

Code of Conduct for Committee and Task Force Members

1.0 Application and Purpose

1.1 This Code of Conduct applies to all Members of City of St. Catharines Advisory Committees, Quasi-Judicial Committees and Task Forces, based on the definitions listed in Section 2.0.

1.2 Individuals from the following bodies are excluded from this Code of Conduct and are instead governed by the City's Code of Conduct for Members of Council and Local Boards:

- St. Catharines City Council
- Committees where more than 50% of the membership is members of Council
- FirstOntario Performing Arts Centre
- Niagara Airport Commission
- St. Catharines Municipal Development Corporation
- St. Catharines Public Library Board
- St. Catharines Downtown Business Improvement Area
- Tourism St. Catharines

The City Clerk will, as needed from time to time, amend the bodies listed in 1.2.

1.3 The purpose of this Code of Conduct is to establish a general standard to ensure that all Members share a common basis for acceptable conduct, and to which all Members are expected to adhere to and comply with. This Code of Conduct complements other laws and items which Members are governed by, including but not limited to:

- *Municipal Act, 2001*
- *Municipal Conflict of Interest Act*
- *Municipal Elections Act, 1996*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Human Rights Code*
- *Occupational Health and Safety Act*
- *Simplified Meeting Procedures for Advisory Bodies (By-Law 2023-044)*
- *Public Appointments Policy*
- *Use of Corporate Resources for Election Purposes Policy*

2.0 Definitions

The following terms shall have the following meanings in this Code of Conduct:

- “Advisory Committee” means any body that Council establishes by by-law or resolution to provide advice or recommendations on broader matters as set out in the terms of reference provided by Council, which includes as Members persons appointed by Council, other bodies, or Staff.
- “City” means The Corporation of the City of St. Catharines.
- “Committee” means all bodies established by Council or a Committee, including a Task Force, Advisory Committee, Quasi-Judicial Committee, and any Sub-committee, of which fewer than fifty percent (50%) of its Members are members of Council or Local Boards, as defined in the *Municipal Act, 2001*
- “Confidential Information” means information or records that are in the possession, or custody or under the control of the City or Committee that the City or Committee is either precluded from disclosing under the *Municipal Act, 2001* or other applicable legislation, its Procedural By-law or any of its other by-laws, policies, rules or procedures, or that it is required to refuse to disclose under the *Municipal Freedom of Information and Protection of Privacy Act* or other legislation.
- “Conflict of Interest” means a situation in which a Member has competing interests or loyalties between the Member’s personal or private interests and that would be considered by a reasonable person, apprised of all the circumstances, as being likely to influence the Member’s decision in a matter, and may include, but is not limited to, an interest that arises from a relationship with a person or entity.
- “Council” means the Municipal Council of the City of St. Catharines, composed of the Mayor and twelve (12) Councillors.
- “Member” means an individual appointed to a Committee.
- “Non-pecuniary” means a private or personal interest that a Member may have that is non-financial in nature as part of a matter being discussed at a meeting.
- “Pecuniary” means a personal or private interest of a financial / monetary nature that a Member may have as part of a matter being discussed at a meeting.
- “Quasi-Judicial Committee” means any body that Council establishes with authority or power derived from provincial statute or regulation to make binding decisions.
- “Staff” means employees of the City, including any independent contractor, consultant or advisor retained by the City.
- “Staff Liaison” means the staff member responsible for recording the minutes of Meetings, distributing the agenda and material, keeping the records of the Committee and providing procedural and subject matter advice.
- “Task Force” means any body that Council establishes by by-law or resolution for the purpose of dealing with a special project or issue with a clear mandate and a start and finish date, which includes as Members persons appointed by Council, other bodies, or Staff.

