

THE REGIONAL MUNICIPALITY OF PEEL

BY-LAW NUMBER 1-2017

**A by-law to govern the Regional Council  
Code of Conduct and to repeal By-law  
65-2014.**

WHEREAS the Council of the Regional Corporation enacted By-law 100-2012 on November 22, 2012, being a by-law which governs the proceedings of Council and its Committees;

AND WHEREAS, By-law 100-2012 was amended by By-law 65-2014 on September 11, 2014 by appending Appendix 4, being the Regional Council Code of Conduct;

AND WHEREAS, Council of the Regional Corporation has by Resolution 2016-757 on October 13, 2016 authorized an amendment to the Regional Council Code of Conduct;

NOW THEREFORE, the Council of the Regional Corporation enacts as follows:

1. That the Regional Council Code of Conduct be and is hereby attached as Schedule A.
2. That By-law 65-2014 be repealed thereby deleting Appendix 4 to By-law 100-2012.

READ THREE TIMES AND PASSED IN OPEN COUNCIL this 12<sup>th</sup> day of January, 2017.

*K. Lockyer*  
\_\_\_\_\_  
Regional Clerk

*F. Dale*  
\_\_\_\_\_  
Regional Chair

# Peel Regional Council Code of Conduct

## A. Application and Purpose

- i. The Regional Chair and Members of Council are members of the public appointed or elected, respectively, to represent the residents of the Region of Peel interest through the legislated authority given to Regional Council.
- ii. The Peel Regional Council Code of Conduct (hereinafter after known as the Code) is Council's statement governing the conduct of its Chair and Members of Council in the performance of their official functions and reflects Council's commitment to meet the community's expectations of transparent, accountable and ethical conduct.
- iii. This Code applies to the Regional Chair and Members of Council as they perform their duties in cooperation with Council colleagues, Regional staff, and the public, as elected officials of the Region of Peel.
- iv. The purpose of the Code is to provide the basis upon which any person, including other Members of Regional Council, may promote high standards of ethical conduct of the Regional Chair and Members of Council through a direct referral, or recourse to public opinion.

## B. Definitions

- i. **Accountability**  
The municipality is obligated to demonstrate and take responsibility for its actions, decisions and policies, and is answerable to the public at large.
- ii. **Benefit**  
"Benefit" means anything (other than a gift) given that confers an advantage, including but not limited to discounted or free services, food or beverages for immediate consumption, activities or event tickets, unless there is payment in any form, including the exchange of goods or services of equal or greater value, to the individual or entity giving the benefit.
- iii. **Confidential Information**  
Personal information in the custody or control of the Region or information not available to the public and which, if disclosed could result in damage or loss to the corporation of the Region of Peel (corporation), or could give the person to whom it is disclosed an improper advantage.
- iv. **Gift**  
"Gift" means any real or personal property given, including but not limited to artwork, clothing, money, gift certificates or gift cards, unless there is payment in any form, including the exchange of goods or services of equal or greater value, to the individual or entity giving the gift.
- v. **Hospitality**  
"Hospitality" means food, beverages, entertainment and/or accommodation.
- vi. **Personal Gain**  
The direct or indirect financial gain of the Regional Chair or Members of Council as defined by Section 3 of the *Municipal Conflict of Interest Act*, but does not include remuneration of the Chair or Councillor by the Region for the performance of the duties of office.

**vii. Purchasing Processes**

Any process started under the Region's Purchasing By-law or in response to Council direction.

It also includes any negotiation or communication for the extension or renewal of an existing contract for the purchase of goods, services or land and any negotiation, expropriation or other process for the acquisition of land.

**viii. Transparency**

The municipality will conduct its business in an accessible, clear and visible manner, with activities that are open to examination by the public.

## C. Guiding Principles

- i. The Region of Peel is a responsible and accountable government with respect to matters within its jurisdiction, and is given powers to be exercised by its Regional Council for the purpose of providing good government.
- ii. Through the promotion of trust and confidence, it is the policy of the Region of Peel to provide Regional government "as it should be".
- iii. The Regional Chair and Members of Council are committed to honour, support and employ the Regional values:
  - Supportive and Respectful Environment
  - Teamwork
  - Effective Communication
  - Integrity
  - Quality Service
- iv. The decision-making process of Regional Council is to be transparent, accessible and fair.
- v. The Regional Chair and Members of Council will adhere to the standards required as stated in the Oath of Office.
- vi. The Regional Chair and Members of Council will be fair and respectful of differences and have a duty to work together for goodwill, the common good and the public interest.

