



CORPORATION OF THE NATION MUNICIPALITY

POLICY

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Abstract: This Code of Conduct ensures Council, committee members, members of the public appointed to a committee of the municipality, an advisory board or a local board, uphold integrity, accountability, and transparency in serving The Nation Municipality. It outlines ethical standards, conflict of interest rules, appropriate conduct, and use of municipal resources. The Integrity Commissioner oversees compliance and enforces sanctions for violations.

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1. Principles upon which this code is based

- 1.1. Improving the quality of municipal administration and governance can best be achieved by encouraging high standards of conduct on the part of all municipal officials. In particular, the public is entitled to expect the highest standards of conduct from the members that it elects to local government. In turn, adherence to these standards will protect and maintain the municipality's reputation and integrity.
- 1.2. Key statements of principle that underline this Code of Conduct are as follows:
 - a. Members shall at all times serve and be seen to serve the interests of the Municipality and their constituents in an ethical, conscientious and diligent manner, and shall approach decision-making with an open mind;
 - b. Members must be committed to performing their functions with integrity, avoiding the improper use of the influence of their office, and conflicts of interest, both apparent and real;
 - c. 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;
 - d. Members must recognize and act upon the principle that democracy is best achieved when the operation of government is made as a transparent and accountable as possible to members of the public; and
 - e. Members shall seek to serve the public interest by upholding both the letter and spirit of the laws of Parliament and the Ontario Legislature, as well as the laws and policies adopted by the municipal council.

2. Application of this Code

- 2.1. The Code of Conduct applies to all Members of Council and to members of the public appointed to a committee of the municipality, an advisory board or a local board.

3. Definitions

- 3.1. "child" means a child born within or outside marriage and includes an adopted child and a person whom a member has demonstrated a settled intention to treat as a child of his or her family;
- 3.2. "corporation" means The Nation Municipality;
- 3.3. "Council" means the Council of the Corporation of The Nation Municipality;
- 3.4. "information" includes a record or document;
- 3.5. "member" means a Member of Council or a member of the public appointed to a committee of the municipality, an advisory committee or a local board, depending on the context;

- 3.6. “parent” means a person who has demonstrated a settled intention to treat a child as a part of his or her family whether or not that person is the natural parent of the child;
- 3.7. “municipality” means the Corporation of The Nation Municipality;
- 3.8. “person” includes a corporation, partnership, association and any other entity, as the context allows; and
- 3.9. “spouse” means a person to whom a person is married or with whom the person is living in a conjugal relationship outside marriage.

4. Compliance with Declaration of Office

- 4.1. Every member shall act in accordance with his or her declaration of office.

5. Adherence to Council Policies and Procedures

- 5.1. Every member shall observe and comply with every provision of this Code of Conduct, as well as all other policies and procedures adopted or established by Council affecting the member, acting in his or her capacity as a member of Council or a member of the public appointed to a committee of the municipality, an advisory committee or a local board.

6. Integrity

- 6.1. All Members to whom this Code of Conduct applies shall, at all times, serve the constituents of the municipality in a conscientious and diligent manner. Members shall not use the influence of their office inappropriately for any purpose other than the exercise of his or her official duties.

This Code of Conduct provides the norms for the ethical behavior of Council Members and members of the public appointed to a committee of the municipality, an advisory committee or a local board in the exercise of their duties. The members shall:

- a. carry out their duties with integrity and responsibility and in the best interest of the municipality,
- b. comply with all legislation, rules, policies and rules of law in the performance of their duties,
- c. recognize that the public has the right to an open government that promotes transparency, accountability and accessibility, following best practices as recommended by the Ontario Ombudsman,
- d. participate in the decisional process with an open mind,
- e. respect the norms of behavior that are to be expected of them and the applicable law to those norms,
- f. conduct themselves in a manner that reinforces the confidence of the public in local administrations, and

- g. identify, avoid and resolve situations that may involve conflicts of interests or an abuse of their position and/or their authority.

7. Interpersonal Conduct

- 7.1. Members of Council and of local boards shall, in dealing with Members of Council and members of the public appointed to a Committee of the municipality, an advisory board or a local board or with members of the public and the personnel:
 - a. treat individuals with courtesy, dignity, understanding and respect,
 - b. ascertain the opinion of the public in the best interests of the municipality,
 - c. avoid participating in situations of discrimination, violence, negligence, intimidation or harassment of all kinds,
 - d. demonstrate an openness during discussions, when faced with new ideas or new ways of doing things,
 - e. conduct themselves in a civil and appropriate manner during meetings of Council, committees, local boards and during discussions with members of Council, members of local boards, the public and the personnel.
- 7.2. This Code of Conduct provides for the responsibilities of the Members of Council and members of the public named on a committee of the municipality, an advisory board or a local board who shall abide by these principles and values and conduct themselves in the best interests of the municipality.

