



THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE

Subject: Updated Code of Conduct and Council Staff Relations Policy

Director: Corporate Services

Manager: Legislative Services

Report Number: Legislative Services-2023-10

Meeting Date: Monday, May 15, 2023

Recommendation:

That Council place a By-law on the June 5, 2023, agenda, to adopt the updated Code of Conduct for Council Members and Local Boards, including the complaint protocols and forms; and

Further, that Council pass a By-law on the June 5, 2023 agenda, to adopt an updated Council and Staff Relations Policy.

Date to be considered by Council: Monday, June 5, 2023

Report Summary:

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 address specific matters. Council's current Code of Conduct and Council-Staff Relations Policy were adopted in 2019. The Municipal Integrity Commissioner, Aird & Berlis LLP, has provided staff with a standard form of Code of Conduct and relating complaint protocols and forms, and Council Staff Relations Policy used by their municipal clients. These standard forms have been developed by Aird Berlis based on lessons learned and best practices implemented across the Province. It is therefore being recommended that the attached Code of Conduct for Council and Local Boards including the complaint protocol and forms and the Council- Staff Relations Policy as prepared by Aird & Berlis LLP be adopted.

Origin: Municipal Act, 2001, S.O. 2001, c. 25

Existing Policy: Policy GG.6.15 Code of Conduct – Council and Members of Local Boards; Policy GG.6.14 Council – Staff Relations

Background/Analysis:

The Municipality of Kincardine currently follows a Code of Conduct and Council Staff-Relations Policy established in 2019. The Code of Conduct applies to all member of the Council of the Municipality of Kincardine and members of Committees of the Municipality of Kincardine and includes members of the public appointed to Committees as representatives on behalf of the Municipality of Kincardine, and members of local boards. It is the responsibility of all members to be aware of, and comply with, the Code.

When the current Code of Conduct was first introduced, the entire accountability regime under the Municipal Act 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 process that should be followed for making complaints, completing investigations and reporting findings to Council.

Updating these two documents will help council to fulfill recommendations on Council Staff relations included in the draft Governance Review document developed by StrategyCorp.

These documents will also demonstrate Council's support for Bill 5 – Stopping Harassment and Abuse by Local Leaders Act. Section 9.4 fulfills the draft bill's requirement for the municipality's code of conduct to include a requirement for members to comply with workplace violence and harassment policies.

Aird & Berlis LLP have developed a Code of Conduct, Complaint Procedure and Council 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 the Municipality will not need to spend funds to have Aird & Berlis LLP review our existing documents when providing advice or training or when completing investigations.
- 2) The proposed documents represent best practices where the Municipality can learn from potentially costly situations that have occurred in other municipalities.
- 3) The County of Bruce have adopted these documents, as well as other neighbouring municipalities and it will establish a general standard to ensure that all Members share a common basis for acceptable conduct and to which all Members of Council and applicable Boards are expected to adhere to and comply with.

Some of the highlights of the proposed 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, puts some parameters in place around who will be permitted to file a complaint (electors or person acting demonstrably in the public interest) and when complaints 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.
- 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
- 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 the Municipality at an event or receiving a sponsored meal as part of a conference attendance).

The Code of Conduct proposed 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 and accountability for the public.

If approved, staff will distribute it and provide an overview to our Committees of Council and Local Boards as the policy applies to them as well.

Integrated Strategy 2020 – 2025: Goal REG 4: Improve organization efficiency and be more innovative.

Financial Implications: There are no financial considerations in this report.

Attachments: Draft updated Code of Conduct for Council Members and Local Boards, including the complaint protocols and forms and a draft updated Council and Staff Relations Policy.

Prepared by: Jennifer Lawrie, Manager of Legislative Services/Clerk

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