



TOWN OF INNISFIL CORPORATE POLICY

POLICY: <i>Code of Conduct for Members of Council and Local Boards</i>	COUNCIL APPROVAL DATE: February 20, 2013 RES. NO.: CR-029-11.13
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1. POLICY STATEMENT

- 1.1 Members of Council and local boards of the Town of Innisfil are committed to the discharge of their duties in a respectful and ethical manner. The Code of Conduct for Members of Council and Local Boards is the instrument through which Council will establish and maintain standards for appropriate conduct. Members understand their responsibility to protect and maintain public trust through adherence to established standards.
- 1.2 The quality of municipal administration and governance is best achieved through the establishment of high standards of conduct. The parameters established in this Code of Conduct will ensure that the integrity of the Town of Innisfil is upheld.
- 1.3 Key principles which underline the intent of this Code of Conduct are that Members:
- a) must serve and be seen to serve their constituents in a conscientious and diligent manner;
 - b) must be committed to performing their duties with integrity, without improper use of the influence of their office and without conflicts of interest, both pecuniary interests and non-pecuniary interests;
 - c) are expected to perform their duties in office and manage their private affairs in a manner that promotes public confidence and will bear close public scrutiny;
 - d) must recognize and act upon the principle that democracy is best achieved when the operation of government is made as transparent and accountable to members of the public as possible; and
 - e) shall seek to serve the public interest by upholding both the letter and spirit of the laws of Parliament and the Ontario Legislature, as well as the laws and policies adopted by Council.
- 1.4 The statements listed in 1.3 above are key principles that are intended to facilitate an understanding, application and interpretation of the Code of Conduct – the principles are *not* operative provisions of the Code of Conduct and are not intended to be enforced independently as such.

2. SCOPE

- 2.1 The Code of Conduct for Members of Council and Local Boards applies to:
- a) each member of Council, in fulfilling their obligation in service to the citizens of the Town of Innisfil; and
 - b) with necessary modifications, Members of local boards.

3. PURPOSE OF CODE OF CONDUCT

- 3.1 Encouraging and preserving the highest standards of conduct by members of Council promotes an environment of integrity appropriate for their fiduciary role. Honesty and integrity are paramount in the fulfillment of the role of elected officials, and as such, this Code of Conduct sets expectations for members and requires them to conduct themselves in a way that generates community trust and confidence, and also enhances the image of the Town of Innisfil.
- 3.2 The Code of Conduct for Members of Council identifies the Town's expectations of Council members and provides direction with respect to the underlying principles of the Code by reinforcing that:
- a) decisions are made in an open, accessible, and equitable forum;
 - b) decisions are made through appropriate channels;
 - c) elected office is not used for personal gain;
 - d) interactions between members is respectful and fair, and exemplifies a spirit of goodwill and cooperation; and
 - e) there is a high regard for the integrity of the office.

4. DEFINITIONS

- 4.1 In this Code of Conduct:
- a) "child" means a child born within or outside marriage and includes an adopted child and a person whom a member has demonstrated a settled intention to treat as a child of his or her family;
 - b) "Code of Conduct" means this Code of Conduct for Members of Council and Local Boards;
 - c) "conflict of interest" means a situation in which a Member has competing interests or loyalties between the Member's personal or private interests and his or her public interests as an elected representative such that it might influence his or her decision in a particular a matter;
 - d) "confidential information" includes any information in the possession of, or received in confidence by, the municipality that the municipality is prohibited from disclosing, or has decided to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act*, or any other law; information of a corporate, commercial, scientific or technical nature received in confidence from third parties; personal information; information that is subject to solicitor-client privilege; information that concerns any confidential matters pertaining to personnel, labor relations, litigation, property acquisition or disposition, the security of the property of the municipality or local board; and any other information lawfully determined by the Council to be confidential, or required to remain or be kept confidential by legislation or order;

- e) “Council” means the Council of the Town of Innisfil, inclusive of Mayor and Deputy Mayor;
- f) “fiduciary” means a person who is required to act for the benefit of another person on all matters within the scope of their relationship; one who owes to another the duties of good faith, trust, confidence and candor;
- g) “information” includes a record or document;
- h) “Member” means a member of the Council or a local board, unless the context otherwise requires;
- i) “non-pecuniary interest” means a private or personal interest that a Member may have that is non-financial in nature and that would be considered by a reasonable person, apprised of all the circumstances, as being likely to influence the Member’s decision in any matter in which the non-pecuniary interest arises, and may include, but is not limited to, an interest that arises from a relationship with a person or entity;
- j) “parent” means a person who has demonstrated a settled intention to treat a child as a part of his or her family whether or not that person is the natural parent of the child;
- k) “person” includes a corporation, partnership, association and any other entity, as the context allows; and
- l) “spouse” means a person to whom a person is married or with whom the person is living in a conjugal relationship outside marriage.

