



Report to: General Committee

Meeting Date: February 19, 2019

SUBJECT: Revised Council Code of Conduct in Accordance with Bill 68
PREPARED BY: Kimberley Kitteringham, City Clerk, ext. 4729
Martha Pettit, Deputy Clerk, ext. 8220
Alida Tari, Manager of Access and Privacy, ext. 2082
Grace Lombardi, Legislative Services Coordinator, ext. 4290

RECOMMENDATION:

- 1) That the report titled, "*Revised Council Code of Conduct in Accordance with Bill 68*" be received for information purposes; and,
- 2) That Markham City Council adopt the revised *Council Code of Conduct* included as **Appendix "C"** to this report; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The *Modernizing Ontario's Municipal Legislation Act* (Bill 68) introduced several amendments to the *Municipal Act* relative to municipal codes of conduct and the roles and responsibilities of integrity commissioners. These changes take effect as of March 1, 2019. The purpose of this report is to provide Council with a revised *Council Code of Conduct* for adoption – the revised Code reflects the mandatory Bill 68 changes.

BACKGROUND:

Adopted in 2014, Markham's *Council Code of Conduct* governs the behaviour of Members of Council (see current Code attached as **Appendix "A"**). At present, the City's Integrity Commissioner (IC) Service is provided through ADR Chambers Inc. Since 2014, the IC has conducted four formal investigations into contraventions of the Code. Copies of the IC investigation reports are available on Markham's website under the Accountability and Transparency section.

The *Modernizing Ontario's Municipal Legislation Act* (Bill 68) was introduced in the Ontario Provincial Legislature in November, 2016 and received Royal Assent on May 3, 2017. Bill 68 amended Section 223 of the *Municipal Act* to require all Ontario municipalities to establish codes of conduct for members of municipal council and local boards. Bill 68 also enacted various changes relative to the content of codes as well as the activities of municipal Integrity Commissioners. These changes include the following:

- Changes to the responsibilities of a municipally appointed Integrity Commissioner (IC) – including the addition of *Municipal Conflict of Interest Act* complaints to their sphere of jurisdiction.
- Requests for advice from the IC to a councillor or local board member must be in writing – if the IC provides advice it shall also be in writing.

- If the IC provides educational information to the public, they may summarize advice they provided to a councillor or councillors but shall not disclose confidential information that could identify a person concerned.
- A municipality must now indemnify and save harmless the IC and any person acting under the instruction of the IC for costs reasonably incurred in connection with the defence of a proceedings if the proceeding relates to an act done in good faith in the performance of the IC's duties.
- Imposing restrictions on inquiries requested during a regular election year.

A table containing the full list of the Bill 68 amendments relative to municipal codes of conduct as well as the role and responsibilities of ICs is included as **Appendix "B"** for information.

OPTIONS/ DISCUSSION:

Attached to this report as **Appendix "C"** is the revised *Council Code of Conduct*. It reflects the required legislative changes resulting from the passage of Bill 68 as well as some minor housekeeping revisions. Staff intend to hold an Education and Training Session as part of a General Committee meeting in the Spring, 2019 to fully review Markham's Council Code of Conduct with the City's Integrity Commissioner. This Session will be especially helpful to new City Councillors and may result in additional, non-Bill 68 related changes to the Code. Staff will also be returning in the Spring with a proposed Code of Conduct for the City's Local Boards (adjudicative and non-adjudicative).

FINANCIAL CONSIDERATIONS

None.

HUMAN RESOURCES CONSIDERATIONS

None.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Not applicable.

BUSINESS UNITS CONSULTED AND AFFECTED:

Human Resources and Legal Services were consulted in the preparation of this report.

RECOMMENDED BY:

2019-02-11

X



Kimberley Kitteringham
City Clerk
Signed by: cxa

2019-02-11

X



Trinela Cane
Commissioner, Corporate Services
Signed by: cxa

ATTACHMENTS:

[Appendix “A” – Current *Council Code of Conduct*](#)

[Appendix “B” - Table of Bill 68 amendments relative to municipal codes of conduct](#)

[Appendix “C” - Revised *Council Code of Conduct*](#) *(Revisions to the Current Code are highlighted in yellow)