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## INTEGRITY COMMISSIONER'S REPORT

January 27, 2014

**Submitted to: Mayor and Council**

**Submitted by: Robert J. Swayze**

**Subject: Review of Code of Conduct and other Policies**

### PURPOSE

- The purpose of this report is to review the *Code of Conduct for Members of Council* (the "Code") and other policies and by-laws related to the ethical behavior of Councillors and to prepare and recommend adoption of a Complaint Protocol governing the conduct of investigations by the Integrity Commissioner.

### RECOMMENDATION:

**THAT** Council receive the report dated January 27, 2014 from the Integrity Commissioner;

**THAT** the Complaint Protocol attached as Appendix B be adopted by Council;

**THAT** Council provide direction on whether the Complaint Protocol should include a moratorium on accepting complaints after September 1 in a municipal election year;

**THAT** Council approve the amendments to the Code and Procedural By-law 2006-120 contained in Appendix C and a By-law be brought forward to amend the same.

## 1. BACKGROUND

I was appointed Integrity Commissioner by By-law No. 2013-107 passed on December 16, 2013 and I am pleased and honoured to so serve the Town of Collingwood. My duties include providing advice and educational training to members of Council as well as conducting investigations of alleged breaches of the Code. I make myself available at all times by telephone or E-mail to advise any member of Council which I have found to be very useful with my other client municipalities in avoiding many complaints and resulting investigations. I follow up all such advice with an E-mail to the member confirming my advice which is binding on me. Another duty imposed on me is to review

the Code as well as all policies and by-laws in any way relating to the ethical behavior of members of Council which is the subject of this report.

## 2. ANALYSIS

### The Code

I have reviewed the Code which is attached to this report as Appendix “A” and find it, for the most part, acceptable and in conformity with the best practices established in other municipalities. It is my practice not to change a code which has been debated and adopted by a council unless it is not clear or has omitted rules that it should contain.

I have identified three sections in the Code which I recommend to be changed as follows:

a) “Guideline”

On page 1 of the Code the word “guideline” is used twice to describe the Code which in my opinion is not in accordance with the generally accepted interpretation of a Code adopted by a council in accordance with Section 223.2 of the *Municipal Act*. The Code is binding on all members of Council and it is interpreted by the Integrity Commissioner according to its terms and not as a general principle to be followed or ignored in the discretion of members of Council. In Appendix “C” to this report I have recommended that the word be deleted twice from the description of the Code.

b) Gifts and Benefits

The choice to impose limits of \$500 and \$200 on gifts have been used by Codes in many other municipalities. Normally no gift should be accepted which exceeds \$500 but there are occasions when the value of a function hosted by a government or a ceremonial gift may exceed \$500 and I find it acceptable to seek the prior approval of Council. However, I recommend that the words “in a meeting open to the public” be added to the Council approval.

There appears to be no monetary limit on “gifts, hospitality or entertainment that can be consumed within a 24 hour period and I have recommended in Appendix “C” that a maximum of \$200 be applied to these gifts as well.

c) Use of Property

I recommend that the following second bullet be added to Section 8:

- in an election year, not use facilities, equipment, supplies, services or other resources of the Town for any election campaign or campaign related activities.

## Complaint Protocol

The purpose of a complaint protocol is to establish fair procedures for the integrity Commissioner to follow in carrying out investigations. It is important that any member of Council who is accused of contravening the Code be aware of the case against her or him and that a full opportunity to respond to the Integrity Commissioner is ensured. When a complaint is received, it is served on the member for a response within 10 days and the response is then served on the complainant for a further response. The member is given a second opportunity to respond to the Integrity Commissioner if he intends to file a report recommending a sanction. Attached to this report as Appendix "B" is a Complaint Protocol which I recommend to be adopted by Council.

Section 2 (2) (e) of the Complaint Protocol provides as follows:

"(e) If the Integrity Commissioner receives a complaint during a municipal election year respecting a member who is seeking re-election and he is of the opinion that it is politically motivated, he may stay the investigation until after the new Council takes office or dismiss it if he concludes it is invalid."

Some municipalities have provided for a full moratorium on complaints during an election year after September 1 and an example of an added clause is as follows:

"(f) For any Complaint received from and after September 1<sup>st</sup> in any municipal election year, the Integrity Commissioner shall stay any investigation required by such complaint until the day after the inaugural meeting of the new Council and until then, shall keep such complaint confidential."

I am seeking direction from Council whether the Complaint Protocol should contain a full moratorium on complaints during an election year after September 1<sup>st</sup>.

