

The Regional Municipality of York

Committee of the Whole
Finance and Administration
April 11, 2019

Report of the Commissioner of Corporate Services and Regional Clerk

Council Code of Conduct

1. Recommendation

Council approve the Code of Conduct for Members of Regional Council as set out in Attachment 1.

2. Summary

The Municipal Act requires all municipalities to establish a Council Code of Conduct by March 1, 2019. This report presents an updated version of the Code originally considered by Council in April 2018. It responds to feedback received from Members of Council and broadly aligns with local codes of conduct.

Key Points:

- The updated Code contains provisions generally found in the local municipal codes of conduct
- The Code provides a framework for establishing jurisdiction between the Regional and local codes
- The Code incorporates elements of the code put forward by the Integrity Commissioner and satisfies the statutory requirements

3. Background

Municipal Act requires that all municipalities have a Council Code of Conduct as of March 1, 2019 and sets out minimum requirements

Municipal Act amendments in 2017 require all municipalities adopt a council code of conduct and retain an Integrity Commissioner. Additionally, the Act sets out the minimum requirements for a council code of conduct. Each code should include the following provisions:

1. Gifts, benefits and hospitality

2. Respectful conduct, including conduct toward officers and employees of the municipality or the local board, as the case may be
3. Confidential information
4. Use of property of the municipality or of the local board, as the case may be

Council first considered a Code of Conduct in April 2018

On [April 19, 2018](#), Council considered a draft code of conduct developed by staff. The draft code mirrored existing local codes of conduct as closely as possible and included provisions around the following topics:

1. Statement of Principles
2. Conduct at Meetings
3. Staff and Council Relations
4. Use of Regional Property
5. Gifts and Benefits
6. Confidentiality
7. Discrimination and Harassment
8. Improper Use of Influence
9. Conflicts of Interest
10. Election Activity

At the meeting, Council referred the development of a Code of Conduct to the future Integrity Commissioner and provided authority to staff to select and appoint a suitable Integrity Commissioner based on skills and qualifications criteria approved by Council.

Integrity Commissioner was hired and presented a draft Code of Conduct for consideration

Following a competitive Request for Proposal process involving a technical submission and an interview, Principles Integrity was selected and appointed as integrity Commissioner. Council was informed of the appointment at its [December 13, 2018](#) meeting.

On [January 31, 2019](#), Council considered the draft Code of Conduct presented by the Integrity Commissioner. Council referred the Code back to the Integrity Commissioner to consider changes to the Code based on feedback received from Council Members.

On [February 28, 2019](#), Council received subsequent correspondence from the Integrity Commissioner responding to specific questions and comments, including suggested amendments to the Integrity Commissioner's draft code. Council deferred consideration of the matter to its March 21, 2019 meeting, at which the Code was further deferred to its April 18, 2019 meeting. Feedback suggested the draft code was more detailed than necessary, particularly as Regional Council Members are also governed by local codes of conduct.

Based on the feedback received, staff has prepared an updated Code of Conduct for Council's consideration.

4. Analysis

This Code of Conduct updates the April 2018 version and explicitly recognizes Council Members will be bound by two codes

The Regional Code of Conduct is intended to provide one consistent set of ethical guidelines that will be applied to all Members of Regional Council while undertaking the business of the Region. The revised version of the Code was drafted to be complementary to those in place in the local municipalities. The standards outlined therein are based on the existing standards Members currently adhere to in their own municipalities.

The updated Code contains provisions to address ambiguity as to whether a complaint is within the jurisdiction of the Regional Integrity Commissioner

The updated Code only applies to Regional Council Members acting in their official capacity as Regional Council members. The Region's Code supplements the existing local codes and pertains to the actions of Members in a specific set of circumstances.

