



**TOWNSHIP OF MELANCTHON
COMMITTEE OF THE WHOLE HYBRID MEETING
THURSDAY, JUNE 1, 2023 – 6:00 P.M.**

Join Zoom Meeting

<https://us02web.zoom.us/j/86810712705?pwd=L0FnbEwvdEgwVnNJVEhoNnBGT2w4QT09>

Meeting ID: 868 1071 2705

Passcode: 830474

One tap mobile

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+17789072071,,86810712705#,,,,*830474# Canada

Dial by your location

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+1 778 907 2071 Canada

+1 780 666 0144 Canada

+1 204 272 7920 Canada

+1 438 809 7799 Canada

+1 587 328 1099 Canada

+1 647 374 4685 Canada

Meeting ID: 868 1071 2705

Passcode: 830474

AGENDA

- 1. Call to Order**
- 2. Land Acknowledgement Statement (only needs to be shared if Council has adjourned its Council meeting and won't be reconvening)**

We will begin the meeting by sharing the Land Acknowledgement Statement:

We would like to begin by acknowledging that Melancthon Township recognizes the ancestral lands and treaty territories of the Tionontati (Petun/Wyandot(te)), Haudenosaunee (Six Nations), and Anishinaabe Peoples. The Township of Melancthon resides within the lands named under the Haldimand Deed of 1784 and the Lake Simcoe-Nottawasaga Treaty (Treaty 18).

These territories upon which we live and learn, are steeped in rich Indigenous history and traditions. It is with this statement that we declare to honour and respect the past and present connection of Indigenous peoples with this land, its waterways and resources.

- 3. Additions/Deletions/Approval of Agenda**
- 4. Disclosure of Pecuniary Interest**
- 5. Adoption of Draft Minutes – May 4, 2023**
- 6. Business Arising from the Minutes**
- 7. Correspondence**
- 8. General Business**
 - Draft Code of Conduct By-law
 - Council-Staff Relationship Policy

3. Other/Addition(s)

9. Delegations

10. Adjournment and Date of Next Meeting



The Corporation of

THE TOWNSHIP OF MELANCTHON

157101 Highway 10, Melancthon, Ontario, L9V 2E6

REPORT TO COMMITTEE OF THE WHOLE

TO: MAYOR WHITE AND MEMBERS OF COUNCIL

FROM: DENISE B. HOLMES, AMCT, CAO/CLERK

**SUBJECT: CODE OF CONDUCT BY-LAW & COUNCIL - STAFF
RELATIONSHIP POLICY**

MEETING DATE: JUNE 1, 2023

RECOMMENDATION

That Committee of the Whole recommends to Council that the Code of Conduct By-law and Council Staff Relationship Policy both prepared by the CAO/Clerk be adopted at the June 15, 2023 meeting.

BACKGROUND AND DISCUSSION

On March 17, 2016, Council adopted its first Code of Conduct By-law 17-2016, and on March 7, 2019, Council repealed that By-law as the Code was also to apply to Members of Local Boards and a new one was adopted and numbered 11-2019.

At the Committee of the Whole meeting on May 4, 2023, Committee reviewed several By-laws and directed that the current Code of Conduct By-law be reviewed and updated. It was suggested, because the current By-law was similar to the County of Dufferin, that the County's By-law be obtained as it had been reviewed and amended in 2021. The County's By-law (2021-15) was obtained and those amendments were incorporated into the Township's Code of Conduct By-law. The draft was circulated to the Township's Integrity Commissioner for review, as any alleged breaches of the Code of Conduct By-law are to be dealt with by the Integrity Commissioner.

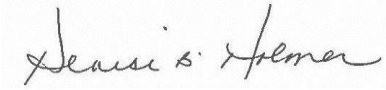
The Integrity Commissioner reviewed the draft By-law and provided his suggested wording for Sections 1.3, 1.7, 1.11, 1.14 and 1.21. Those changes were made and the draft By-law is attached for Committee's consideration and comments. The changes to the By-law have been highlighted for ease of reference.

There is an added section in the draft By-law that references a "Council – Staff Relationship Policy" in Section 1.12, and therefore a Policy is also attached for Committee's consideration and comments.

Financial Impact

N/A

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Denise B. Holmes", is written on a light-colored rectangular background.

