



Municipal Conduct Act

MNL Symposium, 2024

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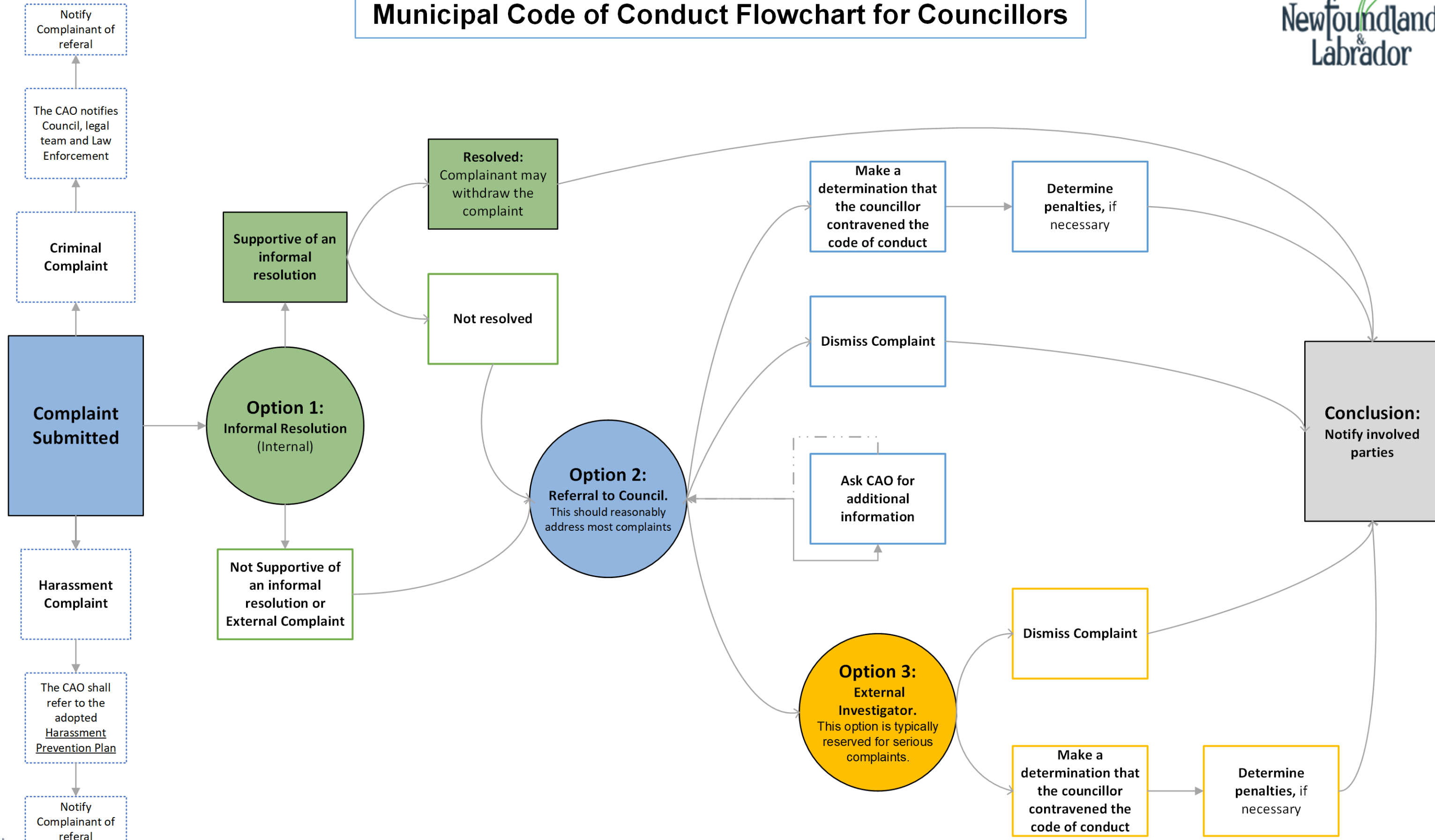
Introduction

- The Act came into effect September 1, 2022
- Municipalities adopted individual Codes of Conduct
- New model Code of Conduct prepared by MAPA
- Questions that have been received over the past year and a half

Conflict of Interest

- When is a Councillor considered “unable to act impartially on behalf of the municipality”?