Should an issue arise where it may be unclear whether a complaint falls within the mandate of the Region or the local municipality, both the Regional and relevant local Integrity Commissioners will work together to determine jurisdiction and report the findings to the appropriate council(s). In such instances, consideration would be given to the following:

1. The municipality in which the complaint was filed
2. The municipality in which the expense/mileage claim was submitted for the event or function
3. The reasonableness for that municipality's Integrity Commissioner to undertake the investigation

This updated Code more closely reflects local municipal codes of conduct and responds to recent feedback from Members

The following Table provides a comparison of the sections updated from the April 2018 version of the Code of Conduct.

Table 1
Synopsis of Changes to the Code of Conduct Considered April 2018

Section	Previous Draft Code (April 2018)	Revised Draft Code (Attached)	Rationale
Purpose	Indicated the Code sets a standard to promote good governance	Reference to the Declaration of Office taken by members of Council and incorporates aspects contained in the code put forward by the Integrity Commissioner	Identifies a common basis and understanding for acceptable conduct, in concert with the standards of behaviour set out in the Declaration of Office
Framework and Interpretation	Included a distinction of when a member is acting in a Regional or local capacity, but did not specifically highlight this information	Provides examples of when the Code would apply at the Region versus the local level. Includes provision related to acting on advice from the Integrity Commissioner	Provides clarity to members and the public regarding the application of the Code. Highlights Integrity Commissioner is bound by the advice given to a Member
Member Conduct	Originally focused on a members conduct at a meeting	Broadened beyond just meetings and includes a provision for Members to act in an open and transparent manner	More closely aligns with the provisions in the local codes and what was put forward by the Integrity Commissioner
Gifts and Benefits	General in nature, containing no monetary limit or requirement to record gifts received	Contains a limit of \$750 and a requirement to maintain a list of the gifts received in a calendar year	\$750 was the highest limit included in the Integrity Commissioner's Code and is at the upper limit of any local code. Seven of the local codes also contain a requirement to list or provide written disclosure of gifts

Section	Previous Draft Code (April 2018)	Revised Draft Code (Attached)	Rationale
Conflicts of Interest	Referenced both pecuniary and non-pecuniary interest. Contained a definition of non-pecuniary interest	Definition of non-pecuniary interest was removed and references a Member's obligations under the Municipal Conflict of Interest Act	Ensures consistency with legislated responsibilities
Compliance	Did not appear in the original Code	Outlines no one is permitted to obstruct the Integrity Commissioner's investigation	Common code provision indicating an investigation should be free from obstruction
Complaint Protocol	Did not appear in the original Code	Incorporated the protocol provided by the Integrity Commissioner for processing informal and formal complaints	The April 2018 report identified the Integrity Commissioner would outline a process for handling complaints. This process was incorporated into the updated Code.

5. Financial

There are no financial implications associated with the adoption of a Council Code of Conduct. Provisions for the services of the Integrity Commissioner are included in the 2019 Budget and outlooks for 2020-2022.

6. Local Impact

This report establishes a separate Code of Conduct for Regional Council Members. However, it applies only when they are acting in their official capacity as Regional Council Members. In all other case, the respective local code of conduct will apply. The Code presented in this report is broadly similar to the existing local municipal Codes of Conduct and reflects recent feedback from Members.

Attachment 2 shows a summary of how the Region's revised draft Code of Conduct compares to existing local codes of conduct.

7. Conclusion

All municipalities are required to have a Code of Conduct as of March 1, 2019. This report presents a draft Code of Conduct, which is intended to fulfill that statutory requirement.

The Code will apply to Regional Council Members when they are acting in their official capacity related to Regional business. If there is any ambiguity over whether a complaint should reside with the Region or a local municipality, it is expected the respective Integrity Commissioners can make an appropriate determination. The Region's draft Code of Conduct is supplementary to existing local codes of conduct and broadly reflects the provisions contained in each.

For more information on this report, please contact Christopher Raynor, Regional Clerk at 877-464-9675 ext. 71300. Accessible formats or communication supports are available upon request.

Recommended by: **Christopher Raynor**
Regional Clerk

Dino Basso
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Approved for Submission: **Bruce Macgregor**
Chief Administrative Officer

April 5, 2019
Attachments (2)
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