



**CORPORATION OF THE TOWN OF INGERSOLL  
BY- LAW NO. 11 - 4646**

**Being A By-Law to Establish A Code Of Conduct For Members Of  
Council, Local Boards And  
Advisory Committees**

**WHEREAS** Section 223.2(1) of the *Municipal Act*, 2001, C. 25, as amended, authorizes municipalities to establish codes of conduct for members of the council of the municipality and of local boards of the municipality; and,

**AND WHEREAS** Section 223.3(5) of the *Municipal Act*, 2001, C. 25, as amended, authorizes penalties for a contravention of the code of conduct;

**AND WHEREAS** the Council for the Corporation of the Town of Ingersoll deems it desirable to establish a Code of Conduct;

**NOW THEREFORE** the Council of the Corporation of the Town of Ingersoll enacts as follows:

1. That the Council does hereby adopt the Code of Conduct and shall be governed by the provision and regulations contained in this By-law and as attached as Schedule 'A'.
2. Schedule 'A' attached hereto, in substantially the same form, shall form part of this By-law.
3. That this By-law shall come into force and be effective on the date of the third and final reading thereof.

READ a first and second time in Open Council this 11th day of October, 2011.

READ a third and finally passed in Open Council this 11th day of October, 2011.

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Edward (Ted) Comiskey, Mayor

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Marsha Paley, Clerk

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

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

**Previous Approval Date: September 8, 2008 (Resolution C08-09-245)**

**Revised Date: August 4, 2011**

**Approval Date: October 11, 2011**

**Effective Date: Upon Council Approval**

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## **INTRODUCTION**

A written Code of Conduct helps to ensure that the members of Council, advisory committees and local boards of the municipality (as defined in the *Municipal Act, 2001*) share a common understanding 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. Such standards should serve to enhance public confidence that Ingersoll’s elected and appointed representatives operate from a base of integrity, justice and courtesy; avoiding the improper use/influence of their office and conflicts of interest, be they real or perceived. This builds support for local government and the political process.

Four pieces of provincial legislation governs the conduct of elected officials and include:

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.

## **PURPOSE**

To identify the Town’s expectations of its members and sets guidelines for appropriate behaviours to (a) protect the public interest; (2) encourage the highest of ethical standards among members; (c) provide an understanding of the fundamental rights, privileges and obligations; (d) offer a procedure on the determining the appropriateness of conduct; and, (e) identify a means of correcting inappropriate conduct.

The following key principles provide the foundation for the Code. Members shall/are:

- Serve and be seen to serve constituents in a conscientious and diligent manner;
- Committed to performing their functions with integrity, honesty and accountability;
- Make decisions that are made in the open, transparent and equitable through the

- proper processes;
- Show respect and fairness for differences of opinion;
- Work together for the common good of the community and its residents;
- Demonstrate an understanding of the fundamental rights, privileges and obligations of their elected position;
- Perform their duties to promote public confidence and bear close public scrutiny; and,
- Sets out the means of correcting unethical conduct.

The Code of Conduct is meant to identify the standards to:

- Ensure equitable treatment of citizens and employees;
- Communicate corporate and community priorities;
- Ensure compliance with statutory requirements;
- Minimize liability risks;
- Ensure accountability by elected officials;
- Ensure optimal use of available resources;
- Implement the corporate and community strategic plans; and,
- Set limits on governance and operational matters.

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 revised Code of Conduct is consistent with the existing statutes governing the conduct of members.

## **POLICY**

### **1. Definitions**

“**Child**” means a child born within or outside marriage and includes an adopted child or a person who a parent has demonstrated a settled intention to treat as a child within his or her family.

“**Confidential Information**” includes any information that is of a personal nature to Town employees, clients or information in the custody or under the control of the Town that is not available to the public and that, if disclosed, could result in loss or damage to the Town of could give the person to who it is disclosed an advantage.

“**Corporate Resource**” includes but is not limited to Town equipment, supplies, services, tools, property (both physical and intellectual), systems, software systems, website, domain name, logo, handheld mobile devices, cell phone, phone, address, voice-mail, e-mail, facility and staff while undertaking duties on behalf of the Town.

