

BY-LAW NUMBER 19-23

OF

THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW

A By-law to establish a code of conduct for local boards and committees; council-staff relation policy, pregnancy and parental leave for council members policy and tree canopy and natural vegetation policy

WHEREAS Section 11 of the *Municipal Act 2001*, S.O. 2001, c. 25 as amended, authorizes municipalities to pass by-laws regarding Accountability and Transparency of the municipality;

AND WHEREAS Section 223.2 of the *Municipal Act, 2001*, c. 25 authorizes the Township of Clearview to establish a code of conduct for members of Council and its local boards;

AND WHEREAS, the code of conduct will contain commentary of each rule that will be updated from time to time by the Integrity Commissioner;

AND WHEREAS Section 270(1) of the *Municipal Act, 2001*, c.25 requires the municipality to adopt and maintain policies with respect to council-staff relations, pregnancy and parental leave for members of council and a tree canopy and natural vegetation policy;

NOW THEREFORE the Council of the Corporation of the Township of Clearview HEREBY ENACTS as follows:

1. That the local board and committee code of conduct as attached to this By-law as Schedule "A" is hereby approved and forms part of this By-law.
2. That council-staff relations policy attached to this By-law as Schedule "B" is hereby approved and forms part of this By-law.
3. That pregnancy and parental leave for members of council policy attached to this By-law as Schedule "C" is hereby approved and forms part of this By-law.
4. That tree canopy policy attached to this By-law as Schedule "D" is hereby approved and forms part of this By-law.
5. This By-law shall come into force and take effect on the date of final passing thereof.

By-law Number 19-23 read a first, second and third time and finally passed this 11th day of February, 2019.

MAYOR

DIRECTOR OF LEGISLATIVE SERVICES/CLERK

SCHEDULE "A"

TO

BY-LAW 19-23

CODE OF CONDUCT FOR LOCAL BOARDS - NON-ADJUDICATIVE & ADJUDICATIVE

Part 1

General Introduction, Framework and Interpretation

Guiding Principles

- 1: Avoidance of Conflicts of Interest
- 2: Gifts, Benefits and Hospitality
- 3: [intentionally left blank]
- 4: Confidential Information
- 5: Use of Township Resources
- 6: Election Campaigns
- 7: Improper Use of Influence
- 8: Business Relations
- 9: Member Conduct
- 10: Media Communications
- 11: Respect for the Township By-laws and Policies
- 12: Respectful Workplace
- 13: Conduct Respecting Staff
- 14: [intentionally left blank]
- 15: Reprisals and Obstructing
- 16: Acting on Advice of Integrity Commissioner

Part 2

[[Adjudicative Boards only]

- 17: Additional Requirements for Members of Adjudicative Boards
- 18: Communications with Parties
- 19: Independent Nature of Adjudicative Tribunals

Part 3

Complaint Protocol

Consequences of Failure to Adhere to Code of Conduct

Part 1

General Introduction, Framework and Interpretation

This document is a Code of Conduct for members of Local Boards, both adjudicative and non-adjudicative. Local Boards, sometimes referred to as committees or tribunals, are as defined in s.223.1 of the Municipal Act and as identified by the municipality.

Some additional restrictions apply to adjudicative boards and these are specified. The Code of Conduct for Local Boards follows the same organizational structure as the Council Code of Conduct. Definitions and commentary contained in the Council Code of Conduct may apply, where relevant, with necessary modifications and may be referred to for clarification and interpretive assistance in understanding this Code. Provisions of the Council Code of Conduct which are not relevant to members of Local Boards have been eliminated from this document.

Guiding Principles

Members shall act with honesty and integrity, serving in a diligent manner, and performing their duties in a manner which promotes public confidence.

Rule 1: Avoidance of Conflicts of Interest

Members shall avoid situations of real or apparent conflict of interest or bias.

Members shall avoid participating in or influencing a proceeding when the member, or another person with whom the member has a close personal or professional relationship, has a financial or other private interest that may be affected by the proceeding or its outcome.

Members shall not appear before the Local Board or committee on their own behalf or as a representative on behalf of any party.

Commentary: Members of BIAs will frequently have an 'interest in common' as business owners. Care should be taken to recognize an interest, when the Member stands to gain or otherwise benefit, in a manner that can be differentiated from others in the BIA. Where a Member contributes to an event 'at cost', no 'interest' is deemed to arise by reason only that the Member's business is a sponsor of the event.

