



Code of Conduct for Council and Local Board

Effective Date: November 1, 2010
Date of Previous Revision: September 12, 2018
Date of Current Revision:

1.0 Preamble and Principles

- 1.1 The Council of the City of Richmond Hill:
- (a) is committed to achieving the highest standards of conduct by its Members which is essential to maintaining and ensuring public trust and confidence in Council and Richmond Hill's decision making and operations;
 - (b) recognizes that Democracy is an active process – one that requires ongoing engagement between citizens and their elected officials. Ethics and integrity are at the core of public confidence in government and in the political process; and
 - (c) acknowledges that the Modernizing Ontario's Municipal Legislation Act, 2017, S.O. 2017, c. 10, and the corresponding amendments to applicable legislation, require municipalities to establish codes of conduct for Members of Council and Members of local boards.
- 1.2 The key principles underline the rules in this Code and shall be used to guide Members in decisions on their actions, and to guide the Integrity Commissioner in interpreting the substantive Rules of this Code.
- 1.3 The key principles of this Code are:
- (a) Members will act in an accountable and responsible manner with integrity and fairness in the performance of their duties;
 - (b) Members shall avoid the improper use of the influence of their office and act without self-interest;
 - (c) Members shall serve and be seen to serve their constituents in a conscientious and diligent manner;
 - (d) Members are expected to perform their duties and arrange their private affairs in a manner that promotes public confidence and which will bear close public scrutiny; and
 - (e) Members shall seek to serve the public interest by upholding both the letter of the law and the spirit of the laws and policies established by the Federal parliament, Ontario legislature, and Council of the City.

Commentary:

[To be updated by the Integrity Commissioner as required]

2.0 Purpose

- 2.1 The purpose of this Code is:
- (a) to set out clear expectations of the behaviour of Members in accordance with the principles of the Code, the Municipal Act, 2001 and the Municipal Conflict of Interest Act;
 - (b) to encourage high ethical standards among all Members and to share a common basis for acceptable conduct to which all Members agree to adhere and comply.
 - (c) to provide information to the public as to the behaviour they can expect from their Members;
 - (d) to provide guidance to Members in the conduct of their duties as elected officials; and
 - (e) to provide a mechanism for responding to alleged breaches of the Code.
- 2.2 The clear statement of these standards and expectations should serve to enhance the public's confidence that the elected officials of the City of Richmond Hill will operate with integrity and fairness to ensure responsible and accountable conduct by the Member.
- 2.3 The Code serves to supplement existing legislation and other existing City by-laws and all policies that govern the conduct of Members, including but not limited to:
- (a) *Municipal Act, 2001;*
 - (b) *Municipal Conflict of Interest Act;*
 - (c) *Municipal Elections Act;*
 - (d) *Municipal Freedom of Information and Protection of Privacy Act;*
 - (e) *Occupational Health and Safety Act;*
 - (f) *Human Rights Code;* and
 - (g) *Criminal Code of Canada.*

Commentary:

[To be updated by the Integrity Commissioner as required]

3.0 Definitions

The definitions applicable to this Code are included in Appendix A.

4.0 Application and Responsibilities

- 4.1 This Code applies to all Members of Council and, with necessary modifications to all Members of the City's Local Boards as defined under subsection 1(1) and section 223.1 of the Municipal Act, 2001.
- 4.2 A Member shall:
- (a) observe and comply with the principles of the Code;
 - (b) observe and comply with every provision of the Code, as well as all other policies and procedures affecting the Member, acting in his or her capacity as a Member;
 - (c) respect the integrity of the Code and inquiries and investigations conducted under it;
 - (d) co-operate in every way possible in securing compliance with the application and enforcement of the Code;
 - (e) encourage the public, prospective contractors and lobbyists, and their colleagues to abide by Richmond Hill by-laws and policies; or
 - (f) affirm the respect and integrity in the democratic decision-making processes of Council.
- 4.3 No Member shall:
- (a) fail to observe and comply with the principles of the Code;
 - (b) fail to observe and comply with every provision of the Code, as well as all other policies and procedures affecting the Member, acting in his or her capacity as a Member;
 - (c) fail to respect the integrity of the Code and inquiries and investigations conducted under it;
 - (d) undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to the Integrity Commissioner or any other person;
 - (e) fail to co-operate with the Integrity Commissioner's inquiries or obstruct the Integrity Commissioner, or any other municipal official involved in applying or furthering the objectives or requirements of the Code, in the carrying out of such responsibilities, or pursuing any such objective; or
 - (f) use the influence of their office for any purpose other than for the lawful exercise of their official duties for municipal purposes.
- 4.4 To ensure the highest standards of conduct by Council and Members, the Code is to be given broad, liberal interpretation in accordance with applicable legislation and the definitions set out herein.

