



## REPORT N° CLERK2019-06

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| <b>Date</b>         | 01/04/2019  |
| <b>Submitted by</b> | Monique Ouellet, Clerk  |
| <b>Subject</b>      | Code of Conduct, Complaint Protocol, Council and Staff Relations Policy |
| <b>File N°</b>      |   |

1) **NATURE/GOAL :**

The purpose of this report is to recommend that Council's Code of Conduct be revised to ensure its compliance with new legislation and to further recommend that a Code of Conduct for committees and volunteers be established, and that a Complaint Protocol as well as a Council and Staff Relations Policy be adopted.

2) **DIRECTIVE/PREVIOUS POLICY :**

- By-law 2013-116, establishing a Code of Conduct

3) **DEPARTMENT'S RECOMMENDATION :**

**THAT** the Committee of the Whole recommends that Council adopts a by-law to establish a newly revised Code of Conduct for Council, a Code of Conduct for Committees and Volunteers, Code of Conduct Complaint Protocols, Request for Advice Protocol/Form, as well as a Council and Staff Relations Policy, as recommended in Report No. CLERK2019-06.

**QUE** le Comité plénier recommande que le conseil adopte un règlement pour établir un nouveau Code de déontologie pour les membres du conseil, un Code de déontologie pour les membres des comités et les bénévoles, des protocoles de plaintes relatifs au Codes de déontologie, un protocole/formulaire pour les requêtes d'avis, ainsi qu'une politique relative aux relations entre les membres du conseil et les employés, tel que recommandé au rapport no. CLERK2019-06.

4) **BACKGROUND :**

On May 30, 2017, Bill 68, received Royal Assent. At that time, Report No. CLERK2017-12, was presented to Council providing an overview of the new obligations imposed on municipalities through amendments to Ontario's municipal legislation including *the Municipal Act, 2001, the Municipal Conflict of Interest Act and the Municipal Elections Act, 1996*.

On March 4, 2019, Council appointed Mr. John Saywell as Integrity Commissioner for the City of Clarence-Rockland.

5) **DISCUSSION :**

The role and responsibilities of the Integrity Commissioner, as per section 223.3 (1) of the *Municipal Act, 2001, as amended* is to perform the following functions:

1. The application of the Code of Conduct members of Council and members of Local Boards.
2. The application of any procedures, rules and policies of the Municipality and Local Boards governing the ethical behaviour of members of Council and of Local Boards.
3. The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of Council and Local Boards.
4. Requests from members of Council and Local Boards for advice regarding their obligations under the Code of Conduct applicable to the member.
5. Requests from members of Council and of Local Boards for advice respecting their obligations under a procedure, rule or policy of the municipality or the local board, as the case may be, governing the ethical behaviour of members.
6. Requests from members of Council and of Local Boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*.
7. The provision of educational information to members of Council, members of Local Boards, the municipality and the public about the municipality's codes of conduct for members of Council and members of Local Boards and about the *Municipal conflict of Interest Act*.

Further to the appointment of the Integrity Commissioner, it is important for Council to review its Code of Conduct to ensure that it is compliant with the new legislative requirements. Instead of amending the current document, staff is proposing a new Code of Conduct for members of Council as well as for Committees and Volunteers for review and approval.

In addition, it is important to establish complaint protocols as well as establish a manner in which members of Council will proceed in order to obtain advice from the Integrity Commissioner.

Also, paragraph 2.1 of subsection 270(1) of the *Municipal Act, 2001*, provides that municipalities shall adopt and maintain a policy to govern the relations between members of Council and Staff. Therefore, a policy has been drafted and is being submitted for Council's consideration.

Council Code of Conduct

The Council's Code of Conduct Statement of Principles is intended to set a high standard of conduct for members in order to provide good governance and a high level of public confidence in the administration

of the Municipality by its members as duly elected or appointed public representatives to ensure that they each operate from a foundation of integrity, transparency, justice, truth, honesty and courtesy.

As prescribed under Ontario Regulation 55/18, the proposed Code of Conduct addresses the following subject matters:

1. Gifts, benefits and hospitality;
2. Respectful conduct, including conduct toward officers and employees of the municipality or the local board, as the case may be;
3. Confidential information; and
4. Use of Municipal or Local Board property.

A Disclosure Statement Form is included with the Code of Conduct for the disclosure of tokens, mementoes, souvenirs or such gifts or benefits as required.

#### Committee and Volunteer Code of Conduct

The Committee and Volunteer's Code of Conduct Statement of Principles is intended to ensure that Volunteers and Advisory Committee members carry out their duties with respect, integrity, transparency, justice, truth, honesty and courtesy.

#### Complaint Protocols

The complaint protocols include both an informal complaint process which will be encouraged initially, and a formal complaint process to be followed should the complainant not be satisfied with the outcome of the informal process or wishes to proceed directly to filing a formal complaint.

A formal Complaint Form which serves as an official declaration by an individual (the complainant) that a member of Council or member of a Committee or a Volunteer has contravened with one or more section(s) of the Code of Conduct, is included as part of the protocols.

#### Council and Staff Relations Policy

The Council and Staff Relations Policy is intended to set a high standard for relations between Council and Staff in order to provide good governance and instill a high level of public confidence in the administration of the City by its Council as duly elected public representatives and its Staff as public administrators.

#### Request for Advice –Integrity Commissioner

A Request for Advice Protocol /Form, which shall serve as an official request for advice from the Integrity Commissioner, has been included for consideration and approval.

6) **CONSULTATION:**

These new Codes of Conduct were reviewed and are endorsed the City's appointed Integrity Commissioner, Mr. John Saywell.

7) **RECOMMENDATIONS OR COMMENTS FROM COMMITTEE/ OTHER DEPARTMENTS :**

n/a

8) **FINANCIAL IMPACT (expenses/material/etc.):**

n/a

9) **LEGAL IMPLICATIONS :**

n/a

10) **RISK MANAGEMENT :**

n/a

11) **STRATEGIC IMPLICATIONS :**

n/a

12) **SUPPORTING DOCUMENTS:**

- Proposed By-law which includes:
  - Council Code of Conduct
  - Committee and Volunteer Code of Conduct
  - Complain Protocols
  - Council and Staff Relations Policy
  - Request for Advice Protocol/Form
- By-law No. 2013-116 (Current Code of Conduct)