Municipal Code of Conduct Flowchart for Councillors



Intake Form

CODE OF CONDUCT TEMPLATE - COUNCILLORS

This is a sample template and intended for use by towns and/or cities to develop a Code of Conduct for Councillors. The contents of this template are intended to be illustrative in assisting Councils in adopting a Code of Conduct to satisfy the requirements of the **Municipal Conduct Act and Regulations**.

Town of **Community.)**

Part 1: Code of Conduct for Councillors

1. Authority

This Code of Conduct Policy is required by Section 12 of the **Municipal Conduct Act (the "Act")**. Pursuant to section 18(9) of the Act, where this code is amended, municipal officials shall be notified within one month of the changes being made.

2. Definitions

- 2.1. "Business day" means a day that is not a Saturday, Sunday, or a holiday.
- 2.2. "Complainant" means any Person making a Complaint including members of the public.
- 2.3. "Confidential information" means: information in the custody and/or control of the municipality that is prohibited from disclosure pursuant to legislation or court order or any other information regarding to the business of the municipality generally considered to be of a confidential nature, including, but not limited to:

Intake



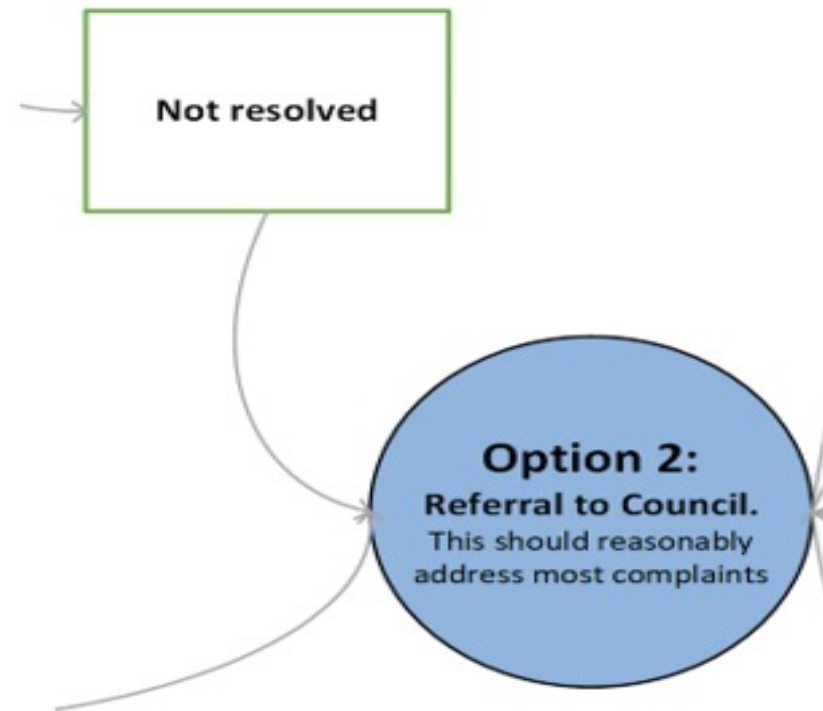
Intake (cont'd)

- New Model Code of Conduct for Councillors
- designed to streamline and to clarify that the majority of complaints are to be handled internally
- key definitions:
 - “confidential information”
 - “information package”

Intake(cont'd)

- At the intake stage, how do I make sense of a complaint?
- Can similar complaints be grouped together?
- What does a CAO do when a respondent does not reply to/acknowledge a complaint? What if a councillor will not cooperate with an external investigator?