Commentary:

[To be updated by the Integrity Commissioner as required]

5.0 Acceptance of Gifts and Benefits

- 5.1 Members must make decisions based on an impartial and objective assessment of each situation, free from the influence of gifts, hospitality or benefits. Members must avoid both the reality and appearance of impropriety with organizations and people with whom they deal.
- 5.2 No Member shall accept a gift, hospitality or benefit that is connected directly or indirectly with the performance of his or her duties of office unless permitted by the exceptions listed below. For these purposes, a gift, hospitality or benefit paid to a Member's spouse, child, or parent, or to a Member's staff that is connected directly or indirectly with the performance of the Member's duties of office is deemed to be a gift to that Member.
- 5.3 It is recognized that the extension and acceptance of gifts and benefits (including invitations to events, outings, engagements, performances, etc.) is within the normal official duties of a Member. The object of this Rule is to provide transparency around the receipt of incidental gifts and benefits, where the total value may be perceived as potentially influencing the Member's decision making. A Member is not perceived to be showing favoritism or bias toward a vendor, contractor or other individual or entity that does business with the City, or perceived to have been influenced in making a decision, simply as a consequence of the offering or acceptance of such hospitality. Each Member is accountable to the public and should keep a list of all gifts received from individuals, firms or associations (with estimated values), for review by the Integrity Commissioner as she/he deems appropriate. Members may accept a gifts and benefits only in accordance with the exceptions set out below and provided that:
- (a) It serves a legitimate business purpose related to the responsibilities of the Member;
 - (b) The person extending the invitation or a representative of the organization is in attendance; and
 - (c) The value and frequency are reasonable and appropriate. Reasonable and appropriate are those that are incurred for an official duty or function and are modest.
- 5.4 Members are permitted to accept:
- (a) Personal gifts, benefits, rewards, commissions or advantages from any person or organization which are wholly unconnected with the performance of official duties;
 - (b) Political contributions that are otherwise offered, accepted and reported in accordance with applicable law;

- (c) Services provided without compensation by persons volunteering their time;
- (d) Invitations from charity or not-for-profit organization to attend their events;
- (e) Food and beverages at banquets, receptions, ceremonies or similar events;
- (f) A memento received by a Member at a function honouring the Member;
- (g) A memento received as a result of being a speaker, participant or representative of Richmond Hill at an event;
- (h) Gifts or benefits received as an incident of social protocol, customs or social obligations that normally accompany the performance of official duties; and
- (i) Food, lodging, transportation and entertainment provided by other levels of government or by other local governments, boards or commissions or the government of a foreign country.

5.5 In the case of categories identified in sections 5.4 (e), (f), (g), (h), and (i), if the value of the gift or benefit exceeds \$350 or if the total value received from any one source during the calendar year exceeds \$500, the Member shall within 30 days of receipt of the gift or benefit, or reaching the annual limit, complete a Disclosure Statement (the form of which shall be approved by the Clerk) and submit first to the Integrity Commissioner for review and then to the Clerk.

5.6 The Disclosure Statement shall include:

- (a) The nature of the gift or benefit;
- (b) Its source and date of receipt;
- (c) The circumstances under which it was received; and
- (d) Its estimated value.

5.7 Disclosure Statements are a matter of public record, and shall be maintained by the Clerk in accordance with any records retention rules established by Richmond Hill.

5.8 Members are responsible for tracking and monitoring any gift or benefit received during the calendar year to ensure compliance with the reporting requirements in section 5.5 of the Code.

5.9 Should the Integrity Commissioner determine that receipt of the gift or benefit was inappropriate, she or he shall direct the Member to return any gifts or benefits, reimburse the donor for the value of any gift or benefit already consumed, forfeit the gift or remit the value of any gift or benefit already consumed to the City or City agency, board or commission or not accept hospitality, which does not comply with these guidelines. The above actions in accordance with the Integrity Commissioner's decisions do not require that the Integrity Commissioner receive a

Formal Complaint or that the Integrity Commissioner conduct a formal Code of Conduct investigation.

Commentary:

Personal integrity and sound business practices require that relationships with vendors, contractors, or others doing business with the City, be such that no Member of Council is perceived as showing favoritism or bias toward the vendor, contractor or other. Each Member of Council is accountable to the public and should keep a list of all gifts received from individuals, firms or associations (with estimated values) in their offices for review by Integrity Commissioner, as he/she deems appropriate. A gift to a Member may be perceived as improper influence that may improperly induce, influence or create an incentive for a Member to make decisions on the basis of relationships rather than in the best interests of the City.

