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December 23, 2013

JOINT CAO/CORPORATE SERVICES INFORMATION REPORT – # 2013-06

TO: Mayor Van Bynen
Members of Council

SUBJECT: Council Code of Conduct Matters

ORIGIN: Commissioner, Corporate Services

COMMENTS

Purpose

The purpose of this report is to provide information with respect to:

- a) the Draft Council Code of Conduct and timing of its approval
- b) process for filing Council Code of Conduct complaints in the interim, and
- c) requesting reimbursement of associated costs related to the Integrity Commissioner (IC).

Draft Council Code of Conduct (Code)

The draft Code was made available for public comment until the end of October. Comments from the public were received (+/- 12) and staff will review and take these comments into consideration prior to the final draft being brought back.

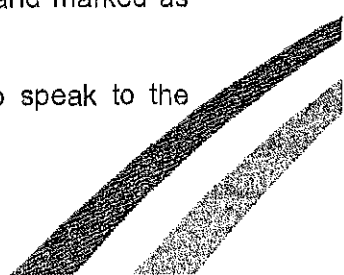
Given that we are in the last year of this term of office, staff suggest that the Draft Code now be held until the next term of Council where it can have fulsome discussion and input from members of the new Council. The residents who submitted comments will be advised of the revised schedule and a notice will be posted on the website.

Interim Process for Filing Council Code of Conduct (Code) Complaints

In the interim, should a Member of Council wish to file a Code complaint against another member then the current practice would continue whereby the request is made to Council who decides whether it proceeds to the Integrity Commissioner (IC) for investigation.

If a member of the public wishes to file a Code complaint against a member of Council then the complaint would be filed with the Director of Legislative Services/Town Clerk who will in turn provide it to the Integrity Commissioner for investigation. Instructions to complainants will be given so that the complaint is filed in a sealed envelope addressed to the IC and marked as confidential.

In either of the above scenarios, the complainant will first be encouraged to speak to the Member as an initial step. This may occur at the CAO's (or designate) level.



Staff propose that a by-law be brought forward to the Council meeting of January 20, 2014 appointing Suzanne Craig as the Integrity Commissioner for the Town of Newmarket for the remainder of the Council term and/or until a successor has been appointed. This provides continuity for the remainder of the term and an efficient means of applying the Code (e.g. not having to appoint an IC upon receipt of a complaint whether initiated by Council or a member of the public).

Using language from the draft Code, complaints will be permitted up to the end of June 2014 and any subsequent ones would be held until the new term of office. A Code complaint received before June 30th for which the investigation had not been concluded on or before June 30th will be held as well.

At the beginning of the new term of office staff will conduct a Quick Bid RFP (or similar process) for an Integrity Commissioner and make recommendations to the new Council based on the findings. This could be finalized in the early part of 2015.

Associated Costs - Integrity Commissioner

Council at its meeting on October 21, 2013, adopted the following recommendation:

THAT including this complaint and all future complaints:

Where a Councillor is not found to be in contravention of the Council Code of Conduct by the Integrity Commissioner, the Councillor who filed the notice of motion for consideration by Council on the matter be requested by Council to pay costs associated with the Integrity Commissioner's investigation; and

Where a Councillor is found to be in contravention of the Council Code of Conduct by the Integrity Commissioner, the contravening Councillor be requested by Council to pay the costs associated with the Integrity Commissioner's investigation from their salary.

Staff have interpreted this to mean that requests of this nature are not automatic (given the motion wording "...be requested *by Council*") and that requests are dependent upon a specific Council motion to that effect being adopted. In the absence of any further direction, staff will proceed on this understanding with the most recent Code complaint.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

Being well equipped and managed by implementing policy and processes that reflect sound and accountable governance.

CONSULTATION

None.

HUMAN RESOURCE CONSIDERATIONS

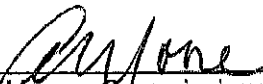
There are no human resource considerations.

BUDGET IMPACT

The cost of the IC for the complaint finalized by Council on December 16 was slightly less than \$3,000. and there are sufficient funds in the Corporate Consulting reserve to cover this cost. Council may recall that the approved 2014 Operating Budget includes a \$10,000 line item for costs related to an Integrity Commissioner.

CONTACT

For more information on this report, contact Anita Moore, Commissioner, Corporate Services at amoore@newmarket.ca or by phone 905 953-5300, ext. 2202.



Anita Moore, Commissioner, Corporate Services



Bob Shelton, Chief Administrative Officer