



**Corporation of the Town of Ingersoll  
By-Law 21-5147**

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**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, directs 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 223.4(5) of the Municipal Act, 2001, C. 25, as amended, authorizes penalties if the Integrity Commissioner reports to the municipality that, in his or her opinion, the member has contravened the code;

**AND WHEREAS** the Council for the Corporation of the Town of Ingersoll deems it desirable to maintain 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 provisions 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.
4. That By-Law 11-4646 is hereby repealed.

**READ** a first and second time in Open Council this 14<sup>th</sup> day of June, 2021.

**READ** a third time in Open Council and passed this 14<sup>th</sup> day of June, 2021.

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**Edward (Ted) Comiskey, Mayor**

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**Danielle Richard, Clerk**

## TOWN OF INGERSOLL POLICIES AND PROCEDURES

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| <b>Policy:</b>                 | Code of Conduct for Members of Council and Members of Council's Boards and Advisory Committees |
| <b>Previous Approval Date:</b> | September 8, 2008 (Resolution C08-09-245)                                                      |
| <b>Revision Dates:</b>         | April 14, 2020                                                                                 |
| <b>Effective Date</b>          | Upon Council Approval                                                                          |

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### INTRODUCTION

A written Code of Conduct helps to ensure that members of Ingersoll's municipal Council, advisory committees and local boards (as defined in the *Municipal Act, 2001*) share a common understanding of acceptable conduct. This policy and its standards are designed to supplement the legislative parameters within which 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 improper use/influence of their office and conflicts of interest, be they real or perceived.

Six pieces of provincial legislation govern 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;
4. The *Municipal Freedom of Information and Protection of Privacy Act*;
5. The *Occupational Health and Safety Act*, as amended (violence and harassment in the workplace); and
6. The *Ontario Human Rights Code*, as amended.

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

### PURPOSE

The purpose of this Code of Conduct is to identify the Town's expectations of its members and to set guidelines for appropriate behaviours so as to:

- a) Protect the public interest;
- b) Encourage the highest of ethical standards among members;
- c) Provide an understanding of the fundamental rights, privileges and obligations;
- d) Offer a procedure for 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 serve and be seen to serve constituents in a conscientious and diligent manner;
- Members shall be committed to performing their functions with integrity, honesty, and accountability;
- Members shall affect decisions in an open, transparent and equitable manner through the

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proper processes;

- Members shall show respect and fairness for differences of opinion;
- Members shall work together for the common good of the community and its residents;
- Members shall demonstrate an understanding of the fundamental rights, privileges, and obligations of their elected position; and
- Members shall perform their duties to promote public confidence and bear close public scrutiny.

The Code of Conduct is meant to identify 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 corporate and community strategic plans;
- Set limits on governance and operational matters; and
- Set out the means of correcting unethical conduct.

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 or could give the person to whom 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 Member of 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 conflicts 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, etc. that is directly or indirectly connected with the performance of his/her duties of Office, and that could be perceived to compromise their decision on a matter or create an obligation or special consideration by a group/organization or individual, unless permitted by the exceptions listed below.

For these purposes, a fee or advance paid to a Member, or a gift or benefit provided with the Member's knowledge to his or her spouse, child or parent or to a Member's staff that is directly or indirectly connected to the performance of his/her duties is deemed to be a gift to that Member.

With respect to benefits, gifts or hospitality, the following are recognized as exceptions:

- a) Compensation authorized by by-law;
- b) Gifts or benefits that normally accompany the responsibilities of office and that 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 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 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. If the Chief Administrative Officer makes a preliminary determination that a potential conflict exists, 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 the value of the gift or its benefit if already consumed, to the Town.

A Member 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.

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

Members shall not use their 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 in either 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 and as 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;
- Statistical data required by law not to be released (e.g., certain census or assessment data);
- Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency if any of them; and
- A trade secret or scientific, technical, commercial, financial or labour relations

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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 organizations.

This list is provided as an example and is not exclusive. Requests for information should be referred to the appropriate staff member to be addressed either as 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 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 individual 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 in accordance with the provisions of the Town's Procedural By-law. Respect for delegations and fellow Members, staff, and the public, requires that all Members show courtesy and not distract from the business of 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:

- a) Remain on vibrate or silent while in open session;
- b) Not be 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 will recognize their obligations to follow and respect the provisions of the *Municipal Conflict of Interest Act* and in doing so shall:

- Not use their office in any way to attempt to influence any decision or recommendation that results from consideration of a matter to which the Member acting on his or her behalf or while acting for, by, with or through another, has a pecuniary interest, direct or indirect;
- Publicly Disclose a direct or indirect pecuniary interest and the general nature thereof prior to any consideration of the matter;
- Withdraw from direct involvement of any matter of pecuniary interest by vacating the Council table when the matter is debated and by refraining from making any comment that might influence decisions on the issue;
- Vacate the Council Chamber, or the room in which Council is gathered, when the matter to which the Member has disclosed an interest is discussed in closed session.
- Be deemed ineligible to vote on the matter to which they have declared an interest.