Rule 2: Gifts, Benefits and Hospitality

No Member shall accept any Gift, except for Gifts that are deemed to have zero value in the Council Code of Conduct.

Despite the above, Members may accept the following Gifts: [meals, hospitality up to specified maximum, if client-Council sees fit] All such Gifts are to be reported to the Integrity Commissioner.

Rule 3: [Intentionally left blank]

Rule 4: Confidential information

Members shall not disclose to any member of the public any confidential information acquired by virtue of their position.

Confidential information includes any discussion that takes place between members of the Local Board or Committee when it is in a closed meeting.

Rule 5: Use of Township Resources, Election Campaigns

No member should use municipal equipment or staff, or other municipal services or resources for their own private purposes, or for election campaign purposes.

Rule 6: Election Campaigns

No member, while identifying themselves as a member of a Local Board, shall undertake any election campaign or election-related activities or work on, fund-raise, endorse or otherwise contribute to the election campaign of any person running in the municipal election for the municipality where the member serves on the Local Board.

Rule 7: Improper Use of Influence, Business Prospects

No member shall use the influence of his or her position for any purpose other than the duties as a member of the Local Board.

Rule 8: Business Relations

No member shall allow the prospect of future employment by a person or entity to affect the performance of his/her duties as a member of the Local Board.

Rule 9: Member Conduct

Members shall conduct themselves with decorum at all times.

Members shall maintain proper control over meetings demonstrating respect for everyone who is involved in the meeting.

Members are expected to attend all meetings of the Local Board or Committee. If a member misses more than three (3) meetings during their term, the Chair, after hearing and considering any explanation provided by the member, may ask the member to resign, or request that Council remove the member.

Rule 10: Media Communications

Members shall accurately communicate recommendations and proceedings of their Local Board.

If a member is contacted directly by the media, the member should refer the media to the Chair, or in the absence of the Chair, to the Vice-Chair.

Rule 11: Respect for the Township By-laws and Policies

Members shall adhere to and encourage public respect for the Local Board, the municipality and its by-laws, policies and procedures.

Rule 12: Respectful Workplace

Members are governed by the relevant workplace harassment policies in place for staff.

Rule 13: Conduct Respecting Staff

Members shall be respectful of the role of staff to advise based on political neutrality.

Members shall respect the professionalism of staff, and not exert undue influence on staff.

Rule 15: Reprisals and Obstructing

It is a violation of this Code of Conduct to obstruct the Integrity Commissioner in the carrying out of his/her responsibilities.

It is a violation of this Code of Conduct to engage in any activity in retaliation against any person because he/she has made a complaint to or otherwise communicated with the Integrity Commissioner.

Rule 16: Acting on Advice of Integrity Commissioner

Advice given by the Integrity Commissioner is binding on the Integrity Commissioner in the event of a complaint.

Part 2

ADDITIONAL REQUIREMENTS APPLICABLE TO MEMBERS OF ADJUDICATIVE LOCAL BOARDS

Rule 17: In addition to the provisions applicable to Members of Non-adjudicative Local Boards, the following additional requirements are applicable with respect to the referenced rule:

Rule 2: Gifts, Benefits and Hospitality

Members should recuse themselves from any hearing, to avoid any perception of bias or conflict of interest which may arise as a result of a gift, benefit or hospitality provided by any of the parties or participants potentially affected by the decision of the Local Board.

Rule 6: Election Campaigns

Members of Adjudicative Local Boards are prohibited from fundraising for, endorsing, or otherwise contributing to the election campaign of any person running for a seat on Council.

Rule 10: Media Communications

Members of adjudicative boards should generally not comment to the media in relation to any decision made by the board or the rationale behind such decision. On the rare occasion when a comment may be appropriate, only the Chair shall serve as a media contact and all enquiries shall be referred to him/her.

Rule 18: Communications with Parties

Written communication to an adjudicative board shall take place only through the Secretary of the board or the appropriate municipal staff assigned to such board, and shall be copied to all parties or their representatives as appropriate. Oral communications with the adjudicative board about current proceedings shall take place only in the presence of or with the consent of all parties.

Where a party is represented by a representative, all communication between the adjudicative board and the party shall be through the representative, with the exception of notices of hearing, which shall be served upon all parties and their representatives known to the adjudicative board as appropriate.