## D. Community Involvement and Values

- i. This Code recognizes the responsibility of the Regional Chair and Members of Regional Council to actively serve and represent their communities in their roles as elected officials. This Code is intended to be applied in a manner that supports the Regional Chair and Members of Council in undertaking community involvement, to the greatest extent consistent with Regional principles and values.

## E. Legislative Environment

The Region of Peel demonstrates a commitment to accountability and transparency by providing a framework of policies, procedures and practices that foster sound governance and its sustainability. This

Code operates along with and supplements the existing legislation governing the Regional Chair and Members of Council.

**i. Federal and Provincial Legislative Requirements and Municipal By-laws**

Federal and provincial laws and municipal by-laws outline legal authorities, obligations and unlawful activity. The Regional Chair and Members of Council are responsible under this Code to be aware of and to understand the legal obligations affecting them as individual office holders.

The Regional Chair and Members of Council are governed individually or collectively by federal and provincial legislation including:

- Criminal Code of Canada
- Ontario Human Rights Code
- *Municipal Act*
- *Municipal Conflict of Interest Act*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Municipal Elections Act*
- *Occupational Health and Safety Act*
- *Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace), 2009*
- *Safe Drinking Water Act*

In addition, municipalities are often dealt with in provincial and federal legislation and agreements as having roles both as authorities and a partner providers in the delivery of public services (e.g. as both a service manager and housing provider under the Housing Services Act). The Regional Chair and Members of Council should understand their legal obligations within the legal effect of those legislative frameworks and/or partnership agreements. Where greater clarity is required in this regard, the Regional Chair and Members of Council should direct inquiries to the Regional Clerk and/or the Regional Solicitor.

This Code is enacted under Part V.1 (Accountability and Transparency), s. 223.2 of the *Municipal Act*, 2001.

**ii. Regional By-laws**

There are several Regional By-laws that the Regional Chair and Members of Council are committed to adhering to including:

- Procedure By-law
- Investigation Request Process (G00-17)
- Accountability and Transparency (G20-01)
- Appointments to Special Purpose Bodies (G20-05)
- Corporate Value Statements (G00-09)
- Region of Peel Purchasing By-Law, Peel Living Resolution, Peel Regional Police Policy (F35-00)

**iii. Closed Meeting Investigator**

The Region of Peel has appointed Local Authority Services Ltd. (a subsidiary of the Association of Municipalities of Ontario) as the investigator of complaints regarding Regional Council and committee meetings closed to the public. Council and its committees have limited authority to close meetings under the *Municipal Act*, 2001, section 239.

**iv. Area Municipal Codes of Conduct**

Regional Councillors also serve as Members of Council for the City of Mississauga, the City of Brampton, or the Town of Caledon. All three area municipalities have their own codes of conduct.

The Code applies to the activities of the Regional Chair and Members of Council while executing their responsibilities as Regional Chair and Councillors respectively. Area municipal codes of conduct will apply to the activities of the Members of Council in accordance with their role as area municipal councillors.

Should an issue arise that is of joint responsibility for the Region and the area municipality, both parties will work together to develop a process to resolve the matter and report the findings to both Regional and City/Town Council.

## **F. Conduct at Regional Council**

**i. General Conduct**

During Regional Council proceedings, the Regional Chair and Members of Council are to conduct themselves in a manner which demonstrates respect for their Council colleagues, Region of Peel staff, and the members of the public, and in accordance with the Region of Peel's Procedure By-law.

The Regional Chair and Members of Council will conduct themselves with dignity, for themselves and towards all others. Members will strive to create an environment free of discrimination and harassment, and will not engage in intimidating or bullying behaviour, acting in accordance with *Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace), 2009*.

Councillors will continue in this same manner during other similar proceedings as a result of their membership on other agencies, boards, commissions or sub-committees of Regional Council appointed by Regional Council.

**ii. Member Interest**

The Regional Chair and Members of Council will serve their communities so that the public interest is upheld and is the Member's primary consideration.

The Regional Chair and Members of Council will not create a real or apparent conflict of their private interests with the public interest, and will act proactively to avoid such conflict to the best of their ability.