The Clerk or the Secretary of the Committee or Local Board shall record every declaration of interest and the general nature thereof for all matters considered in a meeting open to the public in the minutes of the meeting. Where the meeting is not open to the public, the declaration of interest and the general nature thereof will be recorded in the minutes of the next meeting that is open to the public.

If the matter is of a confidential nature, the Member 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 on June 30<sup>th</sup> in an election year, the following Town services will be unavailable to Members:

- 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).

Subject to the approval of the CAO, Members may continue to use corporate resources as part of the performance of their regular duties, (including the preparation, printing, and distribution of a flyer or notice), provided that the content of the communication is for:

- a) Communicating and conducting a community meeting; or
- b) Communicating to the community on a single specific issue.

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. Expenses**

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

## **12. 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 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 of 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.

With regards to harassment, all Members are responsible for complying with the *Ontario Human Rights Code*, the *Occupational Health and Safety Act*, the Town's Harassment and Violence Policy, and the Council-Staff Relations Policy.

## **13. Influence on Staff**

Members shall comport themselves in compliance with By-law 19-5037, a By-law to establish a Council-Staff Relations Policy for the Town of Ingersoll. Compliance requires that Members shall remain 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.

## **14. Public Meetings**

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

## **15. 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.

## **16. 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.

## **17. Use of Town Property, Services, and Other Resources**

No Member shall use any Town property, equipment, services, supplies or services of consequence for personal purposes other than for reasons connected to 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 the 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.

## **18. Use of Town Technology Resources**

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

## **APPLICATION**

## **19. Role of the Integrity Commissioner**

The Integrity Commissioner is an independent and impartial position that is appointed by and reports directly to the Council of the Corporation of the Town of Ingersoll. The Integrity Commissioner is a Statutory Officer under the *Municipal Act*, 2001 whose powers and functions are set out under the same and include, but are not limited to:

1. Advising Members on the application of the Code of Conduct and any procedures, rules, by-laws and policies of the Town governing ethical behaviour, including review and investigation of formal complaints of contraventions where deemed appropriate.
2. Advising Members on the application of sections 5, 5.1, and 5.2 of the *Municipal Conflict of Interest Act*, including review and investigation of formal complaints of contraventions where deemed appropriate.
3. Providing advice to Members on obligations under the Code of Conduct, any rules, by-laws and policies of the Town governing ethical behavior and on obligations under sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act*.
4. Ensuring a fair, unbiased and appropriate process is undertaken to consider complaints regarding contraventions and recommending decisions and penalties; and
5. Providing educational information to Members of Council, local boards, and the public on the provisions of the Code of Conduct and the *Municipal Conflict of Interest Act*.

## **20. Integrity Commissioner – Advice**

As noted in section 19 of this policy, Members may seek the advice of the Integrity Commissioner for items related to the following matters:

- Obligations under the Code of Conduct applicable to the member.
- Obligations under a procedure, rule or policy of the municipality or local board, as the case may be, governing the ethical behavior of members.
- Obligations under sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act*.

Requests for advice by Members shall be governed by the following:

- All requests for advice by Members to the Integrity Commissioner shall be in writing.
- Advice provided to a Member by the Integrity Commissioner shall be in writing.
- A Member may consent, in writing, to the disclosure of any advice received from the Integrity Commissioner. However, per section 223.5 (2.2) of the *Municipal Act*, if a Member releases only part of the advice provided to him/her, the Integrity Commissioner may release all or part of the advice without obtaining the Member's consent.
- Any advice given by the Integrity Commissioner to a Member binds him or her in any subsequent consideration of the conduct of that Member in the same matter as long as

- all the relevant facts known to the member were disclosed to the Integrity Commissioner.
- The Integrity Commissioner may provide educational advice information to Members of Council, Local Boards, Staff and the public about Code(s) and/or the *Municipal Conflict of Interest Act*.
- Any educational information provided by the Integrity Commissioner to the public may be summarized and disclosed, but shall not disclose any confidential information that could identify the person concerned.

