

**TOWN OF INGERSOLL**  
**POLICIES AND PROCEDURES**

**Policy:** **Code of Conduct for Members of Council and Members of Council's Boards and Advisory Committees**

**Approval Date:** \_\_\_\_\_ **2008**  
**Effective Date** \_\_\_\_\_ **200**\_\_

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**STATEMENT OF PRINCIPLE**

A written Code of Conduct helps to ensure that the members of Council, advisory committees and of local boards of the municipality (as defined in the Municipal Act) share a common basis of 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 Ingersoll's elected and appointed representatives operate from a base of integrity, justice and courtesy.

Members of Council are responsible for making honest statements. No member shall make a statement when they know that statement is false. No member shall make a statement with the intent to mislead Council members and the public.

The Town of Ingersoll's Code of Conduct is a general standard that augments the provincial laws and municipal policies and by-laws that govern their conduct. It is not intended to replace personal ethics.

This Code of Conduct is consistent with the existing statutes governing the conduct of members. Four pieces of provincial legislation govern the conduct of members of Council those being:

1. The Municipal Act as amended, and the Council Procedural By-law passed under section 238 of that Act;
2. the Municipal Conflict of Interest Act as amended;
3. the Municipal Elections Act, 1996 as amended; and
4. the Municipal Freedom of Information and Protection of Privacy Act

The Criminal Code of Canada also governs the conduct of members of Council.

All members whom this Code of Conduct applies shall serve their constituents in a conscientious and diligent manner. No member shall use the influence of office for any purpose other than the exercise of his or her official duties.

**Applicable to**

The Code of Conduct shall apply to all members of Council, advisory committees and of local boards of the municipality (as defined in the Municipal Act).

**APPLICATION****Protocol for Complaint Process-Code of Conduct-Formal**

The formal portion of the Complaint Process requires that a complaint be made in writing setting out the grounds for the belief that there is an alleged contravention. Each complaint shall include a supporting affidavit that sets out the evidence in support of the complaint. The complaint shall be filed through the Clerk, or designate, who is a commissioner for taking affidavits.

**Gifts and Benefits**

No member shall accept a fee, advance, gift or personal 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 fee or advance paid to or a gift or benefit provided with the member's knowledge to a member's spouse, child or parent or to a member's staff that is connected directly or indirectly to the performance of the member's duties is deemed to a gift to that member.

The following are recognized as exceptions:

- a. Compensation authorized by by-law;
- b. Such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- c. A political contribution otherwise reported by law;
- d. Services provided without compensation by persons volunteering their time;
- e. A suitable memento of a function honouring the member
- f. 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 country;
- g. Food and beverages consumed at banquets, receptions or similar events, if:
  - Attendance serves a legitimate purpose;
  - The person extending the invitation or a representative of the organization is in attendance; and
  - The value is reasonable and the invitations infrequent
- h. Communication to the offices of a member, including subscriptions to newspapers and periodicals.

In the case of categories (b) (e) (f) (g) and (h), if the value of the gift or benefit exceeds \$300, or if the total value received from any one source during the course of a calendar year exceeds \$300, the member shall within 30 days of receipt of the gift or reaching the annual limit, file a disclosure statement with the Chief Administrative Officer.

The disclosure statement must indicate:

1. The nature of the gift or benefit;
2. Its source and date of receipt;
3. The circumstances under which it was given or received;
4. The estimated value;
5. What the recipient intends to do with the gift; and
6. Whether any gift will at any point be left with the Town

Any disclosure statements will be a matter of public record.

On receiving a disclosure statement, the Chief Administrative Officer shall examine it to ascertain whether the receipt of the gift or benefit might, in her or his opinion, create a conflict between a private interest and the public duty of the member. In the event that the Chief Administrative Officer makes that preliminary determination, he or she shall call upon the member to justify receipt of the gift or benefit.

Should the Chief Administrative Officer determine that receipt was inappropriate, a written report shall be presented to Council in closed session whereby Council may direct the member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or forfeit the gift or remit the value of the gift or benefit already consumed to the Town.

No member shall seek or obtain by reason of his or her office any personal privilege or advantage with respect to Town services not otherwise available to the general public and not consequent to his or her official duties.

### **Confidentiality**

All information, documentation or deliberation received, reviewed or taken in closed session of Council and its committees are confidential.

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. Under the Procedural By-law (authorized under s. 239 of the Municipal Act), where a matter that has been discussed at an in-camera (closed) meeting remains confidential, no member shall disclose the content of the matter, or the substance of deliberations, of the in-camera meeting. Members shall not permit any persons other than those who are entitled thereto to have access to information that is confidential.

