarding officials or the business of the City which utilizes indecent, offensive, or insulting language.

3. A member of an advisory committee shall disclose immediately to the committee or the Committee Administrator who would disclose to the committee that the member could be

involved in either a real or perceived conflict of interest as prohibited by the Code and shall abide by any decision made by the committee with respect to such conflict of interest without recourse.

If a member is perceived or known to have a conflict of interest as prohibited by the Code and has not disclosed this to the committee then that matter may be brought forward for the committee's consideration. When such a matter has been brought forward, the committee, through a majority vote would determine if the member is in a conflict position.

4. Where an advisory committee member believes or has been advised by the committee that they have a conflict of interest in a particular matter he/she shall:
 - a. Prior to any consideration of the matter disclose his or her interest and the general nature thereof;
 - b. Leave the room for the duration of time that the matter is being considered;
 - c. Not take part in the discussion of, or vote on, any question or recommendation in respect of the matter; and
 - d. Not attempt, in any way, whether before, during or after the meeting to influence the voting on any such question or recommendation.
5. Where the number of members who, by reason of conflict, are incapable of participating in a meeting such that the remaining members no longer constitute a quorum then the remaining members shall be deemed to constitute a quorum, provided there are not less than two members present.
6. Should a member of an advisory committee breach any of the clauses set out herein the City Clerk may refer the matter to Council who will consider whether to take any of the possible corrective actions