## **21. Protocol for Complaint Process**

Members, staff, or the public, who have reasonable grounds to believe that a Member has contravened the Code of Conduct or sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* may initiate a complaint via the informal or formal processes detailed in this policy.

### **1) Informal Complaint Process**

- Advise the Member that his/her behaviour or activity does not comply with the Code and request that the prohibited behavior be discontinued.
- Maintain a written record of the incident including the date, time, location, other persons present and any other relevant information.
- If applicable, advise the Member of your satisfaction with the response; or if applicable, advise the Member of your dissatisfaction.
- If dissatisfied, consider pursuing the matter further through the formal complaint procedure or in accordance with applicable judicial processes.

Although Complainants are encouraged to initially attempt to stop or remedy Code-prohibited behavior through the informal complaint process, nothing in this policy precludes an individual from immediately pursuing a resolution via the formal complaint process.

### **2) Formal Complaint Process**

- The complaint is to be made in writing (using the prescribed form) setting out the grounds for the belief that there is an alleged contravention and signed by an identifiable individual and accompanied by a sworn affidavit.
- If the provided complaint form is not used, written details of the complaint must contain all of the information required on the Town's Form and include a sworn affidavit.
- At a minimum, the complaint must include the name of the alleged violator, the provision(s) of the Code that have allegedly been contravened, background details including date(s), time(s), location on the prohibited activity/behavior, the names of any witnesses, and of all those persons involved.
- The complaint shall be filed through the Clerk or designate.
- In the event that a complaint is sent to or left at the Town's municipal offices, the Clerk shall ensure that the document is delivered, unopened (or if left unsealed, placed in a sealed envelope) to the Integrity Commissioner.

## **22. Integrity Commissioner's Complaint Classification & Decision to Investigate**

Upon receipt of a Formal Complaint, the Integrity Commissioner shall make an initial classification of the complaint to determine if the matter is, on its face, a complaint with respect to a contravention of the Code and not a matter covered under other legislation or policies of

Council.

1. If the complaint received by the Integrity Commissioner is deemed not to be a complaint with respect to the Code of Conduct, the Integrity Commissioner shall advise the Complainant in writing as follows:
  - a. Criminal Matter – if the complaint is an allegation of a criminal nature consistent with the Criminal Code, that pursuit of such an allegation must be made through appropriate police service;
  - b. Municipal Freedom of Information and Protection of Privacy – if the complaint is more appropriately addressed under the *Municipal Freedom of Information and Protection of Privacy Act*, then the matter will be referred to the Clerk for review under statute.
2. A formal complaint of a contravention of section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* will be reviewed and investigated in accordance with section 24 of this policy. All other alleged contraventions of the Act should be pursued by the Complainant in accordance with the Act through a court application.
3. Upon review, if the Integrity Commissioner is of the opinion that the complaint is frivolous, vexatious, not made in good faith, or if there are insufficient grounds for an investigation, he/she will not conduct an investigation and shall communicate this determination in writing to the Complainant and the Member identified in the complaint form.
4. Efforts will may be made to achieve a resolution through informal means if at any time, following the receipt of a formal complaint or during the investigation process, the Integrity Commissioner believes there is an opportunity to resolve the matter without formal investigation, and both the Complainant and the Member agree to the informal approach.

### **23. Review and Investigation Process – Code of Conduct Contraventions**

If the Integrity Commissioner determines that a formal investigation is required, he/she shall proceed in the following manner, subject to the his/her ability to elect to exercise the powers of a Commissioner under ss. 33 and 34 of the *Public Inquiries Act*, 2009, as contemplated by subsection 223.4(2) of the *Municipal Act*, 2001, at which time the identity of the person filing the complaint is no longer considered confidential:

1. The Integrity Commissioner shall provide a copy of the complaint, and any supporting materials to the Member whose conduct is in question, with a request that a written response to the allegation be provided to the Integrity Commissioner within fourteen (14) days.
2. The Integrity Commissioner shall give a copy of the Member's response to the Complainant, with a request for a written reply within fourteen (14) days.
3. If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic materials, and may enter any Town or Local Board work location relevant to the complaint for the purpose of investigation and potential resolution.
4. The Integrity Commissioner may make interim reports to Council where necessary and as required to address any issues of interference, obstruction, delay or retaliation encountered during the investigation.