Rule 19: Independent Nature of Adjudicative Boards

The Chairs of adjudicative boards should ensure that the actions of any member, as well as Council members and staff attending adjudicative board meetings, are consistent with the arm's-length, quasi-judicial nature of the adjudicative board. Any actions compromising this position should be immediately dealt with by the Chair or panel chair.

Members of adjudicative boards operating at arm's-length from Council should refrain from seeking advice on their roles and responsibilities from Council members. In clarifying their roles and responsibilities, members should seek advice from appropriate staff.

An adjudicative board is required by the applicable laws to operate at arm's-length from and independently of Council. Members should therefore not request members of Council to intervene on applications considered by the adjudicative board. Under the Council Code of Conduct, members of Council are only permitted to communicate to the adjudicative board regarding a matter before the board by a letter addressed to the Secretary of the board which is available to all parties.

Part 3

COMPLAINT PROTOCOL

The Complaint Protocol contained in the Council Code of Conduct applies with necessary modifications to complaints regarding members of Local Boards.

CONSEQUENCES OF FAILURE TO ADHERE TO CODE OF CONDUCT

Members who are found by the Integrity Commissioner to have failed to comply with the Code of Conduct for Local Boards may be subject to the following sanctions:

- (a) a reprimand; or
- (b) suspension of remuneration paid to the member in respect of his or her services as a member of the Local Board (if any).

Members may also be subject to such other remedial actions recommended by the Integrity Commissioner that directly flow from the action or behaviour of the member of the Local Board.

Members are subject to removal from the Local Board, or removal as Chair of the Local Board, by Council.

Schedule "B" to By-law 19-23

	<p>TOWNSHIP OF CLEARVIEW</p>	<p>STANDARD OPERATING PROCEDURE</p>	<p>A09</p>
<p>COUNCIL – STAFF RELATIONS POLICY</p>		<p>LS-003- 2019</p>	
<p>Created By:</p>	<p>Human Resources Manager and Clerk</p>	<p>Creation Date:</p>	<p>20/12/2018</p>
<p>Approved By:</p>	<p>Council</p>	<p>Approval Date:</p>	
<p>Last Revised By:</p>		<p>Last Revised:</p>	

PURPOSE

The purpose of this Policy is to provide an outline of Council-Staff relations for the Corporation of the Township of Clearview. This policy re-enforces the commitment between council and staff to continue to foster respectful recognition of the differences between both roles.

DEFINITIONS

“Council” shall mean the members elected as the legislative body for the Township of Clearview.

“Elected Officials” shall mean the Mayor, Deputy Mayor and all Councillor positions for the Township of Clearview.

“Township of Clearview” shall mean the Corporation of the Township of Clearview.

“Staff” shall mean full-time, part-time, contract workers and volunteer firefighters, employed by the Township of Clearview.

POLICY

The Council -Staff Relations Policy is a document to be used to as a resource to determine best course of action for both members of council and staff.

Guiding Principles

1. There are several policies, approved by Council to define standards in the workplace that apply directly to council-staff relations. It is expected that both members of council and staff will adhere to the requirements contained in the following key policies:
 - Respect in the Workplace: Preventing Violence, Harassment and Discrimination.
 - Corporate Health and Safety Policy

Schedule "B" to By-law 19-23

- Council Code of Conduct
 - Staff Code of Conduct
2. Staff provide recommendations and implement council decisions. Staff take direction from resolutions or by-laws passed at Council meetings by Elected Officials.
 3. Elected Officials are chosen and elected by the public to make sound decisions that represent the perceived wishes of the community. Staff are hired based on their professional expertise. Staff make decisions and/or provides objective, professional advice based on academic training and experience.
 4. Council time and staff time are valuable. Staff will come prepared to board, committee and council meetings with the information needed for council to make an informed decision with matters as specified on the agenda. Elected Officials are encouraged to contact staff with any questions they may have prior to the meeting. This will enable staff to have the answers readily available for all elected officials at the meeting.
 5. It would be beneficial to members of council, should they wish to discuss a matter with staff that could take some time, that they plan ahead to advise of a preferred date and time to ensure a wholesome discussion can take place that is mutually beneficial for both parties.
 6. Council and staff both work for the good of the public. Decisions need to be made on the basis of complete information and recommendations from Staff. Council need to rely on their own judgement and make decisions on issues.
 7. Staff shall remain impartial to any council conflicts that may occur.
 8. The CAO is responsible to ensure the effectiveness of municipal operations for the Township of Clearview. This includes resolving any staff performance management issues. No elected official shall direct a staff person. The only exception to this rule, is the supervisor -employee relationship between the CAO and Council (Mayor is CAO's direct supervisor).
 9. Both Council and Staff shall work hard at fostering a climate of mutual respect that demonstrates that each group is intelligent and professional but face different challenges and recognize the mutual goal is to serve the best interests of the community.

