

DECISION/DIRECTION NOTE

Title: Code of Conduct for Municipal Officials By-Law

Date Prepared: February 8, 2023

Report To: Regular Meeting of Council

Councillor and Role: Mayor Danny Breen, Governance & Strategic Priorities

Ward: N/A

Decision/Direction Required:

That Council enact the St. John's Code of Conduct for Municipal Officials, in compliance with section 18(2) of the *Municipal Conduct Act*, SNL 2021, Chapter M-20.01.

Discussion – Background and Current Status:

Section 18(2) of the *Municipal Conduct Act* states that “Within 6 months of the coming into force of this Act, a council shall establish a code of conduct for municipal officials.”

The Code of Conduct for Municipal Officials has been prepared to comply with this legislative requirement, drawing from provisions of the *Municipal Conduct Act*, its Regulations, templates provided by the Provincial Government, and the 2018 Code of Ethics By-Law which was drafted as result of an independent report of the Honourable Clyde K. Wells, K.C.

The *Municipal Conduct Act* also directs the enacting of a separate Code of Conduct for Councillors, which is the subject of a separate Decision Note.

The Code of Conduct for Municipal Officials was drafted by the Legal Department in consultation with the Human Resources Department.

The Code of Conduct for Municipal Officials applies to all Municipal Officials, with the exception of Councillors, who, as referenced above, are governed by a separate By-Law.

The Code of Conduct for Municipal Officials regulates several areas, including: ethical conduct, conflicts of interest, wrongdoings, disclosure, workplace protection, and protection of confidential information.

The Code of Conduct for Municipal Officials sets out a complaint, investigation, and resolution process for both conflict of interest and wrongdoing complaints against Municipal Officials. Speaking generally, the complaint, investigation, and resolution process will be managed by the Human Resources Department with input from the Legal Department. However, any conflict of interest and/or wrongdoing complaints made against the City Manager will have its

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own process, the resolution of which will necessarily involve Council, as the City Manager reports directly to Council.

The six-month deadline prescribed by the *Municipal Conduct Act*, and that Act's coming into force date of September 1, 2022, require the passage of the Code of Conduct for Municipal Officials by March 1, 2023.

Key Considerations/Implications:

1. Budget/Financial Implications: Cost of Training – Training will be done in-house using current HR and Legal resources. However, there may be a need for additional resources required given the three month time line to train all employees.
2. Partners or Other Stakeholders: All City Departments/Divisions, Members of Council
3. Alignment with Strategic Directions:
 - Effective city – The proposed by-law will ensure accountability and good governance, on the part of Municipal Officials, by providing a regulatory framework for ethical behaviour.
 - Sustainable City – The proposed by-law provides a framework that will ensure financial accountability by Municipal Officials.
4. Alignment with Adopted Plans: N/A
5. Accessibility and Inclusion: N/A
6. Legal or Policy Implications:
 - The passage of this By-Law would result in the repeal of the *Code of Ethics By-Law*, the *Conflict of Interest By-Law*, the *Workplace Human Rights By-Law*, the *Whistleblower Protection By-Law*; and the *Freedom of Information By-Law*.
 - The passage of this by-law will result in required training for all City employees, to be provided by Human Resources.
 - The passage of this by-law would create a new process for the complaint process in relation to City Employees being in a Conflict of Interest and/or committing a Wrongdoing.
 - The passage of this By-law will require departments to ensure that their internal policies are consistent with the content of this By-law via a review process and, if necessary, revisions to those policies.

7. Privacy Implications: N/A

8. Engagement and Communications Considerations:

- Training, as provided by Human Resources in consultation with the Legal Department, will make City employees aware of requirements contained in the By-Law.

9. Human Resource Implications:

- The Legal Department solicited input as to drafts of the By-Law from Human Resources and is working with Human Resources to facilitate the required training.

10. Procurement Implications: N/A

11. Information Technology Implications: N/A

12. Other Implications: N/A

Recommendation:

That Council approve and adopt the Code of Conduct for Municipal Officials

Prepared by: Robert Fedder, Legal Counsel

Approved by: Cheryl Mullett, City Solicitor

Report Approval Details

Document Title:	Decision Note - Code of Conduct for Municipal Officials.docx
Attachments:	- Code of Conduct for Employees - Feb 7, 2023 - final.docx
Final Approval Date:	Feb 9, 2023

This report and all of its attachments were approved and signed as outlined below:

Cheryl Mullett - Feb 9, 2023 - 11:53 AM