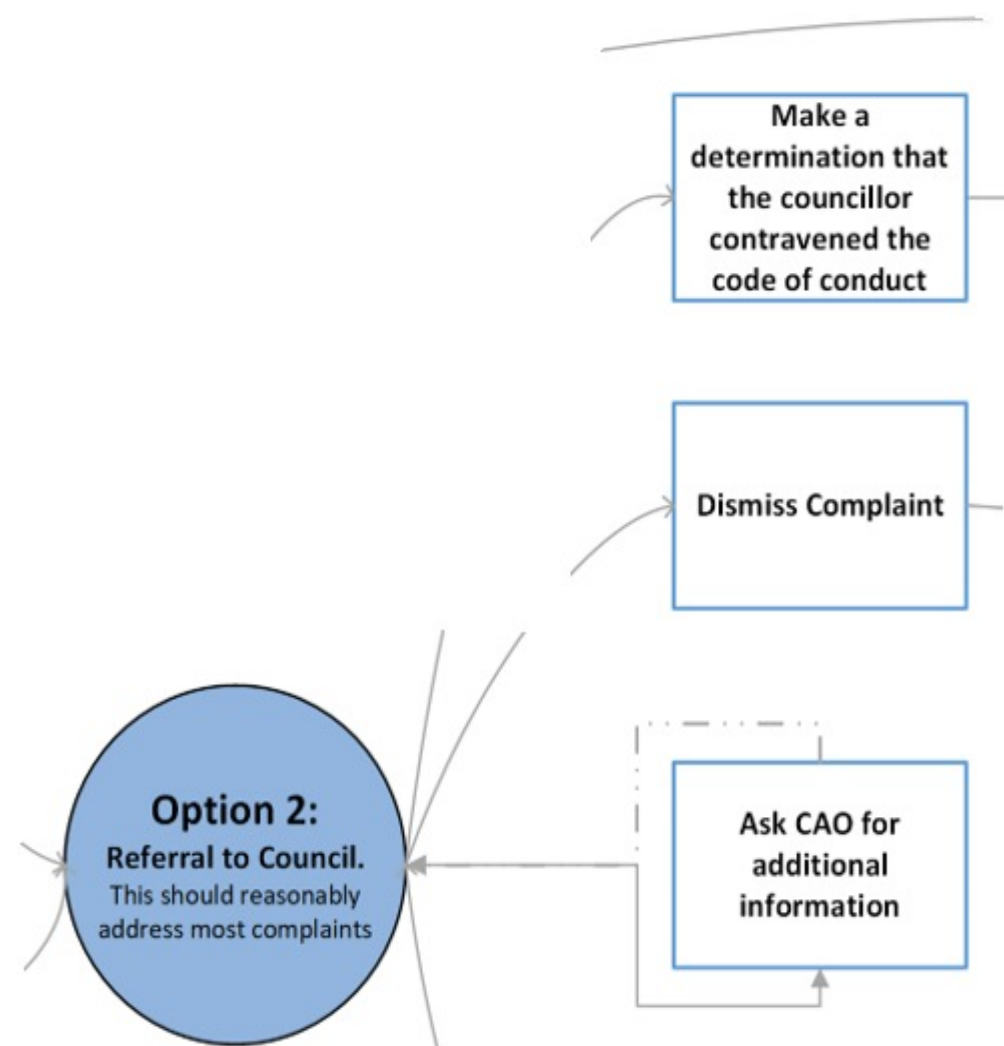
Referral to Council



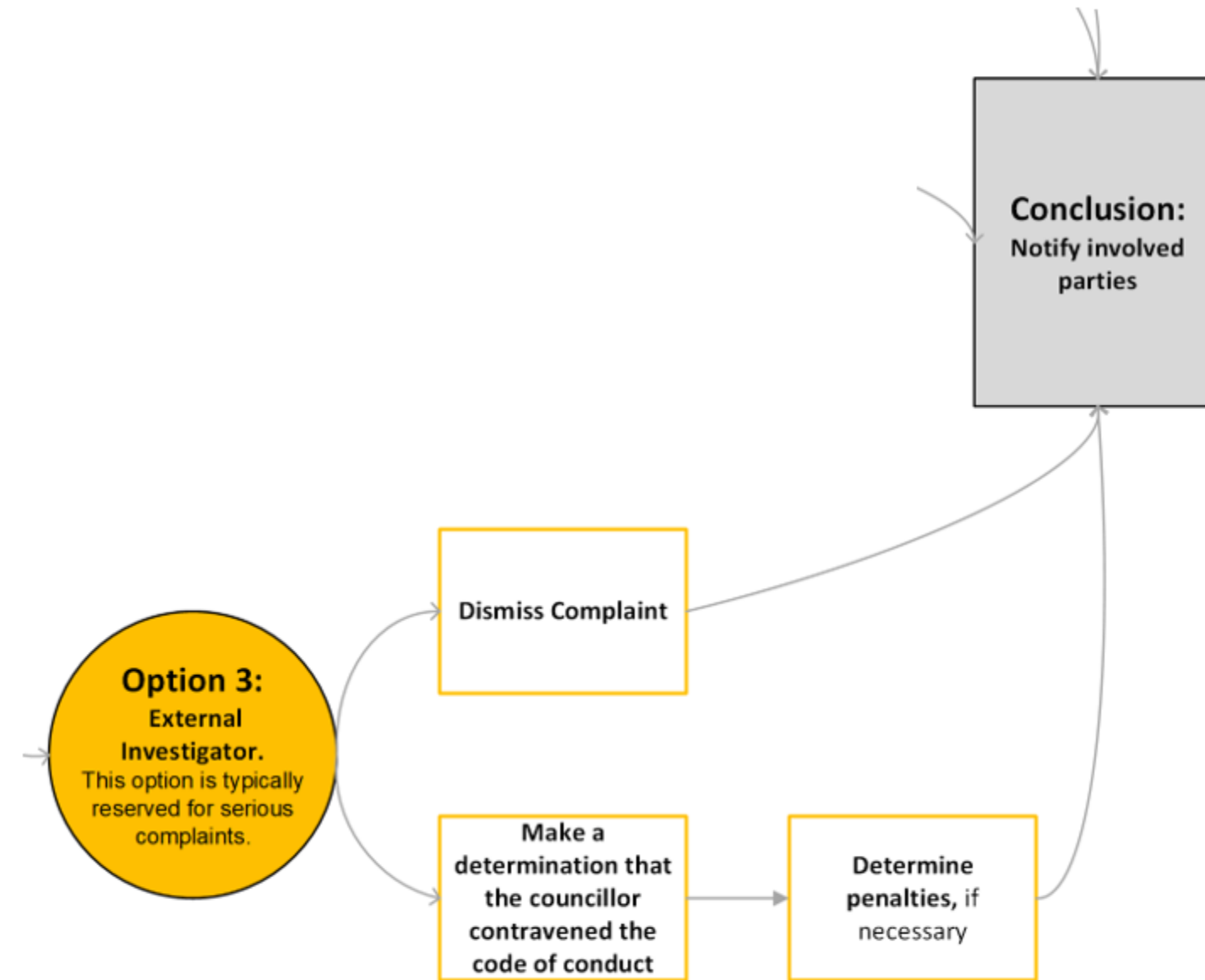
Referral to Council (cont'd)

- What do I do if the complaint has been made in another forum (i.e. labour arbitration, Human Rights Commission)?
- How do I deal with situations where the Code is being used as a weapon?
- What do I do when complainant or respondent is unhappy with outcome of complaint?
- What should the CAO's final report (information package) include?

Referral to Council (cont'd)



External Investigations



Process Questions

- How to deal with frivolous complaints?
- How do we deal with the extra time we spend on these complaints? Is there a way to speed up the process?
- When is an independent external investigator necessary?
- How can we modify our municipality's Code of Conduct? Are there items that we cannot modify?

Legal Process Issues

- Procedure from the legal perspective
- Does council need to hold a hearing?
- What needs to be contained in the motion?
- Why happens if the complainant or respondent wants to dispute councils decision?



Final Thoughts



These materials are intended to provide brief informational summaries only of legal developments and topics of general interest.

These materials should not be relied upon as a substitute for consultation with a lawyer with respect to the reader's specific circumstances. Each legal or regulatory situation is different and requires review of the relevant facts and applicable law.

If you have specific questions related to these materials or their application to you, you are encouraged to consult a member of the Firm to discuss your needs for specific legal advice relating to the particular circumstances of your situation.

Due to the rapidly changing nature of the law, Stewart McKelvey is not responsible for informing you of future legal developments.