## Procedural By-law

Section 13.7 and 13.8 of Procedural By-law 2006-120 as amended, provide as follows:

### **13.7 Mandatory vote – all members - exception**

Every Member present, including the Mayor, shall vote on every motion unless the member has declared a pecuniary interest in the matter. The Mayor's or Chair's declaration of the vote shall be deemed to reflect how he/she voted on the motion.

### **13.8 No vote – deemed negative - exception**

Notwithstanding the provisions of Section 13.7 of this By-law, every Member who is not disqualified from voting by reason of a declared pecuniary interest shall be deemed to be voting against the motion if he/she declines or abstains from voting.

In my opinion, all members of Council should be encouraged to declare a conflict, whether pecuniary or not, if the member feels that he or she cannot be impartial in voting on a matter. If for example, a member sits on the board of directors of a charity and awarding grants to the charity is before Council, the Councillor should declare a conflict, refrain from voting and such a declaration should not be deemed to be a vote against the charity. I have recommended in Appendix "D" that personal conflicts be added to section 13.7 and that 13.8 be deleted from the Procedural By-law.


### 3. EFFECT ON TOWN FINANCES

Not applicable

### 4. APPENDICES

Appendix A	<i>Code of Conduct for Members of Council</i> adopted April 2013
Appendix B	Complaint Protocol recommended by the Integrity Commissioner
Appendix C	Amendments to the Code and Procedural By-law recommended by the Integrity Commissioner

### SIGNATURES

Prepared by: Integrity Commissioner		
		
<i>Robert J. Swayze</i>		
<i>Integrity Commissioner</i>		
Town of Collingwood		

**Town of Collingwood**  
**CODE OF CONDUCT**  
*for*  
**Members of Council**

**PREAMBLE**

Attaining an elected position within one's community is a privilege which carries significant responsibilities and obligations. Members of Council (comprising the Mayor, Deputy-Mayor and Councillors) are held to a high standard as leaders of the community and they are expected to become well informed on all aspects of municipal governance, administration, planning and operations. They are also expected to carry out their duties in a fair, impartial, transparent and professional manner.

The key stakeholders, although obvious at first, represent a broad base of interests and concerns which require fair and open attention, adjudication and disposition. These key stakeholders include but are not limited to;

- |                           |   |
|---------------------------|---|
| - Residents               | - Province of Ontario                     |
| -Taxpayers                | - Simcoe County                           |
| - Staff                   | - School Boards and Other Public Agencies |
| - Development Industry    | - Suppliers                               |
| - Ratepayers Associations | - Other Members of Council                |
| - Chambers of Commerce    | - Business Improvement Areas (BIAs)       |

To assist Town of Collingwood Members of Council in interacting effectively with all stakeholders, the following obligations are expected of each of them;

- a. **That they solemnly promise, declare and carry out their responsibilities as prescribed in the Oath of Office,**
- b. **That they learn and follow the Procedural By-law for Council and its Committees,**
- c. **That they read, understand and follow the provisions of the Municipal Act and Municipal Conflict of Interest Act which apply directly and indirectly to the role of Member of Council and**

A "Code of Conduct" for Members of Council has been prepared for their personal review and reference so as to;

- i. **augment communication to the public in the role and integrity of municipal politicians in the Town of Collingwood,**
- ii. **to provide present and future Councils with additional assistance and guidelines as they perform their elected duties and responsibilities and**
- iii. **to assist Members of Council in providing leadership by example to staff.**

It is hoped that this will be viewed by each Member of Council as a valuable added resource and guideline to assist them in fulfilling their mandate in an effective, open and efficient manner.

**Town of Collingwood**  
**CODE OF CONDUCT**  
*for*  
**Members of Council**

The Town of Collingwood's Members of Council fundamentally understand that;

- a. **the proper operation of democratic and representative municipal government requires that they be independent, impartial and responsible to the people,**
- b. **there are open and proper channels for decision making and approval of policy,**
- c. **conflicts between the private interests of elected representatives and their public responsibilities represent an ethical challenge to maintaining an open, accountable and transparent process;**
- d. **as leaders of the community, they are held to a higher standard of behaviour and conduct.**

Although areas of ethical exposure are generally consistent and understood in municipal governance, the following areas and guidelines have been specifically identified in our community, as being paramount to the municipal political process;

- 1. Roles and Obligations**
- 2. Use of Information**
- 3. Communications and Media Relations**
- 4. Relationships with Staff**
- 5. Gifts and Benefits**
- 6. Expenses**
- 7. Conflicts of Interest**
- 8. Use of Property**
- 9. Transparency**
- 10. Public Input**
- 11. Professional Development**

Accordingly this document will provide a guideline for elected officials in exercising their ***policy making*** role having regard to the statements and ideals as enunciated hereunder.

