

MANITOBA  
**MUNICIPAL**  
RELATIONS

# Council Code of Conduct

2018 Association of Manitoba Municipalities Convention  
Wednesday, November 28, 2018

Manitoba 

# Agenda

- Purpose of the Bill
- Code of conduct questionnaire results
- Bill 2: The Municipal Amendment Act
- Next Steps

# Purpose of the Bill

- **AMM Resolution #26/16:**

Amend *The Municipal Act* to provide municipalities with a more comprehensive process for addressing continuous breaches of the Code of Conduct by a Council member.

- **AMM Resolution #04-2017:**

“...strengthen the powers of censuring when a Council member is clearly in contravention of the Municipalities Code of Conduct; and FURTHER BE IT RESOLVED THAT the AMM lobby the Province of Manitoba to allow Code of Conduct complaints to be heard by the Ombudsman who can make further recommendations that can be implemented by a Council resolution.”

- **AMM Resolution #05/17:**

“...strengthen legislation regarding the prevention, investigation and enforcement mechanisms available to municipalities in response to harassment and bullying in the workplace between elected officials and between elected officials and municipal staff.”

# Purpose of the Bill

- Government committed to review *The Municipal Act* to identify opportunities to strengthen municipalities' ability to enforce violations of their codes of conduct
- 2018 Consultations:
  - AMM June Districts
  - Online questionnaire
  - MMAA District Meetings in September

# Summary of Results

- 315 questionnaire responses submitted to the Department by the July 31<sup>st</sup> deadline
- Five topics that could be addressed in a code of conduct:
  - mandatory training for council members
  - defined standards and values
  - process for dealing with complaints
  - sanctions/penalties
  - appeal process

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# Summary of Results

- Majority of respondents would like to see the Province prescribe the content of the code of conduct
- Maintaining council autonomy important with respect to process for dealing with complaints and imposing sanctions

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# Training and Awareness

- 89% of respondents are in favour of mandatory training.
  - Timelines to complete training varied
- 10% of respondents did not approve.

# Defined Standards and Values

**87%** of respondents would like to see the Province define standards and values.

Matters to be addressed include:

- 88% - respectful behaviour with councillors, staff, the public, and others
- 81% - respecting the decision-making process
- 81% - improper use of influence
- 78% - adherence to policies, procedures, and by-law
- 76% - representing the municipality
- 73% - objectivity in decision-making
- 72% - use of municipal assets and services



# Dealing with Complaints

## Who should be able to make a complaint?

- Council – 162
- Anyone – 104
- Staff – 100
- General public – 52
- CAO – 37
- Ratepayers – 36
- Mayor/Reeve – 8

## Should the Province prescribe the complaints process?

- 80 % - Yes
- 16% - No
- 4% - unsure / no response

# Dealing with Complaints

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## Who should review and evaluate complaints?

(# of respondents)

- Council – 81
- Independent 3<sup>rd</sup> party – 80
- Province – 58
- Ombudsman – 32
- AMM – 29
- CAO – 29
- Other – 26
- Integrity Commissioner – 17
- Municipal Board – 7
- Other municipalities – 4
- HR – 3
- MMAA – 2

## Timeline for processing complaints?

- One week to six months

# Sanctions

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## Who should impose sanctions / penalties?

- Council – 130
- Province – 64
- Independent 3<sup>rd</sup> party – 24
- Ombudsman – 17
- AMM – 17
- Other – 16
- CAO – 15
- Mayor/Reeve – 13
- Integrity Commissioner – 10

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## What sanctions should be available?

- **60%** - censure (public reprimand)
- **64%** - reduction or suspension of remuneration equal to the reduction in duties, for a period of up to 90 days
- **68%** - repayment or reimbursement of money/gifts received
- **71%** - letter of apology
- **71%** - dismissal of the member from a position of Chairperson of a Committee
- **73%** - mandatory training on municipal ethics and good conduct
- **78%** - suspension or removal of the member from council committees and/or bodies

# Sanctions

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What sanctions / penalties should be available for continuous breaches?

- **72%** of respondents suggested removal from council

# Appeal Process

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Should council have access to an appeal process?

- 76% – YES
- 18% – NO
- 6% – unsure / no response

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## **Bill 2: The Municipal Amendment Act (Strengthening Codes of Conduct for Council Members)**

- Introduced November 22, 2018
- The Bill amends *The Municipal Act* to:
  - Strengthen council member codes of conduct
  - Standardize the code of conduct by defining certain content and minimum standards and values
  - Enable the minister to make regulations that would further enhance the contents of the code
  - Make respectful conduct training mandatory for council members

# New council codes of conduct

- All municipalities must, by by-law, establish a council code of conduct
- Codes of conduct must:
  - Establish the process for dealing with complaints
  - Set out sanctions or remedial measures
  - Comply with the requirements of regulations



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# Ministerial Regulations

- Defined standards and values
- Process for dealing with complaints
- Sanctions / remedial measures
- Appeal Process
- Standards for updating the code of conduct

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# Mandatory Training

- All elected officials must take the training within the first six months of being elected
- The Province will develop the mandatory training course
- Any member who fails to undergo the training will be suspended until they have completed the training

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# Cross-Jurisdictional Scan

	MB	AB	SK	QC	ON
Code by by-law	✓	✓	✓	✓	-
Mandatory Training	✓	-	-	✓	-
Minimum Content	✓	✓	✓	✓	✓
Standards & Values	✓	✓	✓	✓	✓
Process for Dealing with Complaints	✓	-	-	-	-
Sanctions	✓	✓	✓	✓	✓
Appeal Process	✓	-	-	-	-

# Effective Date

- This Bill comes into effect 180 days after it receives royal assent
  - If this Bill receives royal assent in spring 2019, the Bill will come into effect in the fall 2019
- Key regulations will come into effect concurrently with the Bill coming into effect

# Next Steps

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**Next Steps**

- Consultations to continue in the coming months as detailed feedback needed in the fall 2018 / winter 2019

# Any questions or comments?

Phone: (204) 945-2572

Email: [provimunicssupportser@gov.mb.ca](mailto:provimunicssupportser@gov.mb.ca)

Bill 2: <https://www.gov.mb.ca/legislature>

**Thank you!**