

**Subject:** 2023 Updated Code of Conduct for Elected and Appointed Officials Policy and a Complaint Protocol

**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2023-99 - 2023 Updated Code of Conduct for Elected and Appointed Officials Policy and a Complaint Protocol, for information;**

**AND THAT Council adopt Policy S201-15, Code of Conduct for Elected and Appointed Officials, as revised;**

**AND THAT Council adopt Policy S201-16, being a Complaint Protocol for use under Policy S201-15 for Elected and Appointed Officials and Municipal Conflict of Interest Complaints.**

**Background:**

Section 223.2(1) of the *Municipal Act, 2001*, as amended (the "Act") requires that a municipality shall establish codes of conduct for members of council and its local boards.

On May 6, 2019, Council approved Policy No. S201-15, being a Code of Conduct for Members of Council. This Code was drafted by the previous administration, jointly with the Town's preceding Integrity Commissioner. On October 18, 2021, Council amended Policy No S201-15 to include mandatory COVID-19 vaccination for Elected Officials.

An updated Code of Conduct has been identified by Council as a strategic priority.

This Code of Conduct is intended to set a high standard of conduct for all members of Council and local boards in the individual discharge of their official duties in pursuit of good governance and a high level of public confidence.

The appended Code of Conduct represents the latest version of the document, which has been based on the continuous evolution of municipal governance and the lived experience of the Town over those last few years.

Also attached is the Complaint Protocol, will be used in the event of a complaint under the Code, or under the *Municipal Conflict of Interest Act*.

### **Analysis:**

The Chief Administrative Officer, Town Solicitor, Clerk and Deputy Clerk have reviewed numerous Codes of Conduct from municipalities throughout Ontario. This review occurred to identify proper practice, common approaches and to ensure the Town of Pelham adopts a document that reflects the highest standard of ethical conduct.

Over the course of the last term of Council, members of Council identified various items covered by the Code for improvement. As well, the lived experience of utilizing the Code's process itself identified a few minor, but important adjustments.

Staff are confident the updated Code of Conduct and Complaint Protocol captures the requirements of the legislation and the needs of the Town.

It shall be noted that the Code of Conduct and Complaint Protocol are now proposed as two (2) separate policies. Previously, the Complaint Protocol existed as an appendix to the Code of Conduct. As a standalone document, the Complaint Protocol can be utilized to address complaints under the *Municipal Conflict of Interest Act*.

### **Financial Considerations:**

There are no direct cost considerations attached with the adoption of the revised Code of Conduct or the Complaints Protocol. However, as Council is aware, with complaints and referral to the Integrity Commissioner appointed by the Town, there will be associated costs for any investigation and reports generated there from.

### **Alternatives Reviewed:**

As a Code of Conduct is a statutory requirement for municipalities, there is no alternative recourse for the Town. It is a best practice to continually monitor the Town's Policies and ensure that they are up to date and reflective of the needs for the Organization.

### **Strategic Plan Relationship: Enhanced Capacity and Future Readiness**

Enhanced Capacity and Future Readiness was identified as part of the Strategic Planning process just recently undertaken and adopted by Council. With an initiative-taking approach of an updated code, this will ensure that the Town will be able to meet the needs of its community.

An updated Code of Conduct, as a measurable marker for Council meeting this vision for its residents is a proactive approach demonstrating a progressive Council providing accountable governance.

**Consultation:**

The report was prepared in concert with participation of the Town Solicitor, Deputy Clerk, and the Chief Administrative Officer

**Other Pertinent Reports/Attachments:**

1. Proposed Policy No. S201-15 Code of Conduct
2. Proposed Policy No. S201-16 Complaints Protocol

**Prepared and Recommended by:**

William Tigert  
Town Clerk

**Prepared and Submitted by:**

David Cribbs, BA, MA, JD, MPA  
Chief Administrative Officer