## 1. Roles and Obligations

Council Members recognize their mandate incorporates tasks to include;

- Fairly representing the diversity of community views in developing an overall strategy for the future of our Town,
- Setting objectives and determining strategies to achieve Council's Corporate objectives in the Strategic Plan,
- Achieving sound financial management, planning and accountability and
- Being aware of and conversant with the statutory obligations imposed on Council as a whole, as well as each individual Member of Council.

## 2. Use of Information

In their decision making process, Members of Council are sometimes privy to information which may be confidential or controversial such as, but not limited to "In Camera" meetings. It is imperative that they;

- Not use confidential information for their personal advantage,
- Not use confidential information to cause detriment or benefit to others,
- Respect the status of confidential (personnel, legal, property acquisition) information until the matter ceases to be confidential as determined by **Council**,
- Understand that they enjoy the same access rights to municipal information as any other member of the community, unless it is specifically relevant to a matter before the Council and
- Only release confidential information according to the provisions of the Municipal Freedom of Information and Protection of Individual Privacy Act.

## 3. Communications and Media Relations

Members of Council will attempt to accurately and adequately communicate the attitudes and decisions of Collingwood's Council, even if they disagree with a majority decision of Council so that;

- There is respect for the decision making processes of Council,
- Official information related to decisions and resolutions made by Council will normally be communicated in the first instance to the community and the media in an official capacity by the Mayor or designate,
- Information concerning adopted policies, procedures and decisions of the Council is conveyed openly and accurately and
- Confidential information will be communicated only when and after determined by Council.

## 4. Relationships with Staff and Other Members of Council

Members of Council will;

- Acknowledge that only **Council as a whole** has the capacity to direct staff members to carry out specific tasks or functions,
- Refrain from using their position to improperly influence members of staff in their duties or functions or to gain an advantage for themselves or others and
- Refrain from publicly criticizing individual members of staff in a way that casts aspersions on their professional competence and credibility.

## 5. Gifts and Benefits

Members of Council will only;

- Accept gifts, hospitality or entertainment that could not be reasonably construed as being given in anticipation or recognition of special consideration by the Corporation.
- *Accept gifts, hospitality or entertainment with a nominal value of \$500 or more with the prior approval of Council.*
- Accept gifts, hospitality or entertainment that can be used/consumed within a 24 hour period and if the offer is infrequent (less than 2 or 3 times a year). Offers of accommodation or transportation values over \$200 are not to be accepted.
- Members of Council acknowledge that the Mayor will in his/her role, periodically receive and distribute ceremonial or other similar items on behalf of Council and the Town. Gifts and/or awards given on behalf of the Town shall be acknowledged as such and not as gifts of any individual member of Council.

*“Gift” shall mean something acquired without compensation.*

## 6. Expenses

Members of Council will, from time to time, incur expenses directly related to activities connected with the discharge of official duties or associated community activities having the sanction of Council. Such expenses are typically;

- *Per diems* for members of Council who incur a loss in income for time lost from regular employment in the undertaking of such duties or activities,
- Local travel expenses,
- Out of town meals.

Other expenses must be sanctioned by Council prior to them being incurred including:

- Expenses by immediate family members,
- Alcoholic beverages and
- Individual participation in charity or non-profit events including Golf Days, Ski Days, Raffles or Lotteries.

Certain expenses are not eligible for reimbursement including;

- Participation in any Political fund-raising event.

## 7. Conflicts of Interest

Members of Council will recognize their obligations to;

- Follow and respect both the letter and spirit of the provisions of the Municipal Act and the Municipal Conflict of Interest Act, as amended from time to time.



## **8. Use of Property**

Members of Council will;

- only use Town property, equipment, supplies or services of consequence, for activities connected with the discharge of official duties or associated community activities having the sanction of Council or its Committees.

## **9. Transparency & Openness in Decision Making**

Members of Council will endeavour to;

- conduct and convey Council business in an open and public manner so that the process, logic and rationale which was used to reach conclusions or decisions are available to the stakeholders.