RESPONSIBILITIES

Members of Council, officers and employees of the Corporation are required to adhere to this policy and its governing provisions, including Respect in the Workplace: Preventing Violence, Harassment and Discrimination, Corporate Health and Safety Policy, Council Code of Conduct and the Staff Code of Conduct.


MONITORING/CONTRAVENTIONS

The CAO shall be responsible for receiving any complaints and/or concerns related to this policy regarding staff conduct. The Integrity Commissioner shall be responsible for receiving any complaints and/or concerns related to this policy regarding a member of council.

LEGISLATIVE AND ADMINISTRATIVE AUTHORITIES

The Municipal Act, 2001 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. The Council-Staff Relations Policy identifies the legislation, policies and procedures that the Township compiles with in order to promote a respectful relationship between Members of Council and the officers and employees of the Township of Clearview.

Schedule "C" to By-law 19-23

	<p>TOWNSHIP OF CLEARVIEW</p>	<p>STANDARD OPERATING PROCEDURE</p>	<p>A09</p>
<p>COUNCIL – PREGNANCY AND OR PARENTAL LEAVE OF ELECTED OFFICIALS</p>		<p>LS-003- 2019</p>	
<p>Created By:</p>	<p>Human Resources Manager</p>	<p>Creation Date:</p>	<p>09/01/2019</p>
<p>Approved By:</p>	<p>Council</p>	<p>Approval Date:</p>	
<p>Last Revised By:</p>		<p>Last Revised:</p>	

PURPOSE

The purpose of this Policy is to provide guidance on how the Township of Clearview addresses an Elected Official’s pregnancy and or parental leave in a manner that respects the member’s statutory role as an elected representative.

DEFINITIONS

“Council” shall mean the members elected as the legislative body for the Township of Clearview.

“Elected Officials” shall mean the Mayor, Deputy Mayor and all Councillor positions for the Township of Clearview.

“Township of Clearview” shall mean the Corporation of the Township of Clearview.

“Pregnancy and/ or Parental Leave – an absence of 20 consecutive weeks or less as a result of a member’s pregnancy, the birth of a member’s child or the adoption of a child by the member in accordance with Section 295 (1.1) of the Municipal Act, 2001

POLICY

The Township of Clearview recognizes an Elected Official’s right to take leave for the member’s pregnancy, the birth of the member’s child or the adoption of a child by the member as required by and in accordance with Section 270 of the Municipal Act, 2001

Guiding Principles

1. Where a member of Council will be absent due to a pregnancy and/or parental leave, the member shall provide written notice to the Director of Legislative Services/Clerk or designate indicating expected start and end dates.

Schedule "C" to By-law 19-23

2. The Mayor may make temporary appointments to any committees, boards, task forces, etc. that are constituted by the Township of Clearview and where the member is the only member of Council on that body.
3. A member's pregnancy and/or parental leave does not require Council approval and his or her office cannot be declared vacant as a result of the leave. Council will be advised of the pregnancy and/or parental leave and the expected start and end dates.
4. A member will continue to receive communication from the Township as if the member were not on leave.
5. A member reserves the right to participate as an active member of Council, Committees, Boards, task forces, etc. as replacements for the member on leave at any time during his or her leave.
6. A member shall continue to receive all remuneration, reimbursements and benefits afforded to all members of Council
7. Members of Council on pregnancy and/or parental leave shall continue to have access to all equipment supplied to a regular member including but not limited to access to the Township office and information technology equipment.
8. At any point in time during a member's pregnancy or parental leave, the member may provide written notice to the Director of Legislative Services/Clerk or designate of their intent to lift any of the temporary appointments to exercise their statutory role or any changes to their return date.

RESPONSIBILITIES

Members of Council and staff are responsible for adhering to the parameters of this policy.

