

Research into Other Municipalities' Codes of Conduct

Based on the research conducted into other municipalities' practices, the following have been identified as important elements of a code of conduct for members of Council Committees, and have been incorporated into the proposed bylaw.

Advice and Guidance for Members

Members of Toronto's, Vancouver's and Ottawa's Council Committees can access their respective integrity commissioner to ask questions and receive proactive advice on their codes of conduct.

In Winnipeg, members can ask their administrative liaison questions about the code.

In Calgary, staff from the City Clerk's office provide advice and guidance to the liaison and to members. A lawyer assists with interpretation and legal advice when required.

Informal Resolution in Other Municipalities

Two of the municipalities in the research group have a documented process for informal complaint resolution included in their code of conduct. An informal process may assist complainants with resolving concerns without escalation to a formal complaint.

The City of Vancouver's code of conduct includes complaint and resolution procedures that allow for preliminary vetting of complaints and informal dispute resolution, where possible.

At the City of Ottawa, the code of conduct includes a two-part complaint protocol, part 1 of which is an informal complaint procedure. This procedure is for any individual who identifies or witnesses behaviour or activity by a Council Committee member that may be in contravention of Ottawa's code of conduct. The individual, who may be another Council Committee member, may address the prohibited behaviour or activity themselves by following the procedure, which includes the integrity commissioner assisting in informal discussion with the member in an attempt to resolve the issue. Participating in the informal complaint procedure is not a prerequisite to submitting a formal complaint.

Receiving Complaints and Investigating Breaches

In Vancouver, Toronto and Ottawa, the integrity commissioner receives reports of alleged breaches. The integrity commissioner determines if the complaint warrants investigation, and proceeds with an investigation, if required.

In Calgary, the chair or the administrative liaison of the Council Committee would contact the City Clerk to discuss an issue related to the code of conduct. It is recommended that the chair include the issue as a private item on their next meeting agenda, and document in the minutes the Committee’s decision. The City Clerk authors a report to Council to present the situation and recommend that the appointment of the member be revoked (the report and attachments remain private).

At the City of Red Deer, complaints are brought to the chair of the Council Committee (or vice chair, if the subject of the complaint is the chair) and the City Clerk. The City Clerk and the chair conduct an investigation and report the results to the Executive Committee. If the Committee believes the complaint is substantiated they will determine if a sanction is warranted.

In the Municipal District of Halifax there is no formal complaint process. Meeting decorum is the responsibility of the chair.

Sanctions in Other Municipalities and Organizations

All municipalities surveyed except Halifax and Winnipeg include removal from the committee as a potential consequence of unethical behaviour or breaching the code of conduct. Other sanctions may, depending on the municipality, include a letter of reprimand, attending specific training or counselling, request for a written or verbal apology, and suspension of remuneration for up to 90 days.

Winnipeg’s code of conduct, which applies to City employees as well as volunteer members of boards and commissions, states that volunteers are not subject to discipline. If the code of conduct is breached by a member, appropriate discussions will occur to resolve the issue.

In Halifax, if a member behaves in a manner contrary to the Public Appointment Policy, the committee chair and City Clerk have a discussion with the member to apprise them of expectations. A member’s adherence to the Public Appointment Policy is considered when a member seeks reappointment.

The following chart shows a list of potential sanctions, by municipality (where sanctions are an option):

	Vancouver	Calgary	Red Deer	Saskatoon	Ottawa	Toronto
Reprimand (unspecified sender)					yes	yes

Attachment #2

A reprimand by the Council Committee, documented in the Committee's minutes		yes				
A reprimand from City Council	yes					
Member issues a written or verbal apology	yes				yes	yes
The publication of a letter of reprimand, a request for apology by the IC, and the member's written response	yes					
Recommendation that the member attend specific training or counselling	yes					
Council is notified of the transgression via Council report		yes				
Termination of the member's appointment by City Council	yes	yes	yes*	yes**	yes	yes
Public censure	yes					
Suspension of remuneration for up to 90 days					yes	yes
Removal from the position of chair						yes
Return of a gift or property, or reimbursement of its value or of monies spent					yes	yes

* This sanction is specifically for failure to disclose a pecuniary interest.

** In Saskatoon, sanctions may include, but are not limited to a recommendation to Council for the member to be removed from their appointment.