5. COMPLIANCE WITH DECLARATION OF OFFICE

- 5.1 Every Member shall act in accordance with his or her declaration of office (see Appendix “A”).

6. ADHERENCE TO COUNCIL POLICIES AND PROCEDURES

- 6.1 Every Member shall observe and comply with every provision of this Code of Conduct, as well as all other policies and procedures adopted or established by Council and affecting the Councillor while acting in his or her capacity as a Member.

7. APPOINTMENT OF INTEGRITY COMMISSIONER

- 7.1 The Council shall appoint an Integrity Commissioner to investigate alleged breaches of this Code pursuant to section 223.3 of the *Municipal Act, 2001*.

8. GENERAL CONDUCT OF MEMBERS

- 8.1 Every Member has the duty and responsibility to treat members of the public, staff, and each other in an appropriately respectful manner, without abuse, bullying or intimidation. Every Member shall take measures to ensure that the municipal work environment is free from discrimination and harassment.
- 8.2 A Member shall not use indecent, abusive or insulting words or expressions toward any other member, any member of staff, or any member of the public.
- 8.3 A Member shall not speak in a manner that is discriminatory to any individual, based on that person's race, ancestry, place of origin, creed, gender, sexual orientation, age, colour, marital status, or disability.

9. CONDUCT AT MEETINGS

- 9.1 Every Member shall conduct himself or herself in an appropriate and civil manner at Council, committee and other meetings, pursuant to Section 57.1 of Procedural By-law No. 002-18, this Code of Conduct, and other applicable law.

10. CONDUCT AT PUBLIC EVENTS

- 10.1 Members are occasionally requested to make public presentations outside of Council meetings or attend public events as representatives of the Town of Innisfil. As such, every Member shall conduct himself or herself with dignity and decorum, in a manner befitting public expectation.

11. CONDUCT WHEN INTERACTING WITH STAFF

- 11.1 Every Member shall be respectful of the working relationships and reporting responsibilities between staff members. Municipal staff work under the direction of the Municipal head, and are required to carry out the decisions of Council in service of the municipal corporation as a whole. Municipal staff are also required to advise Council on legislative and administrative policy with political neutrality and objectivity and without undue influence from any individual Member or any faction of the Council.
- 11.2 Members shall abide by the Council-Staff Protocol, CP.05-07-02.
- 11.3 No Member shall maliciously or falsely injure or impugn the professional or ethical reputation of any member of staff. Every Member shall show respect for staff, and for their professional capacities and responsibilities.
- 11.4 No Member shall use indecent, abusive or insulting words or expressions toward any other Member, any member of staff or any member of the public, either directly or by innuendo.

- 11.5 No Member shall compel any member of staff to engage in partisan political activities, or subject any member of staff to threat or discrimination for refusing to engage in any such activity.
- 11.6 No Member shall use or attempt to further his or her authority or influence by intimidating, threatening, coercing, commanding or influencing improperly any staff member or interfering with the person's duties, including the duty to disclose improper activity.

12. CONDUCT DURING ELECTION CAMPAIGN

- 12.1 Every Member shall comply with all applicable requirements of the *Municipal Elections Act, 1996*. No Member shall use confidential information, facilities, equipment, supplies, services or other resources of the municipality, including any Councillor newsletter or website linked through the municipality's website, for any election campaign or campaign-related activity (see also Section 15). No Member shall undertake campaign-related activities on Town property unless authorized by the municipality. No Member shall use the services of any person for election-related purposes during hours in which that person receives any compensation from the municipality.

13. NO IMPROPER USE OF INFLUENCE

- 13.1 No Member shall use the influence of his or her office for any purpose other than for the lawful exercise of his or her official duties and for municipal purposes.
- 13.2 No Member shall use his or her office or position to influence or attempt to influence the decision of any other person, for the Member's private advantage or that of the Member's parent, child, spouse, staff member, friend or associate, business or otherwise.
- 13.3 No Member shall attempt to secure preferential treatment beyond activities in which Members normally engage on behalf of their constituents as part of their official duties.
- 13.4 No Member shall hold out the prospect or promise of future advantage through the Member's supposed influence within Council, in return for any action or inaction.
- 13.5 For the purposes of this provision, "private advantage" does not include a matter that:
- a) is of general application;
 - b) affects a Member, his or her parents, children or spouse, staff members, friends or associates, business or otherwise, as one of a broad class of persons; or
 - c) concerns the remuneration or benefits of a Member.