Gifts that are subject to listing on the Disclosure Statement can be many types of things, and may include:

- property (e.g. a book, flowers, a gift basket, a painting or sculpture, furniture, wine);
- use of property or facilities (e.g. a vehicle, an office) at a reduced rate or at no cost;
- an invitation to and/or tickets to attend an event (e.g. an athletic commercial event, concert, a play) at a reduced rate or at no cost;
- an invitation to attend a gala or fund-raising event at a reduced rate or at no cost.

An invitation to attend a function where the invitation is connected directly with the performance of the Member's duties of Office (i.e. for which the public office holder has a ceremonial, presentational or representational official role) is not considered to be a gift. Attendance is considered to be the fulfillment of an official function or duty.

6.0 Confidential Information

- 6.1 Members shall not disclose or release by any means, including social media, to any person either in oral or written form any confidential information acquired by virtue of their office except when required by law to do so.
- 6.2 Members have a duty to hold in strict confidence all information concerning matters dealt with in meetings closed to the public in accordance with the Municipal Act or any other Act.
- 6.3 All information, documentation or deliberation received, reviewed or taken in closed session of Council and its committees is confidential until the matter ceases to be confidential as determined by Council.
- 6.4 No Member shall:
 - (a) obtain access, or attempt to gain access, to confidential information in the custody or control of Richmond Hill except in accordance with the Municipal Freedom of Information and Protection of Privacy Act;

- (b) disclose, release or publish by any means, including social media, 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;
- (c) provide to any other person to disclose, release, or publish 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;
- (d) 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; or
- (e) disclose or discuss, through written, electronic or verbal communication, to any individual or corporate third party, any information that has been or will be discussed at a closed session meeting of Council or a committee until such time that Council or a committee has determined or has been advised by Staff that the matter, or any part of the matter, can be made public subject to review by the head or designate under the Municipal Freedom of Information and Protection of Privacy Act or if directed to do so by a court.

6.5 When a Member ceases to be a Member the duty to not disclose or release any confidential information acquired by virtue of his or her office except when required by law to do so continues.

7.0 Council, Staff and Public Relations

- 7.1 Members shall accurately communicate the decisions of Council or Local Board even if they disagree with the majority decision of that body, and by doing so affirm the respect and integrity in the decision-making processes of Council or Local Board.
- 7.2 Members shall respect that Staff have an obligation to act impartially, and in accordance with all Richmond Hill policies including the Employee Code of Conduct.
- 7.3 It is acknowledged that Staff have an obligation to recognize that Members have been duly elected to serve the residents of Richmond Hill and respect the role of Council in directing the actions of Richmond Hill.
- 7.4 Members shall:
 - (a) acknowledge and respect the fact that Staff work for Richmond Hill as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate objectives;
 - (b) acknowledge and respect the fact that Staff carry out directions of Council as a whole and administer the policies of Richmond Hill, and are required to do so without any undue influence from any individual Member or group of Members;

- (c) acknowledge that staff work within the administration of justice and that a Member must not make requests, statements or take actions which may be perceived to be an attempt to influence the independent administration of justice and, therefore, a Member shall not attempt to intimidate, threaten, or influence any staff member from carrying out that person's duties, including any duty to disclose improper activity;
- (d) comply with the City's 'Council-Staff Relations Policy;'
- (e) respect the administrative structure and direct any Staff performance concerns through appropriate supervisory Staff.

7.5 No Member shall:

- (a) publicly criticize individual Staff in a way that casts aspersions on their professional competence and credibility;
- (b) compel Staff to engage in partisan political activities, or subject Staff to threat(s) or discrimination for refusing to engage in such activities; or
- (c) use their authority or influence to threaten, intimidate, or coerce Staff or improperly interfere in the lawful exercise of the duties of Staff, including inviting or pressuring any member of staff to engage in partisan political activities or be subject to discrimination or reprisal for refusing to engage in such activities.

7.6 The content of any Member's communications, regardless of method of communication, shall be accurate, honest and respectful of other persons, including other Members, Staff and the public.

7.7 In the use of social media, Members shall adhere to any Richmond Hill policies and guidelines regarding social media use.

7.8 When using social media, Members shall adhere to all rules of the Code. in particular but limited to, Confidential Information, Conflict of Interest, Gifts and Benefits, Use of Influence, Election-Related Activity, Conduct Respect Staff.