8. Conduct Respecting Staff

- 8.1. Under the direction of the senior municipal administration, and in accordance with the decisions of Council, municipal staff is required to serve the municipal corporation as a whole. Every member shall be respectful of the role of staff to provide advice based on political neutrality and objectivity and without undue influence from any member or faction of the Council or of a local board. Accordingly, no member shall maliciously or falsely injure or impugn the professional or ethical reputation of any member of staff. Every member shall show respect for staff, and for their professional capacities and responsibilities.
- 8.2. No member shall compel any member of staff to engage in partisan political activities or subject any member of staff to threat or discrimination for refusing to engage in any such activity. No member shall use or attempt to further his or her authority or influence by intimidating, threatening, coercing, commanding, or influencing improperly any staff member or interfering with that person's duties, including the duty to disclose improper activity.

9. Gifts and Benefits

- 9.1. For the purpose of this Code, a gift or benefit provided, with the member's knowledge, to a member's spouse, child or parent, or to his or her staff, that is connected directly or indirectly to the performance of the member's duties, is deemed to be a gift or benefit to that member. No member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of office, unless permitted under one or more of the exceptions listed below.
- 9.2. Each of the following is recognized as an exception.
- a. compensation authorized by law;
 - b. a gift or benefit of the kind that normally accompanies the responsibilities of office and is received as an incident of protocol or social obligation;
 - c. a political contribution otherwise authorized and reported as required by law, in the case of member running for office;
 - d. services provided without compensation by a person volunteering his or her time;
 - e. a suitable memento of a function honoring the member;
 - f. food, lodging, transportation or entertainment lawfully provided by any Provincial, regional or local government, or board or political subdivisions of any of them, by the Federal government, a foreign government, or by those organizing a conference seminar or event where the member is speaking or attending in an official capacity;
 - g. food and beverages consumed at a banquet, reception or similar event, if:
 - i. attendance by the member is for a legitimate municipal purpose,
 - ii. the person extending the invitation, or a representative of the organization holding the event, is in attendance, and
 - iii. the value is reasonable
 - h. communications to the office of a member, including subscriptions to newspapers and periodicals; and
 - i. a sponsorship or donation for a community event organized or run by a member, or a third part on behalf of a member, subject to the limitations set out in any applicable municipal policy.
 - j. Except for exception (c) (political contributions allowable by law), these exceptions do not apply where a gift or benefit is provided by a lobbyist or a lobbyist's client or employer. In this provision, a lobbyist is an individual, organization or business who or that:
 - a. lobbies, or causes the lobbying of, any public office holder or the municipality, the municipal council or corporation, or a local board;
 - b. the member knows is attempting or intending to lobby the member or any of the public persons or bodies listed in paragraph (a); or
 - c. is maintaining an active lobbyist registration with the municipality, whether or not with respect to any specific or current subject-matter.

- k. In the case of any of the recognized exceptions (b), (e), (f), (h) and (i), if the value of the gift or benefit exceeds \$300.00, or if the total value of gifts or benefits received from any one source during the course of a calendar year exceeds \$300.00, the member shall file, within 30 days of receipt of the gift or benefit, or of reaching the annual limit, a disclosure statement with the municipality [or with its Integrity Commissioner].
- l. The disclosure statement must set out:
 - 1) the nature of every gift or benefit received;
 - 2) its source and date of receipt;
 - 3) the circumstances under which it was given and received;
 - 4) its estimated value;
 - 5) what the recipient intends to do with any gift; and
 - 6) whether any gift will at some point be provided to the municipality.
- m. Every disclosure statement filed under this Code shall be made a public record.
- n. Upon receiving a disclosure statement, the Integrity Commissioner, or other responsible municipal official, shall examine it to ascertain whether the receipt of the gift or benefit might, in his or her opinion, constitutes a contravention of this Code or creates a conflict between a private interest and the public duty or responsibilities of the member. In the event that the Integrity Commissioner makes such a determination, he or she shall call upon the member to justify receipt of the gift or benefit.
- o. Should the Integrity Commissioner or other municipal official determine that receipt of any gift or benefit was inappropriate, he or she may direct the member to return the gift, reimburse the donor for the value of the gift or benefit already consumed, forfeit the gift or remit the value of any gift or benefit already consumed, to the municipality.
- p. Except in the case of exceptions (a), (c), (f) and (i), no member shall accept a gift or benefit worth in excess of \$500.00 or gifts or benefits from one source during a calendar year which together are worth in excess of \$500.00.