“**Immediate Relative**” shall be defined as a parent, spouse, child, sister, brother, sister-in-law, brother-in-law, father-in-law, mother-in-law as well as step-relationships.

“**Parent**” means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child.

“**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.

## **2. Roles and Responsibilities**

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*).

It is the responsibility of the Members to ensure that they, as individuals or as a Council or Committee, adhere to and uphold the Code.

Members must recognize their responsibility to:

- Represent the diversity of community views in a fair and equitable manner, while developing an overall strategy for the future of the Town;
- Perform their duties in an impartial manner;
- Endeavour to demonstrate sound financial management, planning and accountability; and,
- Be aware of and understand statutory obligations imposed upon individual members and Council as a statutory body regarding, but not limited to conflict of interest and confidentiality.

## **3. Benefits, Gifts or Hospitality**

The Town recognizes that moderate hospitality is an accepted courtesy of a business relationship. However, members shall not accept a fee, advance, gift, benefit, service, entertainment or hospitality that is connected directly or indirectly with the performance of his or her duties of Office, which could be seen to compromise their decision on a matter or create any obligation or special consideration by an individual, group or organization, 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 be 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

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- 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;
- forfeit the gift; or,
- remit to the Town, the value of the gift or benefit if already consumed.

Members shall not seek or obtain by reason of his or her office any personal privilege or advantage with respect to Town services that are not otherwise available to the general public and not consequent to his or her official duties.

#### **4. Business Relations**

A member shall not 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.

#### **5. Communications / Media Relations**

Members shall show respect for the decision-making process of Council. Information concerning adopting policies, procedures and decisions of the Council shall be conveyed openly and accurately even if members disagree with the decision of Council.

“Schedule ‘A’ to By-law No. 11-4646

Confidential information may be communicated only when and upon determination by Council (see item 6 below).

Members shall accurately communicate the decisions of Council even if they disagree with the decision of Council.

Members shall not use his/her office to promote or sponsor commercial products or events other than Town-sponsored products or events.

## **6. Confidentiality**

All information, documentation or deliberation received, reviewed or taken in closed session of Council and its committees is 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, in either oral or written form, except when required by law or authorized by Council.

Under the Procedural By-law (authorized under s. 239 of the *Municipal Act*), where a matter that has been discussed at closed meeting remains confidential, no member shall disclose the content of the matter, or the substance of deliberations, of the closed 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*.

Members shall not access or attempt to gain access to confidential information in the possession of the Town unless it is necessary for the performance of their duties and not prohibited by law or Council policy.

The obligation to keep information confidential is a continuing obligation even after the Member ceases to be a Member.

## **7. Conduct at Meetings**

During Council, committee or any other advisory committee meeting or a working group meeting, Members shall conduct themselves with decorum at Council in accordance with the provisions of the Town’s Procedural By-law. Respect for delegations and for fellow members, staff and public requires that all members show courtesy and not distract from the business of the Council during presentations and when other members have the floor.

Further to the provisions contained in the Town’s Procedural By-law, cell phones, handheld mobile devices or similar equipment shall be:

- a) On vibrate or silent while in open session;
- b) Not to used by a member during open session, unless under extenuating emergency circumstances; and,
- c) Turned off while in closed session.

## **8. Conflict of Interest**

Members with recognize their obligations to follow and respect the provisions of the *Municipal Conflict of Interest Act*. Members must publicly declare their direct or indirect pecuniary interest.

When a pecuniary interest exists, Members must withdraw from direct involvement, by vacating the Council table when the matter is debated and refrain from any comment on the issue which might influence the decision. They are not eligible to vote on the matter.

If the matter is of a confidential nature, Members shall retire from the meeting room.

## **9. Current and Prospective Employment**

Members shall not 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.

## **10. Elections – Campaign Material / Promotion**

Members shall not use a Corporate Resource for any election related purpose.

Members shall not campaign, distribute or display any election related material at any Town facility, Town hosted meeting or event.

