



The Corporation of the Municipality of Arran-Elderslie

Information Report

Report From: Christine Fraser-McDonald, Clerk

Meeting Date: February 13, 2023

Subject: SRCLK.2023.01 – Establishment of an Updated Code of Conduct for Members of Council and Local Boards and Updated Council and Staff Relations Policy

Appendices: Appendix A – Council Code of Conduct
Appendix B - Council Complaint Protocol
Appendix C – Updated Council and Staff Relations Policy

Report Summary

The Municipality of Arran-Elderslie is committed to achieving the highest quality of municipal administration and governance by encouraging high standards of conduct on the part of all elected and appointed officials. A Code of Conduct aims to ensure public trust and confidence in the Municipality's decision-making and operations. Adherence to these standards will protect and maintain integrity and fairness in the decision-making process of the Municipality and the local Boards.

At the Council meeting on January 30, 2023, Council directed staff to extend the term of Aird & Berlis LLP as its Integrity Commissioner to December 31, 2026.

This updated Council Code of Conduct will replace the existing Code of Conduct Policy CLK03-2021 as passed by By-law 43-2021.

The updated Council and Staff Relations Policy will replace the existing Council Staff Relations Policy HR-03-2019 as passed by By-law 20-2019.

Background

Recent changes with the replacement of the Municipal Integrity Commissioner and the need to update the Code of Conduct result in the enactment of a new by-law.

Aird & Berlis LLP, the Municipal Integrity Commissioner, provided revised Code of Conduct documents and the majority of Clerks across the County of Bruce, will or have implemented the new Code of Conduct By-law.

Analysis

The Code of Conduct helps to ensure a common basis of acceptable behaviour. These standards ensure elected representatives conduct themselves with integrity and respect. The Code of Conduct applies to Members of Council and Local Boards.

Aird and 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 the previous versions for three (3) main reasons:

- 1) Adopting the new documents ensures the Integrity Commissioner is already familiar with the terms and Arran-Elderslie 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 Arran-Elderslie 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 to ensure consistency.

The Code of Conduct is administered and enforced by an independent Integrity Commissioner whose powers and duties are set out in the Municipal Act, 2001.

Responsibilities of the Integrity Commissioner:

- Investigate complaints and alleged breaches of the Code of Conduct for Members of Council.
- Review the Code of Conduct for Members of Council and make recommendations on an annual basis.
- Serve as an advisor to individual Members of Council in relation to the Code of Conduct and any procedures, rules and policies of the municipality governing ethical behaviour, and act as a proactive educator for Council, the Civic Administration, and the public.

The proposed new Code has an Appendix “B” outlining the protocol for the Complaint procedure.

The new code has an expanded section pertaining to Gifts, Benefits and Hospitality. Greater clarity for the Council members is outlined in section 7 (f) and (g) with new dollar values. Part of Section 7 deals with entrance fees or food and beverage consumed at banquets, receptions or similar events if the value is not greater than \$500.00 from a single source over a calendar year.

In addition, a gift value of \$250.00 from a single source over a calendar year has been added. A disclosure statement form for gift or benefits is now required to be submitted and is attached as Appendix "A" of the policy. The previous by-law did not stipulate a dollar value.

Overall, the changes to the new by-law are not significantly different from our existing by-law, just more comprehensive.

The Council and Staff Relations Policy is intended to set a high standard for relations between Council and Staff to provide good governance and instill a high level of public confidence in the administration of the Municipality by its Members as duly elected public representatives and its Staff as public administrators.

Link to Strategic/Master Plan

6.5 Engaging People and Partnerships

Financial Impacts/Source of Funding

Although there are no financial costs associated with the approval of this report, staff note that a more comprehensive by-law and policy based on best municipal practice can help aid in mitigating future legal costs for both the Municipality, Staff and Council Members.

Approved By: Sylvia Kirkwood, CAO