The Director of Legislative Services / Clerk is responsible for communicating this policy to all Council members and ensuring compliance to this policy.

MONITORING/CONTRAVENTIONS

The Clerk shall be responsible for receiving any complaints and/or concerns related to this policy. The Integrity Commissioner shall be responsible for receiving any complaints and/or concerns related to this policy regarding a member of council.

LEGISLATIVE AND ADMINISTRATIVE AUTHORITIES

Section 270 of the Municipal Act, 2001, as revised by Bill 68 requires Council to adopt and maintain a policy with respect to the pregnancy and parental leaves of Members of Council.

Schedule "D" to By-law 19-23



CLEARVIEW

Tree Maintenance Policy

Section 1- Title and Scope

1. Short Title

This Policy may be cited as the Township of Clearview Tree Maintenance Policy

Section II – Definitions

2. The following terms for the purposes of this Policy have the meaning as stated below:
 - (i) Township of Clearview means the Council for the Township of Clearview
 - (ii) "Trim/Cut/Maintain" means to remove any unwanted or dead branches or diseased trees, which may cause property or personal damage. This does not mean to trim for esthetics but rather for visibility, wires and to ensure the tree branches do not contact vehicles.
 - (iii) "Owner" includes the holder of a leasehold interest or a tenant in possession of the adjoining property
 - (iv) "Road Authority" means The Corporation of the Township of Clearview

Section III- Administration

- 3.1. A person seeking to trim/remove or maintain a tree within the boundaries of the road allowance of the Township of Clearview
 - (i) Advise the location of the Tree
 - (ii) The ownership of the tree shall then be determined
 - (iii) The location of wires or any obstructions which will impede the removal of a dead tree
 - (iv) Any pertinent or unusual characteristics of the tree.
- 3.2 The General Manager of Transportation and Drainage or his designate will approve the removal, maintenance or trimming of a tree and may impose conditions for compliance within this Policy.

- 3.3 The Road Authority is hereby permitted to:
- Give notice in writing to any person who fails to comply with the provisions of this Policy and requires such persons to cease the removal of Township trees and the person or persons will have ten (10) days to remove a danger unless deemed an immediate danger by the Township at which time the removal shall be as soon as possible and the person shall be invoiced for the work carried out to remove such a danger.

Section IV- Permitted Location/Construction

4. Trees may be removed on Township property by the Township or their agents if they meet with one of the four (4) criteria
- (i) Causing damage to public or private property
 - (ii) Tree too large for the lot
 - (iii) Danger to the public- i.e.: dead tree or branches which will be of concern
 - (iv) Visibility concerns for vehicular or pedestrian traffic-either private or Township tree

