

FACT BOOK

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Niagara Region Independent External Governance Auditor

TABLE OF CONTENTS

1. INTRODUCTION.....	1
2. SYSTEMS OF STANDING AND ADVISORY COMMITTEES IN REGIONAL MUNICIPALITIES	2
2.1 STANDING COMMITTEES	2
2.11 <i>Niagara Region</i>	2
2.12 <i>Durham Region</i>	3
2.13 <i>Halton Region</i>	3
2.14 <i>Waterloo and York Regions</i>	4
2.15 <i>Peel Region</i>	4
2.2 ADVISORY COMMITTEES	4
3. DEPUTY REGIONAL CHAIR.....	6
4. COUNCIL REMUNERATION.....	6
5. COUNCILLOR EXPENSE POLICIES.....	8
6. NON-FINANCIAL RESOURCES FOR REGIONAL COUNCILLORS.....	9
7. CODE OF CONDUCT.....	10
8. EDUCATIONAL OPPORTUNITIES FOR COUNCILLORS	12
9. A “REVIEW FRAMEWORK” FOR REGIONAL COUNCIL	14
9.1 WEIGHTED VOTING.....	15
9.2 SYSTEMS OF REGIONAL REPRESENTATION	17
9.21 <i>Niagara Region</i>	17
9.22 <i>Waterloo Region</i>	18
9.23 <i>Halton Region</i>	19
9.24 <i>Peel Region</i>	20
9.25 <i>York Region</i>	20
9.26 <i>Durham Region</i>	21

Niagara Region Independent External Governance Auditor

APPENDIX A — CODES OF CONDUCT..... A1
**APPENDIX B — NIAGARA REGION INTEGRITY COMMISSIONER, ANNUAL
REPORT, 2018.....B1**

Niagara Region Independent External Governance Auditor

1. INTRODUCTION

We are presenting this *Fact Book* as the first phase in our work for Niagara because we believe that our consultation phase – which comes next – will be much more effective if participants at least have the opportunity to be exposed to some basic facts about what is happening in Ontario’s other five regional municipalities: Waterloo, Halton, Peel, York, and Durham.

The items presented here are based on our *Work Plan*, which was approved by Regional Council on 26 July 2018. It is important to note at the outset that we are not confined to the subjects discussed below. We are anxious to hear views relating to all aspects of governance within the Region, with one important restriction: that it falls within the Region’s jurisdiction. This means, for example, that proposals to abolish the Region or to amalgamate area municipalities cannot be considered in our project because these are matters that the Region itself cannot change. But, as the material presented here demonstrates, there is much that does fall within the Region’s purview.

In what follows below, we report key facts related to the various subjects falling within our scope of work. We begin by examining the system of standing and advisory committees operating in the Region, and comparing it with those found in Ontario’s five other regional governments. We then briefly introduce the idea of having a Deputy Regional Chair, a position with many equivalents among lower-tier municipalities in Ontario, but with none among regional governments. The related issues of council remuneration and expenses are explored in a comparative context, as is the use of other non-financial resources to support Regional Councillors in their work. We discuss the Region’s Code of Conduct, drawing comparisons to those in effect in other regional governments. We survey educational opportunities for Regional Councillors, finding them limited, and discuss what form a customized solution could take. Finally, we examine the composition of Regional Council and the issue of territorial representation, comparing the representation of the area municipalities in Niagara Region with those in Ontario’s five other regions, and introducing the concept of weighted voting and demonstrating how it might work in Niagara.

Throughout, we pose questions that are intended to focus and animate—but not limit—our discussions through the consultation phase of this project. During this consultation phase we shall make a special effort to consult with the following people:

- Members of Regional Council from both the 2014-18 and 2018-22 terms
- Members of the Region’s senior staff
- Chairs of regional special-purpose bodies and advisory committees
- Representatives of the regional media.

There will also be one public meeting at a time and place to be announced on the Region’s website.

Following our consultations, our first report, due by November 30, will address the following issues:

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- Systems of standing and advisory committees in all regional municipalities: membership, functions, frequency of meetings, selection and remuneration of chairs and vice-chairs
- Desirability of having a Deputy Regional Chair
- Content of the Code of Conduct
- Relevant available educational material relating to roles and responsibilities of regional councillors, staff, regional stakeholders, and the general public; proposed course of action if appropriate materials are not available. Andrew Sancton Consulting could thereafter prepare and deliver the training as part of a separate contractual arrangement.

The second report, scheduled for December 20, will be concerned with:

- Remuneration of the Regional Chair and regional councillors in light of the elimination of the 1/3 tax exemption for municipal councillors
- Councillor expense policies, including the role of regional staff in administering the policies
- Non-financial resources (e.g. regional staff, office supplies, etc.) allocated to regional councillors.

Our third report – due by the end of January – will address a “review framework” for Regional Council to consider concerning the determination of the number of members of its council that will represent each lower-tier municipality in future municipal elections of 2022. This final report will also consider other significant items raised during our consultation process.

2. SYSTEMS OF STANDING AND ADVISORY COMMITTEES IN REGIONAL MUNICIPALITIES: MEMBERSHIP, FUNCTIONS, MEETING FREQUENCY, AND SELECTION AND REMUNERATION OF CHAIRS AND VICE-CHAIRS

2.1 Standing Committees

In this section we are reporting only on standing committees that meet regularly to deal with ongoing regional business. Most regional municipalities also have audit and budget committees that only meet occasionally.

2.11 Niagara Region

Niagara has four standing committees:

- Public Health and Social Services
- Corporate Services
- Planning and Economic Development
- Public Works

Section 24. 6-9 of the Region’s Procedural By-law states:

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24.6 The principal business of the Council meeting held the week after the inaugural meeting shall consist of: (a) The establishment of the size of each Standing Committee of Council; (b) The appointment of Councillors to Standing Committees, Advisory Committees, Agencies, Boards and Commissions; and (c) Appointment of Acting Chair(s) until appointment of Chairs and Co- Chairs of Standing Committees as Acting Chairs.

24.7 Prior to the inaugural meeting, each person who has been elected to Council shall submit to the Clerk his or her preferences for the Standing and Advisory Committees of Council (including agencies, boards and commissions) upon which he or she wishes to serve.

24.8 If the number of Members wishing to serve on any Standing or Advisory Committee of Council (including agencies, boards and commissions) is greater than the number of positions available, then the selection shall be conducted by open ballot.

24.9 Each Member shall serve on at least one (1) Standing Committee.

There is considerable variation in the number of committees on which each councillor serves. Some are on all four; others on only one.

Committees elect their own chairs or co-chairs and vice-chairs for two-year terms

2.12 Durham Region

Effective with the new term (2018-2022) of Regional Council, Durham will be moving back to a standing committee model, after having previously used a committee-of-the-whole system (see examples below), which was ultimately judged by regional councillors to be unsatisfactory. Members regularly complained about the length of the meetings and the deleterious effect this had on participation and attendance as the meetings progressed. Durham will have four standing committees comprising 7 members each for the upcoming term: Finance and Administration, Health and Social Services, Planning and Economic Development, and Public Works.

Standing committee chairs and vice-chairs will be appointed by Council at their first meeting in the new term, at which time Regional Council will also assign members to each councillor to one committee.

Chairs of standing committees in Durham are paid an extra \$6000 annually. At this time we have been unable to obtain information on this matter from other regional municipalities.

2.13 Halton Region

Halton has three standing committees:

- Health and Social Services
- Planning and Public Works
- Administration and Finance.

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Members are appointed annually by a Striking Committee composed of the Regional Chair and the four mayors of the area municipalities. The Procedural By-law specifies how many members each municipality has on each committee.

2.14 Waterloo and York Regions

Waterloo and York have variations on a committee-of-the-whole system in which all council members review all items in one committee or another prior to the items proceeding to regional council.

Waterloo has three standing committees comprising all members of Regional Council:

- Planning and Works
- Administration and Finance
- Community Services.

The committees meet on the same day, one after the other, once a month. Each committee elects a chair and vice-chair at its first meeting after the beginning of a new term.

York has two committees of the whole which meet monthly: Meeting 1 and Meeting 2. Each Meeting is divided into sections. The sections for Meeting 1 are transportation services; environmental services; and community and health services. The sections for Meeting 2 are planning and economic development; and finance and administration. Each section is presided over by a chair and vice-chair appointed by the Regional Council.

2.15 Peel Region

Peel has no standing committees and does not make regular use of a Committee of the Whole. However, Council Section chairs and vice-chairs are elected by Regional Council for two-year terms. There is a Section Chair for each of the following areas of regional jurisdiction: Health; Public Works; Human Services; and Enterprise Programs and Services. Section chairs or vice-chairs preside over Regional Council when staff reports relating to their areas are under discussion.

Would Niagara Regional Council operate more effectively if it adopted a committee system more like one of the other systems described above?

2.2 Advisory Committees

It seems impossible to provide a comprehensive systematic account of the various advisory committees in the different regional municipalities. They each classify and describe these committees in different ways on their respective websites. Niagara lists more than any thirty on its website (see the links below), some of which have not met for years, likely because they have completed their work. A roughly equivalent count for York region produces about ten such advisory committees.

[Burgoyne Bridge Replacement Project Taskforce](#) last met on 2 May 2017

[Chief Administrative Officer Recruitment Committee](#) No longer operational

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[Corporate Communications Sub Committee](#) last met on 29 November 2016

[Corporate Labour Relations Strategy](#) last met in June 2017

[Economic Development Working Group](#) last met in December 2015

[Federation of Canadian Municipalities 2014 Niagara Committee](#) no longer operational

[Greater Niagara Circle Route Committee](#) last met in December 2015

[Human Resource Taskforce](#) no evidence of membership or meetings

[Inter-Municipal Transit Steering Committee](#) last met 15 November 2017; became the Linking Niagara Transit Committee

[Investment Committee](#) last met on 11 May 2012

[Niagara Gateway Economic Zone & Centre Implementation Committee](#) no meetings since 2013

[Niagara Regional Housing Board Structure Committee](#) last meeting was 30 May 2017

[Procedural By-law Review Committee](#) last meeting with a quorum was in July 2017

[Property Assessment and Taxation Review Committee](#) last met in March 2013

[Regional Development Charge Policy Task Force](#) last meeting was for one minute on 19 April 2017

[Regional Niagara Active Transportation Sub Committee](#) last met on 3 November 2015

[Task Force to Recommend a Response to the Expert Panel Report](#) last met on 13 October 2017

[Water and Wastewater Review Task Force](#) last met in May 2013

[Humberstone Landfill Site Public Liaison Committee](#) last met in June 2015

[Niagara Road 12 Landfill Site Citizen's Liaison Committee](#) last met in February 2014

[Long Term Care Task Force](#) has not met since 2016

In our consultations, we would like people to consider whether there is any reason to maintain the above committees, ones which we believe have probably outlived their usefulness:

Are there other existing advisory committees that should be changed or eliminated?

Are there any matters of regional concern for which new advisory committees should be created?

Niagara Region Independent External Governance Auditor

3. DEPUTY REGIONAL CHAIR

As in most municipalities in Ontario, Niagara's Procedural By-law provides for an Acting Regional Chair. Section 4.7 states:

In accordance with the Act, in each term, as soon after the commencement of the term as is reasonably possible, Council shall appoint by by-law, and in alphabetical order, each of the members of council to serve as Acting Chair for designated periods of time, which periods shall insofar as is practicable, be of equal duration. The Acting Chair shall serve in circumstances where the Chair is absent or refuses to act or the office is vacant and while so acting in the place and stead of the Chair, such Member shall have all powers and duties of the Chair.

As far as we can determine, no regional municipality in Ontario has a Deputy Regional Chair with assigned duties and responsibilities. We see no reason, however, why such a position could not be created as long as it was filled by someone who was already a member of Regional Council. Adding such a position may open up a number of organizational options for Regional Council, including having the Deputy Regional Chair serve as the chair of one or more of the standing committees.

Does Niagara need a Deputy Regional Chair with assigned responsibilities?

If so, should the person be chosen at Regional Council's First Meeting for a full four-year term, or should the term be shorter.

What should be the initial remuneration?

4. COUNCIL REMUNERATION

Thinking about appropriate remuneration for a Deputy Regional Chair raises the broader question of remuneration for all members of Niagara Regional Council. We have been asked to review council remuneration, and provide our recommendation, particularly in light of the federal government's decision to remove the tax exemption that applies to 1/3rd of the salaries of municipal elected officials, beginning in January 2019.

To provide a context for our discussions, Table 1 below provides the remuneration rates for members of regional councils in Ontario. The data are taken from the annual remuneration and expense reports that all Ontario municipalities are required to prepare and make public. It is important to note that the figures shown below do not include benefits, nor do they include councillor expenses—a subject that will be addressed later in this fact book. The figures also do not include any additional stipends that members of regional councils receive for being chairs of standing committees—as is the case in Niagara and in Durham—or for being appointed to serve on local special purpose bodies, such as conservation authorities and police service boards—as is the case for all regional councils. Finally, the figures only include the remuneration that councillors receive for serving as *members of regional councils*. In other words, they do not include the remuneration that many regional councillors in Ontario receive for serving on their local municipal councils.