Denise B. Holmes, AMCT
CAO/Clerk

CORPORATION OF THE TOWNSHIP OF MELANCTHON

BY-LAW NUMBER -2023

A BY-LAW TO ADOPT A CODE OF CONDUCT FOR MEMBERS OF COUNCIL & MEMBERS OF LOCAL BOARDS

WHEREAS the Municipal Act, S.O., 2001, Section 223.2(1) provides that municipalities are authorized to establish codes of conduct for Members of the Council of the Municipality and of Local Boards of the Municipality;

AND WHEREAS Section 5 (3) of the Municipal Act, 2001, as amended, provides that municipal powers shall be exercised by By-law;

NOW THEREFORE BE IT ENACTED BY THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MELANCTHON ENACTS AS FOLLOWS:

Code of Conduct	1.1	Members shall conduct themselves according to the Code of Conduct.
Preamble	1.2	A written Code of Conduct helps to ensure that the Members of Council and Members of Local Boards share a common basis for acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the Members must operate. These standards should serve to enhance Public confidence that Township's elected representatives and representatives of Local Boards operate from a base of integrity, justice and courtesy.
Guiding Principles	1.3	This Code shall be interpreted based on the principle that all Members should serve their constituents in a conscientious and diligent manner. Members should act in a way that represents the Township.
Misuse of Office	1.4	No Member shall use the influence of office for any purpose other than the exercise of their official duties.
General	1.5	<p>The Township of Melancthon Council and Local Boards Code of Conduct is a general standard that augments the provincial laws and municipal By-laws that govern conduct. Examples of provincial legislation that governs the conduct of members of Council include:</p> <ul style="list-style-type: none">• Municipal Act 2001, c.25• Municipal Conflict of Interest Act, R.S.O. 1990• Municipal Freedom of Information and Protection of Privacy Act, R.S.O 1990• Municipal Elections Act, S.O. 1996• The Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace) 2009• Human Rights Code <p>It is not intended to replace personal ethics.</p>
Gifts and Benefits	1.6	<p>Members shall not accept fees, gifts, hospitality or personal benefits that are connected directly or indirectly with the performance of duties except compensation authorized by law.</p> <p>This section does not apply to tokens, mementoes, souvenirs, or such gifts or benefits that are received as an incident of protocol or social obligation that normally</p>

		<p>accompanies the responsibilities of office.</p> <p>No Member shall seek or obtain by reason of their office any personal privilege or advantage with respect to Township services not otherwise available to the general Public and not consequent to their official duties.</p>
Hospitality	1.7	<p>The following are recognized as exceptions to Section 1.5 (Gifts and Benefits):</p> <ul style="list-style-type: none"> • Food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the federal government or by a foreign government within a foreign country. • Food and beverages consumed at banquets, receptions or similar events if: a) attendance serves a legitimate business purpose; b) the person extending the invitation or a representative of the organization is in attendance; and c) the value is reasonable and the invitations infrequent.
Confidentiality	1.8	<p>The Township's collection, use and disclosure of personal information are governed by the Municipal Freedom of Information and Privacy Act. A Member shall do nothing that causes a contravention of MFIPPA. A Member shall use personal information only for the purpose for which it was collected. If the Information and Privacy Commissioner finds that a contravention of MFIPPA occurred, then a Member who was responsible or partly responsible for the contravention may be found by the Integrity Commissioner to have breached this section of the Code of Conduct.</p> <p>All information, documentation or deliberation received, reviewed or taken in Closed Session of Council or Board meeting and its Committees are confidential, except as otherwise directed by Council or Local Boards.</p> <p>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 by law to do so.</p> <p>Members shall not permit any persons other than those who are entitled thereto to have access to information that is confidential.</p> <p>Particular care should be exercised in ensuring confidentiality of the following types of information:</p> <ul style="list-style-type: none"> • Labour negotiations • Information about suppliers provided for evaluation which might be useful to other suppliers • Matters relating to the legal affairs of the Township • Sources of complaints where the identity of the complainant was given in confidence • Items under negotiation • Information defined as "personal information" under the Municipal Freedom of Information and Protection of Privacy Act <p>This list is provided for example and is not inclusive. Requests for information should be referred to the Office of the Clerk to be addressed as a formal request under the</p>

		Municipal Freedom of Information and Protection of Privacy Act.
Use of Township Property	1.9	<p>No Member shall use for personal purposes any Township property, equipment, supplies, or services of consequence other than for purposes connected with the discharge of Township duties or associated community activities of which Township Council or Local Board as been advised. Personal use of Township-issued devices such as an iPad or cellular is permitted.</p> <p>No Member shall obtain financial gain from the use of Township-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 Township of Melancthon.</p> <p>No Member shall use information gained in the execution of their duties that is not available to the general Public, for any purposes other than their official duties.</p>
Work of a Political Nature	1.10	<p>No Member shall use Township facilities, services, or property for their re-election campaign.</p> <p>No Member shall use the services of Township employees for their re-election campaign, during hours in which the employees are in the paid employment of the Township.</p>
Representing the Township	1.11	Members shall make every effort to participate diligently in the activities of the agencies, boards, and commissions to which they are appointed.
Influence On Staff	1.12	<p>Members shall be respectful of the fact that Staff work for the Township 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 of Council or of Local Boards.</p> <p>In addition, 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 of Council or of Local Boards.</p> <p>The Council Staff Relationship Policy is intended to set a high standard for relations between Council and Staff in order to provide good governance and instill a high level of public confidence in the administration of the Township by its Members as duly elected public representatives.</p> <p>This Code shall be interpreted in a manner consistent with the general principles (in Section 2.0 of the Council Staff Relationship Policy) that Members should:</p> <ul style="list-style-type: none"> a) relate to one another in a courteous, respectful and professional manner; b) maintain formal working relationships in order to promote equality and discourage favouritism; c) understand their respective roles and responsibilities, and appreciate and respect the roles and responsibilities of the other;