- 13.6 This provision does not prevent a Member from requesting that council grant a lawful exemption from a policy.

14. CONFIDENTIAL INFORMATION

- 14.1 No Member shall disclose, release or publish by any means to any person or to the public any confidential information acquired by virtue of his or her office, in any form, except when required or authorized by Council or otherwise by law to do so.
- 14.2 Any matter and information pertaining to that matter which has been discussed or debated at a meeting which has been closed to the public, shall remain confidential unless, and until such time as Council, a judicial order, or other legislation authorizes its release.
- 14.3 A Member may disclose the content of any matter which has been discussed or debated at an in-camera meeting only after Council has discussed or otherwise released the information to the public.
- 14.4 No Member shall use confidential information for personal or private gain or benefit, or for the personal or private gain or benefit of any other person or body. Without limiting the generality of the foregoing, no Member shall, without lawful authority, disclose, or make personal use of, any of the following types of confidential information:
- a) information concerning litigation, negotiation or personnel matters;
 - b) information which infringes on the rights of any person, such as publication of the identity of a complainant when such information was given in confidence;
 - c) information such as price schedules on a contract, tender or other proposal while the document remains confidential;
 - d) information deemed to be “personal information” under the *Municipal Freedom of Information and Protection of Privacy Act*; and
 - e) any other information or statistical data required by law to remain confidential.
- 14.5 No member of Council shall obtain access, or attempt to gain access, to confidential information in the custody of the municipality except to the extent that such access is necessary for the performance of his or her duties and such access is not prohibited by Council or otherwise by law.

15. USE OF TOWN PROPERTY, SERVICES AND RESOURCES

- 15.1 No member of Council shall use, or permit the use of, municipal land, facilities, equipment, supplies, services, staff or other resource(s), including any municipally-owned information, website, Council transportation delivery service or funds allocated for member of Council expenses, for any purpose or activity other than the lawful business of the municipal corporation.

- 15.2 No member shall seek or acquire any personal financial gain from the use or sale of confidential information, or of any municipally-owned intellectual property including any invention, creative writing or drawing, computer program, technical innovation, or any other information or item capable of being patented or copyrighted, or which property remains exclusively that of the municipality.

16. INCOMPATIBLE ACTIVITY

- 16.1 A member of Council may not engage in any outside work or business activity which is incompatible or inconsistent with the ethical discharge of official duties in the public interest. Members of Council shall not engage in outside activity which uses their knowledge of confidential information about the holdings of the corporation.

- 16.2 Without limiting the generality of the foregoing, Members shall not:

- a) use any influence of office for any purpose other than official duties;
- b) act as an agent on behalf of another party, before Council or any committee, board or commission of Council;
- c) solicit, demand or accept the services of any corporation, employee, or individual providing services to the municipality at a time in which said person or corporation is being paid by the municipality;
- d) use any information gained in the execution of office that is not available to the general public for any purpose other than for official duties;
- e) place themselves in a position of obligation to any person or organization which might benefit from special consideration or may seek preferential treatment;
- f) give preferential treatment to any person or organization in which a Member has a financial interest;
- g) influence any administrative or Council decision or decision-making process involving or affecting any person or organization in which a Member has a financial interest; and
- h) use corporate materials, equipment, facilities or employees for personal gain or for any private purpose.

17. GIFTS AND HOSPITALITY

- 17.1 For the purposes of this Code, a gift or extension of hospitality with the Member's knowledge, to a Member's spouse, child or parent, or to his or her staff, that is connected directly or indirectly to the performance of the Member's duties is deemed to be a gift or extension of hospitality to that Member.
- 17.2 No Member shall accept a fee, advance, gift or offer of hospitality that is connected directly or indirectly with the performance of his or her duties of office, unless permitted under one or more of the exceptions listed in this Section.