Niagara Region Independent External Governance Auditor

Table 1. Remuneration for Regional Councillors in Ontario, 2017

Region	Councillors			Chairs		
	Salary	% of 2017 operating budget	per capita (2016)	Salary	% of 2017 operating budget	per capita (2016)
Durham	\$54,695	0.0038	\$0.08	\$206,611	0.0145	\$0.32
Waterloo	\$43,008	0.0036	\$0.08	\$156,613	0.0133	\$0.29
York	\$55,955	0.0027	\$0.05	\$233,872	0.0111	\$0.21
Halton	\$55,773	0.0064	\$0.10	\$219,779	0.0252	\$0.40
Peel	\$55,130	0.0025	\$0.04	\$178,928	0.0080	\$0.13
Niagara	\$31,267	0.0035	\$0.07	\$129,391	0.0144	\$0.29

In Table 1, we also express councillor remuneration as a percentage of the overall 2017 regional operating budget and in per capita terms, using the 2016 Census population figures. We do this, not because we think compensation for elected officials should be strictly tied to the scale of the operations they oversee, or to size of the populations they serve, but because some may find it helpful to keep such factors in mind when comparing compensation across Ontario's regional councils. Arguably the most important factor to keep in mind in assessing Table 1 is that only Waterloo and Niagara have councillors that serve *only* at the regional level. In the other four regional governments, all regional councillors are also members of a local council, and thus receive compensation for both roles.

There is not much that can be said with any certainty about determining appropriate levels of compensation for municipal councillors, other than that remuneration should be periodically reviewed and, at a minimum, adjusted for inflation. The main distinction is whether or not the job of a municipal politician is to be considered a full-time position. It is clear from the figures reported in Table 3 that the job of a regional councillor is probably assumed by most to be a part-time role. This makes sense, especially when considering that most regional councillors in Ontario do have at least one other important job—being a member of a local council. Even if everyone agrees that the job of a regional councillor is a part-time role, reasonable people may disagree on how much money should be paid to those who serve in such a role. We look forward to hearing a diversity of views on what is fair and appropriate compensation for members of Niagara Regional Council.

Finally, even for those who think that the current level of compensation for regional councillors in Niagara is fair and appropriate, the pending removal of the federal 1/3rd tax exemption for the salaries of municipal politicians should cause them to consider whether or not change is needed. In Ontario, some municipalities have responded to the elimination of the tax exemption by adjusting councillor salaries upward to offset the income that will be lost to the additional taxation; others have chosen to leave remuneration levels unchanged, with the end result that the after-tax income of councillors will fall. Among regional governments, neither Durham nor Waterloo need contemplate any changes—their councils opted not to use the federal tax exemption years ago. At the time of writing, none of the remaining regional governments have communicated to us that any changes are planned or are even being discussed.

Niagara Region Independent External Governance Auditor

Is the current remuneration for Regional Councillors fair and appropriate?

What changes, if any, should be made to remuneration for Councillors in light of the pending elimination of the 1/3rd tax exemption for municipal politicians?

5. COUNCILLOR EXPENSE POLICIES

In addition to recording and reporting remuneration paid to members of council, Ontario municipalities are also required to make public any payments made for the expenses incurred by council members in the conduct of their duties. In practical terms, such payments usually take the form of reimbursements for expenses such as attending municipal conferences and community events, mileage, and communication devices (e.g., smart phones). At a minimum, municipalities must have a bylaw in place that authorizes the payment of such expenses. Since work-related expenses are also often incurred by staff, most if not all municipalities also have in place a general policy that outlines the process through which such expenses can be submitted, approved, and reimbursed, along with criteria for determining eligibility. Some municipalities—including Niagara Region—also have a policy specifically for the work-related expenses of their council members. We have been asked to review the Niagara Regional Council Expense Policy, and recommend revisions, if any, with a particular focus on the use of individual budgets for regional councillor expenses, and the role of staff in administering councillor expenses.

Not all regional governments have a separate expense policy for their councillors. In Durham, for example, regional councillors are subject to the same general expense policy that applies to staff. There is, however, a separate provision that establishes a \$10,000 limit per four-year term for regional councillors for costs incurred in attending conferences and conventions. This amount can be used at the discretion of each individual councillor, although deviations from the listed per diem rates require approval from the Chief Administrative Officer.

In Waterloo, there are three separate policies governing councillor expenses. Although there is no budget limit for conference attendance, councillors are only permitted to claim expenses for up to three conferences per year, with a maximum of three councillors permitted to attend any one particular conference. Any exceptions, including attendance at international conferences, require council approval.

Regional councillors in Waterloo also have access to an annual communications expenditure allowance of \$3,250 that is intended to cover the cost of maintaining a home office: landlines are acceptable expenses, as are computers, printers, internet access, and smartphone devices (as long as it's a BlackBerry). Finally, there is also a separate annual allowance of \$1,200 for attending community events and local functions. In all cases, expense claims flow through a full-time research and administrative assistant to council, while final approval authority is ultimately the responsibility of the regional chair.

In Peel Region, councillors are similarly restricted to claiming expenses for up to three conferences per year, and exceptions, again, require council approval. There are also provisions specifying eligible expenses for home office equipment, constituency communication (e.g., newsletters), and community events that are similar to those in Waterloo. The main difference,

Niagara Region Independent External Governance Auditor

however, is that such costs are subject to a total budget limit of \$22,805 per four-year term of council. It is also worth noting that final approval authority is vested with the chief financial officer in Peel Region, rather than the regional chair, as is the case in Waterloo. At the time of writing, we are awaiting more information on regional councillor expense policies in Halton and York.

In comparing Niagara Regional Councillor Expense Policy with those operating in Durham, Waterloo, and Peel, one obvious difference is the existence of budget limits. In each of the other three regional municipalities, there is some form of upper constraint on conference attendance costs—indirectly, through a limit on the number of conferences that councillors can attend annually in Waterloo and Peel, and directly through a hard budgetary constraint in Durham. Neither limit exists in Niagara Region. In Waterloo and Peel, there is also a term budget limit on the other work-related expenses that councillors normally incur when performing their various representative functions—attending community events and communicating with constituents. One obvious question that we shall pose in our interviews, then, is whether or not such expense limits are needed in Niagara Region, and, if so, what would be an appropriate amount.

A second and perhaps less obvious difference between the expense policy in Niagara Region and those in Waterloo, Peel, and Durham, is that the former specifically deems eligible certain legal costs, including those “arising from or in any way related to complaints under the Code of Conduct.” As we shall soon see, the Code of Conduct in Niagara Region has not been without controversy, and will be addressed separately in our work. And some municipalities do have policies in place that compensate councillors for legal costs involved with integrity commissioner investigations, usually under various conditions. But it is reasonable to question whether such costs should be considered sufficiently routine so as to be included within a councillor expense policy.

Finally, there are some differences among the regional municipalities in how the expense policies are administered. At a fundamental level, it is worth noting that, in Peel Region, final approval authority concerning expense claims is vested with the Chief Financial Officer, rather than the Regional Chair, as is the case in Waterloo, or an audit committee, as is the case in Niagara. It is also noteworthy that there is a single staff member responsible for much of the processing involved with councillor expense claims in Waterloo. This staff member also functions as a full-time administrative and research resource for regional council, which is interesting in its own right, as we discuss below. But policy documents describe how policies are *supposed* to be implemented. Actual practice can be quite different. We look forward to learning more about how the councillor expense policy is administered in Niagara, and how the role of staff may be clarified.

Should there be a budget limit for the expenses of Regional Councillors?

What changes, if any, should be made to the eligibility criteria for councillor expenses in Niagara?

6. NON-FINANCIAL RESOURCES AVAILABLE TO REGIONAL COUNCILLORS

Niagara Region Independent External Governance Auditor

As we have seen, regional governments—like most municipalities—have some mechanism in place to help provide their councillors with the essential tools for governing in the modern age—internet service, a computer, and a smartphone device. In Waterloo, for example, regional councillors are provided a computer (or tablet), a multi-functional printer/scanner/copier, and various software licenses in addition to the home office equipment that councillors can purchase on their own and claim as eligible expenses. Durham reports that councillors are provided with a smartphone device for data purposes. Indeed, it is difficult to conceive of arguments *against* providing regional councillors with such devices either directly or by allowance.

Beyond computers and smartphones, even the most capable of regional councillors require at least some administrative support to do their work. In Waterloo, as we reviewed above, all regional councillors share one full-time administrative assistant, whose job duties also include conducting research on behalf of councillors. In Durham, we are informed that administrative support is provided through staff members in the regional chair's office, and through the clerk's office. In our interview process, we will be asking councillors, staff, and other stakeholders their views on what resources should be made available to Niagara Regional Councillors.

Are the current non-financial resources available to Regional Councillors sufficient?

7. CODE OF CONDUCT

Niagara's Code of Conduct has been controversial in two different ways:

1. During 2017 there was a debate within Regional Council, stemming from recommendations by the Integrity Commissioner, about the content of the Code of Conduct.
2. Since then there has been considerable dissatisfaction that the Code of Conduct seems to have been violated by some members of Regional Council on various issues – including leaks of confidential information – and many seem to feel that there must be better ways of insuring that the provisions of the Code of Conduct are implemented.

Each of these matters will be discussed in turn. Current Codes of Conduct from five of the six regional municipalities are reproduced in Appendix A of this *Fact Book*. All regional municipalities except Waterloo have adopted a Code of Conduct. For our purposes, it is unfortunate that there is no Waterloo document because Waterloo is most like Niagara in that, except for the mayors of the area municipalities, all regional councillors are elected to serve only at the regional level. In the other regional municipalities, all councillors (but not the Regional Chair) also serve on local councils and are therefore covered by their Codes of Conduct.

In his Annual Report dated 11 September 2018 (see Appendix B), the Integrity Commissioner recounted that one of his first tasks on being appointed in 2017 was to present to Regional Council a draft of a proposed Code of Conduct to replace the existing one. He states that the proposed Code was rejected by Regional Council in December 2017. It seems to us that anyone wishing to address issues connected with Niagara's Code of Conduct needs to understand the issues at stake at that time. Regional Council's debate on the Code can be watched at:

https://www.youtube.com/embed/WfpK_Xbaec?rel=0&autoplay=1

Niagara Region Independent External Governance Auditor

One of the concerns of regional councillors at the time was that the proposed Code was too long and detailed, containing nine pages of small type. Codes in Durham, Peel and York are approximately the same length. Halton's is notable in that it is only three pages long. Niagara's current Code is less than four full pages long. The main underlying issue here is the extent to which the Code should attempt comprehensively to cover a wide range of specified potential offences or whether it should be more restricted to statements of principle.

Question to consider: Given the content of the Codes of Conduct in other regional municipalities, do you believe Niagara's should be more detailed or less detailed?

In his recent annual report, Niagara's Integrity Commissioner outlined his activities over the preceding year. Unfortunately, his annual report contains no links to his reports on individual incidents, nor does the Integrity Commissioner's webpage on the Region's website. We discovered some of these individual reports in the Agendas of regional council meetings only with the help of reports in the *St. Catharines Standard* that were found through Google. Examining the issues involved in these individual cases helps explain why Regional Council was unable to come to agreement on a new Code of Conduct in late 2017. At least three main issues have emerged relating to the extent to which the Code should be interpreted and enforced so as to apply to:

1. the actions of Regional Councillors when they are not acting in any "official capacity";
2. the use of demeaning words between councillors inside or outside the council chamber such that the Code might be seen as limiting freedom of speech in political discourse; and
3. the likelihood that alleged violations of the Code can be used as a "political weapon" for one councillor to attack another.

It is not clear to us how the Code can be worded so as satisfactorily to resolve these issues. *Nevertheless, we wish to hear people's views on these matters.*

All of the codes of conduct in the various regions specify that councillors must not "leak" unauthorized information. Even Halton's very short code is very specific on this point:

All information, documentation, or deliberations received, reviewed, or taken in Closed Sessions of Committees and Council are confidential.

Members shall not disclose or release by any means to any member of the public, either in verbal or written form, any confidential information acquired by virtue of their office, except when required by law to do so, and shall not permit any persons other than those who are entitled thereto to have access to information which is confidential.

It appears that Niagara might have experienced more leaks of confidential information than any other regional municipalities. After our original Work Plan was submitted and approved, we were asked by Regional Council "to make recommendations to Niagara Regional Council for process improvements relating to Confidentiality." We shall be pursuing this issue in more detail later, but during our consultation period *we are asking participants to consider possible ways in which leaks of confidential information can be reduced or eliminated.*

8. EDUCATIONAL OPPORTUNITIES AVAILABLE FOR REGIONAL COUNCILLORS

Effective 1 March 2019, Section 223 (1).7 of the Ontario Municipal Act specifies that one of the possible duties to be assigned to any municipal integrity commissioner is:

The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the *Municipal Conflict of Interest Act*, 2017.