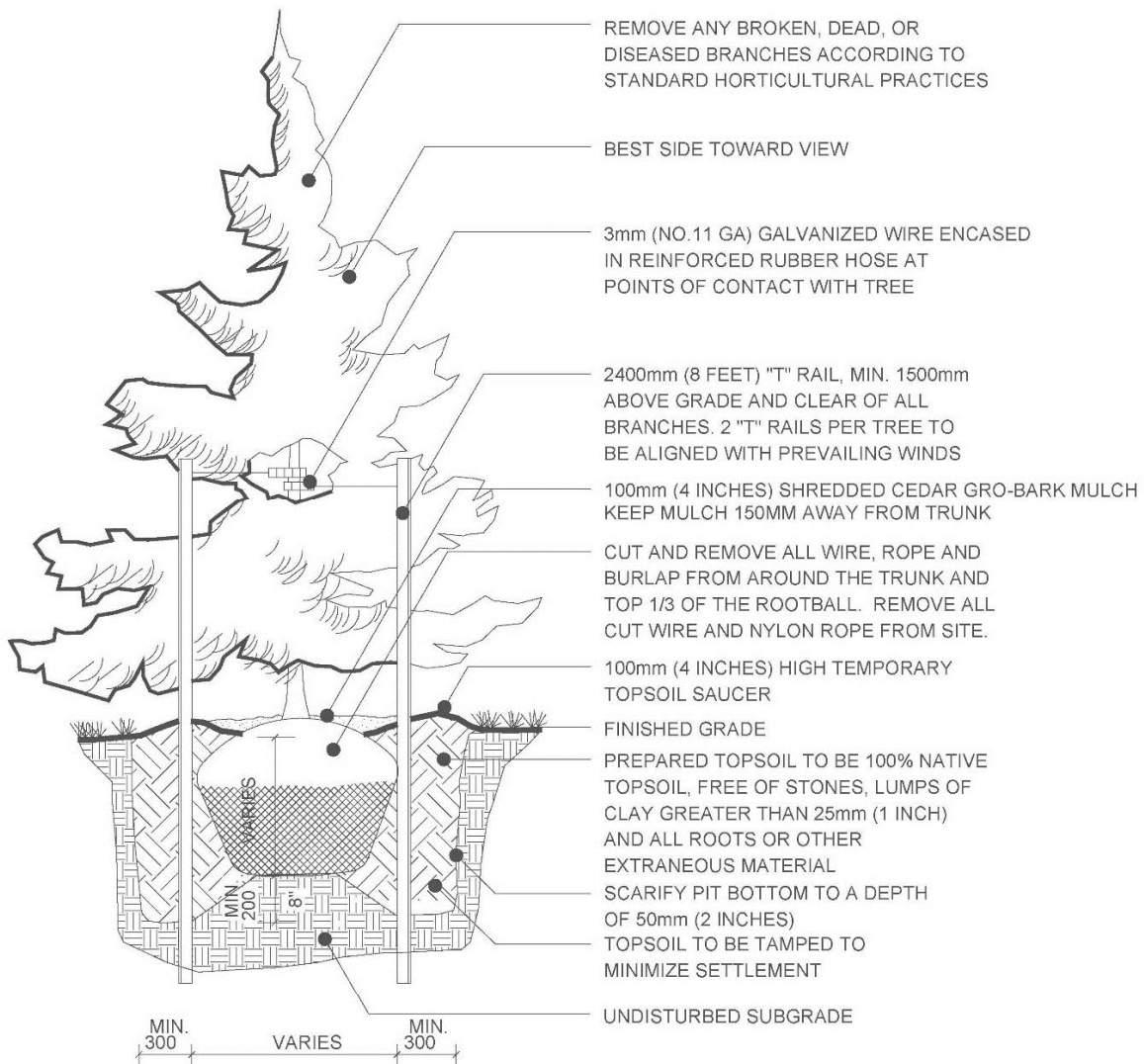
Section V – Notice/Action Regarding Non-Conformity

- (i) The Township of Clearview shall, when possible, notify residents along the Township roadways, where trees exist which are considered a safety hazard, in order to have the tree removed. The Township will simply trim a tree without notification to remove any dangerous branches.
- (ii) The Township of Clearview may advise a private individual their private tree is a danger and in the event the tree causes damage to Township property the owner may be responsible for the cost to repair or remove the tree and repairs to the Township property.
- (iii) In the event a private individual refuse to remove a tree which has been deemed a danger, the Township may advise the individual by mail of the concern. The Township has the ability to remove branches which have encroached on Township property in order to remove a danger.
- (iv) Under Section 135 of the Municipal Act the Township shall ensure good Forestry Practices are employed while removing trees

Section VI – Replacement of Removed Trees

- (i) Replacement of trees in the rural area shall not occur due to the proliferation of trees in the rural areas.
- (ii) Replacement of trees in the urban areas shall occur on a case by case occurrence. In the event a subdivision is occurring in an open field in the urban area the subdivision agreement calls for the placement of a specified number of trees on the yards, therefore this will more than compensate for the number of trees which may have been removed in order to facilitate the subdivision. Replacement of trees in a wooded lot again shall be compensated by the number of trees replaced under the Subdivision Agreement on the yards.
- (iii) Replacement of trees in a park shall be one for one. Although the species of tree removed may be native to the area another tree which may be native, if required, may replace the original tree.
- (iv) The Township of Clearview will replace any trees, in an urban environment, unless there is a conflict with utilities or visibility concerns.

