



MEMO

To: Mayor & Members of Council

From: Kimberley Kitteringham
City Clerk

Date: December 10, 2013

Re: Council Code of Conduct

Attached is the revised Code of Conduct reflecting the suggestions and amendments made at yesterday's General Committee meeting (December 9th).

I would also like to respond to three questions that were raised during the meeting relating to: 1) the Integrity Commissioner's access to constituent records; 2) the restriction on complaint submissions in an election year; and 3) the submission of the Integrity Commissioner's report to the Clerk.

Question 1 – Constituent Records

A question was raised as to whether or not a Councillor's Constituent Records could ever be accessed by the Integrity Commissioner as part of a complaint investigation process. To be clear, the Integrity Commissioner may exercise powers under the Public Inquiries Act and may therefore have cause to exercise a summons for all records held by a Member of Council as it relates to the complaint (these include both Constituent and City records). Should a Member of Council receive a summons from the Integrity Commissioner, they may have grounds to challenge the summons.

Question 2- Condensed Timeframe for Complaint Submission in an Election Year

In accordance with Section 1 v. of the Council approved Complaint Protocol, a complaint regarding the conduct of a sitting Member of Council who is seeking re-election will not be accepted within **90 days** of an election (July 29, 2014). This restriction was included into the Protocol in an effort to address frivolous and vexatious complaints that may be submitted against incumbent Members of Council who are seeking re-election. This 90 day limitation is consistent with that found in other Codes, including the City of Toronto, City of Vaughan, City of Windsor and Town of Aurora.

Question 3 – Submission of Integrity Commissioner's Report

As outlined in Sections 5-10 of the Council approved Complaint Protocol, the Integrity Commissioner's report is submitted to the Clerk to allow for the correction of any factual or procedural errors. Following review by the Clerk, the report is forwarded to both the complainant and to the Member of Council in question. The Clerk will then place the report on the next available Council agenda. Once the report is placed on an agenda, Members of Council are provided with a copy of the report.

Submission of the report to the Clerk for placement on a Council agenda is a standard practice in municipalities with Code of Conducts and is the same process followed by the City for submission of reports from the Closed Meeting Investigator and Compliance Audit Committee.