		<p>d) work together to produce the best results and outcomes for the Township and always taking into account the collective public interest of the Township;</p> <p>e) demonstrate a commitment to accountability and transparency among Council, Staff and with the general public; and</p> <p>f) act in a manner that enhances public confidence in local government.</p>
Business Relations	1.13	No Member shall borrow money from any person who regularly does business with the Township unless such person is an institution or company whose shares are Publicly traded and who is regularly in the business of lending money.
No Member shall Act as a Paid Agent	1.14	No Member shall act as a paid agent before Council or a Committee of Council or any agency, Board, or Committee of the Township.
Encouragement and Respect for Township	1.15	Members shall encourage Public respect for the Township, its By-laws and Policies. Further, this Code shall be interpreted in a manner consistent with the principle that Members should act in a way that represents the Township.
Attendance at Meetings	1.16	Members shall make best attempts to attend Council, Committee and Board meetings and be on time. When a Member cannot attend a meeting they shall contact the Clerk's Department in advance or the Secretary of the Board.
Conduct During Meetings	1.17	<p>During meetings, Members shall conduct themselves with decorum. Respect for Delegations and fellow Members and Staff requires that all Members show courtesy and not distract from the business of the Council, Committee or Board during presentations and when other Members have the floor.</p> <p>Members will avoid any conduct towards a Member of Council or Staff which is known or ought reasonably to be known to be unwelcome, which offends, embarrasses or intimidates, or which reflects intolerance towards any group or individual.</p>
Harassment	1.18	<p>Harassment is defined in accordance with the Ontario Human Rights Code as vexatious comment or conduct that is unwelcome or ought reasonably to be known to be unwelcome.</p> <p>Members of Council and Members of Local Boards acknowledge that every person who is a Councillor or employee has a right to freedom from harassment in the workplace.</p> <p>Harassment of another Member, Staff or any Member of the Public is misconduct.</p>
Bullying	1.19	Workplace bullying is defined as "repeated" unreasonable behaviour directed towards an employee or a group of Staff, that creates a risk to health and safety. Unreasonable behaviour can be defined as behaviour that harms, intimidates, threatens, victimizes, undermines, offends, degrades or humiliates another Staff Member/s.

		<p><u>Examples of Workplace Bullying</u></p> <p>The most common types of workplace bullying are:</p> <ul style="list-style-type: none"> • Spreading malicious rumours, gossip or innuendo that is not true • Excluding or isolating someone socially • Intimidating a person • Undermining or deliberately impeding a person's work • Withdrawing necessary information or purposefully giving the wrong information • Setting impossible deadlines • Making inappropriate jokes • Persistent criticism of appropriate work • Freezing out, ignoring or excluding • Attempts to humiliate Staff in front of others • Unjustified monitoring of work • Verbal/non-verbal threats • Abusive, offensive or insulting language • Behaviours that frighten, humiliate, belittle or degrade • Belittling a person's opinions • Damaging or interfering with a person's property or work equipment • Threats of violence or actual incidents of violence • Regular ultimatums and/or threats of dismissal • Inappropriate comments about a person's appearance, lifestyle or their family. <p><i>When bullying escalates to include incidents of physical assault or threats, it is considered workplace violence.</i></p> <p>Bullying another Member of Council, Board Member, Staff or any Member of the Public is misconduct.</p>
Interpretation	1.20	Members of Council and Members of Local Boards seeking clarification of any part of this Code of Conduct should consult with the Integrity Commissioner.
Effective date	1.21	This By-law shall take effect on the date of its final passing.
Alleged Breaches of the Code of Conduct	1.22	If a breach of the Code of Conduct is alleged a complaint, specifying the specific rule that was contravened and setting out the grounds for the allegation, may be lodged with the Integrity Commissioner.
Repeal By-law	1.23	By-law 11-2019 is hereby repealed in its entirety.

By-law read a first and second time this day of , 2023.