Appendix A – Tree Planting Details



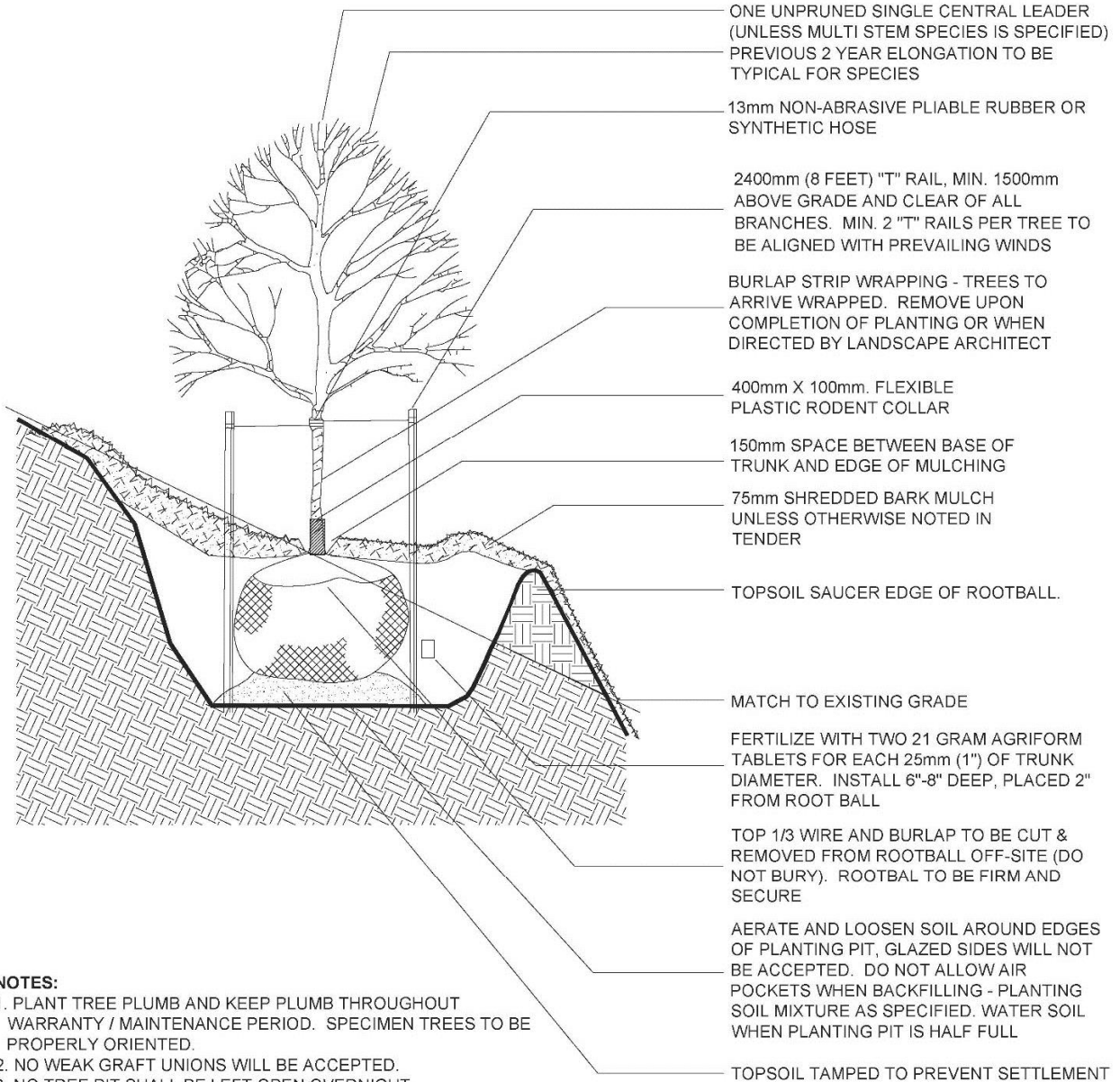
NOTES

- 1) SAUCER SHALL BE SOAKED WITH WATER AND MULCHED IMMEDIATELY FOLLOWING PLANTING
- 2) PLANT STOCK MOVED WHILE IN LEAF SHALL BE COVERED WHILE IN TRANSIT OR IN TEMPORARY STORAGE
- 3) PLANT TREE SO THAT NURSERY SOIL LINE MATCHES FINISHED GRADE AFTER SETTLING
- 4) TAMP TOPSOIL WHEN BACKFILLING TO REMOVE AIR POCKETS
- 5) REMOVE ALL NURSERY TAGS, METAL OR PLASTIC
- 6) IN HEAVY CLAY OR POORLY DRAINED SOIL, ALL WOODY PLANTS TO BE PLACED SO THAT THE ROOT COLLAR IS POSITIONED 75MM-100MM HIGHER THAN SURROUNDING GRADE.