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5. At any time, the Complainant may abandon the request for an investigation, and the Integrity Commissioner will cease his/her investigation.
6. If the Integrity Commissioner receives a complaint between nomination day and voting day, as defined in the *Municipal Elections Act*, 1996, in any year in which a regular municipal election would be held:
  - a. There shall be no requests for an inquiry about whether a Member of Council or a local board has contravened the Code of Conduct applicable to the Member;
  - b. The Integrity Commissioner shall not report to the municipality or local board about whether, in his or her opinion, a Member of Council or local board has contravened the Code of Conduct applicable to the Member; and
  - c. The Town or local board shall not consider whether to impose the applicable penalties related to a Member of Council or of a local board.
7. If the Integrity Commissioner has not completed an inquiry before nomination day, as defined in the *Municipal Elections Act*, 1996, in any year in which a regular municipal election will be held, the Integrity Commissioner shall terminate the inquiry on that day. If an inquiry is terminated in such a manner, the Commissioner shall not commence another inquiry in respect of the matter unless within six (6) weeks of voting day, as defined in the *Municipal Elections Act*, 1996, in any year in which a regular municipal election will be held, the person or entity that made the request or the Member or former Member whose conduct is concerned, makes a written request to the Commissioner that the inquiry be commenced.
8. The Integrity Commissioner and every person acting under his or her instructions shall preserve the confidentiality of all documents, material or other information, whether belonging to the Town or not, that come into their possession or to their knowledge during the course of their duties as required by section 223.5(3) of the *Municipal Act*, 2001 (duty of Confidentiality).
9. When the Integrity Commissioner reports to the Council on an investigation into an alleged breach of the Code of Conduct, the report shall only disclose such information that in the Integrity Commissioner's opinion is required for the purposes of the report.
10. When the Integrity Commissioner issues an annual or other periodic report to Council on his or her activities, they shall summarize the advice they have given but shall not disclose confidential information that could identify persons concerned with informal complaints or the identity of those concerned with formal complaints that have been dismissed.

#### **24. Review and Investigation Process – Municipal Conflict of Interest Inquiry**

This section applies to inquiries by the Integrity Commissioner under section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*.

1. An elector, as defined in the *Municipal Conflict of Interest Act*, or a person demonstrably acting in the public interest, may apply in writing to the Integrity Commissioner for an inquiry to be carried out concerning an alleged contravention of section 5, 5.1, or 5.2 of the *Municipal Conflict of Interest Act*.
2. The application shall set out the reasons for believing that the Member has contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*.

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3. The application shall include a statutory declaration attesting to the fact that the applicant became aware of the contravention not more than six (6) weeks before the date of the application.
4. No application for an inquiry shall be made during the period of time between nomination day and voting day, as defined in the *Municipal Elections Act*, 1995, in any year in which a regular municipal election will be held, or more than six (6) weeks after the applicant became aware of the alleged contravention, unless the following is satisfied:
  - a. The applicant became aware of the alleged contravention within the period of time starting six (6) weeks before nomination day and ending on voting day as defined in the *Municipal Elections Act*, 1996 in any year in which a regular municipal election will be held.
  - b. The applicant applies within six (6) weeks after the day after voting day, as defined in the *Municipal Elections Act*, 19956 in any year in which a result municipal election will be held.
5. The Integrity Commissioner may conduct such inquiry as he or she considers necessary.
6. If the Integrity Commissioner decides to conduct an inquiry, he or she may have a public meeting to discuss the inquiry.
7. The Town and its local boards and committees shall give the Integrity Commissioner such information, as the Integrity Commissioner believes to be necessary for an inquiry.
8. If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic materials, and may enter any Town, local board or committee work location relevant to the complaint for the purpose of investigation and potential resolution.
9. If the Integrity Commissioner has not completed an inquiry before nomination day, as defined in the *Municipal Elections Act*, 1996, in any year in which a regular municipal election will be held, he or she shall terminate the inquiry on that day.
10. If an inquiry is terminated in such a manner, the Commissioner shall not commence another inquiry in respect of the matter unless within six (6) weeks of voting day, as defined in the *Municipal Elections Act*, 1996, in any year in which a regular election will be held, the person or entity that made the request or the member or former member whose conduct is concerned makes a written request to the Commissioner that the inquiry be commenced.
11. The Integrity Commissioner and every person acting under his or her instruction shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties, except where information may be disclosed in a criminal proceeding, as required.
12. If during the course of an inquiry, the Commissioner determines that there are reasonable grounds to believe that there has been a contravention of any Act, other than the *Municipal Conflict of Interest Act*, or the *Criminal Code*, he/she shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge(s) have been disposed of. Any such suspension shall be

reported to Council.