The Regional Chair and Members of Council will not use improper influence or be improperly influenced such that personal or private interests are promoted over the public interest.

## **G. Conduct in Relation to Regional Business**

**i. Confidentiality**

When making decisions, the Regional Chair and Members of Council will have access to information that may be confidential or contentious.

The Regional Chair and Members of Council will respect and maintain the confidentiality of information communicated to them in confidence by staff or colleagues.

The Regional Chair and Members of Council will not disclose a document or information contained within a document provided for use in connection with a closed (in camera) meeting of Regional Council, a Committee of Council, or of any body to which the Member has been appointed by Regional Council.

The Regional Chair and Members of Council will not disclose the deliberations of a closed session without the prior permission of the body holding the closed session.

**ii. Decisions about Regional Resources**

The Regional Chair and Members of Council will not commit or agree to commit the Region's resources (whether money, staff time, equipment, or otherwise) unless such commitment has been requested and confirmed by Council or by the Regional staff (Chief Administrative Officer, Commissioner, Director, Manager or Supervisor) charged with authority to manage the resources in question.

While they may advocate for a particular decision, the Regional Chair and Members of Council will not attempt to direct the use of Regional resources or property for a purpose not authorized by Council or the appropriate municipal staff.

**iii. Procurement**

The Region purchases goods, services and land using well established and professionally managed processes as outlined in the Region of Peel's *Purchasing By-Law*.

Should questions arise related to the conduct of Regional Chair or Members of Council in the procurement process, they should consult the Region of Peel Purchasing By-law, other applicable policy or by-law and/or an appropriate staff contact.

## H. Decision-Making

- i. Decision-making authority lies with Regional Council as a whole. All members of the public interacting with Council are entitled to a clear, transparent and accountable decision-making process.
- ii. The Regional Chair and Members of Council will serve their communities with transparency, making candid disclosure of the considerations influencing them in their decision-making conduct.
- iii. The Regional Chair and Members of Council will be open to receiving reasonable representations and information from municipal staff, interested persons and the broader community.
- iv. The Regional Chair and Members of Council will not have matters dealt with in closed session (in camera) in cases where Council is unauthorized to do so.
- v. The Regional Chair and Members of Council may communicate a position that is contrary to that taken by Regional Council but in doing so should make clear that they are not representing the Council and refrain from making disparaging comments about other Members of Council and demonstrate respect for Council's processes and decisions.

## I. Regional Chair

- i. This Code applies in all respects to the Chair as a Member of Regional Council.

- ii. The role of the Regional Chair is prescribed the *Municipal Act, 2001* and states that as Head of Council the Regional Chair is:
  - 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 Council
  - to represent the municipality at official functions
- iii. As Chief Executive Officer, the Regional Chair is responsible to:
  - 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
  - participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents
- iv. The Regional Chair is the Head of Council and political head of the Region, and Chief Executive Officer of the Regional Corporation. The Regional Chair represents the Region in dealing with other levels of government and plays a strong role as liaison with Regional staff through the Chief Administrative Officer.
- v. The Regional Chair will work with Regional Council with regard to those decisions or authorities which have not been delegated to the Regional Chair by Council or provided to the Chair by legislation. The Regional Chair will represent and promote those decisions reached by Regional Council as a whole.

## J. Relations with the Corporation, Council and Staff

- i. The Regional Chair and Members of Council will respect the role of staff to work for The Regional Municipality of Peel as a corporate body, with responsibility to make recommendations that reflect their professional expertise and corporate objectives.
- ii. Regional staff are governed by a separate and complementary *Employee Code of Conduct (HR02-01)*.
- iii. The Regional Chair and Members of Council must respect the fact that staff carry out directions and implement actions and policies of Council as a whole. A Member shall not attempt to influence staff to perform their duties or functions other than in accordance with either the expressed will of Council or in accordance with corporate policy.
- iv. The Regional Chair and Members of Council will not defame the reputation of the Region, its Council, its collective administration or its employees on any basis which the member is not willing and prepared to substantiate to the Council sitting in open session.
- v. The Regional Chair and Members of Council will conduct themselves with decorum demonstrating respect toward colleagues and staff and avoid behavior that could be interpreted as bullying and/or harassment.
- vi. The Regional Chair and Members of Council will not obstruct an officer, employee or agent of the Region of Peel in the performance of their duties.

