



STAFF REPORT

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

Meeting Date: January 22, 2019

Executive Summary:

Council passed Bylaw No. 618-AD-18 the Council Code of Conduct Bylaw on April 24, 2018. Administration recommends an amendment to the Bylaw be made to provide greater clarity around the accountability process. In addition to the recommended amendments, Administration seeks Council's direction on whether further revisions should be considered.

Background:

Council passed Bylaw No. 618-AD-18 the Council Code of Conduct Bylaw on April 24, 2018. Upon further review, administration recommends several amendments to provide clarity around section 4 "Accountability" in the bylaw.

Administration recommends that instead of indicating that complaints be heard by a "Special Meeting of Council", it be clarified that a "Council Complaints Committee" be established to hear complaints made under the Council Code of Conduct. The purpose of this clarification would be to avoid the possibility that a Councillor about whom a complaint is made declines to remove themselves from the discussion and decision on the validity of the complaint concerning him or her. As Councillors have a right to attend Council Meetings, and the decision to follow the pecuniary interest rules is a decision made by the individual Councillor, not Council, the creation of a Committee addresses any potential issue. The membership of the Committee will vary from meeting to meeting of the Committee as a Councillor who is the subject of a complaint will not be a member of the Committee while that complaint is under consideration.

Furthermore, administration recommends that section 3.22.5 be amended slightly to ensure consistency with the limited situations where a Councillor is entitled to remain in Council Chambers (seated in the gallery) who has declared a pecuniary interest.

Additionally, Council may wish to consider adding in another sanction under section 4.5 which would permit Council to impose any other sanction deemed appropriate. This would ensure the Council Complaints Committee has the broadest range of options available to it when imposing sanctions related to the Council Code of Conduct.

As such, Administration recommends the following:

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.

In addition to the recommended amendments, Administration seeks Council's feedback on whether further revisions should be made now that Council has gone through the process of holding a hearing under the bylaw.

Alternatives:

1. Council direct Administration to bring Bylaw No. 638-AD-19, being a Bylaw to Amend the Council Code of Conduct Bylaw No. 618-AD-18 to the next regular Council meeting for first reading, as presented.
2. Council direct Administration to bring Bylaw No. 638-AD-19, being a Bylaw to Amend the Council Code of Conduct Bylaw No. 618-AD-18 to the next Corporate Priorities meeting for further discussion.

Recommended Action:

Council direct Administration to bring Bylaw No. 638-AD-19, being a Bylaw to Amend Council Code of Conduct Bylaw No. 618-AD-18, to the February 26, 2019 regular meeting of Council for first reading, as presented.

Budget Implications (Yes or No):

No

Submitted by:

Kevin Nagoya, Chief Administrative Officer