



STAFF REPORT

REPORT #: C2009-08
DATE: April 27, 2009
TO: Mayor & Council
SUBJECT: Code of Ethics Review
SUBMITTED BY: Sara Almas, Clerk

1. RECOMMENDATIONS:

THAT Council approve the re-establishment of an Ad-Hoc Committee to review the current Code of Ethics and determine necessary amendments, including whether it should be replaced as a Code of Conduct.

2. BACKGROUND:

The Code of Ethics for Members of Council was approved on May 15, 2006.

On March 10, 2008 Council requested that Staff provide clarification and simplify the process of accepting gifts and benefits by members of Council. The revisions that were put into place on February 9, 2009 included the deletion of "Not accept gifts valued at over \$200 without the approval of Council" from Section 5 of the Code of Ethics.

On February 23, 2009 Council was presented with a motion recommending that the Code of Ethics be amended to include gifts valued at \$500 or more not be accepted without the prior approval of Council. From that motion, an additional recommendation was made to include a definition of a 'gift'.

3. BASIC DATA PERTAINING TO THE MATTER:

As a result of Senior Management discussions, it was recommended that Council re-establish an Ad-hoc Committee to review the document and provide recommendations on the amendments thereof.

The Ad-hoc Committee should also debate the merits of replacing the Code of Ethics with a Code of Conduct as provided for in the Municipal Act, 2001. Accountability and Transparency provisions that were brought into force with Bill 130 provide municipalities with enhanced powers. Municipalities are provided with permissive authority to establish codes of conduct for both members of Council and Local Boards.

Municipalities are also permitted to establish an Integrity Commissioner to administer the code of conduct and have the powers to conduct inquiries.

A Code of Conduct is similar to Collingwood's Code of Ethics, however, if a convention of the Code occurs then a penalty could be imposed. Furthermore, Council would be required to comply with the Code of Conduct. For example, it is possible that if a member did not support the Code of Ethics or amendments thereto, that they could refuse to sign and abide by the Code of Ethics. Whereas the Code of Conduct is enacted by by-law and would require compliance by Council and members of local boards.

Penalties that could be imposed include:

- a) A reprimand; or
- b) Suspension of the remuneration paid to the member in respect of his or her services as a member of council or the local board, as the case may be, for a period of up to 90 days.

An Integrity Commissioner could also recommend Council or a local board to take the following actions:

- a) Removal from membership of a Committee or local board.
- b) Removal as Chair of a Committee or local board.
- c) Repayment or reimbursement of moneys received.
- d) Return of property or reimbursement of its value.
- e) A request for an apology to Council, the complainant, or both.

Conclusion

Clerk Services recommends Council re-establish an Ad-hoc Committee to review the Code of Ethics and consider implementing a Code of Conduct in-lieu of a Code of Ethics.

3. DEPARTMENT HEAD REVIEW

Senior Management to review Staff Report C2009-08 on March 17, 2009.

4. SUSTAINABILITY CONSIDERATIONS

This Staff Report supports Principle 8 of the Sustainable Community Plan - Advancing the understanding of Municipal Government on the need for accountability, transparency and promotion of sustainable core values.

5. EFFECT ON TOWN FINANCES - None

Respectfully Submitted,

Sara Almas, CMM II
Clerk

Prepared with the assistance of Becky Dahl, Coordinator Clerk Services

C2009-08 Code of Ethics Review
 No. 247 Moved by Councillor
 McNabb
 Seconded by Councillor Labelle

THAT Staff Report C2009-08, recommending Council approve the re-establishment of an Ad-Hoc Committee to review the current Code of Ethics and determine necessary amendments, including whether it should be replaced as a Code of Conduct, be approved.

CARRIED (recorded vote)

Deputy Mayor Cooper requested that all members of Council interested in being a part of the Ad-Hoc Committee submit their interest to her

| <u>COUNCIL</u> | <u>Yea</u> | <u>Nay</u> |
|-------------------|------------|------------|
| Carrier (absent) | | |
| Cooper | x | |
| Edwards | | x |
| Sandberg (absent) | | |
| Jeffery | x | |
| Foley | x | |
| McNabb | x | |
| Chadwick | x | |
| Labelle | x | |
| TOTAL | 6 | 1 |

no later than noon on Friday, May 1, 2009.