By-law read a third time and finally passed this day of , 2023

MAYOR

CLERK



CORPORATION OF THE TOWNSHIP OF MELANCTHON COUNCIL – STAFF RELATIONSHIP POLICY

PURPOSE:

This Council and Staff Relationship Policy applies to all Members of the Council of the Township of Melancthon and all Members of Staff.

The purpose of this Policy is to set out standards to ensure that Council and Staff share a common understanding of their respective roles and responsibilities.

STATEMENT:

This Policy is intended to set a high standard for relations between Council and Staff in order to provide good governance and instill a high level of public confidence in the administration of the Township by its Members as duly elected public representatives and it's Staff as public administrators.

LEGISLATIVE AND ADMINISTRATIVE AUTHORITIES

The *Municipal Act*, 2001, Section 270 (1) requires Council to adopt and maintain a policy with respect to the relationship between Members of Council and the officers and employees of the municipality.

RESPONSIBILITIES

Members of Council and officers and employees of the corporation are required to adhere to this policy and its governing provisions.

PROCEDURES:

1.0 Definitions

1.1 The following terms shall have the following meanings in this Policy:

- (a) "CAO" means the Chief Administrative Officer of the Township;
- (b) "Clerk" means the Clerk of the Township;

- (c) "Council" means the council of the Township;
- (d) "Township" means The Corporation of the Township of Melancthon;
- (e) "Member" means a Member of Council;
- (f) "Policy" means this Council and Staff Relationship Policy;
- (g) "Staff" means the CAO and all officers, directors, managers, supervisors and all non-union and union employees, whether full-time, part-time, contract, seasonal or volunteer employees, as well as agents and consultants acting in furtherance of the Township's business and interests;
- (h) "Mayor" means the Head of Council.

2.0 General Obligations

2.1 In all respects, Members and Staff shall:

- (a) relate to one another in a courteous, respectful and professional manner;
- (b) maintain formal working relationships in order to promote equality and discourage favouritism;
- (c) understand their respective roles and responsibilities, and appreciate and respect the roles and responsibilities of the other;
- (d) work together to produce the best results and outcomes for the Township and always taking into account the collective public interest of the Township; and
- (e) demonstrate a commitment to accountability and transparency among Council, staff and with the general public
- (f) act in a manner that enhances public confidence in local government.

3.0 Roles and Responsibilities of Members

3.1 Members acknowledge and agree that:

- (a) Council as a whole is the governing body of the Township and that it comprises a collective decision-making body;
- (b) they are representatives of the entire Township;
- (c) Staff serve the whole of Council rather than any individual Member;

- (d) they govern, provide political direction and make decisions as the Township;
- (e) they will respect the administrative and managerial chain of command by:
 - (i) directing any questions or concerns in relation to the administration or management of the Township to the CAO for their consideration;
 - (ii) giving direction to Staff only as Council and through the CAO; and
 - (iii) refraining from becoming involved in the management of Staff.
- (f) they understand that Staff will undertake significant projects only if they have been directed to do so by Council through the CAO;
- (g) they shall request advice from the Clerk about procedural matters;
- (h) they shall request information regarding meeting agendas or minutes from the Clerk;
- (i) they shall contact relevant department heads or designate for inquiries
- (j) they as individual Members have no greater access to records or information held by the Township than any member of the public and that they cannot access records or information otherwise protected from disclosure by the *Municipal Freedom of Information and Protection of Privacy Act* or in accordance with the process set out in that statute;
- (k) they shall recognize Staff are not expected to provide information or take action in outside of regular administrative business hours, except in extenuating circumstances;
- (l) certain members of Staff are statutory officers and have specific statutory authorities, duties, powers and responsibilities that cannot be interfered with or derogated from (ie. Clerk and Treasurer);
- (m) they shall at all times comply with any policies relating to Council that the Council may implement from time to time.

4.0 Roles and Responsibilities of Staff

4.1 Staff acknowledge and agree that:

- (a) Council is the collective decision-making and governing body of the Township and is ultimately responsible to the electorate for the good governance of the Township;

- (b) they shall implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions and any duties specifically assigned to them by Council;
- (c) they shall assist Council in their decision-making process by providing Council with information based on professional expertise, research and good judgment in a professional and timely manner;
- (d) that all Members are equal and shall be treated as such and always with courtesy, respect and professionalism;
- (e) they shall notify their department head or the CAO about inquiries from Councillors who will provide appropriate and timely follow-up to such inquiries as necessary;
- (f) they shall diligently and impartially implement Council's decisions;
- (g) they shall not speak publicly on any matter respecting any Council decisions or policies without authorization to do so, and without limiting the generality of the foregoing, shall not publicly criticize any decision or policy of Council;
- (h) they shall refrain from publicly criticizing decisions of Council or Members;
- (i) they shall at all times comply with any policies relating to Staff that the Council may implement from time to time.