

**Date:** Tuesday, April 30, 2024

**To:** Elizabeth Tracy, Chief Administrative Officer

**From:** Gwendolyn Kennedy, Manager, Corporate & Legislative Services

**Subject:** Council Remuneration Amendment Bylaw No. 959, 2024

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### **PURPOSE**

The purpose of this report is to present to Council for first, second, and third readings, Council Remuneration Amendment Bylaw No. 959, 2024.

### **BACKGROUND**

At Committee of the Whole Meeting No. 255, held Tuesday, February 13, 2024, the Committee indicated support for the draft code of conduct bylaw which included provision for a reduction in council remuneration as a penalty for a breach of the code. Since then, staff have revised the draft code of conduct bylaw in response to the Committee's comments and prepared an amendment to Council Remuneration Bylaw No. 704, 2012. Together, these bylaws will put into effect the application of monetary penalties for a breach of the code of conduct.

### **DISCUSSION & COMMENTS**

Council Remuneration Amendment Bylaw No. 959, 2024 (**Appendix A**) inserts two paragraphs to the 2012 bylaw. The first establishes reductions in council remuneration as a penalty for a breach of Code of Conduct Bylaw No. 958, 2024, with the penalty increasing for each additional breach:

- (e) Subject to paragraph (f), if a council member has been found by the *investigator* to have breached Code of Conduct Bylaw No. 958, 2024, or if a council member has been found by the *investigator* to have submitted a complaint that is frivolous, vexatious, or made in bad faith, the remuneration to which the council member would otherwise be entitled under this bylaw shall be reduced as follows:
  - i. where the council member has been found to have breached the bylaw for the first time, the remuneration to which the member of council would otherwise be entitled to under this bylaw shall be reduced by 10% for a period of 12 months from the date on which council considers the *investigator's* report;
  - ii. where the council member has been found to have breached the bylaw for a second time, the remuneration to which the council member would otherwise be entitled to under this bylaw shall be reduced by 15% for a period of 12 months from the date on which

council considers the *investigator's* report relating to that offence;

- iii. where the council member has been found to have breached the bylaw for a third or subsequent time, the remuneration to which the council member would otherwise be entitled to under this bylaw shall be reduced by 25% for a period of 12 months from the date on which council considers the *investigator's* report relating to that offence; and
- iv. for a certainty, where a member has been found to have breached the bylaw more than once in a 12-month period, the reductions in the remuneration to which the council member would otherwise be entitled under this bylaw shall be cumulative for any period of overlap in the duration of each reduction (for example, if a council member is found to have first breached the bylaw on January 1 of a calendar year, and is subsequently found to have breached the bylaw again on July 1 of that year, the remuneration to which the council member would otherwise be entitled shall be reduced by 10% from January 1 to June 30 of that year, by 25% from July 1 to December 31 of that year, by 15% from January 1 to June 30 of the following year, and thereafter be fully reinstated).

The second paragraph exempts a council member from a monetary penalty if the investigator has determined that:

- i. the council member took all reasonable steps to prevent the breach;
- ii. the breach was trivial or inadvertent; or
- iii. the breach was because of an error in judgment made in good faith.

For clarity, a consolidated version of Council Remuneration Bylaw No. 704, 2012, showing the proposed changes in red and underscored, is attached as **Appendix B**.

Council Remuneration Amendment Bylaw No. 959, 2024, is presented for first, second, and third readings. Alternatively, Council may send the bylaw back to staff for changes prior to readings.

### **COMMUNICATIONS**

Review of Council Remuneration Amendment Bylaw No. 959, 2024, does not entail a communications element.

### **LEGAL CONSIDERATIONS**

There are no legal considerations.

### **BUDGET & STAFFING**

There are no impacts to the budget or staff hours.

### **INTERDEPARTMENTAL IMPACT**

Interdepartmental approval by:	Thomas Sikora, Manager of Finance
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### **COMMUNITY CLIMATE ACTION PLAN**

This initiative has no impact on the Community Climate Action Plan strategies.

### **STRATEGIC PRIORITIES**

Application of monetary penalties to a breach of the code of conduct aligns with the strategic priority *to operate with excellence*.

### **IMPACT ON THE REGION**

This initiative has no impact on other jurisdictions.

### **ALTERNATIVE OPTIONS**

**Option One:** THAT Council gives first, second, and third readings to Council Remuneration Amendment Bylaw No. 959, 2024.

**Option Two:** THAT Council refers the draft Council Remuneration Amendment Bylaw back to staff.

### **RECOMMENDATIONS**

**THAT** Council gives first, second, and third readings to Council Remuneration Amendment Bylaw No. 959, 2024.

### **ATTACHMENTS:**

**Appendix A:** Council Remuneration Amendment Bylaw No. 959, 2024

**Appendix B:** Council Remuneration Bylaw No. 704, 2012, consolidated to show proposed changes.

Prepared by:	Gwendolyn Kennedy, Manager, Corporate & Legislative Services
CAO approval:	Elizabeth Tracy, Chief Administrative Officer