10. Expenses

- 10.1. Members are required to adhere to the Council Expense Policy and related procedures and guidelines and ensure that conditions related to each expense are met.
- 10.2. Falsification of receipts or of signatures by a Member of Council or their staff or by a member of a local board is a serious breach of this Code of Conduct and the *Criminal Code of Canada* and could lead to prosecution.

11. Municipal Conflict of Interest Act

- 11.1. Members shall conduct themselves in accordance with the *Municipal Conflict of Interest Act* as amended from time to time.
- 11.2. The following principles should be used as a guide
 - a. in making decisions, members should always place the interests of the taxpayers first and, in particular, place them before their own interests and those of colleagues on Council, staff, friends or family;
 - b. if in doubt as to whether the member has a pecuniary interest in the matter, which is defined in the *Municipal Conflict of Interest Act*, the said member should immediately request advice, in writing, from the Integrity Commissioner;
 - c. it is also the responsibility of individual Members to obtain independent legal advice with respect to any situation that might arise whereby the member has a potential for a conflict of interest;
 - d. Lastly, a council member should not seek the assistance or attempt to instruct a municipal employee to determine whether the member is in a conflict of interest situation.
- 11.3. When the member has a pecuniary interest, the member should immediately declare it at the first available opportunity and follow the provisions of the *Municipal Conflict of Interest Act*, including but not limited to section 5 thereof.

12. Non-Pecuniary conflict of interest

- 12.1. Members must always prioritize the interests of taxpayers and those of their community first and give them priority over their own interests, those of their family members and extended family, of their colleagues on Council and at work, of their employees, their employer, and their business partners. Failure to do so shall constitute a non-pecuniary interest for the Member.
- 12.2. When a Member has a non-pecuniary interest or the individuals designated in paragraph 12.1 have a pecuniary or non-pecuniary interest in a matter before Council, such Member shall be deemed to have a non-pecuniary conflict of interest. Such Member shall then be forbidden from voting and participating in any manner whatsoever in that matter.
- 12.3. In this situation, such Member shall declare his or her non-pecuniary conflict of interest at the first available opportunity and shall not participate in the decision on this matter. Such Member must then comply and abide by all requirements of section 5 of the *Municipal Conflict of Interest Act*, with all necessary changes, as though such member of Council had a pecuniary interest under that Act.
- 12.4. A Member does not have to declare a non-pecuniary conflict of interest if such Member of Council has a non-pecuniary interest or if the individuals designated in

paragraph 12.1 have a pecuniary or non-pecuniary interest in a matter before Council if this interest is:

- a. in common with electors generally or
- b. if such interest is so remote or so insignificant in its nature that it cannot reasonably be regarded as likely to influence the Member.

13. Communication and Media Relations

13.1. Members will attempt to accurately and adequately communicate the attitudes and decisions of Council, even if they disagree with a majority decision of Council, so that:

- a. there is respect for the decision-making process of Council,
- b. official information related to decisions and resolutions made by Council will normally be communicated in the first instance to the community and the media in an official capacity by the CAO or designate,
- c. the Mayor shall be the official spokesperson for the Municipality; if the Mayor is not available, then the CAO shall assume that role,
- d. information concerning adopted policies, procedures and decisions of Council is conveyed openly and accurately,
- e. members conduct their dealings with each other in ways that maintain public confidence in the Office to which they have been elected, members remain open and honest, and members are focused on the issues rather than personalities and avoid aggressive, offensive or abusive conduct.

14. Social Media

- 14.1. Members who are present on social media either personally or through a council member page must conduct themselves beyond reproach, in a respectful and civil manner in order to maintain and promote the reputation and integrity of Council and of the municipality.
- 14.2. Members, as in all of their activities and modes of communication, that are present on social media must communicate in a responsible manner and in doing so they are bound by all terms of the Code of Conduct in the same way as if they were doing so in person. Members must treat their activities on social media as though it is an extension of a meeting of Council and of their functions as Members and they must be guided by the values and norms provided for in this Code of Conduct.
- 14.3. A member that is the person responsible for a site on social media or that is represented as the person responsible for a site on a social media, such as a Facebook page, where it is possible to exchange ideas, is personally responsible for

all its content. Such Member must supervise its content regularly and ensure at all times that it is: respectful, civil, exempt from discrimination, violence, negligence, intimidation and harassment of all kinds, that it is not deceitful, that it does not reveal confidential information and that it does not have the potential to have a negative impact on Council or the municipality.

