



Administrative Report

Office of the Director, Legislative and Community Services/Clerk

To: Warden MacDonald and Members of Essex County Council

From: Katherine Hebert
Manager, Records and Accessibility/Deputy Clerk

Date: Wednesday, October 18, 2023

Subject: Code of Conduct for Council Members, and Members of Local Boards

Report #: 2023-1018-LCS-R24-KH

Purpose

To seek County Council approval for the new Essex County Council Code of Conduct as proposed by Aird and Berlis LLP, Integrity Commissioner appointed by Essex County Council.

Background

Essex County Council adopted the first Council Code of Conduct in February of 2008, following amendments to the *Municipal Act* by Bill 130, the Municipal Statute Law Amendment Act, 2006. That amendment provided municipalities with greater powers and autonomy but also increased accountability and transparency measures. The decision to adopt a Council Code of Conduct was recommended, but still not mandatory at that time. There was also no requirement for municipalities to appoint an Integrity Commissioner and no complaint process enforcement or sanctions for non-compliance.

In September 2016, Essex County Council entered into an agreement for Integrity Commissioner services. As a result, a new Council Code of Conduct which set out the roles and responsibilities of the Integrity Commissioner and established a complaint protocol, was adopted.

In 2018, as a result of Bill 68 – Modernizing Ontario's Municipal Legislation Act, 2016, a number of new provisions were enacted in the *Municipal Act*. One of those new provisions was the requirement for municipalities to

appoint an Integrity Commissioner. The new powers and responsibilities that were given to the Integrity Commissioner required revisions to the previously established procedures for filing complaints about non-compliance with the Essex County Council Code of Conduct. Further, the new duties of the Integrity Commissioner related to conflict of interest of Councillors and also required amendments to the Code of Conduct be made to the Integrity Commissioner procedures.

In September 2023, County Council appointed Aird & Berlis to provide Integrity Commissioner services for the Essex County Council and its Local Boards and Agencies.

Discussion

The appointment of a new provider of Integrity Commissioner services has necessitated the need to review the Council Code of Conduct, including the role of the Integrity Commissioner, complaint process, investigations, reporting of investigation findings, and sanctions.

A new Code of Conduct for Council Members, and Members of Local Boards is attached as Appendix A. This Code of Conduct has been provided by Aird & Berlis, and its contents are reflective of the language and provisions included in many of the Codes of Conduct for the municipalities within the Province of Ontario, particularly those that use Aird & Berlis for Integrity Commissioner services.

For comparison purposes, a copy of the current Code of Conduct for Essex County Council and Boards is attached as Appendix B.

An Integrity Commissioner from Aird & Berlis will be present at a special meeting of County Council on October 18, 2023 at 1:00 PM to provide training and respond to any questions on the new Council Code of Conduct.

Financial Implications

There are no financial implications from the implementation of a new Code of Conduct.

Consultations

Consultation on the new proposed Code of Conduct included County Solicitor, David Sundin and Director, Legislative and Community Services, Mary Birch.

Recommendation

That Essex County Council receive report number 20231018-LCS-R24-KH, Code of Conduct for Council Members, and Members of Local Boards, as information; and,

That Essex County Council adopt By-law 2023-48, being a By-law to adopt a new Code of Conduct for Council Members, and Members of Local Boards attached hereto as Appendix A.

Approvals

Respectfully Submitted,

Katherine Hebert

Katherine Hebert, Manager, Records and Accessibility/Deputy Clerk

Concurred With,

Mary Birch

Mary Birch, Director, Legislative and Community Services/Clerk

Concurred With,

Sandra Zwiers

Sandra Zwiers, MAcc, CPA, CA, Chief Administrative Officer

Appendix	Title
A	Policy Number 2023-005 Code of Conduct for Council Members, and Members of Local Boards
B	By-law Number 2023-48 A By-law to Adopt a Code of Conduct for Members of Council, and Members of Local Boards (Attached to Agenda)