3.0 Statement of Principles

3.1 The City values the important contribution of Members and recognizes the value of their advice.

3.2 The following key statements of principle are intended to guide Members and assist with the interpretation of the Code of Conduct:

- Members shall act with honesty, integrity, accountability and transparency;
- Members shall perform their duties and conduct themselves in a manner that promotes confidence in the Committee's decision making process;
- Members shall avoid the improper use of the influence of their role;
- Members shall avoid conflicts of interest;
- Members shall be aware that they are at all times representatives of the City and of Council and recognize the importance of their duties and responsibilities;
- Members shall respect that different opinions may be expressed by fellow Members, staff, Council or the public;
- Members shall respect the decision-making process of Council and Committees;
- Members shall respect and give fair consideration to diverse and opposing viewpoints; and
- Members shall follow all relevant legislation, by-laws, policies and guidelines.

The above statements are key principles that are intended to facilitate an understanding, application and interpretation of the Code of Conduct – they are *not* operative provisions of the Code of Conduct and are not intended to be enforced independently as such.

4.0 General Obligations

4.1 In all respects, a Member shall:

- (a) make every effort to act with good faith and care;
- (b) respect the administrative process associated with Committees, including Council's right to appoint and remove Members;
- (c) acknowledge that Committees make decisions as a collective body – that it is the right of the majority to decide, the minority to be heard and the public to have an opportunity to participate. For further clarity, Committees, save and except Quasi-Judicial Committees, are advisory only and do not exercise any power or authority and do not have decision making powers, unless authorized by Council;
- (d) conduct themselves with integrity, courtesy and respect during all activities related to serving as a Member, including but not limited to email exchanges concerning Committee matters, participation at meetings and communication with Members and Staff;

- (e) seek to advance the work of their Committee with honesty, accountability and transparency;
- (f) treat everyone, including all Members, Staff, Council and the public, with dignity and respect for their personal status regardless of their race, ancestry, place of origin, colour, ethnic origin, disability, citizenship, creed, sex, sexual orientation, gender identity, marital status, family status, immigrant status, receipt of public assistance, political affiliation, religious affiliation, level of literacy, language or socio-economic status;
- (g) refrain from making statements known to be false or with the intent to mislead Council, Staff, the Committee or the public;
- (h) refrain from making disparaging comments or unfounded accusations that questions the professional reputation, competence or credibility of Council, Members, Staff or the public;
- (i) treat the public, Members, Council and Staff with respect and without abuse, bullying, intimidation or harassment, and in compliance with the City's "Respect in the Workplace Policy – Harassment and Violence"; and
- (j) refrain from using indecent, abusive or insulting words, phrases or expressions, including toward any member of the public, Members, Council or Staff.

5.0 The Role of Staff

- 5.1** Members shall respect the role of Staff in the administration of City business and acknowledge that Staff provide advice and make recommendations in accordance with their professional ethics, expertise and obligations, and based on direction and guidance provided by the Chief Administrative Officer, Council, or both.
- 5.2** Members shall respect that their Staff Liaison performs their duties in association with other City responsibilities and respect their time accordingly.
- 5.3** Members shall not:
 - (a) Injure the professional or ethical reputation of Staff or Council;
 - (b) Humiliate, berate, belittle or publicly criticize Staff;
 - (c) Humiliate, berate or belittle Council;
 - (d) Compel Staff to engage in behaviour contrary to the City's mission, values and principles, or any direction provided by Council;
 - (e) Perform or direct the work of Staff.

6.0 City Property

- 6.1** Members shall not use City land, facilities, equipment, supplies, services, Staff, digital property or other resources for activities other than as approved as part of the business of the Committee.

7.0 Access to Information and Confidential Information

- 7.1** Members are entitled only to information relevant to matters before the Committee or their role as a Member. Otherwise, Members have the same rights to access information as any member of the public.

- 7.2** Members may, as needed, receive Confidential Information as part of their work. Members shall respect the confidential nature of such information and follow any directions provided by the City.
- 7.3** Members shall not disclose any Confidential Information received by virtue of their role, even if they cease to be a Member.

