

Council Code of Conduct Bylaw

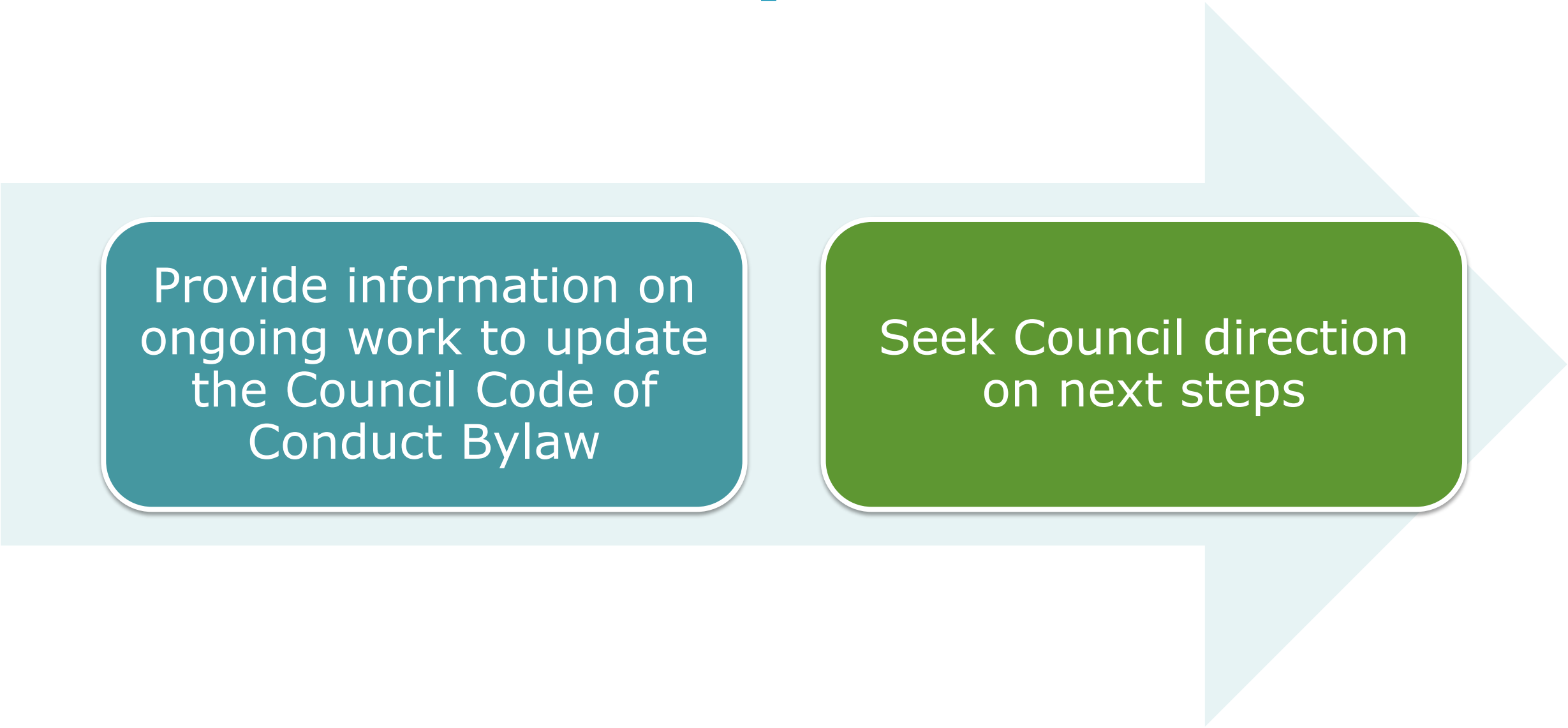
Update and Next Steps

History

May 2, 2023 Council Meeting

- 1. Take steps to establish an independent council committee to receive, evaluate and investigate Code of Conduct Complaints**
- 2. Prepare amendments to current Code of Conduct to:**
 - Allow complaints from members of the public;
 - Add a provision to clarify that the formal process will only be pursued if a Councillor believes in good faith that the informal process would not be sufficient;
 - Add a provision to address prioritization of attending Council meetings over other meetings and events, when possible;
 - Add a provision to allow for escalation of sanctions if a Councillor does not comply with Council's direction; and
 - Implement the role of an independent council committee to receive, evaluate, and investigate complaints.

Purpose



Provide information on ongoing work to update the Council Code of Conduct Bylaw

Seek Council direction on next steps

Proposed changes



Independent Council Committee (Board)

- Acts as a tribunal with a mandate to receive and investigate Council Code of Conduct complaints
- Has the authority to determine if a breach has occurred
- Board would be made up of five members with a focus on experience in areas of administrative justice, mediation, human resources and public service

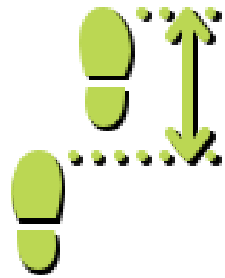
Proposed changes



Receiving Complaints and Scheduling Hearings

- Complaints would be received by Legislative and Legal Services and forwarded to the Chair for initial consideration

Initial Assessment



- The Chair would conduct an initial review to decide if the complaint should move on for investigation or be dismissed
- The Chair to provide a quarterly report to the Board listing any complaints that have been dismissed and providing the rationale
- Board members could request that dismissed complaints be brought to the Board for further assessment

Proposed changes



Code of Conduct Breach Hearing

- A panel of three members will conduct a hearing to determine if a breach has occurred
- Board may determine that a third-party investigator is required
- Board will decide on whether there was a breach and will provide reasons



Sanction Hearing

- The purpose of the hearing is to hear submissions to determine an appropriate sanction
- Council could remain the deciding body that determines what, if any, sanction to apply after the Board determines that the Code of Conduct has been breached
- Alternatively, Council could delegate the responsibility of the sanction as a decision of the Board
- Sanction hearing can be conducted at the same time as the breach hearing

Proposed changes



Informal Resolution

- Several offramps to utilize an informal resolution process
- Ensure that if both parties agree, the process can be paused, and potentially ceased, while informal resolution efforts occur

Cost

To support the proposed model, an annual budget will be required.

Administration anticipates an annual budget of \$9000 for the Board and \$16,000 for investigations and legal support.

Additional funding would not be requested for 2024 as costs to support the Board can be accommodated in existing budgets for the first year. This will be assessed moving forward.

Board member
honorariums

Administrative
costs

Investigations

Legal support

We are looking for **feedback on...**



**The proposed complaint process presented
by administration**

We are looking for **direction on...**



**The recommendation to delegate the
sanction decision to the Council Code of
Conduct Complaint Board**

Questions

