



Draft Code of Conduct for Members of Council

**Presentation to
Committee of the Whole
February 22, 2016**



Purpose



Code Review Process/Background

Additional Information Requested

Review of Amendments to Draft Code

Next Steps

Integrity Commissioner Expenses



Year	Investigations/Invoices	Total Expenses
2013	1 – investigation commenced in 2012 and concluded in 2013 1 – investigation commenced and concluded in 2013	\$10,447.20
2014	1 – investigation commenced, ongoing in 2015	No invoice in 2014
2015	1 – ongoing investigation concluded in 2015 1 – IC Invoices re. draft Code review	\$4,276.68

Ethic Scan Supplemental Report



	Initiative and Consultant's Points	Staff Comments
1	Apply code to spouses, family members and business partners (3)	The Municipal Act does not apply to spouses, family members and business partners; therefore, cannot be enforced if included in the Code (n/a)
2	Apply provisions to other agencies, boards and commissions (1)	Not included in Code – included in Committee Administration Policy (1)
3	Address non pecuniary conflicts (2.5)	Not included in Code and may be addressed in new legislation (n/a)
4	Outright ban on all gifts (3)	Included in Code as recommended (3)
5	Establish a routine gifts registry (1.5)	If no gift permitted, no gift registry required (n/a)
6	Allow Member to Member complaints (3)	Included in Code as recommended (3)
7	Disallow complaints during election period (2)	Not included in Code as IC can dismiss politically motivated complaints, allowing complaints with merit to be heard at any time (n/a)
8	Specify more specific service timetable warranties at all stages of normal complaint process (2)	Current text sets out clear timeframes for complaints and services level expectations (2)
9	Develop and apply "integrity test" for all staff and/or elected officials on recognizing and dealing with ethical dilemmas (3)	Not included in Code. Process to provide guidance to Members and is not intended to be part of the Code (n/a)

Ethic Scan Supplemental Report



	Initiative and Consultant's Points	Staff Comments
10	Allow IC to provide advice on Municipal Conflicts of Interest (2.5)	Provision in Code to disallow IC advice to Members on Municipal Conflict of Interest. Legal opinion provided stating that giving of such advice is outside IC's jurisdiction. Approach supported by current IC (n/a)
11	Provide more clarity on process of accepting and resolving informal complaints (2.5)	Not included in Code. Draft Code ensures complaints are dealt with confidentially and at arms-length from the municipality (n/a)
12	Ensure IC's report not be made public (1)	Not included in Code. It is a legislated requirement under the Municipal Act for the IC's report to be made public. The complainant's information is not included in the report (n/a)
13	Allow IC to provide progressive appropriate disciplinary or sanction recommendations in spirit of the law (2.5)	Not included in the Code. Case law has not determined the precise scope of permissible remedial measures. Legal advice provided that additional penalties could be found outside the jurisdiction of the Town to impose. Does not prevent IC from including additional penalty recommendations and is not required to be included in Code (n/a)
14	Provide individual sign-off/attestation of having read and agreed to terms of code which is common in virtually all codes (2.5)	Included in Code. Although not considered a substantive matter, the recommendation can be easily implemented (2.5)
15	Implement an Ethics Q and A Manual as the kind of decision-making guidance or helpful educational resource that grows as needed (0)	Not included in Code – alternate option recommended. Future opportunities and measures in support of an informal program of ongoing ethics education and guidance to Members of Council will be considered by staff in consultation with the IC (2.5)
16	Establish a formal Lobbyist Registry (2.5)	Not included in Code – alternate option recommended. Municipalities may adopt lobbying measures for specific circumstances such as large dollar value procurement of goods and services. Town will continue this practice as required (2.5)
17	Mandate lobbyists with responsibility to disclose local lobbyist activity (2.5)	Not included in Code. No jurisdiction to mandate lobbyists within Code (n/a)
18	Provide a stronger clarity and differentiation between use of allowable resources between community (ward), charitable and political activity (1.5)	Included in Code. Definition has been included for Community Groups and Organizations and clearer wording has been provided in Code in relation to use of resources. Alternate option - policies will also be amended to provide clearer guidance regarding use of corporate resources during elections (1.5)
19	Implement an ongoing Transparency and Accountability Committee of Council (2.5)	Not included in Code – alternate option recommended. Policies and practices related to accountability and transparency are brought forward to Council as a whole through Committee of the Whole and Council with an opportunity for public input. Council direction would be required to consider such a Committee (2.5)

Amendments to Draft Code



- Definitions
- New Section Recommended – Transparency and Openness in Decision Making
- Section 5 – Access to Information and Confidentiality
- Section 6 – Undue Use of Influence
- Section 7.2 – Staff Relations
- Section 10 – Political Activity
- Section 11- Participation in Community Groups and Organizations and Their Events
- Section 14 – Social Media
- Section 16 – Complaint Process

Next Steps



By-law establishing a Code of Conduct for Members of Council to be adopted at the February 29, 2016 Council meeting;

Applicable policy amendments to be brought forward in Q2, 2016;

Council to consider creating an Accountability and Transparency Committee - Council to provide direction as part of future committee review;

Develop an informal program of ongoing ethics education and guidance to Members of Council; and,

Council to consider measures which respond to lobbying of Member of Council – lobbying measures for specific circumstances such as large dollar value procurement of goods and services will continue as required.

Council Feedback



- Comments or Questions