Section 239 of the same Act states:

Educational or training sessions

(3.1) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

1. The meeting is held for the purpose of educating or training the members.
2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee

We recognize that providing educational opportunities for elected officials raises sensitive issues.¹ It would obviously be inappropriate for any “instructor” to claim that some possible policies merit their support rather than others. Nevertheless, there are issues of process that undoubtedly merit discussion in a confidential and academic-like setting where councillors – new and old – can share knowledge and ask questions.

As far as we can determine, the only existing courses available to Ontario municipal councillors are offered by the Association of Municipalities of Ontario (AMO). Their description is excerpted below:

¹ Félix Grenier and Anne Mévellec, “Training Local Elected Officials: Professionalization Amid Tensions Between Democracy and Expertise,” *Lex Localis – Journal of Local Self-Government* 14-1 (January 2016), 33-52.

Niagara Region Independent External Governance Auditor

1) MUNICIPAL LEADERSHIP ESSENTIALS

This full-day interactive sessions builds on the skills you already have and will provide you with the tools you need to lead your council.

- What makes a good leader?
- What tools do you need to navigate complex new expectations?
- What tricks can you use to be a more effective communicator?
- What you need to know about financial planning, budgeting and asset management

COURSE COSTS

- Registration includes all materials, and lunch - \$425 plus HST (\$480.25)

2) AS A MEMBER OF COUNCIL WHAT YOU NEED TO KNOW

This day and half training, when coupled with Land Use Planning: Beyond the Basics, will prepare Members of Council for the term ahead. Topics on the agenda include:

- The ABC's of Municipal Government
- Limiting Your Risk - The Rules
- Making a Difference
- Managing Differences
- Improved Budgeting and Planning...
- and more...

COURSE COSTS

- Registration includes all all materials, and lunch - \$340 plus HST (\$384.20)

3) LAND-USE PLANNING

Aimed at both seasoned and first-term councillors, the land-use planning module of AMO's municipal councillor training program is designed to build upon the Association's on-line primer on planning. This three-hour workshop is presented back to back with As a Member of Council What You Need to Know. It is also available as a stand-alone educational session.

The workshop will reinforce the central role that municipalities play in implementing and managing the land use policy framework in Ontario. It will include a review of the relevant elements of the Ontario Planning Act as well as a run-down of the key planning tools and how they are applied in the municipal context. The module will identify the nature and role of the Provincial Policy Statement as the overall roadmap for land use management in Ontario. The program will also update participants on the conversion of the Ontario Municipal Board to the new Local Planning Appeal Tribunal and the implications of this new regime on how municipal councils take decisions on planning matters.

COURSE COSTS

- Registration includes all materials - \$200 plus HST (\$226.00)

We are informed by AMO that:

Our facilitators/trainers pull from their current or past municipal experience to help us deliver all of our training. For example, *Municipal Leadership Essentials* and *As a Member of Council...* is facilitated by a retired municipal CAO and a retired municipal

Niagara Region Independent External Governance Auditor

Solicitor. *Land Use Planning: Beyond the Basics* is facilitated by a recently retired municipal CAO with extensive land use planning experience at a number of municipalities in Ontario; and the precursor the online course *Land Use Planning: The Basics* was written and edited by two municipal land use planners.

We would certainly not discourage regional councillors from registering individually for any or all of these courses. However, it is important to note that, as of now, none of these courses are scheduled to be offered in the Niagara area (in most cases the closest location would be Toronto) and none focus on the special circumstances in which regional councillors find themselves.

For these reasons, we believe that the best educational opportunities for Niagara regional councillors will likely emerge from a form of partnership between Niagara's Integrity Commissioner and academics with experience in managing open-ended discussions about sensitive municipal issues relating to the municipal policy-making process. Andrew Sancton Consulting would be open to discussing such a partnership with the Integrity Commissioner.

Questions: Do you believe custom-developed educational opportunities relating to the role and responsibilities of regional councillors and to the municipal policy-making process should be made available to all regional councillors? Are there any issues in particular that you think should be covered?

9. A "REVIEW FRAMEWORK" FOR REGIONAL COUNCIL

We have been asked to investigate a "review" framework for Regional Council to consider concerning the determination of the number of members of its council that will represent each lower-tier municipality following the municipal election of 2022.

In 2017 Regional Council added an additional seat for Wainfleet in accordance Sections 218 and 219 of the Ontario Municipal Act. Although this action has helped equalize representation for the less populous area municipalities in Niagara, it has exacerbated the obvious under-representation of the more populous municipalities, especially Niagara Falls and St. Catharines. Because Niagara made a change to its council composition during the period 2014-18 and because of the provisions of Section 218 (11) of the Ontario Municipal Act, the Niagara Regional Council is not obliged to review its representation system until after the municipal election of 2026. If Regional Council does not affirm or amend its representation system between 2018 and 2028, the Minister of Municipal Affairs may make a regulation under subsection (7) to change the representation of one or more area municipalities. Subsection (10) states that "When considering whether to make a regulation under subsection (7), the Minister shall, in addition to anything else the Minister wishes to consider, have regard to the principle of representation by population." A lot can change between now and 2028. However, even if subsection (10) did not exist, there is much to be said for the argument that representation on regional councils, including Niagara's, should adhere more closely to the principle of representation by population. In this regard, Halton Region after 2018 can serve as a model (see Table below for Halton).

Niagara Region Independent External Governance Auditor

If Wainfleet were to continue to have one seat with one vote on Regional Council, and if the other municipalities were to be represented in strict accordance with the principle of rep-by-pop, then the council would need to have about seventy members (447,888 divided by 6372). Such a “solution” would presumably be acceptable to no one. Many other arrangements are imaginable, but all would involve further increasing the size of council, unless some or all mayors were removed and regional wards were constructed so as to cross at least some regional boundaries. But rep-by-pop can be respected without any such elaborate arrangements simply by introducing weighted voting, a mechanism provided for in Section 218 (3) of the Municipal Act.

9.1 Weighted Voting

Simcoe County (like Niagara Region, an upper-tier municipality) is a long-standing user of weighted voting at county council. Simcoe County has been using weighted voting since the 1994 introduction of the *County of Simcoe Act*, which restructured the County into sixteen municipalities. In addition, the Act provided the composition for council (mayor and deputy mayor of the 16 member municipalities) and prescribed a method for allocating votes to members. After portions of the Act were repealed, the County of Simcoe enacted a by-law regarding Council’s composition which included a formula for allocating votes to its members that mirrored the previously used provincially-imposed formula.

The formula (County by-law No. 4789) prescribes that the member representatives to County Council continue to be the Mayor and Deputy Mayor of each of the sixteen member municipalities, with the following vote allocation formula:

- Each local municipality is entitled to a minimum of three votes.
- Each local municipality having more than 5,000 municipal electors is entitled to one additional vote for every 2,000 municipal electors over 5,000.
- The Mayor and Deputy Mayor of a local municipality split the total number of votes to which the municipality is entitled, so that the Mayor has the same number as, or one vote more than, the Deputy Mayor.

Each municipality’s weighted share is determined on the basis of its population at the beginning of each Council term. Weighted votes are used for recorded votes only. As it currently stands, the number of votes for each municipality is listed below in Table 2.

Niagara Region Independent External Governance Auditor

Table 2. Distribution of Weighted Votes, County of Simcoe Council

<i>Municipality</i>	<i>Population (2016)</i>	<i>Number of Votes</i>
Adjala-Tosorontio	10,975	4
Bradford West Gwillimbury	35,325	11
Clearview	14,151	6
Collingwood	20,102	9
Essa	21,083	6
Innisfil	23,992	13
Midland	24,353	7
New Tecumseth	34,242	12
Oro-Medonte	21,036	9
Penetanguishene	8,962	4
Ramara	9,488	6
Severn	13,477	7
Springwater	19,059	8
Tay	10,033	5
Tiny	11,787	9
Wasaga Beach	20,675	10
Total	298,740	126

*votes weighted on the basis of eligible electors

Weighted voting is rarely used on Simcoe County council. For instance, weighted recorded votes were only used four times in three meetings between October 11, 2016 and September 12, 2017, over which time there were 20 council meetings. Of the four instances where recorded weighted votes were called, three related to budgetary issues and the fourth involved water and wastewater planning to achieve compliance with the provincial growth plan.

Grey County is another upper-tier government that also uses weighted voting. In Grey County, the weighting formula is more straightforward: each municipality receives one vote per 1,000 electors or part thereof. Much like in Simcoe County, recorded (and thereby weighted) votes are used sparsely in Grey County. Thus far in 2017, a recorded, weighted vote has only been called on two occasions, both during the same meeting. Both votes concerned a local long-term care facility; one was defeated, while the other was carried. A 2009 report from the Clerk's department confirms that weighted, recorded votes are used infrequently, but argues that when used, it is not necessarily a sign of a contention on council: "It's also noteworthy that often the purpose of a recorded vote isn't necessarily to affect the outcome of the vote but rather a way for councillors to go "on the record" of their position on a matter."²

Outside Ontario, British Columbia's regional districts also use a form of weighted voting, though it is admittedly more complex and so we will not explore it in detail here.

² County of Grey, Committee WR-CC-02-09, 5.

Niagara Region Independent External Governance Auditor

9.2 Systems Of Regional Representation

In the rest of this section we use Tables to illustrate the existing representation system in Niagara as well as just one possible way in which weighted voting could work. Then we provide comparative data from the other regional municipalities. So as to have a common mechanism for measuring population, we use the 2016 Census of Canada. Regional chairs are not included in the numbers presented here for regional councillors.

9.21 Niagara Region

- 2016 population is: 447,888.
- As of the end of 2018, there are 31 regional councillors.
- Average number of people per councillor: 14,448.

Table 3. Representation on Niagara Regional Council

Lower-tier municipality	Population (2016 Census)	Share of regional population (%)	Number of regional seats	Share of regional seats (%)	Number of Residents per regional councillor	Relationship to regional average (%)
Fort Erie	30,710	6.9	2	6.5	15,355	+6.3
Grimsby	27,314	6.1	2	6.5	13,657	-5.4
Lincoln	23,787	5.3	2	6.5	11,894	-17.7
Niagara Falls	88,071	19.7	4	12.9	22,018	+52.4
Niagara-on-the-Lake	17,511	3.9	2	6.5	8,756	-39.4
Pelham	17,110	3.8	2	6.5	8,555	-40.8
Port Colborne	18,306	4.1	2	6.5	9,153	-36.6
St. Catharines	133,113	29.7	7	22.6	19,016	+31.6
Thorold	18,801	4.2	2	6.5	9,401	-34.9
Wainfleet	6,372	1.4	1	3.2	6,372	-55.9
Welland	52,293	11.7	3	9.7	17,431	+20.6
West Lincoln	14,500	3.2	2	6.5	7,250	-49.8
TOTALS	447,888	100	31	100.4	--	--

COMMENTS:

- Niagara Region has more constituent municipalities, more regional councillors, and the lowest number of residents per councillor than any other regional municipality.
- Wainfleet is the least populous area municipality in any regional municipality in Ontario.
- On the basis of the principle of representation-by-population, Niagara Falls is the most under-represented municipality on its regional council of any area municipality within an Ontario regional municipality.

A possible arrangement for Niagara would be to introduce a modified form of weighted voting so as to treat Niagara Falls and St. Catharines more fairly while simultaneously slightly reducing the size of Regional Council. Niagara Falls could be given two more votes, and St. Catharines one more. At the same time, Niagara Falls would have its representatives reduced from four to three, and St. Catharines from seven to four. But, with weighted voting, each of the

Niagara Region Independent External Governance Auditor

representatives from these two cities would have two votes. Once again using 2016 population numbers from the Census of Canada, the resulting system would have each vote representing 13,173 people (447888 divided by 34) as shown in the Table 4 below.

Table 4. Representation on Niagara Regional Council with Weighted Voting

Lower-tier municipality	Population (2016 Census)	Share of regional population (%)	Number of regional votes	Share of regional seats (%)	Number of Residents per regional councillor	Relationship to regional average (%)
Fort Erie	30,710	6.9	2	5.9	15,355	+16.6
Grimsby	27,314	6.1	2	5.9	13,657	+3.7
Lincoln	23,787	5.3	2	5.9	11,894	-9.7
Niagara Falls	88,071	19.7	3x2=6	17.6	14,679	+11.4
Niagara-on-the-Lake	17,511	3.9	2	5.9	8,756	-33.5
Pelham	17,110	3.8	2	5.9	8,555	-35.1
Port Colborne	18,306	4.1	2	5.9	9,153	-30.5
St. Catharines	133,113	29.7	4x2=8	23.6	16,639	+26.3
Thorold	18,801	4.2	2	5.9	9,401	-28.6
Wainfleet	6,372	1.4	1	2.9	6,372	-51.6
Welland	52,293	11.7	3	8.8	17,431	+32.3
West Lincoln	14,500	3.2	2	5.9	7,250	-45.0
TOTALS	447,888	100	34	100.1	--	--

The above Table is meant to illustrate how the principle of representation by population can be better (but far from perfectly) implemented in Niagara without causing great disruption. Under this arrangement the actual number of regional councillors would be reduced from 31 to 27.

