



REPORT

Council

Meeting Date: November 18, 2024

FROM: Clerk's Department

DATE: November 5, 2024

SUBJECT: Integrity Commissioner Periodic Report 2024 and Revised Council Code of Conduct

WARD: Town-wide

Page 1

RECOMMENDATION:

1. That the periodic report prepared by the town's Integrity Commissioner, attached as Appendix A to the report from the Clerk's department dated November 5, 2024, be received.
2. That the revised draft Council Code of Conduct, attached as Appendix B to the report from the Clerk's department dated November 5, 2024, be approved, and that the current Integrity Commissioner – Advice/Inquiries Procedure be rescinded.

KEY FACTS:

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

- Sections 223.3-223.8 of the *Municipal Act, 2001*, as amended, authorize a municipality to appoint an Integrity Commissioner who reports to Council in an independent manner on the application of codes of conduct and other rules and procedures governing the ethical behaviour of its Members.
- Oakville Council appointed Suzanne Craig as the Town of Oakville's Integrity Commissioner for a four-year term to commence August 1, 2023, and conclude December 31, 2027.
- In accordance with the *Municipal Act, 2001*, Codes of Conduct are mandatory for all municipal councils and local boards and the Integrity Commissioner may provide a periodic report to the municipality on their activities.
- The current Council Code of Conduct, was adopted by Council in February 2019, modeled after the Region of Halton's Code and at that time, Council approved that any future amendments to the Region's Code be adopted subject to ratification by Town of Oakville Council.

- At the Council meeting of August 13, 2024, staff were directed to review Council's Code of Conduct to reflect the Integrity Commissioner's suggestion that there is a need to update the Council Code of Conduct to bring accountability rules in force at the Town of Oakville in line with the best practices at the municipal level of government in Ontario.
- At the Regional Council meeting of October 23, 2024, Regional Council approved a new Regional Council Code of Conduct. Proposed updates to the Oakville Council Code of Conduct align with the Region of Halton's recently revised Code.
- Proposed updates to the Oakville Council Code of Conduct also reflect modern standards, best practices, and greater alignment with municipal codes of behaviour and governance across Ontario in 2024
- At the Council meeting of June 19, 2023, staff were directed to review the Integrity Commissioner – Inquiries/Advice Procedure (G-GEN-009-002). Following revisions to the Council Code of Conduct, staff recommend rescinding this procedure, as the relevant information is now incorporated into the proposed Code of Conduct.

BACKGROUND:

Section 223.3 (1) of the *Municipal Act, 2001*, as amended, authorizes municipalities to appoint an Integrity Commissioner who reports to Council and who is responsible for performing in an independent manner the functions assigned by the Town with respect to, but not be limited to:

- acting as an advisor to Council;
- providing assistance on potential amendments to the Council Code of Conduct;
- guidance on the application of and obligations of Members under the Council Code of Conduct;
- conducting investigations of alleged breaches of the Council Code of Conduct;
- providing advice to individual Members on the Council Code of Conduct and policies and legislation governing ethical behaviour; and
- providing education and training.

The Integrity Commissioner is appointed to act in an independent manner on the application of the Code of Conduct and other rules and procedures governing the ethical behaviour of Members of Council. The Integrity Commissioner is also required under provincial legislation to provide guidance on the applicability of the *Municipal Conflict of Interest Act* and preserve secrecy in all matters that come to their knowledge in the course of their duties.

At the Council meeting of August 13, 2024, staff were directed to review Council's Code of Conduct following the Integrity Commissioner's recommendation to update the town's Code to align its accountability measures with best practices for municipal governments across Ontario. At the Regional Council meeting of October 23, 2024, a revised Regional Code of Conduct was approved.

The Provincial government is currently undergoing a review on legislation to improve accountability for municipal councillors, with recommendations under consideration from Integrity Commissioner J. David Wake. Staff will track these legislative developments and provide updates to Council, as necessary.

COMMENT/OPTIONS:

Periodic Report

The *Municipal Act* states that the Integrity Commissioner may provide periodic reports to the municipality on their activities. The attached periodic report (**Appendix A**) has been prepared by the town's Integrity Commissioner and covers the period from August 1, 2023, to September 16, 2024.

Integrity Commissioner – Inquiries/Advice Procedure

At the Council meeting of June 19, 2023, staff were directed to review the Integrity Commissioner – Inquiries/Advice Procedure (G-GEN-009-002). During revisions to the Council Code of Conduct, the information from this procedure was incorporated into the proposed Code. Should Council approve the revised Code of Conduct, staff recommend rescinding the Integrity Commissioner – Inquiries/Advice Procedure.

Updates to the complaint process include clearer guidelines on submitting complaints under the Council Code of Conduct versus the *Municipal Conflict of Interest Act*, including the statutory declaration required for the latter. The revisions also specify requirements for the Integrity Commissioner to submit periodic reports to Council, ensuring a consistent and legally compliant process.

Council Code of Conduct

The Clerk, in consultation with the Integrity Commissioner, regularly reviews the Council Code of Conduct and brings forward any necessary amendments for Council's consideration. The current Council Code of Conduct, adopted by Council in February 2019, was modeled after the Region of Halton's Code. At that time, Council approved that any future amendments to the Region's Code be adopted subject to ratification by Town of Oakville Council.