In the exercise of their official duties, Members shall not:

- (a) use social media in any way that would violate Richmond Hill's Respect in the Workplace Policy, and any similar policy or procedure, made pursuant to the Occupational Health and Safety Act and the Human Rights Code; or
- (b) use social media to publish anything that is dishonest, untrue, offensive, disrespectful, constitutes harassment, is defamatory or misleading in any way.

Commentary:

[To be updated by the Integrity Commissioner as required]

8.0 Use of Municipal Property

- 8.1 The public places its trust in Council and those it appoints to make decisions for the public good in relation to the municipal assets. Members shall not use or permit the use of any Richmond Hill Property, including the municipality's land, facilities, equipment, supplies, services, staff or other resources, other than for purposes connected with the discharge of their official duties or associated community activities having the sanction of Council and in compliance with all applicable Richmond Hill policies.
- 8.2 By virtue of their office or appointment, Members shall not obtain financial gain or advantage from the use of Richmond Hill Property while an elected official or thereafter. All such Richmond Hill Property remains the exclusive property of Richmond Hill.
- 8.3 Without limiting the generality of any of the foregoing provisions, Members shall not comply with Section 12 of the Code and not use Richmond Hill Property for any type of political or election related activity.

Commentary:

[To be updated by the Integrity Commissioner as required]

9.0 Adherence to Richmond Hill By-laws, Policies and Procedures

- 9.1 Members are required to adhere to all other by-laws, policies, procedures and rules (collectively "policies") that govern the behaviour of Members, including, but not limited to, those policies set out in Appendix C.
- 9.2 Members are required to endeavour to make themselves aware of any by-laws, policies, and procedures applying to them.
- 9.3 Notwithstanding subsections 9.1 and 9.2, a Member may request that Council grant an exception from a policy in exceptional circumstances.
- 9.4 The Clerk is authorized to amend Appendix C, by adding and deleting the titles of policies applying to Members.

10.0 Respect in the Workplace

- 10.1 Without limiting the generality of Section 7 and Section 9 of the Code, Members shall be governed by Richmond Hill's Respect in the Workplace Policy, and any similar policy or procedure, made pursuant to the Occupational Health and Safety Act and the Human Rights Code.
- 10.2 Members have a duty to treat members of the public, one another and Staff appropriately and without engaging in workplace harassment, workplace sexual harassment, abusive conduct, discrimination or workplace violence as further set out in Richmond Hill's Respect in the Workplace Policy.

- 10.3 Members have a further responsibility to support a workplace within Richmond Hill that is free of workplace harassment, workplace sexual harassment, abusive conduct, discrimination and workplace violence.
- 10.4 Upon receipt of a complaint that relates to this Rule, the Integrity Commissioner may forward the information subject of the complaint to the City division responsible for Human Resources to assist in the completion of a threshold assessment under the City's Respect in the Workplace Policy. In consultation with the Human Resources, the Integrity Commissioner may have an independent investigator conduct a Respect in the Workplace and/or Human Rights investigation. Upon receipt of the findings of the independent investigator, the Integrity Commissioner shall utilize the investigator's findings to make a determination on the application of the Code and the merits to an investigation on the ethical conduct of the Member subject of the complaint.

Commentary:

[To be updated by the Integrity Commissioner as required]

11.0 Discrimination and Harassment

- 11.1 A Member shall treat all members of the public, one another and staff with respect and without abuse, bullying, coercion or intimidation, and ensure that their work environment is free from discrimination and harassment.
- 11.2 A Member shall not use indecent, abusive or insulting words, phrases or expressions, or profanity toward any member of the public, another Member or staff.
- 11.3 A Member shall not make comments or conduct themselves in any manner that is discriminatory to any individual based on the individual's race, colour, ancestry, citizenship, ethnic origin, place of origin, creed or religion, gender, sexual orientation, marital status, family status, disability, age or record of offences for which a pardon has not been granted.

Commentary:

[To be updated by the Integrity Commissioner as required]

12.0 Election Campaign Work

- 12.1 Although Members of Council are required to follow the provisions of the Municipal Elections Act, the Code acknowledge that Integrity Commission has no jurisdiction to receive or investigate complaints regarding alleged contraventions of that Act.
- 12.2 Notwithstanding paragraph 12.1, Members shall comply with the Use of Corporate Resources for Election Campaign Purposes Policy, or any successor policy under Section 88.18 of the Municipal Elections Act, including, but not limited to, that:

- (a) No Member shall use the facilities, equipment, supplies, services or other resources of the City for any election campaign or campaign-related activities.
- (b) No Member shall use the services of persons for campaign related activities during hours in which those persons receive any compensation from the City.