15. Confidential Information

- 15.1. In this Code, “confidential information” includes any information in the possession of, or received in confidence by, the municipality that the municipality is prohibited from disclosing, or has decided to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act*, or any other law. “Confidential information” also includes information of a corporate, commercial, scientific or technical nature received in confidence from third parties; personal information; information that is subject to solicitor-client privilege; information that concerns any confidential matters pertaining to personnel, labour relations, litigation, property acquisition, the security of the property of the municipality or a local board; and any other information lawfully determined by the Council to be confidential, or required to remain or be kept confidential by legislation or order.
- 15.2. No member shall disclose, release or publish by any means to any person or to the public any confidential information acquired by virtue of his or her office, in any form, except when required or authorized by Council or otherwise by law to do so.
- 15.3. No member shall use confidential information for personal or private gain or benefit, or for the personal or private gain or benefit of any other person or body.
- 15.4. A matter, the substance of a matter, and information pertaining to a matter, that has been debated or discussed at a meeting closed to the public, shall be maintained as confidential, unless authorized by the Council or legislation to be released, generally or subject to conditions, and such are complied with. No information pertaining to such a matter, the manner in which it was dealt with at the meeting, or any part or description of the debate, shall be disclosed unless authorized by the Council or otherwise by law.
- 15.5. A member may disclose the content of any matter referred to in the preceding paragraph or the subject-matter of deliberations, at an in-camera meeting, only after the Council or committee lawfully and knowingly discusses the information at a meeting that is open to the public or releases the information to the public.
- 15.6. Without limiting the generality of the foregoing, no member shall, without lawful authority, disclose, or make personal use of, any of the following types of confidential information:
 - a. information concerning litigation, negotiation or personnel matters;

- b. information the publication of which may infringe on the rights of any person (e.g. source of a complaint where the identity of a complainant is given in confidence);
 - c. price schedules in any contract, tender or proposal document while such remains a confidential document;
 - d. information deemed to be “personal information” under the *Municipal Freedom of Information and Protection of Privacy Act*; and
 - e. any other information or statistical data required by law not to be released.
- 15.7. No member shall obtain access, or attempt to gain access, to confidential information in the custody of the municipality except to the extent that such access is necessary for the performance of his or her duties and such access is not prohibited by Council or otherwise by law.
- 15.8. The obligation to keep information confidential applies even if the Member ceases to be a Council member or a local board member.

16. Use of Resources

- 16.1. No member shall use, or permit the use of, municipal land, facilities, equipment, supplies, services, staff or other resources, including any municipally-owned information, website, Council transportation delivery service or funds allocated for member of Council expenses or members of a local board expenses, for any purpose or activity other than the lawful business of the municipal corporation. No member shall seek or acquire any personal financial gain from the use or sale of confidential information, or of any municipally owned intellectual property including any invention, creative writing or drawing, computer program, technical innovation, or any other information or item capable of being patented or copyrighted, of which property remains exclusively that of the municipality.

17. Conduct of Election Campaign

- 17.1. Every member shall comply with all applicable requirements of the *Municipal Elections Act, 1996*. No member shall use confidential information, facilities, equipment, supplies, services or other resources of the municipality, including any Councilor newsletter or website linked through the municipality’s website, for any election campaign or campaign-related activity. No member shall undertake campaign-related activities on municipal property during regular staff working hours unless authorized by the municipality. No member shall use the services of any person for election-related purposes during hours in which that person receives any compensation from the municipality.

18. No Improper Use of Influence

- 18.1. No member shall use the influence of his or her office for any purpose other than for the lawful exercise of his or her official duties and for municipal purposes.
- 18.2. No member shall use his or her office or position to influence or attempt to influence the decision of any other person, for the member's private advantage or that of the member's parent, child, spouse, staff member, friend or associate, business or otherwise. No member shall attempt to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties. No member shall hold out the prospect or promise of future advantage through the member's supposed influence within Council, in return for any action or inaction.
- For the purposes of this provision, "private advantage" does not include a matter
- a. that is of general application;
 - b. that affects a member, his or her parents/children or spouse, staff members, friends or associates, business or otherwise, as one of a broad class of persons; or
 - c. that concerns the remuneration or benefits of a member of Council.
- 18.3. This provision does not prevent a member from requesting that Council grant a lawful exemption from a policy

