Staff Report

**Report To:** Dan Best, Chief Administrative Officer

**From:** Rebekah Msuya-Collison, Director of Legislative Services/Clerk

**Date:** January 13 2020

**Report:** CL#02-2020

**Subject:** Code of Conduct/Complaint Protocol

**Recommendations:**

**That** South Huron Council receives the report of R. Msuya-Collison, Director of Legislative Services/Clerk re Code of Conduct and Complaint protocol; and

**That** Council approve the proposed draft Code of Conduct for Members of Council and Local Boards.

**Purpose:**

For approval

**Background and Analysis:**

As of March 1, 2019, municipalities were required to establish codes of conduct for members of the municipality’s council and of its local boards. Bill 68 also added the following subsection to the *Municipal Act, 2001*:

- Regulations 223.2 (4) The Minister may make regulations prescribing one or more subject matters that a municipality is required to include in a code of conduct.

A code of conduct aims to ensure public trust and confidence in the Municipality’s decision making and operations. The public should expect the highest standards of conduct from members they elect to local government, as well as members serving on boards and committees. In turn, adherence
to these standards will protect and maintain the Municipality’s reputation and integrity of its decision-making process.

South Huron appointed Aird Berlis as Integrity Commissioner in 2019 and as part of their services the solicitor reviewed our current Code of Conduct, which was passed in 2016 and prior to the new legislation. Aird Berlis advised that our current code of conduct is missing a few key elements and recommended that South Huron update the code of conduct to ensure adherence with Bill 68.

Key Components include:

- General Integrity Conduct
- The Role of Staff
- Municipal Property
- Gifts and Benefits
- Confidential Information
- Discrimination and Harassment
- Improper Use of Influence
- Conflicts of Interest
- Council Policies and Procedures
- Election Activity
- Communications and Media Relations
- Respect for the Code of conduct
- Penalties for Non-Compliance with the Code of Conduct
- Remedial or Corrective Actions
- Legal Fees
- Complaint Protocol

The proposed Code of Conduct contains both an informal and formal complaint procedure and outlines complaints outside of the Integrity Commissioner’s jurisdiction. The new Code of Conduct contains clauses that outline the Integrity Commissioner’s discretion to refuse to conduct an investigation as well as provides an extensive outline for opportunities for resolution. There is now a disclosure statement for gifts and benefits and a specified limit of $200.00.

Aird Berlis and staff have attempted to strike a balance between the appropriate rules without creating additional levels of bureaucracy. The Municipality of South Huron is committed to upholding the highest quality of municipal administration and governance which can best be achieved by encouraging high standards of conduct on the part of all elected officials. The recommended revised Code of Conduct is attached to this report.
Operational Considerations:

The Code of Conduct applies to all members of the Council of the Municipality of South Huron and members of Committees of the Municipality of South Huron. It is the responsibility of all members to be aware of, and comply with, the Code.

The Clerk’s department currently provides an orientation to Council and Committees which includes a presentation on the Code of Conduct. The complaints submitted under the Code of Conduct would be submitted through the Clerk’s Department, who would forward the matter to the Integrity Commissioner. The Integrity Commissioner reports to Council and is responsible for the application of the Code.

South Huron’s Strategic Plan:

Section 6.2.2 of the Municipality of South Huron 2015-2019 Strategic Plan identifies Strategic Objectives. The following elements are supported by the actions outlined in this report:

✓ Transparent, Accountable, and Collaborative Governance

Financial Impact:

The total financial impact will vary each year depending on the number of complaints. The current fees to submit a complaint are set at $25.00. There is no direct financial impact seen by the adoption of this Code of Conduct, however a financial impact may be experienced if a complaint were to be lodged with the Integrity Commissioner through the Formal Complaint Process found in Appendix ‘B’ to the Code of Conduct.

Legal Impact:

The Municipal Act, 2001 requires all municipalities to adopt a Code of Conduct for members of City Council and to appoint an Integrity Commissioner to enforce the Code.

Staffing Impact:

There are no staffing impacts not outlined in this report.

Policies/Legislation:

Municipal Act, 2001
Municipal Conflict of Interest Act
Municipal Elections Act, 1996
Municipal Freedom of Information and Protection of Privacy Act
Ontario Occupational Health and Safety Act
Ontario Human Rights Code
Criminal Code of Canada

Consultation:
John Mascarin, Aird Berlis LLP
CAO D. Best

Related Documents:

Respectfully submitted,

Rebekah Msuya-Collison, Director of Legislative Services/Clerk