- 17.3 Each of the following is recognized as an exception:
- a) compensation or benefit authorized by law or by Council resolution;
 - b) a gift or hospitality of the kind that normally accompanies the responsibilities of office and is received as an incident of protocol or social obligation;
 - c) a political contribution otherwise authorized and reported as required by law, in the case of a member running for office;
 - d) services provided without compensation by a person volunteering his or her time;
 - e) a suitable memento of a function honouring the member;
 - f) food, lodging, transportation or entertainment lawfully provided by any Provincial, Regional or local government or board or political subdivisions of any of them, by the Federal government, a foreign government, or by those organizing a conference, seminar or event where the member is speaking or attending in an official capacity;
 - g) food and beverages consumed at a banquet, reception or similar event, if:
 - i. attendance by the member is for a legitimate municipal purpose,
 - ii. the person extending the invitation, or a representative of the organization holding the event, is in attendance, and
 - iii. the value is reasonable and the invitation infrequent;
 - h) communications to the office of a member, including subscriptions to newspapers and periodicals.
- 17.4 In the case of any of the recognized exceptions listed under 17.3 (b), (e), (f), and (h), if the value of the gift or hospitality exceeds \$75.00, or the total value of gifts or hospitality from one source exceeds \$150.00 per calendar year, the Member shall file, by March 31 for the previous year, a disclosure statement with the municipality, as prescribed by the Integrity Commissioner (see Appendix "B").
- 17.5 Every disclosure statement filed under this Code shall be made a public record.
- 17.6 Upon receiving a disclosure statement, the Integrity Commissioner shall examine it to ascertain whether the receipt of the gift or hospitality might, in his or her opinion, constitute a contravention of this Code or create a conflict between a private interest and the public duty or responsibilities of the Member.
- 17.7 In the event that the Integrity Commissioner makes such a determination, he or she shall call upon the member to justify receipt of the gift or hospitality.
- 17.8 Should the Integrity Commissioner determine that receipt of any gift or hospitality was inappropriate, he or she may direct the member to return the gift, reimburse the donor for the value of any gift or hospitality already consumed, forfeit the gift or remit the value of any gift or hospitality already consumed, to the municipality.

- 17.9 Except in the case of exceptions listed under 17.3 (a), (c), and (f), no Member shall accept a gift or hospitality worth in excess of \$200.00, or gifts or hospitality from one source during a calendar year which together are worth in excess of \$300.00.

18. SPONSORSHIPS OR DONATIONS FOR COMMUNITY EVENTS

- 18.1 Selling tickets for a community event is not considered solicitation for the purposes of this Policy.
- 18.2 Members shall, by March 31 for the previous year, including a municipal election year, provide a financial disclosure form to the Integrity Commissioner, listing the sponsorships and donations for each community event for which the Member solicited such sponsorships or donations in excess of \$1000 for a Member solicited sponsorship or donation from in excess of \$500 per individual or corporation. That form shall be a public record.
- 18.3 Sponsorships or donations on behalf of the Corporation of the Town of Innisfil shall be undertaken in accordance with Corporate Donation Policy (CP.08-05), as amended.

19. COMMUNICATIONS AND MEDIA RELATIONS

- 19.1 Official information relating to decisions and resolutions of Council shall normally be communicated to the media and the community through the Communications Officer.
- 19.2 In some instances, Members of Council are requested to comment on policy, procedure and decisions of Council. In those instances, Council members shall convey the information openly and accurately, unless confidentiality regulations apply.
- 19.3 When making statements to the media or the public, Members shall remain focused on issues, avoiding statements which provoke or challenge another Member, or which might damage the reputation of another Member.
- 19.4 Members shall not make accusatory statements or lay blame. In the event that a Council decision has not unfolded the way Council intended, the information shall be communicated to the public in a forthright manner which identifies the problem and the corrective action.
- 19.5 Members shall accurately and adequately communicate the attitudes and decisions of the Town of Innisfil Council or local board, even if they don't agree with a decision reached on a particular matter showing respect for the democratic process, and showing sense of teamwork within the membership.
- 19.6 Nothing in this section is intended to prevent a Member from outlining their rationale for voting in a particular manner, which may have been contrary to the final Council decision.

20. PROFESSIONAL DEVELOPMENT

- 20.1 Members of Council have an obligation to promote, support, pursue and participate in opportunities for professional development. Council members are required to remain informed on issues and trends in order to serve the public efficiently and effectively in the fulfillment of their duties.
- 20.2 Expenses and approvals for “Business Expenses” are governed by the *Business Expense Policy for Elected Official and Committee Members* (CP.01-11-05), as amended.

21. ATTIRE AND APPEARANCE

- 21.1 As representatives of the Town of Innisfil, it is expected that every Member will take appropriate care in dress and appearance, which at meetings is business dress.
- 21.2 During the summer months, commencing on the first Council meeting following Victoria Day and ending on the last Council meeting before Thanksgiving Day, the dress code is relaxed. As such, it is appropriate during that time for Members to attend Council meetings in business casual dress, which is more relaxed than business dress.
- 21.3 Dress for committee meetings is generally more relaxed, and will follow a business casual dress standard.
- 21.4 Special events and special occasions will require that members of Council gauge what attire is appropriate for the event.