8.0 Use of Influence

- 8.1** Members shall not:
 - (a) Use their position for any purpose other than their duties as a Member;
 - (b) Seek any privilege or advantage with respect to City services not otherwise available to the general public;
 - (c) Seek financial gain for themselves, family or friends from their role as a Member;
 - (d) Accept any fees, gifts or personal benefits that are connected directly or indirectly with their service on a Committee, except compensation or reimbursement authorized by established policies, procedures, or by-laws. This does not apply to such gifts or benefits of a nominal value that may be received as protocol or social obligations undertaken through the Committee (e.g. a baseball cap, t-shirt, flash drive, book, etc.).

9.0 Communications

- 9.1** Members shall accurately communicate the recommendations and decisions of their Committee, Council and the City.
- 9.2** If contacted by the media, Members shall immediately notify the Staff Liaison regarding the inquiry and not speak for or on behalf of the Committee, Council or City unless authorized to do so.
- 9.3** In all communications, including electronic, Members shall treat each other, Staff, Council and members of the public with decorum, dignity and respect, and in a manner that aligns with the City's mission, values and principles. Members shall avoid messaging that amounts to abuse, bullying or intimidation.

10.0 Conflicts of Interest

- 10.1** Members shall:
 - (a) Avoid Conflicts of Interest, both Pecuniary and Non-Pecuniary;
 - (b) Take proactive steps to mitigate Conflicts of Interest to maintain public confidence in the decision-making process; and
 - (c) Comply with their responsibilities under the *Municipal Conflict of Interest Act* and the City's Simplified Meeting Procedures.

11.0 Committee Policies and Procedures

- 11.1** Members shall observe and adhere to the policies, procedures and rules established from time to time by Council for Committees.

12.0 Election Activity

- 12.1** Members are required to conduct themselves in accordance with any City policies and legislation pertaining to elections, including the City's Use of Corporate Resources for Election Purposes Policy. The use of City resources, including property and Staff time, for any election-related activity for municipal, provincial or federal office, is strictly prohibited.
- 12.2** No Committee shall undertake any election-related activities or work on, fund-raise, endorse, oppose or otherwise contribute to the election campaign of any person running for municipal, provincial or federal office, or third-party advertiser.
- 12.3** If a Member is seeking elected office, they may note their service as a Member of a Committee in their personal campaign materials as background information; however, these materials must not imply that the City or Committee is contributing to or endorsing the Member's campaign in any way.
- 12.4** Members and Committees may not use City resources for promoting or opposing the candidacy of any person or party in any municipal, provincial or federal campaign, or for promoting or opposing any third-party advertiser position.

13.0 Non-Compliance with the Code of Conduct

- 13.1** Any individual who identifies or witnesses behaviour or activity by a Member who appears to breach this Code may notify the City Clerk in writing. The Clerk will review the complaint with the Integrity Commissioner and determine if an informal resolution is possible. If an informal resolution is possible, the Clerk will work with the complainant to seek an informal resolution.
- 13.2** Informal resolutions may include, but are not limited to, an apology and a promise to discontinue the behaviour that resulted in the complaint.
- 13.3** Should an informal resolution not be possible, the Clerk may refer the matter to the Integrity Commissioner for further review and potential investigation. City Council may direct the matter to the Integrity Commissioner for an investigation.

14.0 Respect for the Code of Conduct Process

- 14.1** Members shall respect the process for complaints made under the Code of Conduct or through any complaints process adopted by the City.
- 14.2** It is a violation of this Code to:
 - (a) Obstruct the City Clerk, Staff or the Integrity Commissioner in the carrying out of their responsibilities.
 - (b) Destroy documents or electronic communications or refuse to respond to the City Clerk where a complaint has been lodged under this Code.
 - (c) Engage in any activity in retaliation against any person because they have made a complaint to or otherwise communicated with the City Clerk, Integrity Commissioner or Staff.