It is important to keep in mind that, whenever a modified representation system is again contemplated, new population numbers will likely be available, either from the Region or from the 2021 Census of Canada.

Existing arrangements in other regional municipalities are shown in the Tables that follow, with briefs comments on any particularly salient features.

9.22 *Waterloo Region*

- 2016 population: 535,154.
- As of the end of 2018, there are 15 regional councillors.
- Average number of people per councillor: 35,677.

Niagara Region Independent External Governance Auditor

Table 5. Representation on Waterloo Regional Council

Lower-tier municipality	Population (2016 Census)	Share of regional population (%)	Number of regional seats	Share of regional seats (%)	Number of Residents per regional councillor	Relationship to regional average (%)
Cambridge	129,920	24.3	3	20	43,306	+21.4
Kitchener	233,222	43.8	5	33.3	46,644	+30.7
North Dumfries	10,215	1.9	1	6.7	10,215	-71.4
Waterloo	104,986	19.6	3	20	34,995	-1.9
Wellesley	11,260	2.1	1	6.7	11,260	-68.4
Wilmot	20,545	3.8	1	6.7	20,545	-42.4
Woolwich	25,006	4.7	1	6.7	25,006	-29.9
TOTALS	535,154	100.2	15	100.1	--	--

COMMENTS:

- Waterloo has the smallest regional council among Ontario's regional municipalities.
- The representation system for Waterloo Region was last adjusted in 2000.

9.23 Halton Region

- 2016 population: 548,435.
- As of the end of 2018, there are 23 regional councillors.
- Average number of people per councillor: 23,845.

Table 6. Representation on Halton Regional Council

Lower-tier municipality	Population (2016 Census)	Share of regional population (%)	Number of regional seats	Share of regional seats (%)	Number of Residents per regional councillor	Relationship to regional average (%)
Burlington	183,314	33.4	7	30.4	26,188	+9.8
Halton Hills	61,161	11.2	3	13	20,387	-12.6
Milton	110,128	20.1	5	21.7	22,026	-7.6
Oakville	193,832	35.3	8	34.8	24,229	+1.6
TOTALS	548,435	100	23	99.9	--	--

COMMENTS:

- As the result of a staff-led process, Halton adjusted its representation on regional council in the term of council immediately prior to the 2018 municipal election.
- Among the regional municipalities, it appears to have the system that most closely reflects the principle of representation-by-population.

Niagara Region Independent External Governance Auditor

9.24 Peel Region

- 2016 population: 1,381,739.
- As of the end of 2018, there are 24 regional councillors.
- Average number of people per councillor: 57,572.

Table 7. Representation on Peel Regional Council

Lower-tier municipality	Population (2016 Census)	Share of regional population (%)	Number of regional seats	Share of regional seats (%)	Number of Residents per regional councillor	Relationship to regional average (%)
Brampton	593,638	43	7	29.2	84,805	+47.3
Caledon	66,502	4.8	5	20.8	13,300	-76.9
Mississauga	721,599	52.2	12	50	60,133	+4.4
TOTALS	1,381,739	100	24	100	--	--

COMMENTS:

- Peel is the most populous regional municipality in Ontario.
- Mississauga is the most populous area municipality within an Ontario regional municipality and the only one comprising more than half of its Region's population.
- On average, regional councillors in Peel represent more people than regional councillors in any other regional municipality.
- On the basis of the principle of representation-by-population, Caledon is the most over-represented area municipality within any Ontario regional municipality. Its over-representation comes at the expense of Brampton, which is second only to Niagara Falls in its under-representation.
- Peel's representation system was last adjusted, by provincial legislation, in 2006.

9.25 York Region

- 2016 population (excluding Indian Reserves): 1,109,648.
- As of the end of 2018, there are 20 regional councillors.
- Average number of councillors per person: 55,482.

Niagara Region Independent External Governance Auditor

Table 8. Representation on York Regional Council

Lower-tier municipality	Population (2016 Census)	Share of regional population (%)	Number of regional seats	Share of regional seats (%)	Number of Residents per regional councillor	Relationship to regional average (%)
Aurora	55,445	4.9	1	5	55,445	-0.1
E. Gwillimbury	23,991	2.2	1	5	23,991	-56.7
Georgina	45,418	4.1	2	10	22,709	-59.1
King	24,512	2.2	1	5	24,512	-55.8
Markham	328,966	29.6	5	25	65,793	+18.6
Newmarket	84,224	7.6	2	10	42,112	-24.1
Richmond Hill	196,022	17.7	3	15	65,341	+17.8
Vaughan	306,233	27.6	4	20	76,558	+38.0
Whitchurch-Stouffville	45,837	4.1	1	5	45,837	-17.4
TOTALS	1,109,648	100	20	100	--	--

COMMENTS:

- York Region's representation system was last adjusted in 2003.

9.26 Durham Region

- 2016 population (excluding Indian Reserves): 645,731.
- As of the end of 2018, there are 28 regional councillors.
- Average number of councillors per person is: 23,062.

Table 9. Representation on Durham Regional Council

Lower-tier municipality	Population (2016 Census)	Share of regional population (%)	Number of regional seats	Share of regional seats (%)	Number of Residents per regional councillor	Relationship to regional average (%)
Ajax	119,677	18.5	4	14.2	29,919	+29.7
Brock	11,642	1.8	2	7.1	5,821	-74.8
Clarington	92,013	14.2	3	10.7	30,677	+33.0
Oshawa	159,458	24.7	6	21.4	26,576	+15.2
Pickering	91,771	14.2	4	14.2	22,943	-0.5
Scugog	21,617	3.3	2	7.1	10,809	-53.1
Uxbridge	21,176	3.3	2	7.1	10,588	-54.1
Whitby	128,377	19.9	5	17.9	25,675	+11.3
TOTALS	645,731	99.9	28	99.7	--	--

COMMENTS:

- Durham adjusted its regional representation in 2016 after striking a special committee chaired by the President of the University of Ontario Institute of Technology.

Niagara Region Independent External Governance Auditor

- Durham is the only Region in Ontario in which the most populous municipality comprises less than one quarter of the Region's total population.

From what we have observed from the records of Niagara Region that have been supplied to us, the question of the representation system in Niagara has been extensively debated in the past. It is not clear to us at this point that a new and elaborate "review framework" is required. Nevertheless, during our consultation process, we would like to consider the following questions:

Would you consider accepting in principle the concept of weighted voting on Regional Council so as to simultaneously better implement the principle of representation by population while also slightly reducing its size? Are there other factors or issues that should be considered?

When do you think the process of modifying Niagara Region's representation system should begin?

Appendix A: Codes of Conduct in other Regional Municipalities

Halton Region Code of Conduct

APPENDIX A: COUNCIL CODE OF CONDUCT

PREAMBLE

Since its inception in 1974, Council has demanded a high level of integrity and ethical conduct from its Members. The Region's exemplary reputation has relied upon the good judgement of individual Members of Council. While tacit understandings have served well for many years, a written Code of Conduct helps to ensure that all Members share a common basis for acceptable conduct. Formalized standards help to provide a useful reference guide and a supplement to the legislative parameters within which Members must operate. Further, they enhance public confidence that the Region's elected representatives operate from a base of integrity, justice, and courtesy.

This Code of Conduct is a general standard. It augments the laws which govern the behaviour of Members, and it is not intended to replace personal ethics.

1. GENERAL

All Members shall serve their constituents in a conscientious and diligent manner. No Member shall use the influence of office for any purpose other than for the exercise of his/her official duties.

2. GIFTS AND BENEFITS

Members shall not accept fees, gifts or personal benefits that are connected directly or indirectly with the performance of duties as elected Members, except compensation authorized by law. This Section does not apply to tokens, mementos, souvenirs, or such gifts or benefits that are received as an incident of protocol or social obligations that normally accompany the responsibilities of office.

3. CONFIDENTIALITY

All information, documentation, or deliberations received, reviewed, or taken in Closed Sessions of Committees and Council are confidential.

Members shall not disclose or release by any means to any member of the public, either in verbal or written form, any confidential information acquired by virtue of their office, except when required by law to do so, and shall not permit any persons other than those who are entitled thereto to have access to information which is confidential.

Particular care should be exercised in releasing information including, but not limited to, the following:

- personnel matters;
- information about suppliers provided for evaluation which might be useful to other suppliers;
- matters relating to the legal affairs of the Region;
- sources of complaints where the identity of the complainant is given in confidence;
- items under negotiation;
- schedules of prices in contract tenders;
- information deemed to be personal information under MFIPPA.

The list above is provided for example and is not exclusive.

4. USE OF REGIONAL PROPERTY

No Member shall use for personal purposes any Regional property, equipment, supplies, or services of consequence other than for purposes connected with the discharge of Regional duties or associated community activities of which Council has been advised.

No Member shall obtain financial or political gain from the use or sale of Region-developed intellectual property, computer programs, computer hardware and software, the Region's Website, technological innovations, or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the Region and must only be used for Regional business.

5. WORK OF A POLITICAL NATURE

No Member shall use Regional facilities, services or property for his/her re-election campaign. No Member shall use the services of Regional employees for his/her re-election campaign during hours in which the employees are in the paid employment of the Region.

6. CONDUCT AT COMMITTEE AND COUNCIL

During Committee and Council Meetings, Members shall conduct themselves with decorum by demonstrating respect for Delegates and for fellow Members. Members shall be courteous and not distract from the business of the Committee or Council Meeting. Members shall not enter into debate with Delegates or presenters and may be called upon by the Committee/Regional Chair as per Section 12.2.

7. REPRESENTING THE REGION

Members shall make every effort to participate in the activities of the Local Boards, Committees and other bodies to which they are appointed.

8. INFLUENCE ON STAFF

Members shall be respectful of the fact that staff work for the whole corporation and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual Member or faction of Council.

9. BUSINESS RELATIONS

No Member shall borrow money from any person who regularly does business with the Region unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.

No Member shall act as a paid agent before Committee or Council or any agency, board, or committee of the Region, except in compliance with the terms of the Municipal Conflict of Interest Act.

10. ENCOURAGEMENT OF RESPECT FOR THE REGION AND ITS BY-LAWS

Members shall encourage public respect for the Region and its by-laws.

11. HARASSMENT

Harassment of another Member, staff or any member of the public is misconduct. It is the policy of the Region that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

Harassment may be defined as any behaviour by any person, including a co-worker, that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, or disability and any other prohibited grounds under the provisions of the *Human Rights Code*, R.S.O. 1990, c. H.19, as amended from time to time.

12. INTERPRETATION

Members of Council seeking clarification of any part of this Code of Conduct should consult with the Clerk or Corporate Counsel.

THE REGIONAL MUNICIPALITY OF PEEL

BY-LAW NUMBER 1-2017

**A by-law to govern the Regional Council
Code of Conduct and to repeal By-law
65-2014.**

WHEREAS the Council of the Regional Corporation enacted By-law 100-2012 on November 22, 2012, being a by-law which governs the proceedings of Council and its Committees;

AND WHEREAS, By-law 100-2012 was amended by By-law 65-2014 on September 11, 2014 by appending Appendix 4, being the Regional Council Code of Conduct;

AND WHEREAS, Council of the Regional Corporation has by Resolution 2016-757 on October 13, 2016 authorized an amendment to the Regional Council Code of Conduct;

NOW THEREFORE, the Council of the Regional Corporation enacts as follows:

1. That the Regional Council Code of Conduct be and is hereby attached as Schedule A.
2. That By-law 65-2014 be repealed thereby deleting Appendix 4 to By-law 100-2012.

READ THREE TIMES AND PASSED IN OPEN COUNCIL this 12th day of January, 2017.

K. Lockyer

Regional Clerk

F. Dale

Regional Chair

Peel Regional Council Code of Conduct

A. Application and Purpose

- i. The Regional Chair and Members of Council are members of the public appointed or elected, respectively, to represent the residents of the Region of Peel interest through the legislated authority given to Regional Council.
- ii. The Peel Regional Council Code of Conduct (hereinafter after known as the Code) is Council's statement governing the conduct of its Chair and Members of Council in the performance of their official functions and reflects Council's commitment to meet the community's expectations of transparent, accountable and ethical conduct.
- iii. This Code applies to the Regional Chair and Members of Council as they perform their duties in cooperation with Council colleagues, Regional staff, and the public, as elected officials of the Region of Peel.
- iv. The purpose of the Code is to provide the basis upon which any person, including other Members of Regional Council, may promote high standards of ethical conduct of the Regional Chair and Members of Council through a direct referral, or recourse to public opinion.