- vii. The Regional Chair and Members of Council will encourage those employed or otherwise engaged by the Region of Peel to provide advice or services, to do so in a politically neutral, objectively determined and professionally bound manner. No attempt to influence such persons to depart from these standards in the provision of advice or services will be made.
- viii. The Regional Chair and Members of Council will respect the principle that decision-making, including policy making, the direction of staff and the commitment of municipal resources is only to be exercised by Members acting collectively through the Council as a whole.
- ix. The Regional Chair and Members of Council are not to use the services of Regional staff or services contracted by the Region, for personal purposes or for purposes other than the purposes of the Region, and for the purposes of the Region, only under the direction of the staff responsible.

## K. Expenditures, Hospitality and Gifts

- i. The Regional Chair will disclose in writing all gifts, benefits or hospitality received from individuals, firms or associations having any value, and include in such disclosure the estimated values, the nature of the gift, benefit or hospitality, the source of the gift, benefit or hospitality and the date of receipt. The disclosure of gifts received by the Regional Chair, as aforementioned, shall be posted on the Region of Peel Website on a quarterly basis.
- ii. The Regional Chair and Members of Council may be offered gifts, hospitality or benefits from community organizations or others wishing to express appreciation. Members are permitted to accept these offers of gratitude, provided they are not offered by a vendor or potential vendor under an active Regional procurement process. Some gifts may extend a pecuniary benefit to the receiving Member, and be subject to restrictions under the *Municipal Conflict of Interest Act*.
- iii. The Regional Chair and Members of Council should be aware that gifts, hospitality or benefits received from the community could be perceived as an attempt to influence individual Councillor's actions as they pertain to Regional business. Any receipt of good or service from the community, regardless of value, should be viewed through a lens of any possible real or perceived influence.
- iv. The Regional Chair and Members of Council will respect the need for transparency and accountability in all circumstances, including participation with community organizations, not-for-profit groups or community associations seeking the benefit of the Chair's and/or Member's involvement.
- v. If the Regional Chair or Member of Council agrees to fundraise on behalf of any community organization, not for profit group or community association, the Member should ensure that contributions are received by a means that does not involve cash. Contributions should be made directly to the applicable organization, group or association.
- vi. The Region of Peel has established guidelines for Council expenses and remuneration, outlined in the "Regional Councillor Reference Manual" (Section 6 – Council Remuneration/Benefits/Expenses). These guidelines apply to the Regional Chair and all Members of Council.
- vii. For guidance in relation to gifts, Members of Council should refer to established policies at their area municipality.



## L. Compliance

- i. The Regional Chair and Members of Council who observe or are credibly informed of a possible contravention of this Code have an obligation to proactively address what they observe or are informed of - whether with the Member concerned, in consultation with other Members, or ultimately through the Council.
- ii. In advance of each Inaugural meeting of Regional Council, the Code will be circulated to the Regional Chair and Members of Council to formally confirm that the Code has been reviewed and there is understanding related to a Councillors obligation to adhere to the Code.
- iii. Under Section 223.1 of the Municipal Act, a municipality has the discretionary authority to appoint an Integrity Commissioner to independently investigate possible violations of the Code and report the findings to Council.
- iv. Should Regional Council chose to use its authority under the Act and appoint an Integrity Commissioner, the Code and all related and relevant Region of Peel policies and procedures will assist the appointee(s) in determining an appropriate course of action.
- v. The Regional Chair and Members of Council will participate, cooperate and provide full disclosure in connection with all measures undertaken by the Region or by an Integrity Commissioner for the implementation and enforcement of this Code including training and the promotion of public transparency, accountability and ethical conduct on the part of Members.
- vi. The imposition of penalties, as outlined under Section 223.4 of the Municipal Act, can only occur following the investigation by an Integrity Commissioner and a Code contravention reported to Regional Council by the Integrity Commissioner.

## M. Review Process

- i. To ensure this Code remains relevant and current, Regional staff will review any significant legislative or internal policy changes for possible impact to the Code and report to Regional Council where necessary.
- ii. At the beginning of the mandate of each new Council, this Code will be reviewed in connection with the development of corporate strategies (i.e. Strategic Plan, Term of Council Priorities).
- iii. A mandatory Council review and endorsement of the Code will occur at the beginning of each new term of Council.
- iv. Members of Council will be provided with an overview of their obligations and responsibilities related to the Code at the beginning of each new term of Council.