## **10. Public Input**

Council will periodically use formal and informal opportunities to seek public input as a component of the decision making process which have broad impacts on the community. The purpose of the exercise will be to provide stakeholders with a mechanism to provide opinions and advice so that the widest range of views and information is available before final decisions are made.

Council may, from time to time, establish committees to advise Council on specific issues. Such committees shall not be established without the sanction of Council.

## **11. Professional Development**

Members of Council have an obligation to promote, support, pursue and partake in opportunities for professional development, including but not limited to;

- FCM Conferences
- AMO Conferences
- Ministry of Municipal Affairs and Housing seminars
- Provincial Professional Association Training Institutes (OGRA, AMCTO, PRO, etc.)
- Provincial Municipal Council orientation sessions

Council Members are encouraged to stay updated on issues and trends so that they can be as efficient and effective as possible in the carriage of their duties and responsibilities.

## **IMPLEMENTATION**

- At the beginning of each term, Members of Council will be expected to sign two copies of the Code of Conduct Document (one for themselves and one for the Clerk's Office) to convey to each other and all stakeholders that they have read, understand and accept it.
- A Code of Conduct component will be included as part of the orientation workshop for each new Council.
- Council Members are expected to formally and informally review their adherence to the provisions of the Code on a regular basis or when so requested by Council.

**TOWN OF COLLINGWOOD**  
**COUNCIL CODE OF CONDUCT**  
**COMPLAINT PROTOCOL**

**PART A: INFORMAL COMPLAINT PROCEDURE**

Any person or a representative of an organization who has identified or witnessed behaviour or an activity by a member of Council that they believe is in contravention of the *Council Code of Conduct* (the “Code”) may wish to address the prohibited behaviour or activity themselves as follows:

- (1) advise the member that the behaviour or activity contravenes the Code;
- (2) encourage the member to stop the prohibited behaviour or activity;
- (3) keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;
- (4) if applicable, confirm to the member your satisfaction with the response of the member; or, if applicable, advise the member of your dissatisfaction with the response; and
- (5) consider the need to pursue the matter in accordance with the formal complaint procedure outlined in Part B, or in accordance with another applicable judicial or quasi-judicial process or complaint procedure.

All persons and organizations are encouraged to initially pursue this informal complaint procedure as a means of stopping and remedying a behaviour or activity that is prohibited by the Code. With the consent of the complaining individual or organization and the member, the Integrity Commissioner may be part of any informal process. However, it is not a precondition or a prerequisite that those complaining must pursue the informal complaint procedure before pursuing the Formal Complaint Procedure in Part B.

**PART B: FORMAL COMPLAINT PROCEDURE:**

**Integrity Commissioner Requests for Inquiries Sec. 1**

1. (1) A request for an investigation of a complaint that a member has contravened the Code of Conduct by an act or omission committed on or after January 1, 2014 (the “complaint”) shall be sent directly to the Integrity Commissioner by mail, E-mail, fax or courier in the form attached to this Protocol as Schedule “A”.

- (2) All complaints shall be signed by an identifiable individual (which includes the authorized signing officer of an organization).
- (3) A complaint shall set out reasonable and probable grounds for the allegation that the member has contravened the Code.

For example, the complaint should include the name of the alleged violator, the provision of the Code allegedly contravened, facts constituting the alleged contravention, the names and contact information of witnesses, and contact information for the complainant during normal business hours.

### **Initial Classification by Integrity Commissioner Sec. 2**

2. (1) Upon receipt of the request, the Integrity Commissioner shall make an initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code and not covered by other legislation or other Council policies as described in subsection (3).
- (2) If the complaint is not, on its face, a complaint with respect to non-compliance with the Code or the complaint is covered by other legislation or a complaint procedure under another Council policy, the Integrity Commissioner shall advise the complainant in writing as follows:
  - (a) if the complaint on its face is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate police force;
  - (b) if the complaint on its face is with respect to non-compliance with the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter will be referred for review to the Town Clerk;
  - (c) if the complaint on its face, is with respect to non-compliance with a more specific Council policy with a separate complaint procedure, the complainant shall be advised that the matter will be processed under that procedure; and
  - (d) in other cases, the complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the Integrity Commissioner to process, with any additional reasons and referrals as the Integrity Commissioner considers appropriate.

- (e) If the Integrity Commissioner receives a complaint during a municipal election year respecting a member who is seeking re-election and he is of the opinion that it is politically motivated, he may stay the investigation until after the new Council takes office or dismiss it if he concludes it is specious.
- (3) The Integrity Commissioner may report to Council that a specific complaint is not within the jurisdiction of the Integrity Commissioner.
- (4) The Integrity Commissioner shall report annually to Council on complaints not within the jurisdiction of the Integrity Commissioner, but, where possible, shall not disclose information that could identify a person concerned.

