



ROBERT N. SHELTON
CHIEF ADMINISTRATIVE OFFICER

February 11, 2015

CHIEF ADMINISTRATIVE OFFICER REPORT - #2015-02

TO: Committee of the Whole
SUBJECT: Council Code of Conduct Update
ORIGIN: CAO

RECOMMENDATIONS

THAT CAO Report - #2015-02 dated February 11, 2015 regarding the Council Code of Conduct Update be received and that the following recommendations be approved:

- 1) THAT staff be directed to investigate best practices on policy issues such as Councillor supported community events/not for profit organizations and clarification of official email address use;
- 2) AND THAT findings be brought back as part of the draft Council Code of Conduct;
- 3) AND THAT future Code complaints related to matters currently under review be held in abeyance until the review has been completed and reported on to Council;
- 4) AND THAT future Code complaints follow the Interim Code Complaint Process as outlined in this report until a new Council Code of Conduct has been adopted.

COMMENTS

By way of background information, I received a Council Code of Conduct complaint on December 1, 2014 and subsequently referred it to the Integrity Commissioner for review.

Recently the Town received the results of the review and as you will see in the Review Report of Ms. Craig dated February 4, 2015 (included as Item 15 on the February 23, 2015 Committee of the Whole agenda) an investigation of the matter is not required. However, the Review did contain some suggestions for enhanced policy wording. Many municipalities are reviewing these same matters and I believe that we can benefit from these emerging best practices.

A Council Code of Conduct helps to ensure that Members of Council share a common basis for acceptable conduct. It should establish guidelines and procedures to assist in this regard. The Town's current Council Code of Conduct was adopted in 2007 (see Attachment 'A') and staff have been working on developing a draft which reflects best practice and ensures relevance.

This report will also provide the status of the Council Code of Conduct review and will set out the approach to address comments contained within the Code of Conduct Review document. As earlier stated, these matters are ones that many municipalities are currently addressing and on which new policies are being developed.

<u>Item</u>	<u>Recommended Approach</u>
Draft Council Code of Conduct	During the last term of office, Council referred the draft Code of Conduct to this current term. Staff will investigate matters as set out in this report and will bring recommendations to Committee of the Whole at the same time that the draft Code is brought forward. Anticipated timeframe is May 2015 and Council will be updated if this timeframe can't be met.
Use of official address/email	Staff will clarify appropriate use of official address/email address and will investigate best practices by other municipalities
Councillor supported community events and not for profit organizations	Staff will investigate best practices by other municipalities insofar as delineating the difference between supporting/encouraging community endeavours and the solicitation of funds.

Interim Code Complaint Process

Until a new Council Code of Conduct is adopted by Council, and in place of the process set out in the current Code, staff will be following the interim complaint process set out below upon Committee of the Whole adoption unless directed otherwise by Council:

1. Complainant files complaint and appropriate documentation with the Town Clerk in a sealed envelope marked "Confidential" addressed to the Integrity Commissioner.
2. The complaint is reviewed/screened by the IC to establish that it is a reasonable basis for a Code violation and that it is not frivolous, vexatious or has already been resolved. Further the complaint must be within the IC's jurisdiction and that the alleged violation has taken place within six months of the filing of the complaint.
3. If after the review, the IC dismisses the complaint as not having merit or that an investigation is not required, the complainant and Member are notified with no further action being required.
4. If the IC conducts an investigation, the matter will proceed and the IC will provide the investigation report to the complainant and the Member and the Town Clerk for inclusion on an upcoming Committee of the Whole agenda.

Further,

- Council previously authorized staff to retain an IC on an as needed basis and that direction will continue to be applied.
- Councillor to Councillor complaints have been deleted from the Code by a previous resolution of Council.
- Code complaints related to matters currently under review will be held in abeyance as per Recommendation #3 of this report.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report links to Newmarket's key strategic directions in being Well Equipped and Managed through fiscal responsibility and sound and accountable governance.

CONSULTATION

This report has had the input of the CAO, the Commissioner, Corporate Services and the Director, Legislative Services.



HUMAN RESOURCE CONSIDERATIONS

Not applicable to this report.

BUDGET IMPACT

Operating and Capital Budgets

Funds for an Integrity Commissioner have been allocated in the Operating Budget.

CONTACT

For more information on this report, contact the CAO.

Bob Shelton,
Chief Administrative Officer