

Council to adopt new Code of Conduct

By Brock Weir

Once a political hot potato less than a decade ago, Aurora is set to adopt a new Council Code of Conduct.

A new Code of Conduct is required to comply with the Province's Modernizing Ontario's Municipal Legislation Act, which was brought into force in 2017, and mandates that all municipalities in Ontario have both a Code of Conduct and an Integrity Commissioner to review all alleged violations on the Code adopted by Council.

The Code of Conduct covers considerable ground, including gifts, benefits and hospitality received by each Council member, how they conduct themselves around the Council table and with municipal staff, and how they handle confidential information.

“The Council Code of Conduct has been prepared using best practices from around the Province,” says Michael De Rond, Clerk for the Town of Aurora.

The draft Code, which, if approved at this week's General Committee meeting will be ratified at Council on February 26, notes that all Council members in Aurora “recognize their obligation to serve their constituents and the public in a conscientious and diligent manner understanding that as leaders of the community they are held to a higher standard of behaviour and conduct.”

“Members recognize that ethics and integrity are at the core of public confidence in government and in the political process; that elected officials are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence, avoids the improper use of influence of their office and conflicts of interests, both apparent and real. They recognize the need to uphold both the letter and the spirit of the law, including policies adopted by Council.

“This Code of Conduct ensures that Members of Council share a common basis and understanding for acceptable conduct of Members of Council in concert with and beyond the minimum standards of behaviour set out in the existing legislative framework.” Outlined in the Code of Conduct are rules governing Conflicts of Interest and how elected members can avoid them, gifts that are or are not appropriate to accept, such as avoiding gifts valued over \$500, events that can and cannot be reimbursed.

“Gifts and benefits are often received by elected officials in the course of their duties and attendance at public functions is expected and is considered part of their role,” reads the Code. “Business-related entertainment and gift-giving can be a token of respect and admiration for the elected official, but can also be seen as an instrument of influence and manipulation. The object of this rule is to provide transparency around the receipt of incidental gifts and benefits and to establish a threshold where the total value could be perceived as potentially influencing a decision.

“The practical problems that nominal gifts and benefits create require a Code of Conduct that provides clarity and transparency. Personal integrity and sound business practices require that relationships with developers, vendors, contractors and others doing business with the Town be such that no member of Council is perceived as showing favouritism or bias towards the giver. There will never be a perfect solution.”

The Code of Conduct also sets out rules and prescriptions around how members of Council interact with each other, staff, media, and indeed the community when using social media platforms.

Once adopted the Code of Conduct will bring into place a procedure allowing residents to file a complaint against a Member they allege may be in contravention, as well as a resolution mechanism.

“To initiate a complaint, residents should go to the Town's website and specifically the page dealing with the Code of Conduct and Integrity Commissioner,” says Mr. De Rond in his report. “From there, they will be able to fill out and submit the form directly to the Integrity Commissioner. Depending on the type of complaint received, the Integrity Commissioner will initiate either the informal complaint procedure or the formal complaint procedure. The informal procedure will likely lead to a quick resolution, while the formal complaint procedure may involve an investigation and take days or weeks to conclude. A formal investigation may result in a report to Council with recommendations from the Integrity Commissioner regarding potential remedies. The Code also contains a provision whereby the Integrity Commissioner, under their sole discretion, may declare a complaint to be frivolous and vexatious and therefore not to be investigated.”

Council will only be able to terminate the Integrity Commissioner by a two-thirds vote of all members.