

Council Approved Sanction Process (January 2020)

Process for Dealing with Substantiated Complaints Further to the Council Code of Conduct

Prior to the Item Being Added to a Council Agenda

1. The Integrity Commissioner submits the substantiated complaint report to the City Clerk for inclusion on a Council meeting agenda.
2. To ensure that the Respondent Councillor is able to present a meaningful response to the Integrity Commissioner's report, the City Clerk reaches out to the Respondent Councillor to determine a reasonable timeline before adding the report to an upcoming City Council meeting agenda. Priority is given to adding the item to an existing Council meeting, when the agenda permits. If required, a Special City Council meeting will be called.
3. The Council meeting agenda, including the Integrity Commissioner's report (to the extent possible under FOIP), is posted to the City's website at least 10 clear days before the meeting.
4. The Respondent Councillor may provide a written response to the Integrity Commissioner's report and submit the response to the City Clerk for inclusion on the meeting agenda, to the extent possible under the *Freedom of Information and Protection of Privacy Act*.

At the Meeting

1. City Council determines whether the matter should be dealt with in private in accordance with the provisions of the *Freedom of Information and Protection of Privacy Act*.
2. The Respondent Councillor is given an opportunity to leave their regular seat so they may be joined by their legal counsel.
3. Speakers are heard from in the following order:
 - The Integrity Commissioner may provide a brief presentation

on the report. Councillors, including the Respondent Councillor, may ask questions regarding the Integrity Commissioner's presentation to ensure the process was reasonable in light of the breach and to clarify the sanction recommendations in the report. The more significant the sanctions being recommended, the more Council should take this opportunity to clarify how the Integrity Commissioner reached their conclusions and develop comfort with the fairness of the recommendation.

- The Respondent Councillor may make submissions on the reasonableness of the investigation process and on what sanctions, if any, are appropriate. The Respondent Councillor has 10 minutes to speak. If the Respondent Councillor needs additional time to present a meaningful response, then Council may allow the Respondent Councillor to speak, in additional 10-minute increments. For complicated matters, the 10-minute time limit may be increased.

- If other Councillors wish to question the submissions of the Respondent Councillor, or ask clarifying questions that have arisen to the Integrity Commissioner, they are allowed to do so. Given the nature of this type of meeting, the Chair will approve any questions being asked as they are asked, and may seek legal advice on the suitability of any questions from the City Solicitor.

- There may be exceptional circumstances where, if approved by Council, interested persons who have a direct connection to the event and an interest in the sanctions may be given the option to make submissions regarding the appropriateness of the sanctions. In those circumstances, the submissions will be made and the usual 5-minute time limit for speakers applies. Councillors, including the Respondent Councillor, may question these parties.

4. Once a motion has been put forward on a sanction, the Respondent Councillor is given the opportunity to leave. If they decide not to leave, the meeting proceeds.

5. Debate on the motion proceeds as normal. The Respondent Councillor has 10 minutes to speak on the motion. If the Respondent Councillor needs additional time to present a meaningful response, then Council may allow the Respondent Councillor to speak, in additional 10-minute increments. The 10-minute time limit may be adjusted to reflect the severity of potential sanctions.

6. Once a motion is ready for vote, the Respondent Councillor is given the opportunity to leave.

7. The vote on any motion takes place in public, as required by the *Municipal Government Act*. The Respondent Councillor must vote, if present.

Notes:

- For matters not addressed above, the rules set out in Bylaw 18155, Council Procedures Bylaw, apply.
- Council should deal solely with matters relating to the results of the investigation process and potential sanctions. Questions relating to the process to reach the results and recommendations are acceptable. The meeting is not an opportunity to second-guess the findings of the Integrity Commissioner (clarification from the Integrity Commissioner as to why an action violates the *Code of Conduct* is acceptable, but challenging that conclusion is not).
- In the event that a lawyer has been retained by the Respondent Councillor to provide legal advice, that person may speak on behalf of the Respondent Councillor or supplement the Respondent Councillors' arguments or answers.

Portions of the meeting held in private, if any, will be recorded to ensure a record of the proceedings and all reasons are available in case a record is required for review by the court.