



**Meeting Date:** April 28, 2021

**Submitted by:** Michael Di Lullo, CAO and James Hutson, Municipal Clerk

**Report No:** CAO-7-2021

**Subject:** Municipal Code of Conduct Review

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**Recommendation:**

THAT Report CAO-7-2021, re: Municipal Code of Conduct Review be received;

AND THAT municipal staff be directed to complete the submission with comments as noted in Report CAO-7-2021.

**Purpose:**

The purpose of this report is to update Council on the consultation that the Ontario Government has launched with respect to the Municipal Code of Conduct and the subsequent review undertaken by staff, the results of which will be provided to the Government.

**Background:**

Subsection 223.2(1) of the Municipal Act, 2001 authorizes a municipality to establish codes of conduct for members of the council of the municipality and of local boards. Subsection 223.3(1) also authorizes a municipality to appoint an Integrity Commissioner who would be responsible for performing in an independent manner the functions assigned by Council with regard to the application of a Code of Conduct.

The Ontario government has launched a 90-day consultation to obtain feedback on how to strengthen municipal codes of conduct. With the support of the Association of Municipalities of Ontario (AMO), the province is working to better ensure that municipalities, councillors and heads of council maintain a safe and respectful workplace.

## **Analysis:**

At present, the Municipal Act states that if a breach of the Code of Conduct for council members is found, the Integrity Commissioner can recommend the following for Council consideration in accordance with Section 223.4(5):

### *Penalties*

(5) The municipality may impose either of the following penalties on a member of council or of a local board if the Commissioner reports to the municipality that, in his or her opinion, the member has contravened the code of conduct:

1. A reprimand.
2. Suspension of the remuneration paid to the member in respect of his or her services as a member of council or of the local board, as the case may be, for a period of up to 90 days. 2006, c. 32, Sched. A, s. 98.

In consultation with AMO, the Ontario Government is seeking feedback to provide greater clarity around standards for compliance and the option for harsher penalties to be imposed based on the severity of the matter.

In reviewing the proposal, updating this section should assist council when dealing with issues such as harassment, abuse of role/office or actions that are contrary to Respect in the Workplace. Some of the updates/penalties may include:

- The imposition of administrative monetary penalties which would allow for increased financial penalties beyond the suspension of remuneration;
- Temporary suspension of a member for certain violations;
- Removal from office in certain circumstances; and
- Better training and standards for integrity commissioners aimed at improving the consistency of decision-making throughout the municipal sector.

Staff concur with these updates and will provide feedback which is critical to ensuring that effective accountability measures are put in place for members of council who violate their municipal code of conduct. By participating in this consultation process, the municipality will demonstrate their support of the recommendation changes which are being proposed. It is anticipated that these recommendations will form a component of updated legislation and once this has been enacted, a further update will be provided to Council which will confirm any changes which may come into effect.

## **Financial Implications:**

N/A

**Strategic Plan:**

This matter aligns with following strategic priorities:

- Responsive Municipal Government

Holding each other accountable is important to a thriving organization and the continued partnership between staff and council. Updating the code of conduct to ensure that our standards are consistent with legislation and to ensure our workplace is free from harassment is essential

**Attachments:**

N/A