

REPORT

Council

Meeting Date: June 21, 2021

FROM: Office of the Mayor

DATE: June 8, 2021

SUBJECT: **Municipal Code of Conduct Consultation and Strengthening Accountability**

LOCATION:

WARD: Town-wide Page 1

RECOMMENDATION:

That the report titled Municipal Code of Conduct Consultation and Strengthening Accountability dated June 8, 2021 from the Office of the Mayor be received.

KEY FACTS:

The following are key points for consideration with respect to this report:

- in 2020 Ottawa City Council requested the Minister of Municipal Affairs and Housing to consider revisions to the *Municipal Act, 2001* that would provide for vacating the seat of a member of council found to have committed serious misconduct as it was discovered that the existing statutory provisions and authorities do not adequately address cases in which there is clear evidence of the most egregious breaches of a Council Code of Conduct.
- There have been other cases in the Province that put into question the severity of incidents and the resulting penalty imposed.
- Earlier this year, the Association of Municipalities Ontario's (AMO's) Board submitted a letter containing recommendations to the Minister of Municipal Affairs and Housing with the aim to strengthen existing tools for compliance with Codes of Conduct and provide additional tools for municipal governments to use in defined circumstances.
- The Ontario Big City Mayors supported Ottawa's request and AMO's position.
- The Province has launched a consultation to obtain broad feedback on strengthening municipal codes of conduct. The consultation period runs until July 15th, 2021

BACKGROUND:

Late in 2020 Ottawa City Council requested the Minister of Municipal Affairs and Housing to consider revisions to the *Municipal Act, 2001* to provide for the following:

- vacating the seat of a member of council found to have committed serious misconduct as it was discovered that the existing statutory provisions and authorities do not adequately address cases in which there is clear evidence of the most egregious breaches of a Council Code of Conduct.
- provisions for greater powers given to an arm's length, non-political third party such as the provincial Integrity Commissioner or Ombudsman, or the municipal Integrity Commissioner, to address inappropriate behaviour through greater penalties, including the dismissal of a Member of Council for certain acts.
- an option to provide an independent assessment and allow Council or the municipal Integrity Commissioner the ability to refer a Code of Conduct violation to the court for a judicial hearing and potential removal from office, similar to the current process with respect to matters relating to the *Municipal Conflict of Interest Act*

This letter is attached as Appendix A to this report.

Earlier this year, the Association of Municipalities Ontario's (AMO's) Board of Directors submitted a letter containing recommendations to the Minister of Municipal Affairs and Housing that included recommendations for holding municipal councillors accountable, including increased financial penalties, suspension for certain violations, removal from office in certain circumstances, and better training and standards for integrity commissioners. This letter is attached as Appendix B.

The Ontario Big City Mayors also supported Ottawa's request and AMO's position.

Subsequently, the Province announced that it has launched its consultation on further strengthening accountability for municipal council members to ensure that councillors and heads of council maintain a safe and respectful workplace and carry out their duties as elected officials ethically and responsibly. The consultation is seeking feedback on:

- what changes or mechanisms are needed to better hold council members accountable for municipal code of conduct violations
- how to more effectively enforce these codes
- whether a broader range of penalties for violations of the codes of conduct are needed.

COMMENT/OPTIONS:

This 90-day consultation period has been launched by the Province to obtain feedback on how to strengthen municipal codes of conduct and accountability for municipal council members ensuring that effective accountability measures are put in place for members of council who violate their municipal code of conduct.

Members of Council and the Public are invited to submit their input before July 15, 2021, through an online form available at this address:

<https://www.ontario.ca/page/consultation-strengthening-accountability-municipal-council-members>. If Council would like to support the AMO and Ottawa submissions, Council could add the following clause to the recommendation:

“That Council direct the Mayor to write to inform the Province of Council’s support for the AMO and Ottawa’s submissions, copying AMO and its members and Halton’s MPPs and MPs.”

CONSIDERATIONS:

(A) PUBLIC

The Province is encouraging feedback through an [online survey](#) that will be available online until July 15, 2021 and anyone is welcome to participate. The Integrity Commissioner is provided for under the *Municipal Act, 2001* to address potential improvement to the transparency and accountability of municipalities to the public.

(B) FINANCIAL

None.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

All departments would be required to assist an Integrity Commissioner in providing information as required under an inquiry process.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:

- be accountable in everything we do
- be honest in everything we do

(E) CLIMATE CHANGE/ACTION

N/A

APPENDICES:

Appendix A – City of Ottawa’s Letter to Minister of Municipal Affairs and Housing

Appendix B – AMO’s Letter to the Minister of Municipal Affairs and Housing

Prepared, Recommended and Submitted by:

Mayor Rob Burton