### **Integrity Commissioner Investigation Secs. 3 – 9**

- 3. (1) The Integrity Commissioner is responsible for performing the duties set out in this Protocol independently, and shall report directly to Council in respect of all such matters. The Integrity Commissioner shall file an annual report to Town Council respecting the advice, education and investigations carried out in the previous year, and developments or recommendations of significance related to the role of the Integrity Commissioner.
- (2) If the Integrity Commissioner is of the opinion that a complaint is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, terminate the investigation.
- (3) Other than in exceptional circumstances, the Integrity Commissioner will not report to Council on any complaint described in subsection (2) except as part of an annual or other periodic report.
- 4. (1) If a complaint has been classified as being within the Integrity Commissioner's jurisdiction and not rejected under section 3, the Commissioner shall investigate and may attempt to settle the complaint.
- (2) Upon receipt of a formal complaint pursuant to the Code, and where the Integrity Commissioner determines that the complaint meets the criteria to be investigated, the Integrity Commissioner may elect to conduct an informal investigation or alternatively to exercise the powers of a Commission under Parts I and II of the Public Inquiries Act, as contemplated by Subsection 223.4(2) of the Act.

- (3) If the Integrity Commissioner elects to conduct an inquiry under the Public Inquiries Act, he/she shall report to Council and seek instructions before proceeding, setting out the reasons for the investigation and providing an estimate of the expected cost and time that the investigation will require.
  - (4) When the Public Inquiries Act applies to an investigation of a complaint, the Integrity Commissioner shall comply with the procedures specified in that Act and this Complaint Protocol, but, if there is a conflict between a provision of the Complaint Protocol and a provision of the Public Inquiries Act, the provision of the Public Inquiries Act prevails.
5.
  - (1) The Integrity Commissioner will proceed as follows, except where otherwise required by the Public Inquiries Act:
    - (a) serve the complaint and supporting material upon the member whose conduct is in question with a request that a written response to the allegation by way of affidavit or otherwise be filed within ten days; and
    - (b) serve a copy of the response provided upon the complainant with a request for a written reply within ten days.
  - (2) If necessary, after reviewing the written materials, the Integrity Commissioner may speak to anyone relevant to the complaint, access and examine any of the information described in subsections 223.4(3) and (4) of the Municipal Act, and may enter any Town work location relevant to the complaint for the purposes of investigation and settlement.
  - (3) The Integrity Commissioner shall not issue a report finding a violation of the Code of Conduct on the part of any member unless the member has had reasonable notice of the basis for the proposed finding and any recommended sanction and an opportunity either in person or in writing to comment on the proposed finding and any recommended sanction.
  - (4) The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction or retaliation encountered during the investigation.
6.
  - (1) The Integrity Commissioner shall report to the complainant and the member generally no later than 90 days after the making of the complaint.
  - (2) Where the complaint is sustained in whole or in part, the Integrity Commissioner shall also report to Council outlining the findings, the terms of any settlement, or recommended corrective action.
  - (3) Where the complaint is dismissed, other than in exceptional circumstances, the

Integrity Commissioner shall not report to Council except as part of an annual or other periodic report.

- (4) Any recommended corrective action must be permitted in law and shall be designed to ensure that the inappropriate behaviour or activity does not continue.
7. If the Integrity Commissioner determines that there has been no contravention of the Code of Conduct or that a contravention occurred although the member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgement made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.
8. The Town Clerk shall process the report for the next meeting of Council.

### **Council Review Sec. 9**

9. (1) Council shall consider and respond to the report within 90 days after the day the report is laid before it.
- (2) In responding to the report, Council may vary a recommendation that imposes a penalty, subject to Section 223.4, subsection (5) of the Municipal Act, but shall not refer the recommendation other than back to the Integrity Commissioner.
- (3) Upon receipt of recommendations from the Integrity Commissioner, Council may, in circumstances where the Integrity Commissioner has determined there has been a violation of the Code of Conduct, impose either of two penalties:
  - (a) a reprimand; or
  - (b) suspension of the remuneration paid to the Member in respect of his/her services as a Member of Council or a local board, as the case may be, for a period of up to 90 days
- (4) The Integrity Commissioner may also recommend that Council take the following actions:
  - (a) removal from membership of a committee;
  - (b) removal as chair of a committee;
  - (c) repayment or reimbursement of monies received;
  - (d) return of property or reimbursement of its value;
  - (e) a written and/or verbal request for an apology to Council, the complainant, or both.