Commentary:

[To be updated by the Integrity Commissioner as required]

13.0 Employment of Council Member Relatives/Family Members

- 13.1 No Member shall attempt to influence the outcome, or to influence any City employee to hire or promote a Member's family.
- 13.2 No Member shall make any decision or participate in the process to hire, transfer, promote, demote, discipline or terminate any member of his or her Family at the City or Local Board.
- 13.3 No Member shall supervise a Family Member or be placed in a position of influence over a Family Member.
- 13.4 No Member shall attempt to use a family relationship for his or her personal benefit or gain.
- 13.5 Every Member shall adhere to any City policy governing the hiring of friends and relatives.

Commentary:

[To be updated by the Integrity Commissioner as required]

14.0 Improper Use of Influence

- 14.1 No Member shall use the influence of her or his office for any purpose other than the exercise of her or his official duties.
- 14.2 No Members shall use her or his status as a Member to secure preferential treatment beyond activities in which Members normally engage or on behalf of others as part of their official duties as a Member.
- 14.3 No Member shall use the status of their position to influence the decision of another person to the private advantage or non-pecuniary interest of themselves, their parents, children or grandchildren, spouse, or friends or associates, or for the purpose of creating a disadvantage to another person or for providing an advantage to themselves.

- 14.4 Members are prohibited from holding out the prospect or promise of future advantage through a Member's supposed influence within the City of Local Board, in return for present actions or inaction.

Commentary:

[To be updated by the Integrity Commissioner as required]

15.0 Conflicts of Interest

- 15.1 All Members shall comply with sections 5, 5.1 and 5.2 of the Municipal Conflict of Interest Act, as amended from time to time.
- 15.2 A Member shall seek to avoid conflicts of interest, both pecuniary and non-pecuniary. A Member shall take proactive steps to mitigate any non-pecuniary conflicts of interest in order to maintain public confidence in the City and its elected and appointed officials.
- 15.3 Declarations of pecuniary interests known to Members shall be recorded in the minutes of Committee and Council meetings. In the event that a Member declares an interest during a Closed Session meeting, the Member shall affirm their declaration of interest at the beginning of the Open Session as noted on the agenda.
- 15.4 Members are encouraged to seek guidance from the Integrity Commissioner when they become aware that they may have a conflict between their responsibilities to the public as a Member and any other interest, pecuniary or non-pecuniary.

Commentary:

[To be updated by the Integrity Commissioner as required]

16.0 Decorum at Meetings

- 16.1 Members shall conduct themselves at meetings with decorum. Respect for members of the public and for fellow Members and staff requires that all Members show courtesy and not distract from the business of the Council or local board during presentations and when other Members have the floor.
- 16.2 The Chair of a Meeting and the Integrity Commissioner have concurrent jurisdiction to receive and review matters of Member decorum at Council and Committee meetings. The Integrity Commissioner may exercise her discretion to receive and investigate the comments or actions of a Member classifying the same as conduct captured by the Code.

Commentary:

[To be updated by the Integrity Commissioner as required]

17.0 Compliance

- 17.1 All Members shall be aware of and comply with the Code.
- 17.2 It is a contravention of the Code for a Member to obstruct, in any way whatsoever, the Integrity Commissioner in the carrying out of his or her responsibilities, by, for example, providing inaccurate or misleading information to the Integrity Commissioner, refusing to answer inquiries or participate in the investigation process, or destroying documents or erasing electronic records (including electronic communications).
- 17.3 Any reprisal or threat of reprisal against a complainant or anyone for providing relevant information to the Integrity Commissioner is prohibited and is a contravention of the Code.
- 17.4 A Member may request that the Integrity Commissioner provide that Member with advice respecting his/her obligations under the Code, in accordance with the provisions of the Municipal Act and the Integrity Commissioner Procedures.
- 17.5 To aid Members in complying with the Code the Integrity Commissioner, in consultation with the City Clerk, may:
- (a) create an annotated version of the Code, including a version that includes updated commentary on the various provisions of the Code; and
 - (b) create other such material as deemed appropriate by the Commissioner.
- 17.6 Any documentation created in accordance with section 12.5 of the Code is illustrative only and not exhaustive.

Commentary:

[To be updated by the Integrity Commissioner as required]

18.0 Enforcement

- 18.1 Any individual, including members of the public, Staff, and another Member, who has reasonable grounds to believe that a Member has contravened the Code, may proceed with a complaint pursuant to the Integrity Code Complaint Protocol and in accordance with the Municipal Act.
- 18.2 Unless otherwise provided for in the Integrity Commissioner Procedures, the Code Complaint Protocol and relevant legislation, complaints pursuant to the Code must be submitted within six weeks of the matter becoming known to the individual and no more than six months after the alleged violation occurred. No action will be taken on a complaint received beyond these deadlines.
- 18.3 Where a complaint is an allegation that a Member has contravened the “Respect in the Workplace” provisions of the Code, as set out in section 10 of the Code, the timeframes for submission of a complaint may be extended by the Integrity

Commissioner in accordance with the City's Respect in the Workplace policy and procedures.

