

Code of Ethics passes amid criticism over restrictions, lack of punishment

By Brock Weir

It is an issue that has been simmering on Aurora's backburner for the entirety of this Council term and a good portion of the last, but Aurora's Council Code of Conduct was formally replaced with a new Code of Ethics last week.

The new document, which combines key points from both the old Codes of Conduct and Ethics, was approved 5 ? 3 with Councillors Chris Ballard, John Gallo, and Wendy Gaertner voting against the plan.

A key difference between the Code of Ethics and the Code of Conduct is there are no specific penalties should a Councillor be in contravention of the rules, rules which cover everything from harassment to hospitality.

This lack of a penalty, which some Councillors previously described as a lack of 'teeth', was once again voiced as one of the reasons the three Councillors voted against the new measures.

'There is no enforcement with a Code of Ethics,' said Councillor Ballard. 'The thinking is the electorate ultimately makes the decision [whether Councillors are ethical or not] and that is quite accurate with who they wish to vote for and who they believe exercised ethical behaviour.'

'That was a good sentiment when Town Councils were elected for a one-year or a two-year term. Now we're in four years. Now a Councillor, if they continue to say things, or write things that damage professional reputations and the reputations of the Town and Council without risk of censor, can do an awful lot of damage over four years.'

'That is why I was in favour of a Code of Conduct because Councillors could be held more accountable. The Code of Ethics, we don't sign it and nothing happens.'

Councillors, however, voted for the new Code as a step forward. Speaking in favour of the motion, Councillor Michael Thompson questioned whether any good came from the Code of Conduct, and its penalties, including a review of Code of Conduct complaints by an appointed Integrity Commissioner.

'I would like to hear from those members who sat last term what positive effects they had on the behaviour of those who sat around the table,' he said. 'The Code of Conduct does not correct the behaviour of others.'

While Councillors Evelyn Buck, Gaertner and Gallo, were the three Councillors left standing after the last municipal election who could speak to whether any positives came out of it, Mayor Geoffrey Dawe cut off that trail of thought, arguing it was not relevant to the discussions around the table.

Councillor Buck, however, spoke earlier in the discussions about some of her reservations surrounding the matter. Of particular concern, she said, was the provision that Councillors communicate the majority decision of Council. She said she felt that would infringe on her right to speak freely on Council's decisions whether she agreed with them or not.

'I have no reservations about majority rule,' she said. 'But I do object to [surrendering] my opinion if it is in the minority and protect the rules and attitudes of the majority. Why should I be expected to understand, if I am so utterly opposed to something, why someone else is voting in a particular way ? not only understand it, but convey it to whomever I am speaking to?'

Mayor Dawe and Councillors such as Councillor Gaertner, disagreed with Councillor Buck's interpretation of this section, with Councillor Gaertner arguing it is simply there to ensure 'Respect for the decision making process.'

'I think you're allowed to disagree,' she said. 'What you're not allowed to do is trash the decisions of Council because it is all out of

respect for the democratic process of Council. That is the way I am reading this section and to me it seems fine.?

Ethics, added Councillor Buck, are a 'matter of conscience' and something to which everyone has a personal definition. What might be considered ethical to some, might be wide of the mark to others. Nevertheless, Councillor Buck voted in favour of the new Code.

'This is where I find the business of putting into writing certain goals that should be common goals that should be achieved by nine people sitting at the table, [is unreasonable],?' she said. 'I think it is a sham and I think it is misleading to the community. Furthermore, I don't think the average person in the Town of Aurora expects any more of any of us other than we will do our best.

'The knee-jerk reaction against anyone who would vote against the Code of Ethics is to say, 'alright, you're not in favour of being ethical.' Not so. I am very much in favour of being ethical, but I don't see a document being written like a catechism that everyone puts their signature on it creating ethics. It has not been my experience.?

At the end of the day, Council decided to go chart a new course with a new set of guidelines which were, essentially, a blast from the ethical past. Nevertheless, some viewed it as a positive step in the right direction.

'It is not for each of us to stand in judgement of one another,?' concluded Councillor Thompson. 'I think that is best left up to the residents. If you have not conducted yourself properly during your term of office then the issue of punishment, reprimand and consequences will take up the form of them casting a vote beside someone else's name. They are going to choose someone who will conduct themselves to the highest standards ethically.?