

## **Proposed Recommendations from Code of Conduct Working Group**

The Code of Conduct Working Group (COCWG) has developed their proposed recommendations for the code of conduct regulations for the Department of Municipal Affairs and Housing (DMAH) to review. The 25 recommendations below reflect the consensus opinion from the COCWG.

### **Application:**

- There should be one code for all municipalities and villages.
- The code of conduct should operate together and as a supplement to other applicable laws, including the bylaws and policies with the municipality or village.
- The code of conduct should apply to elected officials at all times with respect to their behaviour regarding any action that negatively impacts the municipality or tarnishes its reputation.
- Nothing in the code of conduct is intended to silence elected officials from sharing or expressing dissenting opinions.
- The code of conduct should apply from the time elected officials are declared elected until their resignation, their disqualification, or their successor being sworn into office.

### **Content to include:**

- The code will include 45 provisions under various headings (e.g. general conduct, confidential information, etc.) See Appendix A for detailed provisions.
- 13 possible sanctions that can be imposed on a member for breaching the code of conduct. See Appendix B for the sanctions.
- 7 considerations elected officials shall evaluate before they can impose a sanction. See Appendix B for detailed considerations.
- Failure to comply with a sanction imposed is considered a breach of the code itself and will go to council with the investigator's recommendation only.

### **Complaint and investigator process:**

- Municipalities and villages will appoint an investigator and have their contact information readily available on their website. See Appendix C for detailed complaint and investigator process.
- Investigators should have experience in conducting investigations, and experience applying the principles of natural justice and procedural fairness.
- No conflict of interest can exist between the investigator and the parties involved.
- A complaint can be submitted no later than 6 months from discoverability.
- The CAO/Clerk shall be notified by the investigator that a complaint has been received and Council/Commission shall be notified if a complaint makes it to the investigation stage.

- The investigators report shall be brought to council/commission no later than 6 months from the time the complaint is received by the investigator. Extensions may be granted by council/commission for extenuating circumstances.
- Any complaints brought forward during the municipal election period between nomination day and ordinary polling day will not be investigated until the election has concluded.
- A member who has a complaint lodged against them will be able to review and respond to the information in the investigators report prior to council's vote.
- A member who has had a complaint lodged against them, or who has made the complaint, may not participate in the vote on whether there was a breach, and if applicable, may not participate in the decision regarding what sanction to impose.
- The Code of Conduct will state that a decision of a Council on a code of conduct matter is final and binding on all parties.
- At the conclusion of the investigation, require public disclosure of the section a complaint was lodged under, and the investigator's recommendation.

#### Training:

- Elected officials should be required to complete the training within 30 days of being sworn into office and failure to do so is considered a breach of the code itself and may go to council without an investigation.
- Any breach of the code determined by council shall result in additional code of conduct training for the person who committed the breach.
- Training to be developed and delivered in an online module format with quizzes and a minimum pass rate to ensure a minimum level of understanding.

#### Review:

- A review on the code of conduct shall begin 3 years post implementation to consider the effectiveness for municipal elected officials.
- Review the Municipal Elections Act (MEA) to see if there is potential to reduce the gap between the sanctions in the code of conduct and the Municipal Elections Act.