- 18.4 In a regular election year, during the period that begins on Nomination Day, as defined in section 31 of the Municipal Elections Act, and ending on Voting Day, as set out in section 5 of the Municipal Elections Act,
- (a) no complaint or request for inquiry, including a complaint or request for inquiry in respect of the *Municipal Conflict of Interest Act*, may be filed with the Integrity Commissioner; and
 - (b) the Integrity Commissioner shall not report to Council on whether a Member has contravened the Code.
- 18.5 The Integrity Commissioner shall terminate any inquiry or any investigation (formal or informal) that has not been completed by Nomination Day, as defined in section 31 of the Municipal Elections Act, of a regular election year.
- 18.6 If the Integrity Commissioner has terminated any inquiry or any investigation (formal or informal) under subsection 18.5 of the Code, the Integrity Commissioner shall not commence another inquiry or any investigation (formal or informal) of the same matter unless, within six weeks of Voting Day the person who requested the inquiry, or the Member (including a former Member) who was the subject of the inquiry, makes a written request to the Integrity Commissioner to commence another inquiry on that same matter.
- 18.7 Notwithstanding anything in subsections 18.4 and 18.5 of the Code to the contrary, any complaint about a Member pursuant to Richmond Hill's Respect in the Workplace Policy may be received by Richmond Hill's Director of Human Resources during the election period, and may be referred to the Integrity Commissioner by the Director of Human Resources within six weeks of Voting Day.
- 18.8 In a regular election year, during the period that begins on Nomination Day, as defined in section 31 of the Municipal Elections Act, and ending on Voting Day, as set out in section 5 of the Municipal Elections Act, Council shall not consider the imposition of a penalty, nor impose a penalty on a Member who has been found to have contravened the Code.

Members of Council - Penalties

- 18.9 Upon receipt of the Integrity Commissioner's recommendations, and where the Integrity Commissioner reports that in her or his opinion, there has been a violation of the Code, Council may impose the following penalties on a Member of Council:
- (a) A reprimand; or
 - (b) A suspension of the remuneration paid to that Member for a period of up to 90 days.

Members of Council – Remedial Measures

- 18.10 Council may, on the basis of a recommendation from the Integrity Commissioner, also take corrective or remedial actions and require that the Member of Council carry out that action. Such remedial actions must be measures which are intended to address the violation and the effects of the violation. Such remedial actions may include but are not limited to the following:
- (a) Requiring repayment or reimbursement of moneys received by the Member;
 - (b) Requiring the return of property, or reimbursement of its equivalent monetary value, received by the Member;
 - (c) Requiring a written and/or verbal apology from the Member to Council, the Complainant, another individual or any/all of these parties;
 - (d) Removal from membership of a Committee (if applicable) where, due to the Member's violation of the Code, it would no longer be appropriate for the Member to sit on the Committee;
 - (e) Removal as Chair of a Committee (if applicable) where, due to the Member's violation of the Code, it would no longer be appropriate for the Member to chair the Committee.
- 18.11 Upon Council's decision on the Integrity Commissioner's recommendations, the Member of Council who has violated the Code shall comply with the Council decision. Failure to comply with Council's decision shall constitute a contravention of this Code.

Members of Local Boards - Penalties

- 18.12 Upon receipt of the Integrity Commissioner's recommendations, and where the Integrity Commissioner reports that in her or his opinion, there has been a violation of the Code, in the case of a Member of a Local Board, Council may impose the following penalties:
- (a) A reprimand; or,
 - (b) Suspension of the remuneration paid (if any) to the Member in respect of his or her services as a Member of a Local Board for a period up to 90 days.

Members of Local Boards – Remedial Measures

- 18.13 Where the Integrity Commissioner reports that in her or his opinion, there has been a violation of the Code, the Integrity Commissioner may recommend that Council take remedial actions against a Member of a Local Board. Such remedial actions may include but are not limited to the following:
- (a) Removal of the Member from the Local Board.