B. Definitions

- i. **Accountability**
The municipality is obligated to demonstrate and take responsibility for its actions, decisions and policies, and is answerable to the public at large.
- ii. **Benefit**
"Benefit" means anything (other than a gift) given that confers an advantage, including but not limited to discounted or free services, food or beverages for immediate consumption, activities or event tickets, unless there is payment in any form, including the exchange of goods or services of equal or greater value, to the individual or entity giving the benefit.
- iii. **Confidential Information**
Personal information in the custody or control of the Region or information not available to the public and which, if disclosed could result in damage or loss to the corporation of the Region of Peel (corporation), or could give the person to whom it is disclosed an improper advantage.
- iv. **Gift**
"Gift" means any real or personal property given, including but not limited to artwork, clothing, money, gift certificates or gift cards, unless there is payment in any form, including the exchange of goods or services of equal or greater value, to the individual or entity giving the gift.
- v. **Hospitality**
"Hospitality" means food, beverages, entertainment and/or accommodation.
- vi. **Personal Gain**
The direct or indirect financial gain of the Regional Chair or Members of Council as defined by Section 3 of the *Municipal Conflict of Interest Act*, but does not include remuneration of the Chair or Councillor by the Region for the performance of the duties of office.

vii. Purchasing Processes

Any process started under the Region's Purchasing By-law or in response to Council direction.

It also includes any negotiation or communication for the extension or renewal of an existing contract for the purchase of goods, services or land and any negotiation, expropriation or other process for the acquisition of land.

viii. Transparency

The municipality will conduct its business in an accessible, clear and visible manner, with activities that are open to examination by the public.

C. Guiding Principles

- i. The Region of Peel is a responsible and accountable government with respect to matters within its jurisdiction, and is given powers to be exercised by its Regional Council for the purpose of providing good government.
- ii. Through the promotion of trust and confidence, it is the policy of the Region of Peel to provide Regional government "as it should be".
- iii. The Regional Chair and Members of Council are committed to honour, support and employ the Regional values:
 - Supportive and Respectful Environment
 - Teamwork
 - Effective Communication
 - Integrity
 - Quality Service
- iv. The decision-making process of Regional Council is to be transparent, accessible and fair.
- v. The Regional Chair and Members of Council will adhere to the standards required as stated in the Oath of Office.
- vi. The Regional Chair and Members of Council will be fair and respectful of differences and have a duty to work together for goodwill, the common good and the public interest.

D. Community Involvement and Values

- i. This Code recognizes the responsibility of the Regional Chair and Members of Regional Council to actively serve and represent their communities in their roles as elected officials. This Code is intended to be applied in a manner that supports the Regional Chair and Members of Council in undertaking community involvement, to the greatest extent consistent with Regional principles and values.

E. Legislative Environment

The Region of Peel demonstrates a commitment to accountability and transparency by providing a framework of policies, procedures and practices that foster sound governance and its sustainability. This

Code operates along with and supplements the existing legislation governing the Regional Chair and Members of Council.

i. Federal and Provincial Legislative Requirements and Municipal By-laws

Federal and provincial laws and municipal by-laws outline legal authorities, obligations and unlawful activity. The Regional Chair and Members of Council are responsible under this Code to be aware of and to understand the legal obligations affecting them as individual office holders.

The Regional Chair and Members of Council are governed individually or collectively by federal and provincial legislation including:

- Criminal Code of Canada
- Ontario Human Rights Code
- *Municipal Act*
- *Municipal Conflict of Interest Act*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Municipal Elections Act*
- *Occupational Health and Safety Act*
- *Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace), 2009*
- *Safe Drinking Water Act*

In addition, municipalities are often dealt with in provincial and federal legislation and agreements as having roles both as authorities and a partner providers in the delivery of public services (e.g. as both a service manager and housing provider under the Housing Services Act). The Regional Chair and Members of Council should understand their legal obligations within the legal effect of those legislative frameworks and/or partnership agreements. Where greater clarity is required in this regard, the Regional Chair and Members of Council should direct inquiries to the Regional Clerk and/or the Regional Solicitor.

This Code is enacted under Part V.1 (Accountability and Transparency), s. 223.2 of the *Municipal Act*, 2001.

ii. Regional By-laws

There are several Regional By-laws that the Regional Chair and Members of Council are committed to adhering to including:

- Procedure By-law
- Investigation Request Process (G00-17)
- Accountability and Transparency (G20-01)
- Appointments to Special Purpose Bodies (G20-05)
- Corporate Value Statements (G00-09)
- Region of Peel Purchasing By-Law, Peel Living Resolution, Peel Regional Police Policy (F35-00)

iii. Closed Meeting Investigator

The Region of Peel has appointed Local Authority Services Ltd. (a subsidiary of the Association of Municipalities of Ontario) as the investigator of complaints regarding Regional Council and committee meetings closed to the public. Council and its committees have limited authority to close meetings under the *Municipal Act*, 2001, section 239.

iv. Area Municipal Codes of Conduct

Regional Councillors also serve as Members of Council for the City of Mississauga, the City of Brampton, or the Town of Caledon. All three area municipalities have their own codes of conduct.

The Code applies to the activities of the Regional Chair and Members of Council while executing their responsibilities as Regional Chair and Councillors respectively. Area municipal codes of conduct will apply to the activities of the Members of Council in accordance with their role as area municipal councillors.

Should an issue arise that is of joint responsibility for the Region and the area municipality, both parties will work together to develop a process to resolve the matter and report the findings to both Regional and City/Town Council.

F. Conduct at Regional Council

i. General Conduct

During Regional Council proceedings, the Regional Chair and Members of Council are to conduct themselves in a manner which demonstrates respect for their Council colleagues, Region of Peel staff, and the members of the public, and in accordance with the Region of Peel's Procedure By-law.

The Regional Chair and Members of Council will conduct themselves with dignity, for themselves and towards all others. Members will strive to create an environment free of discrimination and harassment, and will not engage in intimidating or bullying behaviour, acting in accordance with *Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace), 2009*.

Councillors will continue in this same manner during other similar proceedings as a result of their membership on other agencies, boards, commissions or sub-committees of Regional Council appointed by Regional Council.

ii. Member Interest

The Regional Chair and Members of Council will serve their communities so that the public interest is upheld and is the Member's primary consideration.

The Regional Chair and Members of Council will not create a real or apparent conflict of their private interests with the public interest, and will act proactively to avoid such conflict to the best of their ability.

The Regional Chair and Members of Council will not use improper influence or be improperly influenced such that personal or private interests are promoted over the public interest.

G. Conduct in Relation to Regional Business

i. Confidentiality

When making decisions, the Regional Chair and Members of Council will have access to information that may be confidential or contentious.

The Regional Chair and Members of Council will respect and maintain the confidentiality of information communicated to them in confidence by staff or colleagues.

The Regional Chair and Members of Council will not disclose a document or information contained within a document provided for use in connection with a closed (in camera) meeting of Regional Council, a Committee of Council, or of any body to which the Member has been appointed by Regional Council.

The Regional Chair and Members of Council will not disclose the deliberations of a closed session without the prior permission of the body holding the closed session.

ii. Decisions about Regional Resources

The Regional Chair and Members of Council will not commit or agree to commit the Region's resources (whether money, staff time, equipment, or otherwise) unless such commitment has been requested and confirmed by Council or by the Regional staff (Chief Administrative Officer, Commissioner, Director, Manager or Supervisor) charged with authority to manage the resources in question.

While they may advocate for a particular decision, the Regional Chair and Members of Council will not attempt to direct the use of Regional resources or property for a purpose not authorized by Council or the appropriate municipal staff.

iii. Procurement

The Region purchases goods, services and land using well established and professionally managed processes as outlined in the Region of Peel's *Purchasing By-Law*.

Should questions arise related to the conduct of Regional Chair or Members of Council in the procurement process, they should consult the Region of Peel Purchasing By-law, other applicable policy or by-law and/or an appropriate staff contact.

H. Decision-Making

- i. Decision-making authority lies with Regional Council as a whole. All members of the public interacting with Council are entitled to a clear, transparent and accountable decision-making process.
- ii. The Regional Chair and Members of Council will serve their communities with transparency, making candid disclosure of the considerations influencing them in their decision-making conduct.
- iii. The Regional Chair and Members of Council will be open to receiving reasonable representations and information from municipal staff, interested persons and the broader community.
- iv. The Regional Chair and Members of Council will not have matters dealt with in closed session (in camera) in cases where Council is unauthorized to do so.
- v. The Regional Chair and Members of Council may communicate a position that is contrary to that taken by Regional Council but in doing so should make clear that they are not representing the Council and refrain from making disparaging comments about other Members of Council and demonstrate respect for Council's processes and decisions.

I. Regional Chair

- i. This Code applies in all respects to the Chair as a Member of Regional Council.

- ii. The role of the Regional Chair is prescribed the *Municipal Act, 2001* and states that as Head of Council the Regional Chair is:
 - to act as Chief Executive Officer of the municipality
 - to preside over council meetings so that its business can be carried out efficiently and effectively
 - to provide leadership to Council
 - to represent the municipality at official functions
- iii. As Chief Executive Officer, the Regional Chair is responsible to:
 - uphold and promote the purposes of the municipality
 - promote public involvement in the municipality's activities
 - act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally
 - participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents
- iv. The Regional Chair is the Head of Council and political head of the Region, and Chief Executive Officer of the Regional Corporation. The Regional Chair represents the Region in dealing with other levels of government and plays a strong role as liaison with Regional staff through the Chief Administrative Officer.
- v. The Regional Chair will work with Regional Council with regard to those decisions or authorities which have not been delegated to the Regional Chair by Council or provided to the Chair by legislation. The Regional Chair will represent and promote those decisions reached by Regional Council as a whole.

J. Relations with the Corporation, Council and Staff

- i. The Regional Chair and Members of Council will respect the role of staff to work for The Regional Municipality of Peel as a corporate body, with responsibility to make recommendations that reflect their professional expertise and corporate objectives.
- ii. Regional staff are governed by a separate and complementary *Employee Code of Conduct (HR02-01)*.
- iii. The Regional Chair and Members of Council must respect the fact that staff carry out directions and implement actions and policies of Council as a whole. A Member shall not attempt to influence staff to perform their duties or functions other than in accordance with either the expressed will of Council or in accordance with corporate policy.
- iv. The Regional Chair and Members of Council will not defame the reputation of the Region, its Council, its collective administration or its employees on any basis which the member is not willing and prepared to substantiate to the Council sitting in open session.
- v. The Regional Chair and Members of Council will conduct themselves with decorum demonstrating respect toward colleagues and staff and avoid behavior that could be interpreted as bullying and/or harassment.
- vi. The Regional Chair and Members of Council will not obstruct an officer, employee or agent of the Region of Peel in the performance of their duties.

- vii. The Regional Chair and Members of Council will encourage those employed or otherwise engaged by the Region of Peel to provide advice or services, to do so in a politically neutral, objectively determined and professionally bound manner. No attempt to influence such persons to depart from these standards in the provision of advice or services will be made.
- viii. The Regional Chair and Members of Council will respect the principle that decision-making, including policy making, the direction of staff and the commitment of municipal resources is only to be exercised by Members acting collectively through the Council as a whole.
- ix. The Regional Chair and Members of Council are not to use the services of Regional staff or services contracted by the Region, for personal purposes or for purposes other than the purposes of the Region, and for the purposes of the Region, only under the direction of the staff responsible.

K. Expenditures, Hospitality and Gifts

- i. The Regional Chair will disclose in writing all gifts, benefits or hospitality received from individuals, firms or associations having any value, and include in such disclosure the estimated values, the nature of the gift, benefit or hospitality, the source of the gift, benefit or hospitality and the date of receipt. The disclosure of gifts received by the Regional Chair, as aforementioned, shall be posted on the Region of Peel Website on a quarterly basis.
- ii. The Regional Chair and Members of Council may be offered gifts, hospitality or benefits from community organizations or others wishing to express appreciation. Members are permitted to accept these offers of gratitude, provided they are not offered by a vendor or potential vendor under an active Regional procurement process. Some gifts may extend a pecuniary benefit to the receiving Member, and be subject to restrictions under the *Municipal Conflict of Interest Act*.
- iii. The Regional Chair and Members of Council should be aware that gifts, hospitality or benefits received from the community could be perceived as an attempt to influence individual Councillor's actions as they pertain to Regional business. Any receipt of good or service from the community, regardless of value, should be viewed through a lens of any possible real or perceived influence.
- iv. The Regional Chair and Members of Council will respect the need for transparency and accountability in all circumstances, including participation with community organizations, not-for-profit groups or community associations seeking the benefit of the Chair's and/or Member's involvement.
- v. If the Regional Chair or Member of Council agrees to fundraise on behalf of any community organization, not for profit group or community association, the Member should ensure that contributions are received by a means that does not involve cash. Contributions should be made directly to the applicable organization, group or association.
- vi. The Region of Peel has established guidelines for Council expenses and remuneration, outlined in the "Regional Councillor Reference Manual" (Section 6 – Council Remuneration/Benefits/Expenses). These guidelines apply to the Regional Chair and all Members of Council.
- vii. For guidance in relation to gifts, Members of Council should refer to established policies at their area municipality.