At the Council meeting of August 13, 2024, staff were directed to review Oakville's Council Code of Conduct following the Integrity Commissioner's recommendation to enhance the Code's accountability measures, aligning it with Ontario's municipal best practices.

Staff have prepared an updated Code for Council's consideration. The revised Town of Oakville Council Code of Conduct (**Appendix B**), developed in consultation with the Integrity Commissioner, aligns with the Region of Halton's recently revised Code, approved at the Regional Council meeting of October 23, 2024. A notable

difference between the Region’s Code and Oakville’s draft Code reflects Oakville’s unique Council approved policies, including the Use of Corporate Resources During an Election Period Procedure.

The significant updates in the revised Code reflect modern standards, best practices, and greater alignment with municipal codes of behaviour and governance across Ontario in 2024. These changes aim to reduce ambiguity, streamline sections, and consolidate information to enhance clarity and ease of use.

Significant changes include:

Section	Proposed Updates
Introduction	<ul style="list-style-type: none"> • Expanded and updated to reflect current legislative requirements • Sections added: Framework & Interpretation (including legislative references), Definitions and list of Key Principles
Gifts and Benefits	<ul style="list-style-type: none"> • Provides specific examples of gifts that may be accepted and clarification regarding a Member’s potential role in fundraising for community and not-for-profit groups • No requirement for a gift registry or declaration of receipt of any of the permitted items as defined
Confidential Information	<ul style="list-style-type: none"> • Previously titled “Confidentiality” • Maintains prohibition on disclosure of confidential information • Provides greater guidance on treatment of confidential information and specific details on permitted vs. non-permitted uses • Provides specific guidance on resources to consult in these situations
Use of Town Property / Corporate Resources	<ul style="list-style-type: none"> • Refers Members to the town’s Use of Corporate Resources During an Election Period for further guidance
Work of a Political Nature	<ul style="list-style-type: none"> • References added to <i>Municipal Elections Act, 1996</i> • Greater specificity regarding town facilities and property where campaigning is prohibited vs. permitted • Refers Members to the town’s Use of Corporate Resources During an Election Period for further guidance
Influence on Staff	<ul style="list-style-type: none"> • Scope broadened to include interactions outside those with staff
Business Relations	<ul style="list-style-type: none"> • Section expanded to provide specific examples • Provides direction to consult with the Integrity Commissioner regarding potential conflicts of interest in such situations

Section	Proposed Updates
Conduct Respecting Employees and Harassment	<ul style="list-style-type: none"> • Provides more specific examples of harassment behavior • Refers Members to the Council Staff Relations Policy
Traditional Media and Social Media Communications	<ul style="list-style-type: none"> • Affirms that the Mayor is the primary spokesperson for the Town • Provides guidance to Members in the communication of the policies and positions of the Town, including those they may personally disagree with or have voted against • Provides guidelines for interactions on social media as a Member
Employment of Members' Family Members	<ul style="list-style-type: none"> • Prohibits Members from involvement in any decision regarding the employment of a family member by the Town or from using a family relationship for personal gain
Reprisals and Obstruction	<ul style="list-style-type: none"> • Prohibits Members from interfering with the Integrity Commissioner during an investigation • Prohibits Members from threatening or acting against anyone submitting a complaint or assisting the Integrity Commissioner in an investigation
Compliance	<ul style="list-style-type: none"> • Outlines potential penalties for Council consideration for violations of the Code following an investigation and/or recommendation by the Integrity Commissioner • Requires compliance with Council's decision in such matters
Implementation	<ul style="list-style-type: none"> • Provides guidance for Members in learning requirements of Code and consulting with Integrity Commissioner • Sets schedule for regular administrative review of Code by staff

CONSIDERATIONS:

(A) PUBLIC

The Integrity Commissioner is provided for under the *Municipal Act*, as amended to address potential improvement to the transparency and accountability of municipalities to the public. The retention of an Integrity Commissioner would provide an independent body to address any public requests for investigations into any alleged violation of ethical practices by any member of Council or its local boards.

(B) FINANCIAL

The annual cost of the Integrity Commissioner service varies as it depends on the services that they are called upon to perform, which is driven by requests

for advice, education information, and other supports, as well as inquiries into complaints received. No annual retainer is paid for Integrity Commissioner Services. Any costs incurred by the Integrity Commissioner within the established scope of duties for local boards, which are not within the administration of the Town, are to be charged back to such boards. To date, \$21,959.85 has been spent on Integrity Commissioner Services for the 2023-2024 period.

(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) COUNCIL STRATEGIC PRIORITIES

This report addresses the corporate strategic goal to be accountable in everything we do.

(E) CLIMATE CHANGE/ACTION

This matter does not impact climate change.

APPENDICES:

Appendix A – Periodic Report covering August 1, 2023 to September 16, 2024

Appendix B – Revised Council Code of Conduct

Prepared by:
Andrea Coyne
Manager, Elections, Policy, Print Services

Recommended and Submitted by:
Vicki Tytaneck
Town Clerk