

Report to Council

Report Title:	Updated Council Code of Conduct		
Prepared By:	Fiona Hamilton, Director of Legislative and Legal Services (Clerk)		
Department:	Clerk's		
Date:	November 29, 2022		
Report Number:	CLK2022-30	File Number:	C11CL, C13, A09
Attachments:	Updated Council Code of Conduct Council Complaint Protocol Amended Council and Staff Relations Policy		

Recommendation:

That the Council of the Municipality of Brockton hereby receives Report Number CLK2022-30 – Updated Council Code of Conduct, prepared by Fiona Hamilton, Director of Legislative and Legal Services (Clerk) and in doing so approves a By-Law coming forward to adopt the new Council Code of Conduct including the Complaint Protocol, and a By-Law coming forward to adopt an amended Council and Staff Relations Policy.

Report:

Background:

Under Section 223.2(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, Municipalities are required to establish codes of conduct for members of Council and Local Boards, and those codes must contain address specific matters. The Municipality of Brockton currently follows a Code of Conduct established in 2018, which was amended slightly in 2021. The Code of Conduct applies to all members of the Council of the Municipality of Brockton and members of Committees of the Municipality of Brockton, and includes members of the public appointed to Committees as representatives on behalf of the Municipality of Brockton. It is the responsibility of all members to be aware of, and comply with, the Code.

However, when the current code of conduct was first introduced in 2018, the entire accountability regime under the *Municipal Act, 2001* was new. Municipalities, members of Council and Integrity Commissioners had not yet had a chance to identify challenges or areas of improvement for the code of conduct or the processes that should be followed for making complaints, completing investigations and reporting findings to Council.

Recently, Brockton appointed Aird & Berlis LLP as the Integrity Commissioner for Brockton as per By-Law 2022- 143 as the previous Integrity Commissioner has resigned. The firm of Aird & Berlis LLP represent more than two dozen municipalities of varying sizes and are one of the leading firms in this area.

Analysis:

Aird & Berlis LLP have developed a Code of Conduct, Complaint Procedure and Council and Staff Relations Policy based on situations they have encountered in other municipalities and common problems they have identified. Staff are recommending that these new documents be adopted to replace our old versions for three main reasons:

- 1) Adopting the new documents ensures the Integrity Commissioner is already familiar with the terms and Brockton will not need to spend money having Aird & Berlis LLP review our existing documents when providing advice or training or when completing investigations;
- 2) The proposed documents represent “best practices” where Brockton can learn from potentially costly situations that have occurred in other municipalities; and
- 3) The County of Bruce and many neighbouring municipalities will be adopting it as well.

Some of the main highlights of the new code of conduct include:

- Acknowledgement that some complaints could be resolved using an informal procedure, with assistance from the Integrity Commissioner, rather than forcing all complaints to go through a formal investigation;
- The updated procedure gives all the parties a better sense of what will occur, and puts some parameters in place around who will be permitted to file complaint (electors or persons acting demonstrably in the public interest) and when complainants will be kept confidential;
- Greater transparency to the public about the reasons why an investigation may not be launched;
- A final limitation period of 6 months to ensure that complaints are brought in a timely fashion (rather than waiting until an unpopular vote and then retaliating with years of alleged violations);
- Clarity on the questions that members can be present for discussions of any substantiated code violations but will not be permitted to vote on the consideration of penalties;
- Guidance on appropriate social media use; and
- Introduction of a regime to allow for gifts and hospitality that are part of proper social etiquette (such as receiving a token of appreciation for speaking on behalf of Brockton at an event or receiving a sponsored meal as part of a conference attendance).

The code of conduct proposes that each member be permitted to receive a gift of up to \$250.00 in appropriate circumstances from a single source with a total annual limit of \$500.00. There is now a form that the Member would fill out that would be publicly available. The benefit of this approach is that it allows for reasonable flexibility for members while also improving transparency, accountability for the public.

Once the new code of conduct and other documents have been approved, staff will distribute it and provide an overview to our Committees of Council and Local Boards as the policy applies to our Committees/Local Boards as well as Council members. Further, additional specific training will be arranged early in the new year to ensure all members of Council are aware of their responsibilities.

Strategic Action Plan Checklist:

What aspect of the Brockton Strategic Action Plan does the content/recommendations in this report help advance?		
• Recommendations help move the Municipality closer to its Vision		Yes
• Recommendations contribute to achieving Heritage, Culture, and Community		N/A
• Recommendations contribute to achieving Quality of Life		N/A
• Recommendations contribute to achieving Land Use Planning and the Natural Environment		N/A
• Recommendations contribute to achieving Economic Development		N/A
• Recommendations contribute to achieving Municipal Governance		Yes

Financial Impacts/Source of Funding:

- Do the recommendations represent a sound financial investment from a sustainability perspective? Yes

The goal is to introduce documents that are clear and developed based on best practices to avoid spending large amounts of investigations and complaints.

Reviewed By:



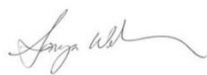
Trish Serratore, Chief Financial Officer

Respectfully Submitted by:



Fiona Hamilton, Director of Legislative and Legal Services (Clerk)

Reviewed By:



Sonya Watson, Chief Administrative Officer