L. Compliance

- i. The Regional Chair and Members of Council who observe or are credibly informed of a possible contravention of this Code have an obligation to proactively address what they observe or are informed of - whether with the Member concerned, in consultation with other Members, or ultimately through the Council.
- ii. In advance of each Inaugural meeting of Regional Council, the Code will be circulated to the Regional Chair and Members of Council to formally confirm that the Code has been reviewed and there is understanding related to a Councillors obligation to adhere to the Code.
- iii. Under Section 223.1 of the Municipal Act, a municipality has the discretionary authority to appoint an Integrity Commissioner to independently investigate possible violations of the Code and report the findings to Council.
- iv. Should Regional Council chose to use its authority under the Act and appoint an Integrity Commissioner, the Code and all related and relevant Region of Peel policies and procedures will assist the appointee(s) in determining an appropriate course of action.
- v. The Regional Chair and Members of Council will participate, cooperate and provide full disclosure in connection with all measures undertaken by the Region or by an Integrity Commissioner for the implementation and enforcement of this Code including training and the promotion of public transparency, accountability and ethical conduct on the part of Members.
- vi. The imposition of penalties, as outlined under Section 223.4 of the Municipal Act, can only occur following the investigation by an Integrity Commissioner and a Code contravention reported to Regional Council by the Integrity Commissioner.

M. Review Process

- i. To ensure this Code remains relevant and current, Regional staff will review any significant legislative or internal policy changes for possible impact to the Code and report to Regional Council where necessary.
- ii. At the beginning of the mandate of each new Council, this Code will be reviewed in connection with the development of corporate strategies (i.e. Strategic Plan, Term of Council Priorities).
- iii. A mandatory Council review and endorsement of the Code will occur at the beginning of each new term of Council.
- iv. Members of Council will be provided with an overview of their obligations and responsibilities related to the Code at the beginning of each new term of Council.

Particular care should be exercised in releasing information including, but not limited to, the following:

- personnel matters;
- information about suppliers provided for evaluation which might be useful to other suppliers;
- matters relating to the legal affairs of the Region;
- sources of complaints where the identity of the complainant is given in confidence;
- items under negotiation;
- schedules of prices in contract tenders;
- information deemed to be personal information under MFIPPA.

The list above is provided for example and is not exclusive.

4. USE OF REGIONAL PROPERTY

No Member shall use for personal purposes any Regional property, equipment, supplies, or services of consequence other than for purposes connected with the discharge of Regional duties or associated community activities of which Council has been advised.

No Member shall obtain financial or political gain from the use or sale of Region-developed intellectual property, computer programs, computer hardware and software, the Region's Website, technological innovations, or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the Region and must only be used for Regional business.

5. WORK OF A POLITICAL NATURE

No Member shall use Regional facilities, services or property for his/her re-election campaign. No Member shall use the services of Regional employees for his/her re-election campaign during hours in which the employees are in the paid employment of the Region.

6. CONDUCT AT COMMITTEE AND COUNCIL

During Committee and Council Meetings, Members shall conduct themselves with decorum by demonstrating respect for Delegates and for fellow Members. Members shall be courteous and not distract from the business of the Committee or Council Meeting. Members shall not enter into debate with Delegates or presenters and may be called upon by the Committee/Regional Chair as per Section 12.2.

7. REPRESENTING THE REGION

Members shall make every effort to participate in the activities of the Local Boards, Committees and other bodies to which they are appointed.

8. INFLUENCE ON STAFF

Members shall be respectful of the fact that staff work for the whole corporation and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual Member or faction of Council.

9. BUSINESS RELATIONS

No Member shall borrow money from any person who regularly does business with the Region unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.

No Member shall act as a paid agent before Committee or Council or any agency, board, or committee of the Region, except in compliance with the terms of the Municipal Conflict of Interest Act.

10. ENCOURAGEMENT OF RESPECT FOR THE REGION AND ITS BY-LAWS

Members shall encourage public respect for the Region and its by-laws.

11. HARASSMENT

Harassment of another Member, staff or any member of the public is misconduct. It is the policy of the Region that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

Harassment may be defined as any behaviour by any person, including a co-worker, that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, or disability and any other prohibited grounds under the provisions of the *Human Rights Code*, R.S.O. 1990, c. H.19, as amended from time to time.

12. INTERPRETATION

Members of Council seeking clarification of any part of this Code of Conduct should consult with the Clerk or Corporate Counsel.



Status: **Final / Archived (select one)**
 Approved By: **Council / CAO (select one)**

The Regional Municipality of York

Code of Conduct for Members of Regional Council

Policy No.: (Same as document eDOCS No.)

Original Approval Date: (First time policy was approved by Council or CAO)

Current Approval Date: (Last time policy was approved by Council or CAO)

Last Review Date: N/A

Policy Statement:

This Code of Conduct establishes standards of conduct for Members of Council in the individual conduct of their official duties.

Application (who this policy applies to):

This Code of Conduct applies to the Regional Chair and to Regional Council Members acting in their 'Official Capacity'. This includes, but is not limited to, the conduct of a Regional Council Member in the following circumstances:

- While on Regional property
- When interacting with York Regional staff and/or another Member of Regional Council
- In relation to matters immediately before and/or solely within the purview of York Regional Council

Code of Conduct for Members of Regional Council
<Insert Most Recent Approval Date>

- In relation to business directly provided by York Region
- During a York Regional event and/or function
- During a non-York Regional event and/or function where the Member has been expressly invited or is participating as a representative of York Regional Council and not on behalf of a local municipality
- While serving on any Board, Committee or other body to which the Member was appointed by Regional Council

In this context, 'Official Capacity' as a Member of Regional Council expressly does not relate to the Regional Council Member's conduct in the following situations:

- While executing their duties as a member of council for a local municipality
- In relation to business that is before the local council and/or within the purview of a local municipality
- When solely representing the council of a municipality other than York Region

Should an issue arise where it may be unclear whether a complaint falls within the mandate of the Region or the local municipality, both the Regional and local Integrity Commissioners will work together to develop a process to resolve the matter and report the findings to the appropriate council(s). In such instances, consideration should be given to the following:

- The municipality in which the complaint was filed
- The municipality in which the expense/mileage claim was submitted for the event or function
- The reasonableness for that municipality's Integrity Commissioner to undertake the investigation

Purpose:

This Code of Conduct sets a standard of conduct for Regional Council Members to promote good governance and maintain the public confidence.

Code of Conduct for Members of Regional Council
<Insert Most Recent Approval Date>

Definitions:

Child:

A child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family.

Committee:

Any board, advisory or other committee, subcommittee or similar entity, and as established from time to time by Regional Council.

Council:

York Regional Council.

Member:

A member of Regional Council or a member of a Committee of the Region.

Non-pecuniary interest:

A private or personal interest that a Member may have that is non-financial in nature but that arises from a relationship with a person or entity that would be considered by a reasonable person, apprised of all the circumstances, as being likely to influence the Member's decision in any matter in which the non-pecuniary interest arises.

Parent:

A person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child.

Region:

The Regional Municipality of York.

Spouse:

A person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

Code of Conduct for Members of Regional Council <Insert Most Recent Approval Date>

Description:

1.0 Statement of Principles

1.1 The following principles will guide Members and assist with the interpretation of the Code of Conduct:

- Members shall serve the public in a conscientious and diligent manner
- Members shall always act and are expected to perform their functions with integrity, accountability and transparency, and shall avoid the improper use of influence of their office and conflicts of interest, both apparent and real
- Members shall perform their duties and arrange their private affairs in a manner that promotes public confidence and will bear public scrutiny
- Members will observe and comply with the laws of Canada, Ontario and the laws and policies adopted by Council, including but not limited to the following:
 - Municipal Act, 2001
 - Municipal Conflict of Interest Act
 - Municipal Elections Act, 1996
 - Municipal Freedom of Information and Protection of Privacy Act
- Members will seek to advance the public interest with honesty and refrain from making statements known to be false or with the intent to mislead Council, staff or the public
- Members will refrain from making disparaging comments or unfounded and speculative accusations about the motives of another Member, staff or the public

2.0 Conduct at Meetings

2.1 Members will conduct themselves at all Council, Committee or any other Region related meetings with decorum and in accordance with the Region's Procedural Bylaw or other applicable procedural rules and policies.

3.0 Staff and Council Relations

3.1 Council as a whole approves budget, policy and governance of the Region through its by-law and resolutions. Individual Members do not direct or oversee the functions of the administration or staff of the Region or a Committee.

Code of Conduct for Members of Regional Council **<Insert Most Recent Approval Date>**

3.2 Members shall respect the role of staff in the administration of the business affairs of the Region. Members shall respect that:

- a) Staff provide advice and make policy recommendations in accordance with their professional ethics, expertise and obligations and that Members must not falsely or maliciously injure the reputation of staff members whether professional or ethical or otherwise
- b) Under the direction of the Chief Administrative Officer (CAO), staff serves Regional Council as a whole, and the combined interests of all members as evidenced through the decisions of Council. Members must not make requests or statements or take actions which may be construed as an attempt to influence the independent administration of Regional business. Members shall not attempt to intimidate, threaten, or influence any staff member from carrying out that person's duties, including any duty to disclose improper activity.
- c) Staff carry out their duties based on political neutrality and without undue influence from any individual Member and, therefore, Members must not invite or pressure any member of staff to engage in partisan political activities or be subjected to discrimination or reprisal for refusing to engage in such activities

4.0 Use of Regional Property

4.1 Council is the custodian of the Region's assets. The community places its trust in Council and those it appoints to make decisions for the public good in relation to these assets.

4.2 By virtue of their office or appointment, Members must not use or permit the use of Regional lands, facilities, equipment, supplies, services, staff or other resources for activities other than the Region's business. No Member shall seek financial gain for themselves, family or friends from the use or sale of Regionally-owned intellectual property, computer programs, technological innovations, or other patent, trademarks or copyright held by the Region.

5.0 Gifts and Benefits

5.1 Gifts to Members risk the appearance of improper influence. Gifts may induce influence or create an incentive for Members to make decisions on the basis of relationships rather than in the best interests of the municipality. No Member shall accept a fee, advance, gift, gift certificate, cash or personal benefit connected directly or indirectly with the performance of his or her duties. A gift, benefit or hospitality provided with the Member's knowledge to a Member's spouse, child, or parent, or to a Member's staff that is connected directly or indirectly to the performance of the Member's duties is deemed to be a gift to that Member.

Code of Conduct for Members of Regional Council
<Insert Most Recent Approval Date>

5.2 Notwithstanding Section 5.1, Members shall not accept any gift or benefits in their public capacity other than in the following circumstances:

- a) Compensation authorized by law
- b) Such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation
- c) A political contribution otherwise reported by law, in the case of Members running for office
- d) Services provided without compensation by persons volunteering their time
- e) A suitable memento of a function honouring the Member
- f) Food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the federal government or by a foreign government within a foreign country, or by a conference, seminar or event organizer where the Member is either speaking or attending in an official capacity
- g) Participating in or consuming food and beverages at banquets, receptions, sporting events or similar functions, if:
 - Attendance serves a legitimate business purpose, or supports a charitable cause in the community, a board of trade or chamber of commerce; and,
 - The person extending the invitation or a representative of the organization is in attendance; and further,
 - The value is nominal.
- h) Gifts of nominal value (for example, a baseball cap, t-shirt, flash drive, book, etc.)
- i) Any gift or personal benefit, if the Integrity Commissioner is of the opinion, before the gift or personal benefit has been accepted, that it is unlikely that receipt of the gift or benefit gives rise to a reasonable presumption that the gift or benefit was given in order to influence the Member in the performance of his or her duties.

6.0 Confidentiality

6.1 Members receive confidential information from a number of sources as part of their work. This includes information the Region receives in confidence that falls under the privacy provisions of the *Municipal Freedom of Information and Protection of Privacy Act* and other applicable privacy laws and information received during closed meetings of Council, one of its Boards or Committees.

Code of Conduct for Members of Regional Council **<Insert Most Recent Approval Date>**

6.2 No Member shall disclose the content of any such matter, or the substance of deliberations, of a closed meeting and the Member has a duty to hold information received at closed meetings in strict confidence for as long and as broadly as the confidence applies. Members must not, either directly or indirectly, release, make public or in any way divulge any such information or any confidential aspect of the closed deliberations to anyone, unless authorized by Council or as required by law.

6.3 Members must not disclose, use or release information in contravention of applicable privacy laws. Members are only entitled to information in the possession of the Region that is relevant to matters before the Council, a Committee or a Board.