Upon registration as a candidate or June 30<sup>th</sup> in an election year, the following Town services will be unavailable (a) all forms of advertising, including advertising in Town-owned or distributed publications (both in print and on-line); OR, (b) preparation, printing or distribution of any newsletters and pamphlets (either hard copy or electronic).

Members may rent a Town facility at his/her own personal expense at any time.

Members may, as part of the performance of their regular duties, continue to use a Corporate Resource which includes the preparation, printing and distribution of a flyer or notice, provided that the content of the communication is for the purpose of:

- (i) Communicating and conducting a community meeting;
- (ii) Communicating to the community a single specific issue

Subject to the purpose of the community meeting and any communication being approved by the CAO.

Contact information for members routinely contained in a Town publication or on the Town’s website is permitted including a Member’s Profile information.

Members are responsible for ensuring that the content of any communication material funded or resourced by the Town does not contain or allude to any election related material including the name, photograph or identity of a registered Candidate, in any level of government.

Nothing contained in this section of the Code is intended to prohibit Members from continuing to fulfil regular duties as a Member.

## **11. Employment of a Council Member’s Relative**

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

## **12. Expenses**

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

## **13. 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 Harassment and Violence Policy approved by Council in 2010.

#### **14. 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.

#### **15. Public Meetings**

Staff will provide support to Council for public information meetings required by Provincial statutes, Town by-laws and special meetings when approved by Council.

In the event that a Member desires a public meeting, which supplements a public meeting required by Provincial statute or a municipal by-law, a member shall make the request through Council or the CAO.

At a public meeting, Members will not pressure staff to respond to questions that do not support Council's decision.

#### **16. 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.

### **17. Respect for the Town and its By-laws and Policies**

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

### **18. 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.

### **19. 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.

## **APPLICATION**

### **20. Protocol for Complaint Process**

Members, Town employees or members of the public, who have reasonable grounds to believe that a Member is not in compliance with the Code of Conduct, may proceed through the complaint process.

- (a) Informal – requires the complainant to advise the Member that his/her behaviour or activity does not comply with the Code and request that the prohibited behaviour discontinue. A written record of the incident including the date, time, location, other persons present and any other relevant information should be kept. If applicable, advise the Member regarding the complainant’s satisfaction/dissatisfaction with the response and consider the need to pursue the matter further with the formal complaint procedure or in accordance with an applicable judicial process.
- (b) Formal - requires that a complaint must 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.

The *Municipal Act* requires, where a Council adopts a Code of Conduct, the Municipality is required to appoint an Integrity Commissioner to receive and assess alleged breaches of the Code of Conduct, and where deemed appropriate, conduct an investigation of the alleged breach. The Integrity Commissioner is a Statutory Officer under the Act under contract to the Municipality with a direct reporting function to Council. It is their duty to ensure an unbiased, fair and appropriate process be undertaken to consider complaints regarding the Code of Conduct and recommend a decision.

Upon receipt of a formal complaint, the Chief Administrative Officer shall:

1. Forward the executed Affidavit along with the relevant background material and information directly to the Integrity Commissioner for review, preliminary assessment and appropriate decision on the disposition of the complaint.
2. Provide an annual report to Council for review. This report shall provide a list of investigations, costs and the status of the individual investigations.

## **21. Non-Compliance with the Code**

Where Council determines that a Member has not been in compliance with the Code, they may, in accordance with Section 223.4 (5):

- a) Reprimand the Member;
- b) Suspend the remuneration paid to the Member in respect of their services as a Member of Council or of the local board, for a period of up to ninety (90) days.

## **22. Implementation**

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

At the beginning of each term of Council, the Clerk will:

- a) Provide each member with a copy of the Code of Conduct;
- b) Provide each member with a copy of the Municipal Conflict of Interest legislation;
- c) Undertake a review of the code as part of the Council orientation process; and,
- d) Have each member sign an “Acknowledgement of Code form” indicating that the Code has been read and understood.

Members are expected to formally and informally review the Code on regular basis, as-needed or when so requested by Council.

## **23. Policy Review**

This policy shall be reviewed once during each term of Council.