

DATE OF MEETING MARCH 6, 2023
AUTHORED BY KAREN ROBERTSON, DEPUTY CITY CLERK
SUBJECT CODE OF CONDUCT REVIEW

OVERVIEW

Purpose of Report

To bring forward Council's Code of Conduct Bylaw for review as per the requirements set out in Section 113.1 of the *Community Charter*.

Recommendation

That Council reaffirm support for the "Code of Conduct Bylaw 2022 No. 7348" as adopted by Council on 2022-MAY-30 and confirm that the bylaw meets Council's current conduct objectives.

BACKGROUND

On 2022-MAY-16, Council adopted the following bylaws and Council policy amendment regarding Code of Conduct for Council and Committee members which came into force on 2022-OCT-15:

- "Code of Conduct Bylaw 2022 No. 7348" (a bylaw to regulate the conduct for Council and Committee Members) – see Attachment 1;
- "Ethics Commissioner Establishment Bylaw, 2022 No. 7349" (a bylaw to establish an Ethics Commissioner position or ad hoc Commissioner) – see Attachment 2;
- "Elected Official Oath of Office Bylaw 2022 No. 7350" (a bylaw to establish the oath and embed the Code of Conduct Bylaw, or any future Code of Conduct Bylaws or policies within the Oath) – see Attachment 3; and
- Council Spending and Amenities Policy code of conduct breaches provisions – see Attachment 4.

The above bylaws and Council policy were brought forward to the previous Council for consideration as new legislation was being proposed to the *Community Charter* that would make it mandatory for all Councils to either establish a code of conduct, or to review their existing code of conduct if one existed, within six months after Council's first regular Council meeting.

Council did have a Code of Conduct policy in place at the time; however, it was foundational in nature and contained no conduct and accountability provisions. As such, Council chose to proactively consider amendments prior to the legislation coming into force, and prior to the 2022 election, so that newly elected officials would have a clear understanding about conduct rules and expectations prior to the election. The review also met one of Council's Strategic Plan Priorities of developing a culture of excellence around governance and provided an opportunity

to further support responsible conduct by tying the Code of Conduct Bylaw to the Oath of Office Bylaw (see Attachment 5 for background report).

DISCUSSION

On June 13, 2022, the sections of Bill 26 that deal with the Code of Conduct came into effect. Although Council conducted a thorough review in May, 2022 and replaced its Code of Conduct policy with a more robust Code of Conduct Bylaw, along with other supporting bylaws and policies that supported that conduct, Section 113.1 of the *Community Charter* states that Council must review its Code of Conduct Bylaw within the first six months after its first regular council meeting (prior to June 5, 2023) by considering the prescribed principles contained within the Code of Conduct Bylaw and determining whether the Bylaw supports Council's code of conduct objectives. As such, "Code of Conduct Bylaw 2022 No. 7348" is before Council for review and to seek a motion to either a) reaffirm support for the "Code of Conduct Bylaw 2022 No. 7348" as adopted by Council on 2022-MAY-30 (see option 1); or b) to identify sections of the bylaw that it wishes to review in more detail at a future meeting (see option 2).

OPTIONS

Option 1:

That Council reaffirm support for the "Code of Conduct Bylaw 2022 No. 7348" as adopted by Council on 2022-MAY-30 and confirm that the bylaw meets Council's current conduct objectives.

- The previous Council chose to replace its Code of Conduct Council policy with a more robust Code of Conduct Bylaw that expanded on the Foundational Principles by adding conduct and accountability provisions. Should Council determine that the bylaw meets the current Council's conduct objectives, staff recommend that Council select option 1.
- Since the bylaw's implementation, no informal or formal complaints have been made.

Option 2:

That Council identify the sections within "Code of Conduct Bylaw 2022 No. 7348" that it wishes to have reviewed in more detail and direct staff to bring forward a report on those sections to a future Council meeting for consideration.

- Option 2 would be selected if Council determines that one or more of the principles contained within Code of Conduct Bylaw 7348 do not meet with Council's conduct objectives.
- If this instance, Staff would be seeking direction on which sections Council wishes to review in more detail so that staff could bring back a subsequent report to a future meeting.

SUMMARY POINTS

- Council adopted Code of Conduct Bylaw 2022 No. 7348 on May 16, 2022.
- The Code of Conduct Bylaw replaced the previous Code of Conduct Policy which now has conduct and accountability provisions for Council and Committee members.
- On June 13, 2022, Section 113.1 and 113.2 of the *Community Charter* came into effect making it mandatory for new councils (within 6 months after its first regulation Council meeting) to review its code of conduct to ensure it meets Council's conduct objectives.

ATTACHMENTS

Attachment 1 - Code of Conduct Bylaw 2022 No. 7348

Attachment 2 - Ethics Commissioner Establishment Bylaw, 2022 No. 7349

Attachment 3 - Elected Official Oath of Office Bylaw 2022 No. 7350; and

Attachment 4 - Council Spending and Amenities Policy

Attachment 5 – RPT_C220516 – Code of Conduct for Council and Committee Members

Submitted by:

Karen Robertson,
Deputy City Clerk

Concurrence by:

Sheila Gurrie,
Director of Legislative Services

Jake Rudolph, CAO