7.0 Discrimination and Harassment

7.1 York Region is committed to providing and maintaining a working environment that is based on respect for the dignity and rights of everyone in the organization, and meeting its obligations under *the Ontario Human Rights Code* and *the Ontario Occupational Health and Safety Act*. It is York Region's goal to provide a healthy, safe, and respectful work environment that is free of any form of harassment or discrimination.

All Members have a duty to treat members of the public, one another and staff with respect and without abuse, bullying or intimidation and to ensure that their work environment is free from discrimination, harassment and violence. In carrying out their affairs, all Members will comply with the Region's Workplace Harassment and Discrimination Policy as well as the Preventing and Managing Violence in the Workplace Policy.

8.0 Improper Use of Influence

8.1 Members shall not use the influence of their office or appointment for any purpose other than the exercise of his or her official duties.

8.2 Members should not use the status of their position to influence the decision of another person to the private advantage or non-pecuniary interest of themselves, their parents, children or grandchildren, spouse, or friends or associates, or for the purpose of creating a disadvantage to another person.

9.0 Conflicts of Interest

9.1 Members shall take appropriate steps to avoid conflicts of interest, both apparent and real. Proactive steps to mitigate conflict of interest are important to maintaining public confidence in elected officials. Members may seek guidance from the Integrity Commissioner if they may have a conflict between their responsibilities to the public as a Member of Regional Council and any other interest, pecuniary or non-pecuniary.

Code of Conduct for Members of Regional Council
<Insert Most Recent Approval Date>

9.2 When a member discloses a pecuniary interest, the member must file a written statement of the member's interest at the meeting, or as soon as possible afterwards. The Region is required to establish and maintain a registry of statements and declarations of interests of members, which shall be available for public inspection.

10.0 Election Activity

10.1 Members of Council are required to conduct themselves in accordance with the Municipal Elections Act, 1996, as may be amended from time to time, and any Region policies. The use of Regional resources, both property and staff time, for any election-related activity is strictly prohibited. Election-related activity applies to the Member's campaign and any other election campaigns for municipal, provincial or federal office.

Responsibilities:

Role: Members of Regional Council

Responsibilities: Adhere to the provisions of the Code of Conduct for Members of Regional Council and ensure compliance with all applicable legislation as well as all procedures, rules or policies of the Region governing their ethical behaviour

Role: Regional Integrity Commissioner

Responsibilities: Investigate complaints related to a Member's alleged non-compliance with the Code of Conduct for Members of Regional Council

Provide advice to Members of Regional Council with respect to their obligations under the Code of Conduct and the *Municipal Conflict of Interest Act*.

Provide educational information about the Code of Conduct and about the *Municipal Conflict of Interest Act*.

Non-Compliance:

Allegations of non-compliance with the Code of Conduct may be investigated by the Integrity Commissioner.

Code of Conduct for Members of Regional Council <Insert Most Recent Approval Date>

The Integrity Commissioner will establish a process to investigate claims of non-compliance. Members shall not act in reprisal or threaten reprisal against a person who makes a complaint or provides information to the Integrity Commissioner during an investigation.

Members are expected to cooperate with requests for information during investigations under the Code of Conduct. Members shall not destroy documents or erase electronic communications or refuse to respond to the Integrity Commissioner where a complaint has been lodged under the Code of Conduct or any process for complaints adopted by the Region.

Where a report is received from the Integrity Commissioner that there has been a violation of the Code of Conduct, Regional Council may impose either of the following penalties on the Member as permitted by the Municipal Act, 2001:

- a) A reprimand
- b) A suspension of the remuneration paid to the Member in respect of his or her services on Regional Council for a period up to 90 days

Regional Council may, on the basis of a recommendation from the Integrity Commissioner, also take any or all of the following actions in furtherance of any penalty imposed and require that the Member:

- Provide a written or verbal apology
- Return property or make reimbursement of its value or of money spent
- Be removed from the membership of a Committee
- Be removed as chair of a Committee

Reference:

Legislative and other authorities

- [Municipal Act, 2001](#)
- [Municipal Conflict of Interest Act](#)
- [Municipal Elections Act, 1996](#)

Code of Conduct for Members of Regional Council
<Insert Most Recent Approval Date>

- [Municipal Freedom of Information and Protection of Privacy Act](#)

Contact:

Regional Clerk, Corporate Services Department, 1-877-464-9675 ext. 71320

Approval Information:

Council Approval

Council Approval Date: [REDACTED]	Committee Name: [REDACTED]
Council Minute No.: [REDACTED]	Report No.: [REDACTED]
Extract eDOCS #: 8279887	Clause No.: [REDACTED]

Accessible formats or communication supports are available upon request.

REGIONAL MUNICIPALITY OF DURHAM

COUNCIL CODE OF CONDUCT

REGIONAL MUNICIPALITY OF DURHAM
CODE OF CONDUCT FOR MEMBERS OF COUNCIL

1. PRINCIPLES

- 1.1 Improving the equality of Regional administration and governance can best be achieved by encouraging high standards of conduct on the part of all municipal officials. In particular, the public is entitled to expect the highest standards of conduct from the members that it elects to local government. In turn, adherence to these standards will protect and maintain the Region's and the Council members' reputation and integrity.
- 1.2 Key statements of principles that underline this Code of Conduct are as follows, members shall:
- A) Serve and be seen to serve their constituents in a conscientious and diligent manner;
 - B) be committed to performing their functions with integrity, avoiding the improper use of the influence of their office, and conflicts of interest, under the *Municipal Conflict of Interest Act*;
 - C) perform their duties in office in a manner that promotes public confidence and will bear close public scrutiny;
 - D) recognize and act upon the principle that democracy is best achieved when the operation of government is made as transparent and accountable to members of the public as possible; and
 - E) seek to serve the public interest by upholding both the letter and spirit of the laws of Parliament and the Ontario Legislature, as well as the by-laws and policies adopted by the Council.

2. DEFINITIONS

- 2.1 In this Code of Conduct:
- A) "child" means a child born within or outside marriage and includes an adopted child and a person whom a member has demonstrated a settled intention to treat as a child of his or her family;
 - B) "Code of Conduct" means the rules which govern the conduct of members established pursuant to the authority of section 223.2 of the *Municipal Act, 2001, S.O. 2001, c. 25*;
 - C) "complaint" means a written request to investigate the conduct of any member for a possible violation of the Code of Conduct filed in accordance with the Complaint Procedure;

- D) "confidential information" mean any information in the possession of, or received in confidence by, the Region that the Region is prohibited from disclosing, or has decided to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*, or any other law, which includes, but is not limited to:
- (1) information of a corporate, commercial, scientific or technical nature received in confidence from third parties,
 - (2) personal information as defined in subsection 2(1) of the *Municipal Freedom of Information and Protection of Privacy Act*,
 - (3) information that is subject to solicitor-client privilege,
 - (4) information that concerns any confidential matters pertaining to matters related to an identifiable individual, personal, labour relations, litigation, property acquisition, the security of the property of the municipality or a local board,
 - (5) any other information lawfully determined by the Council to be confidential, or required to remain or be kept confidential by legislation or order, and
 - (6) any information considered by or made available to Council during a closed meeting pursuant to subsection 239(2) of the *Municipal Act, 2001*.
- E) "Council" means the council of The Regional Municipality of Durham;
- F) "gift and benefits" means any cash or monetary equivalent, fee, object of value, service, travel and accommodation, or entertainment;
- G) "information" means any record, document, data, material, correspondence or evidence however recorded, whether oral or in printed form, on film, by electronic means or otherwise;
- H) "Integrity Commissioner" means the Integrity Commissioner appointed by the Council pursuant to section 223.3 of the *Municipal Act, 2001*;
- I) "member" means a member of the Council, unless the context otherwise requires;
- J) "parent" means a person who has demonstrated a settled intention to treat a child as a part of his or her family whether or not that person is the natural parent of the child;
- K) "person" includes a corporation, partnership, association and any other entity, as the context allows, and expressly includes a member as well as Council;
- L) "Region" means The Regional Municipality of Durham;

- M) "spouse" means a person to whom a person is married or with whom the person is living in a conjugal relationship outside marriage;
- N) "staff" means the municipal administrative staff of the Region and of its municipal corporations and local boards.

3. APPLICATION OF THIS CODE

- 3.1 This Code of Conduct applies to every member.

4. COMPLIANCE WITH DECLARATION OF OFFICE

- 4.1 Every member shall act in accordance with his or her declaration of office sworn pursuant to section 262 of the *Municipal Act, 2001*.

5. ADHERENCE TO COUNCIL POLICIES AND PROCEDURES

- 5.1 Every member shall observe and comply strictly with every provision of this Code of Conduct, as well as all other policies and procedures adopted or established by Council affecting the member, whether or not acting in his or her capacity as a member of Council.

6. CONDUCT AT MEETINGS

- 6.1 Every member shall conduct himself or herself properly and in a civil manner at Council, committee and other meetings, and in accordance with the provisions of the Region's Council Rules of Procedure By-law, this Code of Conduct, and any other applicable law.

7. CONDUCT RESPECTING OTHERS

- 7.1 Every member has the duty and responsibility to treat all members of the public, other members and all staff appropriately and without abuse, bullying or intimidation, and to ensure that the work environment is free from discrimination and harassment.
- 7.2 Every member shall:
 - A) not use indecent, abusive or insulting-words or expressions toward any other member, any member of staff or any member of the public; and
 - B) not speak in a manner that is discriminatory to any individual, based on that person's race, ancestry, place of origin, creed, gender, sexual orientation or gender identification, age, colour, marital status, or disability.

8. CONDUCT RESPECTING STAFF

- 8.1 Every member acknowledges that staff operate under the direction of the senior municipal administration, and in accordance with the decisions of Council, and are required to serve the Region as a whole and not the needs or desires of any individual member.
- 8.2 Every member shall:
- A) be respectful of the role of staff to provide advice based on political neutrality and objectivity and without undue influence from any member or faction of the Council; and
 - B) show respect for staff, and for their professional capacities and responsibilities.
- 8.3 Every member shall not:
- A) maliciously or falsely injure or impugn the professional or ethical reputation of any member of staff;
 - B) compel any member of staff to engage in partisan political activities, or subject any member of staff to threat or discrimination for refusing to engage in any such activity; and
 - C) use or attempt to further his or her authority or influence by intimidating, threatening, coercing, commanding or influencing improperly any staff member or interfering with that staff person's duties, including the duty to disclose improper activity.

9. GIFTS, BENEFITS, SERVICES AND HOSPITALITY

- 9.1 In order to preserve the image and integrity of the Region, business gifts to Members are discouraged. The Region recognizes that moderate hospitality is an accepted courtesy of a business relationship. However, Members should not accept any gift, benefit, service, entertainment or hospitality which could be seen to compromise their decision on a matter or create any obligation or special consideration by an individual, group or organization;
- 9.2 There will be no solicitation of gifts, benefits, services or hospitality in recognition of the fulfillment of the Member's official duties;
- 9.3 If the refusal of any gift or act of hospitality will strain the Region's business relationship, the Regional Chair or Chief Administrative Officer may accept it on behalf of the municipality with the appropriate acknowledgment;

- 9.4 Generally, the Regional Chair or Chief Administrative Officer will be the official recipient of those gifts afforded to the Region for ceremonial, symbolic, protocol or official business purposes. Members will turn over such a gift to the Regional Chair or Chief Administrative Officer. Wherever possible, ceremonial, symbolic, protocol or official business gifts should be presented at a meeting of Council;
- 9.5 This section does not preclude Members from accepting:
- A) Token gifts, souvenirs, mementos, or hospitality received in recognition for service on a committee, for speaking at an event, or for representing the Region at an event;
 - B) Political contributions that are otherwise offered, accepted, and reported in accordance with the *Municipal Elections Act* or other applicable law;
 - C) Food and beverages at meetings, banquets, receptions, ceremonies, or similar events;
 - D) Food, lodging, transportation, entertainment provided by other levels of government, by other local governments, or by local government boards or commissions;
 - E) A stipend from a board or commission that the Councillor serves on as a result of an appointment by Council;
 - F) Reimbursement of reasonable expenses incurred in the performance of their office, and the performance of activities connected with municipal associations;
 - G) Gifts of a nominal value that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of the office;
 - H) Services provided without compensation by persons volunteering their time for an election campaign.
- 9.6 This section further does not preclude Members from soliciting funds or donations in support of charitable or philanthropic causes, organizations or charities within the community.
- 9.7 Members will be required to exercise their personal judgment of the provisions within this section.