13. The integrity Commissioner shall complete the inquiry within 180 days after receiving the completed application unless otherwise terminated under the provisions of the Municipal Conflict of Interest Act.
14. Upon completion of the inquiry and if deemed appropriate, the Integrity Commissioner may apply to a judge under the provisions of the *Municipal Conflict of Interest Act* for a determination as to whether the member has contravened section 5, 5.1, or 5.2 of that Act. The Integrity Commissioner shall advise the applicant if he or she will not be making an application to the judge. After deciding whether to apply to a judge, the Integrity Commissioner shall publish written reasons for the decision.

## **25. Reporting and Recommendations**

Upon completion of an investigation, the Integrity Commissioner may report to the Complainant and the Member on the results of his or her review within ninety (90) days of receiving a complete Complaint package. If the investigation process is going to take more than ninety (90) days, the Integrity Commissioner shall provide an interim report to the Complainant and the Member indicating when the complete report will be available. If upon completion of the investigation, the Integrity Commissioner finds that a breach of the Code of Conduct has occurred, the Integrity Commissioner shall report his or her findings to Council including a recommendation as to the imposition of a penalty, as set out in subsection 223.4(5) of the *Municipal Act*, 2001.

The Integrity Commissioner shall provide the Member who is the subject of the complaint with notice in writing of the proposed finding, and any recommended sanction at least ten (10) days prior to the report being provided to the Municipal Clerk. An opportunity to comment shall be provided to the Member on the proposed finding and any recommended sanction prior to the report being published.

## **26. Penalty – Non-Compliance with the Code of Conduct**

Upon receipt of a final report and the recommendations of the Integrity Commissioner, Council may, where the Commissioner has determined there was a violation; impose either of the following penalties on a Member:

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

The Integrity Commissioner may also recommend that Council take any of the following actions:

- a) Removal from membership of a Committee, Local Board or Adjudicative Board;
- b) Removal as Chair of a Committee, Local Board, or Adjudicative Board;
- c) Request for repayment or reimbursement of moneys received;
- d) Request for a return of property or reimbursement of its value; and
- e) Request for an apology to Council, a Local Board or Adjudicative Board, the Complainant, or both.

## **27. Implementation**

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

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.

## **28. Policy Review**

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

## Town of Ingersoll Council Code of Conduct Complaint Form and Affidavit

### Filing a Code of Conduct Complaint

1. The Code of Conduct applies to all Members of Council, advisory committees and member of local boards of the municipality (as defined in the *Municipal Act*).
2. A complaint that a Member has contravened a Code of Conduct must be submitted to the Clerk of the Town of Ingersoll to be filed with the Integrity Commissioner for investigation.
3. In accordance with subsection 2234(9) of the Municipal Act, no complaint that a Member has contravened the Code of Conduct may be submitted by any person during the Election period, which starts on Nomination Day and ends on Voting Day in a regular election year.
4. This complaint form must be submitted with a sworn affidavit (section 3) attesting to the facts that the Complainant is alleging. An affidavit must be signed and sworn or affirmed before the Town Clerk, a Deputy Clerk, a Notary Public or a Commissioner for Taking Affidavits.

### Section 1: Complainant Contact Information

|                           |  |                        |  |
|---------------------------|--|------------------------|--|
| Full Legal Name:          |  |                        |  |
| Address:                  |  |                        |  |
| Primary Phone Number:     |  | Alternate Phone Number |  |
| Email Address (optional): |  |                        |  |

### Section 2: Code of Conduct Contravention Details

Name(s) of Member(s) who you believe have contravened provisions of the Council Code of Conduct: \_\_\_\_\_

\_\_\_\_\_

Using the space below, clearly outline all of the reasons why you believe the Member has contravened the Council Code of Conduct and **include applicable dates, times and locations as well as specific provisions of the Code you believe that have been breached**. Any supporting documents or evidence that you wish to provide should be listed and attached to this Form.

|                                |  |
|--------------------------------|--|
| Date of alleged contravention: |  |
|--------------------------------|--|

Provision(s) of Code of Conduct allegedly contravened:

Facts constituting the alleged contravention (use separate page if required):

Names and contact information of any witnesses:

### Section 3 - Affidavit of Complainant

I, \_\_\_\_\_ of the \_\_\_\_\_ of  
Complainant Name Town/City  
\_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_  
Name of Town/City County Name of County

DO SOLEMNLY DECLARE THAT:

All of the statements contained in this Complaint Form are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under Oath and by virtue of the Canada Evidence Act.

Date \_\_\_\_\_, 20\_\_\_\_\_  
Signature of Complainant

DECLARED before me at the \_\_\_\_\_ of \_\_\_\_\_

in the \_\_\_\_\_ of \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Name of Commissioner or Clerk

\_\_\_\_\_  
Signature of Commissioner or Clerk