22. STATUTES REGULATING THE CONDUCT OF MEMBERS

- 22.1 In addition to this Code of Conduct, the following Ontario legislation also governs the conduct of Members:
- *Municipal Act, 2001*
 - *Municipal Conflict of Interest Act*
 - *Municipal Elections Act, 1996*
 - *Municipal Freedom of Information and Protection of Privacy Act*
 - *Occupational Health and Safety Act*
- 22.2 The *Criminal Code* of Canada also governs the conduct of Members.
- 22.3 A Member may become disqualified and lose his or her seat by operation of law, including being convicted of an offence under the *Criminal Code* of Canada or being found to have failed to comply with the *Municipal Conflict of Interest Act*, whether or not the conduct in question involves contravention of this Code of Conduct.

- 22.4 In the case of any inconsistency between this Code and a Federal or Provincial statute or regulation, the statute or regulation shall prevail.

23. CODE OF CONDUCT BREACHES

- 23.1 Where Council receives a report by its Integrity Commissioner that, in his or her opinion, there has been a violation of the Code of Conduct, Council may impose upon the offending Member either of the following:

- a) a reprimand;
- b) suspension of the remuneration paid to the member in respect of his or her services as a member of Council for a period of up to 90 days.

- 23.2 Council may, on the basis of a recommendation from the Integrity Commissioner, and in addition to the items set out in 23.1, also take any or all of the following corrective or remedial actions, and require that the Member:

- a) provide a written or verbal apology;
- b) return property or make reimbursement of its value or of money spent;
- c) be removed from or not be appointed to the membership on a committee of Council;
- d) be removed from or not be appointed as chair of a committee of Council; and
- e) comply with any other remedial or corrective action or measure deemed appropriate by the Integrity Commissioner.

24. COMPLAINT PROTOCOL

- 24.1 Any individual, organization, employee, Member, Council as a whole or member of the public who has reasonable grounds to believe that a Member has breached this Code, may proceed with a complaint and request an inquiry. Complaints must be submitted within 6 months after the alleged violation occurred or submission of the relevant disclosure documentation. No action will be taken on a complaint received beyond this deadline.

25. COMPLAINT PROCEDURE

- 25.1 A request for an investigation into an alleged breach may be made in writing to the Integrity Commissioner for the Town of Innisfil, setting out the name of the Member who breached the Code of Conduct, the date of the alleged breach, and a description of how the Code was violated, using the complaint protocol and forms attached as Appendix "C".
- 25.2 The appointed Integrity Commissioner for the Town of Innisfil will commence an independent investigation and provide a written report to Council. The Integrity

Commissioner and every person acting under the Commissioner's jurisdiction shall preserve confidentiality with respect to all matters that become known in the course of the investigation.

- 25.3 The summary report provided to Council by the Integrity Commissioner will contain recommendations and advice without disclosing confidential information. The report will also contain a decision about the alleged contravention, and provide remedial action to be taken.

26. NO REPRISAL OR OBSTRUCTION RE ENFORCEMENT OF CODE

- 26.1 Every Member must respect the integrity of the Code of conduct and inquiries and investigations conducted under it, and shall co-operate in every way possible in securing compliance with its application and enforcement. Any reprisal or threat of reprisal against a complainant or any other person for providing relevant information to the Integrity Commissioner or any other person is prohibited. It is also a violation of the Code of Conduct to obstruct the Integrity Commissioner, or any other municipal official involved in applying or furthering the objectives or requirements of this Code, in the carrying out of such responsibilities, or pursuing any such objective.

27. NO APPEAL OF INTEGRITY COMMISSIONER'S DECISION

- 27.1 There is no appeal from the decision of the Integrity Commissioner.

28. IMPLEMENTATION

- 28.1 At the outset of each term of Council, members shall receive a copy of the Code.
- 28.2 Code of Conduct training shall comprise a portion of the new Council orientation program.
- 28.3 Council members are expected to formally and informally review their adherence to the provisions of the Code on a regular basis or when requested by Council.
- 28.4 Clerk Services will provide candidates running for a position on Council with a copy of this Policy when they submit their nomination package.

29. COMMITMENT AND ACKNOWLEDGEMENT

Two Copies of the Code of Conduct are to be acknowledged; one copy to be retained by the Clerk, and one copy to be provided to the member of Council.

I _____, agree to abide by the requirement of this Code of Conduct in the discharge of my duties as an elected official.

I acknowledge that I have read and accept the expectations and responsibilities outlined in this Code of Conduct. I will act with honesty and integrity and conduct myself in a manner which generates public trust and confidence and enhances the image of the Town of Innisfil.

Signature of Member of Council

Date of Signature