## **Confidentiality; Sec 10**

10. (1) A complaint will be processed in compliance with the confidentiality requirements in sections 223.5 and 223.6 of the *Municipal Act*, which are summarized in the following subsections.
- (2) The Integrity Commissioner and every person acting under her or his instructions shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of any investigation except as required by law in a criminal proceeding.
- (3) All reports from the Integrity Commissioner to Council will be made available to the public.
- (4) Any references by the Integrity Commissioner in an annual or other periodic report to a complaint or an investigation shall not disclose confidential information that could identify a person concerned.
- (5) The Integrity Commissioner in a report to Council on whether a member has violated the Code of Conduct shall only disclose such matters as in the Integrity Commissioner's opinion are necessary for the purposes of the report.

**Schedule "A"**

I \_\_\_\_\_ hereby request the Integrity Commissioner for the Town of Collingwood to conduct an inquiry pursuant to Part V.1 of the *Municipal Act, 2001* about whether or not the following member(s) of the Town Council has (have) contravened the Code of Conduct applicable to the member(s):

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I have reasonable and probable grounds to believe that the above member(s) has (have) Contravened the Council Code of Conduct by reason of the following (please insert date, time and location of conduct, together with particulars and names of all persons involved, and of all witnesses, and information as to how they can be reached, (if more space is required, please attach additional pages as needed):

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I hereby request the Integrity Commissioner to conduct an inquiry pursuant to the provisions of section 223.4 of the *Municipal Act, 2001* with respect to the above conduct.

Attached are copies of documents and records relevant to the requested

inquiry. Please mail, fax, e-mail, or otherwise deliver this request to:

Robert J. Swayze  
Integrity Commissioner  
Town of Collingwood  
20736 Mississauga Road  
Caledon, Ontario  
L7K 1M7

Phone: 519 942 0070  
Fax: 519 942 1233  
E-mail: [robert.swayze@sympatico.ca](mailto:robert.swayze@sympatico.ca)

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Requester)

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Cell: \_\_\_\_\_

E-mail: \_\_\_\_\_

AMENDMENTS TO CODE OF CONDUCT FOR MEMBERS OF COUNCIL AND PROCEDURAL BY-LAW

The Integrity Commissioner recommends that the Code of Conduct for Members of Council (the "Code") be amended as follows:

1. On page 1 of the Code in the Preamble, subparagraph ii. and in the paragraph following sub paragraph iii., the words "and guidelines" be deleted so that the paragraph describing the Code will read as follows:

"A "Code of Conduct" for Members of Council has been prepared for their personal review and reference so as to:

- i. **augment communication to the public in the role and integrity of municipal politicians in the Town of Collingwood,**
- ii. **to provide present and future Councils with additional assistance as they perform their elected duties and responsibilities and**
- iii. **to assist Members of Council in providing leadership by example to staff.**

It is hoped this will be viewed by each Member of Council as a valuable added resource to assist them in fulfilling their mandate in an effective, open and efficient manner."

2. On page 4 of the Code, section 5, second bullet, the words: "at a meeting open to the public" be added after "prior approval of Council" and the limit of \$200 be applied to all gifts referred to in the third bullet so that bullet two and three will read as follows:

- "Accept gifts, hospitality or entertainment with a nominal value of \$500 or more with the prior approval of Council at a meeting open to the public.
- Accept gifts, hospitality or entertainment that can be used/consumed within a 24 hour period or accommodation or transportation, all with a value of less than \$200 and provided that the acceptance of such gifts is infrequent (less than two or three times a year)."

3. On page 5 of the Code, section 8, that a second bullet be added as follows:

- in an election year, not use facilities, equipment, supplies, services or other resources of the Town for any election campaign or campaign related activities.

The Integrity Commissioner recommends that Procedural By-law No. 2006-120 as amended, be further amended as follows:

That Section 13.7 be amended to add the words “or personal conflict” after the words “pecuniary interest” so that the section will read as follows:

**13.7 Mandatory vote – all members - exception**

Every Member present, including the Mayor, shall vote on every motion unless the member has declared a pecuniary interest or a personal conflict in the matter. The Mayor’s or Chair’s declaration of the vote shall be deemed to reflect how he/she voted on the motion.

And that section 13.8 be deleted.