
Good Morning Diana:

You have asked for an E-mail on the changes to the Council Code of Conduct discussed at the September 27th meeting of Governance Committee. I understand that you will present this to the next meeting of the Committee to be held on November 19, 2021.

My notes indicate that 2 changes were acceptable to the Committee and 2 required me to review the issue and make a recommendation.

The 2 changes approved by the Committee are as follows:

1. Section B 9(4) includes actions relating to gifts which are beyond the power of the Municipality and therefore not appropriate for the Integrity Commissioner to recommend.

DELETE:

“Rule 2(6)

Should the Integrity Commissioner determine the receipt of a Gift was inappropriate, the

Integrity Commissioner may direct the Member to return the gift, reimburse the donor for

the value of any gift or benefit already consumed, or the Integrity Commissioner may order

the Member to forfeit the gift or remit the value of any gift or benefit already consumed to

the City, or a City agency, board or commission. Any such direction ordered by the Integrity

Commissioner shall be a matter of public record.”

**AMEND THE COMPLAINT PROTOCOL,
FROM:**

“B 9 (4) The Integrity Commissioner may also recommend that Council take the following actions:

- (a) removal from membership of a committee;
- (b) removal as chair of a committee;
- (c) repayment or reimbursement of monies received;
- (d) return of property or reimbursement of its value;
- (e) a written and/or verbal request for an apology to Council, the complainant, or both.”

TO:

B 9 (4) The Integrity Commissioner may recommend that Council take the following actions:

- (a) removal of the respondent from membership of a committee;
- (b) removal of the respondent as chair of a committee.

The Integrity Commissioner may also recommend that Council make the following requests of the respondent:

- (a) repayment or reimbursement of monies received;
- (b) return of property or reimbursement of its value;
- (c) a written and/or verbal apology to Council, the complainant, or both.

2. I supported and there appeared to be general consensus that Rule 5 (5) could be deleted. It follows:

“Rule 5.

- (5) No Member shall include in his or her website,

newsletters, E-mails or other printed material, advertising of businesses in the City, including the distribution of gift certificates, free tickets and compiling a list of businesses located in a ward. Attending and reporting the opening of a new business or a business event in the City is permissible and a Member may thank verbally or in a newsletter, a business by name or an employee of that business, which contributes to a City or ward event provided that no such recognition shall constitute an endorsement of such business.”

The 2 items requiring a review and recommendation by me are as follows:

1. There was a discussion regarding Rule 6 (3) which prohibits newsletters commencing July 2nd of a municipal election year. It was suggested that the prohibition should be extended to candidates for Provincial or Federal elections. I have looked at the City policy for Use of staff resources during an election and I see that Provincial and Federal elections are covered quite fully. I recommend that provincial or federal candidates not be prohibited from sending municipal newsletters but that the following clause be added to Rule 6 (3):

“From and after the date that a member registers as a candidate in a Provincial or Federal election, no municipal newsletters sent by such candidate, shall respectively contain comments on Provincial or Federal issues.”

2. At the meeting, I was asked whether the City needs a social media policy. I am of the opinion that special rules about social media are not needed because the Code covers all forms of communication by members. These same rules can be applied to

all posts on social media. One objectionable practice in social media which I have experienced in several municipalities is when a member disguises his or her identity. This is not covered in the Code of Conduct and I suggest that the following paragraph be added to Rule 9:

“Social Media

The rules of this Code and all Council Policies shall apply to the use of Social Media by members of Council. All posts or other communication made by a member in any social media format shall be deemed to be a public statement and no member shall attempt to cover, disguise or mislead as to their identity or status as an elected representative of the City.”

Best regards and stay safe,

Robert J. Swayze

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