



Committee of the Whole Report

Report Number:	CKL2022-004
Meeting Date:	January 11, 2022
Title:	Code of Conduct and Ethics - Members of Council and Local Boards Policy (CP2020-001) Amendments to Schedules A and B
Description:	Removing the mandatory Affidavit Requirement from the Investigation Protocols
Author and Title:	Cathie Ritchie, City Clerk

Recommendation(s):

That Report CKL2021-009, **Code of Conduct and Ethics - Members of Council and Local Boards Policy Amendments to Schedules A and B**, be received;

That Council approves the recommended amendments to Schedules A and B of the Code of Conduct and Ethics - Members of Council and Local Boards Policy CP2020-001 attached as Appendix A to Report CKL2021-009, by removing the mandatory Affidavit requirement from the Investigation Protocols; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the January 28, 2020 Council Meeting, Council adopted the following resolution:

CR2020-006

Moved By Councillor Ashmore

Seconded By Deputy Mayor O'Reilly

That Report CLK2020-001, Code of Conduct and Ethics – Members of Council and Local Boards - Update, be received; and

That the revised Code of Conduct and Ethics – Members of Council and Local Boards contained in Appendix A to Report CLK2020-001, be approved.

Carried

The Code of Conduct and Ethics – Members of Council and Local Boards is to be reviewed each term of Council. During the review and in accordance with the Modernizing Ontario's Municipal Legislation Act, 2016, an Integrity Commissioner was appointed and policies and procedures were enacted through Policy CP2020-001. The amendments to the revised policy included but not limited to:

- Role of the Integrity Commissioner
- Council Code of Conduct Investigation Protocol Schedule A
- Conflict of Interest Investigation Protocol Schedule B

This report addresses the recommendations of the Integrity Commissioner's Office to remove the mandatory affidavit requirement save and except Section 1 c) in Appendix B, the statutory declaration is required and cannot be waived by the municipality in accordance to Section 223.4.1(6) of the Municipal Act, 2001.

Rationale:

To maintain open and transparent municipal government, information, instructions and online submissions have been readily available since the Integrity Commissioner was appointed in 2020. The city has provided the tools to individuals; the option to submit a complaint to the Integrity Commissioner (IC) through the City's Website or in writing. There have been instances, especially during the pandemic where it was difficult for complainants to obtain a commissioner to witness their affidavit. This has caused delays in the submission process. In addition, Complaints to the IC are to be in confidence. As

previously stated, the current policy requires an affidavit is to be signed by a commissioner for taking affidavits, this may compromise the confidentiality of the submission.

Recently it has come to our attention that the submission of a mandatory affidavit is not a legislative requirement save and except the statutory declaration Section 1 c) Appendix B, and is an unnecessary step for the complainant and the member.

There are municipalities that require an affidavit to prevent frivolous and vexatious complaints. This was the initial recommendation through the revised Policy (CP2020-001). Since then it is recommended that the IC should assess the merits of each complaint and not put unnecessary barriers in the way that may hinder open and transparent government.

Similarly, Members of Council and Local Boards would not be required to submit affidavits, as there is no legislative requirement to do so.

The amendments address the removal of the mandatory affidavit requirement and does not effect the remaining contents of the policy.

Other Alternatives Considered

Council may adopt the recommended revised Policy, or amend by adding or removing provisions.

Alignment to Strategic Priorities

Amending the policy aligns with Council's priority of Good Government. The Plan establishes a goal of "... increasing efficiency and effectiveness of service delivery." To accomplish this goal, the City will streamline policies and processes to enable an open and transparent municipal government.

Financial/Operation Impacts:

No financial impacts identified.

Consultations:

Integrity Commissioner's Office

Attachments:

Appendix A – Code of Conduct and Ethics - Members of Council and Local Boards Policy Amendments to Schedules A and B (redline version)



Code of Conduct and
Ethics - Members of C

Appendix B - Code of Conduct and Ethics - Members of Council and Local Boards Policy CP2020-001



CP2020-001-Code-of
-Conduct-and-Ethics--

Department Head email: rtaylor@kawarthalakes.ca

Department Head: Ron Taylor, Chief Administrative Officer