Particular care should be exercised in ensuring confidentiality of the following types of information:

- The security of the property of the municipality or local board;
- Personnel matters about an identifiable individual, including municipal or local body employees;
- A proposed or pending acquisition or disposition of land by the municipality or local board;
- Labour relations or employee negotiations;
- Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- A matter in respect of which a council board, committee or other body may hold a closed meeting under another Act;
- Items under litigation, negotiation, or personnel matters;
- Information that infringes on the rights of others (e.g. sources of complaints where the identity of a complainant is given in confidence);
- Price schedules in contract tender or Request For Proposal submissions if so specified;
- Information deemed to be “personal information” under the Municipal Freedom of Information and Protection of Privacy Act; and
- Statistical data required by law not to be released (e.g. certain census or assessment data)

This list is provided as an example and is not exclusive. Requests for information should be referred to appropriate staff to be addressed as either an informal request for access to municipal records or

as a formal request under the Municipal Freedom of Information and Protection of Privacy Act.

**Use of Town Property, Services and other Resources**

No member shall use for personal purposes any Town property, equipment, services, supplies or services of consequence other than for purposes connected with the discharge of Town duties or associated community activities of which Town Council has been advised.

No member shall obtain financial gain from the use of Town developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains exclusive property of the Town of Ingersoll.

No member shall use information gained in the execution of his or her duties that is not available to the general public for any purposes other than his or her official duties.

**Work of a Political/Personal Nature**

No member shall use Town facilities, services or property for his or her re-election campaign. No member shall use the services of the Town employees for his or her re-election campaign, during hours in which the employees are in the paid employment of the Town.

No member shall use Town facilities, services or property for his or her personal or personal business use. No member shall use the services of Town employees for his or her personal or personal business during the hours in which the employees are in the paid employment of the Town.

**Conduct respecting Current and Prospective Employment**

No member shall allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the Town.

**Conduct at Meetings of Council**

Members shall conduct themselves with decorum at Council in accordance with the provisions of the Council Procedural By-law. Respect for delegations and for fellow members and staff requires that all members show courtesy and not distract from the business of the Council during presentations and when other members have the floor.

**Use of Town Technology Resources**

Members shall comply with the provisions of the Town of Ingersoll Computer User Policy.

The Town of Ingersoll licenses the use of computer software from a variety of vendors. The Town of Ingersoll does not own the software or its documentation. Software is normally copyrighted, and no individual may copy or distribute the software unless expressly permitted to do so under the applicable licence.

**Business Relations**

No member shall borrow money from any person who regularly does business with the Town 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 before Council or a committee of Council or any agency, board, or committee of the Town.

### **Expenses**

Members shall comply with the provisions of the Town of Ingersoll Mileage Allowance, and Expense Allowance – Conferences, Conventions, Seminars, Training Courses and Workshops.

### **Representing the Town**

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**

Members shall be respectful of the fact that staff work for the Town 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.

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.

The Council directs the business of the Town and passes by-laws, or resolutions as appropriate, for decisions adopted by Council. Council has delegated responsibility to the Chief Administrative Officer for the administration of the affairs of the Town in accordance with the by-laws adopted. This means that under the direction of the CAO, staff has the responsibility and the authority to provide consultation, advice and direction to Council and to implement Council approved policy. Accordingly, staff establishes the appropriate administrative policies, systems, structures and internal controls to implement the goals and objectives of Council, and to manage implementation within the resources at their disposal. The Council should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics, the loyalties of persons in power, or their personal opinions.

### **Encouragement of respect for the Town and its by-laws and policies**

Members shall encourage public respect for the Town and its by-laws and policies.

### **Harassment**

Harassment of another member, staff or any member of the public is misconduct. It is the policy of the Town of Ingersoll that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

Harassment may be defined as any behaviour by any person that is directed at or is offensive to another person on the grounds of race, ancestry, place or origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status and any other grounds under the provisions of the Ontario Human Rights Code.

The Ontario Human Rights Code applies, as does the Workplace Harassment Policy approved by Council on June 8, 1994.

### **Employment of Council Relatives Policy**

Members shall comply with the provisions of Town of Ingersoll Nepotism.

An immediate relative shall be defined as a parent, spouse, children, sister, brother, sister-in-law, brother-in-law, father-in-law, mother-in-law as well as step-relationships. Spouse shall mean the person to whom a person is married or with whom the person is living in a conjugal relationship outside of marriage.

**Interpretation**

Members seeking clarification of any part of this Policy should consult with the Chief Administrative Officer

The Chief Administrative Officer shall:

1. investigate within 30 days receipt of a formal written request and prepare a written report and recommendation for Council. Additional time, if justified, may be authorized by a resolution of Council.
2. determine if a member or members have committed a breach of the code
3. recommend disciplinary action as set out in the Municipal Act
4. provide an annual report to Council for review. This report shall provide a list of investigations, costs and the status of the individual investigations.

The Chief Administrative Officer may consult with legal counsel as may be required in determining points of law.