10. CONFIDENTIAL INFORMATION

10.1 No member shall:

- A) disclose, release or publish by any means to any person or to the public any confidential information acquired by virtue of his or her office, in any form, except when required or authorized by Council or otherwise by law to do so;
- B) use confidential information for personal or private gain or benefit, or for the personal or private gain or benefit of any other person or body;
- C) disclose a matter, the substance of the matter, and information pertaining to a matter, that has been debated or discussed at a meeting closed to the public, and shall be maintained as confidential, unless authorized by the Council or legislation to be released, generally or subject to conditions, and such are complied with;
- D) disclose the content of any matter referred to in the preceding paragraph or the subject-matter of deliberations, at a meeting closed to the public meeting, only after the Council or committee lawfully and knowingly discusses the information at a meeting that is open to the public or releases the information to the public;
- E) without lawful authority, disclose, or make personal use of, any of the following types of confidential information:
 - (1) information concerning litigation, negotiation or personnel matters,
 - (2) information the publication of which may infringe on the rights of any person (e.g. source of a complaint where the identity of a complainant is given in confidence),
 - (3) price schedules in any contract, tender or proposal document while such remains a confidential document,
 - (4) information deemed to be "personal information" under the *Municipal Freedom of Information and Protection of Privacy Act*, and
 - (5) any other information or statistical data required by law not to be released; and
- F) obtain access, or attempt to gain access, to confidential information in the custody of the municipality except to the extent that such access is necessary for the performance of his or her duties and such access is not prohibited by Council or otherwise by law.

11. USE OF REGIONAL PROPERTY, SERVICES AND OTHER RESOURCES

11.1 Subject to 11.2 below, no member shall:

- A) use, or permit the use of, Regional land, facilities, equipment, supplies, services, staff or other resource, including any municipally-owned information, website, transportation delivery service or funds allocated for the member expenses of his or her office, for any purpose or activity other than the lawful business of the Region; or
- B) seek or acquire any personal financial gain from the use or sale of confidential information, or of any Regionally-owned intellectual property including any invention, creative writing or drawing, computer program, technical innovation, or any other information or item capable of being patented or copy righted, of which property remains exclusively that of the Region.

11.2 Incidental and occasional personal, non-commercial use of email/internet and a personal communication device (i.e. blackberry) is permitted.

12. CONDUCT OF ELECTION CAMPAIGN

12.1 Every member shall comply with all applicable requirements of the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sched.

12.2 No member shall:

- A) use confidential information, facilities, equipment, supplies, services or other resources of the Region, including any member newsletter or website linked through the Region's website, for any election campaign or campaign-related activity;
- B) undertake campaign-related activities on municipal property during regular staff working hours unless authorized by the Region; or
- C) use the services of any person for election-related purposes during hours in which that person receives any compensation from the Region.

13. NO IMPROPER USE OF INFLUENCE

13.1 No member shall:

- A) use the influence of his or her office for any purpose other than for the lawful exercise of his or her official duties and for municipal purposes;
- B) use his or her office or position to influence or attempt to influence the decision of any other person, for the member's private advantage or that of the member's parent, child, spouse, staff, friend, or associates, business or otherwise;

- C) attempt to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties; or
 - D) hold out the prospect or promise of future advantage through the member's supposed influence within Council, in return for any action or inaction..
- 13.2 For the purposes of this provision, "private advantage" does not include a matter that:
- A) is of general application;
 - B) affects a member, his or her parents/children or spouse, staff, friends or associates, business or otherwise, as one of a broad class of persons; or
 - C) concerns the remuneration or benefits of a member.
- 13.3 Section 13.1 does not prevent a member from requesting that Council grant a lawful exemption from a Regional policy not including this Code of Conduct.

14. NO REPRISAL OR OBSTRUCTION IN THE APPLICATION OR ENFORCEMENT OF THIS CODE

- 14.1 Every member must respect the integrity of the Code of Conduct and inquiries and investigations conducted under it, and shall cooperate in every way possible in securing compliance with its application and enforcement.
- 14.2 No member shall obstruct the Integrity Commissioner, his or her designate, or any other Regional official involved in applying or furthering the objectives or requirements of the Code of Conduct, in the carrying out of such responsibilities, or pursuing any such objective. No member shall undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to the Integrity Commissioner or any other person under the Code of Conduct.

15. STATUTES REGULATING THE CONDUCT OF COUNCILLORS

- 15.1 Members acknowledge that in addition to this Code of Conduct, the following legislation also governs the conduct of members:
- A) *Municipal Act, 2001*;
 - B) *Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50*;
 - C) *Municipal Elections Act*;
 - D) *Municipal Freedom of Information and Protection of Privacy Act*;
 - E) *Occupational Health and Safety Act, R.S.O. 1990, c. 0.1*;

F) *Human Rights Code, R.S.O. 1990, c. H.19*; and

G) *Criminal Code, R.S.C. 1985, c. C-46*.

15.2 A member may become disqualified and lose his or her seat by operation of law, including being convicted of an offence under the *Criminal Code* or the *Municipal Elections Act, 1996*, or being found to have failed to comply with the *Municipal Conflict of Interest Act*, whether or not the conduct in question involves a contravention of this Code of Conduct.

15.3 In the case of any inconsistency between this Code of Conduct and a federal or provincial statute or regulation, the statute or regulation shall prevail.

15.4 All references to any statute, regulation, by-law or legislation shall be deemed to be a reference to the statute, regulation, by-law or legislation as amended, consolidated, replaced or superseded.

16. INTEGRITY COMMISSIONER

16.1 The Integrity Commissioner shall be responsible for performing in an independent manner the following functions as assigned by the Region with respect to:

A) the application of the Code of Conduct; and

B) the application of any procedures, rules and policies of the Region governing the ethical behaviour of members;

and, without limiting the generality of the foregoing, shall be entitled to undertake investigations or not undertake investigations in accordance with provisions of Part V.1 of the *Municipal Act, 2001*.

16.2 In addition, to the responsibilities set out in Section 16.1, the Integrity Commissioner shall also provide:

A) information to Council as to members' obligations under the Code of Conduct and the Complaint Procedure;

B) advice to individual members regarding specific situations as they relate to the application of the Code of Conduct;

C) advice to Council on other policies and procedures that relate to the ethical behavior of members;

D) information to the public regarding the Code of Conduct and the obligations of members under the Code of Conduct; and

E) an annual report to Council on the activities of the Integrity Commissioner.

- 16.3 Without limiting the generality of Section 16.1, the Integrity Commissioner may determine, on a case-by-case basis, whether to undertake an investigation or not to undertake an investigation. The Integrity Commissioner shall be entitled to summarily dismiss a complaint filed in accordance with the Complaint Procedure on the basis that it constitutes in his or her opinion, an abuse of process or is frivolous or vexatious.
- 16.4 Without limiting the generality of Article 16, all determinations of the Integrity Commissioner under the Code of Conduct shall be made in his or her own absolute discretion and shall be final and binding.

17. COMPLAINTS

- A) All complaints pursuant to the Code of Conduct shall be filed in accordance with the Complaints Procedure in Appendix "A" attached hereto.

18. PENALTIES

- 18.1 Council may, where it has received a report from its Integrity Commissioner that there has been a violation of the Code of Conduct, impose one of the following penalties on a member who has been found to be in contravention of the Code of Conduct:
- A) a reprimand; or
- B) suspension of the remuneration paid to the member in respect of his or her services as a member for a period of up to ninety (90) days.

19. ANNUAL REPORTS

- 19.1 The Integrity Commissioner shall submit an annual report to Council which will include information on the nature and volume of activity for the past year and provide examples, while maintaining the anonymity of the persons involved, in respect of advice provided and the nature of complaints received and responded to.
- 19.2 The annual report of the Integrity Commissioner shall be provided to Council for information purposes. The report is a public document.

Appendix B: Niagara Region Integrity Commissioner, Annual Report



ADR
CHAMBERS

Integrity Commissioner Office
for Niagara Region

September 11, 2018

SENT BY COURIER AND EMAIL TO:

Ann-Marie Norio
Regional Clerk
Office of the Regional Clerk
Niagara Region
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7
Ann-Marie.Norio@niagararegion.ca

**Re: Niagara Region Integrity Commissioner
Annual Report**

Dear Ms. Norio:

Thank you for the opportunity to act as the Integrity Commissioner (or “IC”) for the Region of Niagara over the past year. In accordance with the terms of the Agreement between the Region and ADR Chambers pursuant to s-s. 223.6 (1) of the *Municipal Act, 2001*, we are providing our annual report for the first operating period of the Agreement covering the period August 17, 2017 to August 16, 2018.

As you know, the IC’s role is to help Members of Council (“Members”) ensure that they are performing their functions in accordance with the Region’s Code of Conduct (“the Code”). The IC is available to educate and provide advice to Members on matters governing their ethical behaviour and compliance with the Code. The IC is also responsible for receiving, assessing, and investigating appropriate complaints made by Council, Members, and members of the public respecting alleged breaches of the Code by Members.

There is no question that the first year of operation undertaken by the Office of the Integrity Commissioner and this Integrity Commissioner was indeed a busy one.

At the outset, we were charged with the responsibility of processing three complaints which had been outstanding for some months as the selection process to secure a new IC unfolded. We immediately turned to dealing with these complaints and were able to process and bring them to final conclusion in a reasonable time frame. We were also asked by the Region to undertake a review of a draft Code which had been prepared by the previous Interim Integrity Commissioner, Mr. Mascarin, that had been the subject of considerable input and debate both by Members and the public. We completed that review and presented it to Council in November 2017 following which, at the invitation of Council, we attended before it on December 14, 2017 in order to respond to any questions that Council may have relative to the proposed new Code and/or review thereof. In the end result, Council determined not to adopt the proposed new Code and opted to remain with the existing Code which had been in place for some time.

We also prepared and provided the Regional Clerk with a proposed Investigation Protocol which sets forth a process for dealing with complaints of contraventions of the Code.

Complaints received during the first year

The Office of the IC received 14 formal requests for investigation of contraventions of the Code. Twelve of these complaints had been completed and determined by the Integrity Commissioner as at of July 25, 2018, although since then, two additional complaints have now been received by the Office of the Integrity Commissioner and are now in the course of being processed.

With respect to the 12 requests for investigation that were received and disposed of during the first year of operation:

- One Complainant did not submit a signed Consent and Confidentiality Agreement in accordance with the terms of the protocol and accordingly the matter was not proceeded with.

- Five of the requests for investigation were disposed of on a summary basis with rulings issued to the Complainants denying the complaints on various grounds without or after a partial investigation.
- Six requests (excluding the two most recent ones) were fully investigated and reported on to Council with the determination being made as to whether the Councillor in question had or had not violated the terms of the Code and if a contravention was found, the penalty which the IC recommended that Council adopt. Of the six which were fully investigated, two resulted in a recommendation of a penalty.

It is of some interest to note that of the 14 complaints filed:

- Four of the complaints were initiated by a Councillor (although one was not proceeded with);
- Three complaints were initiated by the same citizen;
- Three complaints were initiated against one Member;
- Two complaints were initiated against each of two Members.

In addition a significant number of complaints touched upon the use of social media or email by a Member.

Cost

Aside from the work associated with reviewing the proposed new draft Code and attending before Council in that respect, the total costs incurred by the Region during the year (up to and including the end of July 2018) for the investigation and adjudication process amounted to \$65,218.17 including tax.

Two of the complaints initiated by a Councillor resulted in a cost of \$23,551.56. A third was still in progress as at August 17, 2018 and had not been completed or billed at the end of the period covered by this Report. The three complaints initiated by one citizen involved a total cost of \$22,578.19.

Issues to be considered going forward

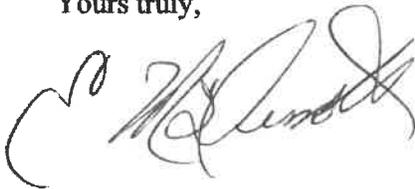
As a result of our experience during the past year, it is respectfully suggested that Council consider the following issues:

- The provisions of Bill 68 will come into force on March 1, 2019 and will contain some significant amendments to the *Municipal Act, 2001* and the *Municipal Conflict of Interest Act* which affect the role and powers of the Integrity Commissioner and the obligation of Members under the Region's Code. Once the new Council is in place, an *in camera* education seminar should be scheduled in order to familiarize all Councillors with the effect of these new amendments as well as emphasizing the importance of not disclosing confidential information in accordance with the requirements of the Code.
- We are seeing a significant increase in complaints being filed by a Member against other Members both within and out of the Region. The Region's investigation protocol should include a provision conferring on the IC the discretion to mandatorily order a mediation session when circumstances so warrant.
- Council should formally adopt a new and updated investigation protocol as the current complaint process was adopted by Council in contemplation of the Regional Chair, rather than the Integrity Commissioner, dealing with complaints under the Code. We would be pleased to submit a revised protocol for consideration by Council.

Summary

It has been a pleasure to assist the Region and its Members in contending with the numerous issues which have arisen in connection with the administration of its Code of Conduct. We look forward to continuing to provide the services of Integrity Commissioner to the Region of Niagara in the forthcoming year.

Yours truly,

A handwritten signature in black ink, appearing to read 'E. McDermott', written in a cursive style.

Edward T. McDermott
Integrity Commissioner
Office of the Integrity Commissioner for Niagara Region