19. Compliance with the Code of Conduct

- 19.1. Members must comply with all provisions of the Code of Conduct. The *Municipal Act, 2001*, authorizes Council, when it has received a report from the Integrity Commissioner that there has been a violation to the Code of Conduct, to impose one of the following sanctions:
- a. a reprimand,
 - b. and a suspension of the remuneration paid to the member in respect of his or her services as a Member of Council or a local Board, as the case may be, for a period of up to 90 days.
- 19.2. The Integrity Commissioner also has the authority to recommend and Council may also impose one or more of the following sanctions:
- a. remove the Member from an ad hoc committee, a committee or a local board,
 - b. depose the Member from the presidency of a committee or local board,
 - c. request from the Member the return of the compensation received,
 - d. request from the Member the return of property or the reimbursement of its value,
 - e. request oral and/or written excuses to Council, the local board, the electors, the complainant, to all of them or any of them,
 - f. impose any other sanction, any restorative action or corrective action deemed appropriate and necessary in the circumstances, in their entire discretion, other than

- a punitive measure not provided for in the Act, in this Code of Conduct or the Complaint Protocol of the municipality.
- 19.3. All sanctions imposed must be just and reasonable and in accordance with the gravity of the infraction and considering the previous history of conduct of the Member.
- 19.4. Council must at all times ensure that an Integrity Commissioner is available to conduct an inquiry when a violation of the Code of Conduct is alleged.
- 19.5. The Integrity Commissioner has the final authority to recommend the sanctions provided herein or any other corrective action in his absolute discretion.

20. Conduct of Council Members During the Inquiry

- 20.1. A member against whom a complaint has been filed shall respect the inquiry and the Integrity Commissioner and cooperate fully with him or her in a timely manner and amongst other things by: meeting with him or her upon request and by responding to all oral and written questions and by providing all documentation reasonably required.
- 20.2. All form of reprisals or threats from a Member against a complainant or any other person providing relevant information to the Integrity Commissioner or against any person in authority during the course of an inquiry is strictly forbidden.
- 20.3. It is forbidden for a member to obstruct the work of the Integrity Commissioner or any municipal employee or other person whose responsibilities are to oversee to the application or implementation of the goals or the requirements of this Code of Conduct or of any other obligations governing the conduct of Members.

21. Statutes Regulating the Conduct of Councillors

- 21.1. In addition to this Code of Conduct, the following Ontario legislation also governs the conduct of member of Council;
- the *Municipal Act, 2001*, as amended;
 - the *Municipal Conflict of Interest Act*;
 - the *Municipal Elections Act, 1996*; and
 - the *Municipal Freedom of Information and Protection of Privacy Act*.
- 21.2. The *Criminal Code of Canada* also governs the conduct of members.
- 21.3. A member may become disqualified and lose his or her seat by operation of law, including being convicted of an offence under the *Criminal Code of Canada* or being found to have failed to comply with the *Municipal Conflict of Interest Act*, whether or not the conduct in question involves contravention of this Code of Conduct. In the

case of any inconsistency between this Code and a Federal or Provincial statute or regulation, the statute or regulation shall prevail.

22. General Provision

This English version of the Code of Conduct shall prevail over the French version with respect to its interpretation.

Annex A

Legislated Role of Integrity Commissioner

(section 223.3 of the *Municipal Act*, 2001)

- The Integrity Commissioner reports directly to Council on matters related to the Code of Conduct and other policies, rules or procedures related to ethics for Council and/or local boards;
- The Integrity Commissioner has the power to undertake investigation into complaints alleging contraventions of the applicable code of conduct while respecting confidentiality; and
- The Integrity Commissioner's reports are public and she/he is permitted to disclose necessary information related to the findings while maintaining confidentiality.

Duties of the Integrity Commissioner

Under the *Municipal Act*, 2001, Council has the authority to assign duties and functions to the Integrity Commissioner. The following duties are being recommended:

- Provide advice to members on ethical behavior;
- Provide education to members on the application of a Code of Conduct;
- Assist in the development of the policies and processes in regards to ethics;
- Receive complaints and conduct investigations in accordance with the approved process with respect to alleged contraventions of the Code of Conduct;
- Provide a report on his/her findings and recommendations to City Council;
- Provide an annual summary report of complaints, investigations and advice provided and make any recommendations for any changes to the approved process