- (b) Requiring repayment or reimbursement of moneys received by the Member.
 - (c) Requiring the return of property, or reimbursement of its equivalent monetary value, received by the Member.
 - (d) Requiring a written and/or verbal apology from the Member to Council, the complainant, the local board, or any/all of these parties.
 - (e) Removal from membership of a Committee (if applicable).
 - (f) Removal as Chair of a Committee (if applicable).
- 18.14 Upon Council's decision on the Integrity Commissioner's recommendations, the Member of a Local Board who has violated the Code shall comply with Council's decision. Failure to comply with Council's decision shall constitute a contravention of this Code.

Commentary:

[To be updated by the Integrity Commissioner as required]

Appendix A Definitions

In this Code:

- (a) “abusive conduct” means unwarranted and unjustified aggressive and/or provoking comment(s), threat(s), coercion, persistent criticism or condemnation, public humiliation and act(s) of physical or verbal aggression. Such comments or conduct may: (a) be methodical, planned, sudden; and/or (b) include the improper use of authority inherent in a position held by an individual;
- (b) “Clerk” means the Clerk of Richmond Hill, or his/her designate;
- (c) “Code” means this Code of Conduct for Council and Local Boards, established by Council pursuant to the *Municipal Act, 2001*;
- (d) “committee” means any advisory committee, subcommittee or similar entity of which at least 50 per cent of the members of that committee are also Council Members;
- (e) “complaint” means an alleged contravention of the Code, whether made through an informal complaint process or through the filing of a formal written complaint;
- (f) “complainant” means a person who has either made an informal complaint or who has filed a formal complaint in accordance with the procedures set out in this Code;
- (g) “confidential information” means any information in the possession of or received in confidence by the Member that Richmond Hill is prohibited from disclosing or would generally refuse to disclose under the *Municipal Freedom of Information and Protection of Privacy Act* or other legislation, including, but not limited to:
 - (i) Any information provided to the member in any written or verbal form that is a type of information as defined in section 239(2) of the *Municipal Act, 2001*, as may be amended from time to time, and as set out in Appendix A.
 - (ii) Without limiting the generality of paragraph 3.1(g)(i), information that is received, disclosed or discussed in any verbal or written form pertaining to a meeting that is closed to the public pursuant to subsection 239(2) of the *Municipal Act, 2001*;
 - (iii) personal information as defined in subsection 2(1) of the *Municipal Freedom of Information and Protection of Privacy Act*;
 - (iv) any information and/or advice provided directly or indirectly by any solicitor acting on behalf of Richmond Hill, whether internal or external;
 - (v) any information that is subject to solicitor-client privilege or that concerns litigation or potential litigation;
 - (vi) information that concerns any confidential matters pertaining to personnel, labour relations, or items under negotiation;
 - (vii) price schedules in contract tenders and information about suppliers provided in contract tender or requests for information, quotation or proposal submissions, if such information is given in confidence, implicitly or explicitly;

- (viii) sources of complaints where the identity of the complainant is given in confidence;
 - (ix) information circulated to Members and marked "confidential"; or
 - (x) any information lawfully determined by Council to be confidential or required to remain or be kept confidential by legislation or order;
- (h) "Council" means the Council of the City of Richmond Hill;
- (i) "discrimination" means differential treatment, including distinction, exclusion or preference, of an individual or group of individuals, whether intentional or unintentional, which is based on the prohibited grounds in the Human Rights Code and the City of Richmond Hill's policies;
- (j) "frivolous" includes but is not limited to that of little or no weight, worth, importance or any need of serious importance and includes but is not limited to the definition set out in the City of Richmond Hill "Public Conduct and Complaints Policy" (approved by Council and in force on June 14, 2023).
- (k) "gifts and benefits" means any cash or monetary equivalent, fee, object of value, service, travel and accommodation, or entertainment that are provided to a Member that could be seen to be connected directly or indirectly to the performance of the Member's duties;
- (l) "hospitality" means instances where entertainment, meals, travel or accommodations are provided by outside parties to a Member in their official capacity and/or the furtherance of municipal business;
- (m) "Human Rights Code" means the *Human Rights Code*, R.S.O. 1990, c. H.19, as amended;
- (n) "Integrity Commissioner" means the individual or entity appointed by the City of Richmond Hill pursuant to section 223.3 of the *Municipal Act, 2001*, to carry out the functions listed under subsection 223.3(1), and includes a person delegated any of the Integrity Commissioner's functions pursuant to subsection 223.3(3) ;
- (o) "Integrity Commissioner Procedures" means:
 - (i) The rights, procedures, rules, responsibilities and/or duties assigned to the Integrity Commissioner in respect to the Code as set out in the *Municipal Act, 2001*, as may be amended from time to time; and
 - (ii) the procedure approved by Council that, among other things:
 1. establishes general practices or procedures to be observed by the Integrity Commissioner in fulfilling his or her other duties; and
 2. the procedures to be followed in making a complaint;
- (p) "Local Board" means any City Committee, Agency, Board or Commission which is defined as a local board under subsection 1(1) and section 223.1 of the *Municipal Act, 2001*;

