

BYLAW 20841 - COUNCIL CODE OF CONDUCT - PROCEDURAL AMENDMENTS

Recommendation

That Bylaw 20841 be given the appropriate readings.

Purpose

To amend the Council Code of Conduct Bylaw, Bylaw 18483, to include the previously Council approved sanction hearing process and provide additional procedural clarity to increase transparency.

Readings

Bylaw 20841 is ready for three readings.

A majority vote of City Council on all three readings is required for passage.

If Council wishes to give three readings during a single meeting, then prior to moving to third reading, Council must unanimously agree “That Bylaw 20841 be considered for third reading.”

Executive Summary

- At the January 20, 2020, City Council meeting, Council approved, by motion, a process for completing a sanction hearing in response to substantiated Council Code of Conduct violations. This approved process is included as Attachment 3, and currently supplements the process outlined in the Council Code of Conduct Bylaw.
- Administration received direction to add the approved process to the Council Code of Conduct Bylaw, and it was included in the work plan for the comprehensive Council Code of Conduct update completed in 2023 and scheduled to return to Council this year.
- At this time, Administration is recommending that the sanction process, and other recommended procedural updates, be added to the bylaw.
- The remaining updates to the substantive portions of the Council Code of Conduct will be presented to Council in Q3 2024.

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REPORT

Bylaw 20841 amends Schedules B and C of the Council Code of Conduct Bylaw, Bylaw 18483. The amendments incorporate the previously approved procedure, along with additional amendments to provide further clarity on the process for sanction hearings.

Summary of Changes to Bylaw 18483

In addition to adding the previously approved sanction hearing procedures, additional process amendments include:

- greater clarity on the steps taken once the Integrity Commissioner substantiates a code of conduct complaint in order to advance the matter for Council to conduct a sanction hearing.
- confirmation that all Integrity Commissioner (IC) reports will be placed on Council's agenda with a public Council report and the report from the IC included as a private attachment.
- the public Council report will include a recommendation from the Delegated FOIP Head (City Clerk) to keep the IC report in private or be made public by Council.
- the updated process also requires Council to consider a motion regarding moving into private, which will decide if the sanction hearing will take place in public or in private.
- specific procedures for public and private sanction hearings, including clarity on who is permitted to be present at the various stages of the hearing.
- Clarifying that no subsequent motions or notices of motion related to the sanction hearing are permitted.

Additional Information

Under the *Municipal Government Act* all items before Council must be dealt with in public, however, Council may close all or part of a meeting to the public if a matter to be discussed is within one of the exceptions to disclosure within *the Freedom of Information and Protection of Privacy Act*. The reason for the change in procedure is to recognize that the decision to close the door to the public is up to City Council and should be made based on the information contained within the IC's report and the recommendation from the Delegated FOIP Head (City Clerk). This decision should be made before the report is made public. The recommendation will include considerations around the City's obligations, as a public body, to protect personal information. The considerations to protect personal information referenced above will relate to the complainant and/or witnesses, and not the respondent Councillor.

If the amendments proposed in Bylaw 20841 are approved, the process approved by motion in January 2020 will no longer apply. All future sanction hearings will be governed by the process set out in the Council Code of Conduct Bylaw.

Attachments

1. Bylaw 20841

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2. Bylaw 18483 REDLINE
3. Council Approved Sanction Hearing Process (January 2020)

Others Reviewing the Report

- C. Taylor, Acting Chief People Officer and City Solicitor