TYPICAL CONIFEROUS TREE PLANTING

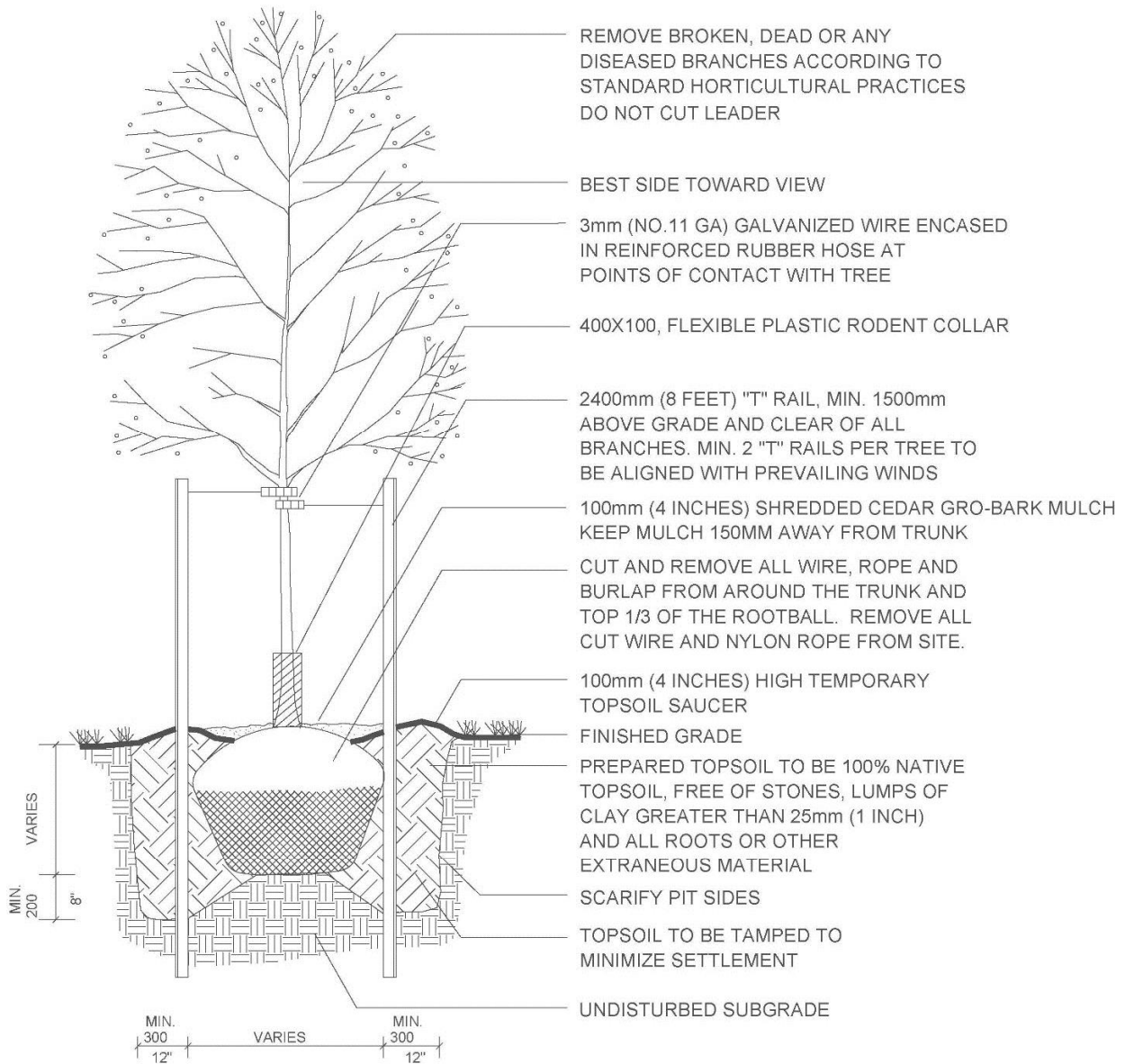
WIRE BASKET, BALLED AND BURLAPPED

N.T.S.



DECIDUOUS TREE PLANTING ON SLOPE
WIRE BASKET, BALLED AND BURLAPPED

N.T.S.



TYPICAL DECIDUOUS TREE PLANTING

WIRE BASKET, BALLED AND BURLAPPED

N.T.S.