- (q) “Member” means a person elected or appointed to an office on Council, including the Mayor, a Regional & Local Councillor, a Local Ward Councillor or a Member of a Local Board as defined above in (p);
- (r) “Municipal Act” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;
- (s) “Municipal Conflict of Interest Act” means the *Municipal Conflict of Interest Act*, R.S.O. 1990, c.M.50, as amended;
- (t) “Municipal Elections Act” means the *Municipal Elections Act, 1996*, S.O. 1996, c.32, as amended;
- (u) “Municipal Freedom of Information and Protection of Privacy Act” means the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended;
- (v) “Occupational Health and Safety Act” means the *Occupational Health and Safety Act*, R.S.O. 1990, c.O.1, as amended;
- (w) “office” means the authority and duties attached to the position of being an elected or appointed Member;
- (x) “Procedure By-law” means By-law No. 125-23, being a by-law to govern the proceedings of Council and its committees, or any successor by-law adopted by Council pursuant to subsection 238(2) of the Municipal Act;
- (y) “prohibited grounds” means race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status or disability, or any other prohibited grounds set out in the Human Rights Code;
- (z) “non-pecuniary interest” includes but is not limited to a private or personal interest that a Member may have that is non-financial in nature and that would be considered by a reasonable person, apprised of all the circumstances, as being likely to influence the Member’s decision in any matter in which the non-pecuniary interest arises, and may include but is not limited to, an interest that arises from a relationship with a person or entity;
- (aa) “Richmond Hill” means the Corporation of the City of Richmond Hill;
- (bb) “Richmond Hill Property” means items, services or resources which are the property of Richmond Hill including but not limited to: all real and personal property, materials, vehicles, equipment, services, Staff, documents, facilities, technology, Richmond Hill-developed computer programs or technological innovations, databases, intellectual property and supplies;
- (cc) “social media” means web-based applications and on-line forums that allow users to interact, share and publish content such as text, links, photos, audio and video;
- (dd) “Staff” means all full-time and part-time persons hired by Richmond Hill including the Chief Administrative Officer, Commissioners, Directors, Managers, Supervisors, Salaried Employees’ Association Staff, Members of C.U.P.E. Local 905, members of Richmond Hill Professional Fire Fighters Association, Local 1957, Administrative Staff,

contract and temporary employees, students, secondments, co-op placement Staff, volunteers, and hired contractors;

- (ee) “vexatious” includes, but is not limited to, troublesome or annoying in the case of being instituted without sufficient grounds and serving only to cause irritation and aggravation to the Member named in the complaint, and includes the meaning set out in the “Public Conduct and Complaints Policy” approved by Council effective on June 14, 2023;
- (ff) “Workplace Harassment” means
- (i) engaging in a course of vexatious comment or conduct against Staff in a workplace that is known or ought reasonably to be known to be unwelcome, or
 - (ii) workplace sexual harassment;
- (gg) “Workplace Sexual Harassment” means
- (i) Activities as set out in the City’s RWP Policy, including engaging in a course of vexatious comment or conduct against Staff in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
 - (ii) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the Staff and the person knows or ought reasonably to know that the solicitation or advance is unwelcome; and
- (hh) “workplace violence” means
- (i) Activities as set out in the City’s Respect in the Workplace Policy, including the use of physical force by a person against an employee, in a workplace, that causes or could cause physical injury to the employee;
 - (ii) an attempt to exercise physical force against an employee, in a workplace that could cause physical injury to the employee; or
 - (iii) a statement or behaviour that is reasonable for an employee to interpret as a threat to exercise physical force against the employee, in a workplace, that could cause physical injury to the employee.

Appendix “B”
Subsection 239(2) of the Municipal Act

239 (2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

- (a) the security of the property of the municipality or local board;
- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act.
- (h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value;
or
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Appendix C
List of Policies Applying to Members

1. Respect in the Workplace Policy;
2. Council Expense Policy;
3. Use of Corporate Resources for Election Campaign Purposes Policy;
4. Use of Assigning & Use of Wireless Communication Devices Policy; and
5. Personal Computing Standards Policy.
6. Communication and Mailing Policy for Members of Council
7. AMPS (Administrative Monetary Penalty System) Policy 01 – Conflict of Interest
8. AMPS Policy 04 – Preventing Political Interference
9. Council-Staff Relations Policy