



STAFF REPORT

Title: Bylaw No. 638-AD-19 - Bylaw to Amend Council Code of Conduct Bylaw No.618-AD-18

Meeting Date: March 12, 2019

Executive Summary:

At the Regular meeting of Council on February 26, 2019, Council considered amendments to Bylaw No. 618-AD-18, Council Code of Conduct Bylaw.

Bylaw No. 638-AD-19, is before Council for consideration for second and third reading.

Background:

Council passed Bylaw No. 618-AD-18 the Council Code of Conduct Bylaw on April 24, 2018.

Administration presented the below recommended amendments to the Corporate Priorities Meeting of council on February 19, 2019:

Adding section 2.10:

2.10 "Council Complaints Committee" means the Committee created by this Bylaw, and for each meeting of such committee, to be composed of all Councillors other than the one or more Councillors about whom a particular complaint is made. The quorum of this Committee is the majority of Council.

Revising section 3.22.5 (changes in red):

3.22.5 Leave the meeting room if the matter is discussed and not return until discussions has ended or voting on the matter has been concluded; with the exception that, Councillors with a stated conflict of interest may stay in the meeting room, if the Councillor is seated in the gallery and addresses Council as a taxpayer, elector, ~~or owner or if the Councillor who~~ has the right to be heard pursuant to the Act or any other enactment.

Revising section 4.4 (changes in red):



- 4.4 The Council Complaints Committee is formed for the purposes set out below. The Mayor (or Deputy Mayor) shall call and Chair a meeting of the Council Complaints Committee which shall consider ~~special~~ in-camera ~~Council Meeting to determine~~ the validity of the complaint, and during which:
- 4.4.1 All Councillors shall be provided with a copy of the Complaint Form and given an opportunity to ask questions;
 - 4.4.2 The Councillor alleged to have breached the Code of Conduct has a right to be heard by the Committee and shall answer questions from the other Councillors and be given an opportunity to respond to the allegations and provide additional information concerning the allegations;
 - 4.4.3 The Chair may determine that additional information is required to determine the validity of the complaint;
 - 4.4.4 The complaint ~~shall be deemed~~ may be determined to be valid by a two-thirds majority vote of the members of the ~~Committee Council~~, who are present, but excluding any Councillor about whom the complaint under consideration is made, no later than forty-five (45) days following receipt of the complaint, unless the Council Complaints Committee passes a motion to extend the period beyond the forty-five (45) day deadline.

Revising section 4.5 (changes in red):

- 4.5 Where a complaint is deemed to be valid in accordance with section 4.4, the appropriate sanction shall be determined by a two-thirds majority vote of the members of the ~~Committee Council~~, but excluding any Councillor about whom the complaint under consideration is made, who are present when the complaint is considered, from any or all of the following options:
- 4.5.1 a letter of reprimand addressed to the Councillor;
 - 4.5.2 requesting the Councillor to issue a letter of apology;
 - 4.5.3 publication of a letter of reprimand or request for apology and the Councillor's response;
 - 4.5.4 a requirement to attend training;
 - 4.5.5 suspension or removal of the appointment of a Councillor as the deputy Mayor or acting Mayor under section 152 of the *Act*;
 - 4.5.6 suspension or removal of the Mayor's presiding duties under section 154 of the *Act*;



- 4.5.7 suspension or removal from some or all council committees and bodies to which council has the right to appoint members;
- 4.5.8 reduction or suspension of remuneration as defined in section 275.1 of the *Act* corresponding to a reduction in duties, excluding allowances for attendance at council meetings;
- 4.5.9 such other sanction as is appropriate in the circumstances.

Following discussions at the February 19, 2019 Corporate Priorities Meeting, Council advised it was not comfortable with the addition of section 4.5.9 as this provision was too broad and requested sanctions to be defined. Council requested that section 4.5.9 be removed and the rest of the recommended amendments be presented at the next Regular Meeting of Council.

Alternatives:

Council may consider the following options:

1. Proceed to give Bylaw 638-AD-19 second as well as third and final reading.
2. Proceed with second reading of Bylaw 638-AD-19 and discuss and further amendments.
3. Postpone second and third reading and recommend the bylaw be returned to Corporate Priorities for further discussion.

Recommended Action:

Administration recommends that Council give second and third reading to Bylaw No. 638-AD-19, being a Bylaw to Amend Council Code of Conduct Bylaw No. 618-AD-18, as presented.

Budget Implications (Yes or No):

No

Submitted by:

Kevin Nagoya, Chief Administrative Officer