



Office of the Regional Chair | Jim Bradley

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Memorandum

CHR 2-2021

TO: Regional Council

FROM: Jim Bradley, Regional Chair

DATE: April 22, 2021

SUBJECT: Options for Consideration in regards to CL-C 28-2021

I wish to provide the following comments to Council in advance of consideration of item CL-C 28-2021 in acknowledgement of the fact that the context that led to the request for this memo was the participation by a member of Council in a public demonstration on Saturday, April 10, 2021 that occurred during a provincial stay-at-home order.

As we engage in discussion, I would remind Councillors that we are all entitled to fairness and due process under both the *Municipal Act, 2001* and the Niagara Region's Code of Conduct for Members of Council. Councillors are also reminded that respect should be shown at all times, and that our meetings should not be used as a forum to demean or publicly disparage a colleague, even if you take serious exception to certain conduct.

I fully expect that members of Council may wish to contribute to this afternoon's discussion. I would strongly encourage members to ensure their comments are conducted through the Chair and made in a respectful manner, ensuring decorum is maintained. Members should extend the same courtesy to their colleagues that they would expect be extended to themselves.

Addressing the Provisions in the Municipal Act

As all of you know, the Niagara Region is subject to all the provisions outlined in the *Municipal Act, 2001*. As such, Niagara Region is required to have both a code of conduct, as well as employ the services of an Integrity Commissioner. Members of the public or Councillors can submit a complaint to the Integrity Commissioner to independently investigate and determine if a violation of the Code of Conduct occurred in a given instance. The *Act* provides Council with two penalties that may be applied to a Councillor, provided the Integrity Commissioner reports that, in his or her opinion, a member has contravened the code of conduct- which has not happened at this point:

1. A reprimand
2. Suspension of financial remuneration for a period of up to 90 days

The *Municipal Act, 2001*, provides no mechanism for a member to be removed from Council. In turn, this also means that there is no mechanism to remove a member of Council from Niagara's Board of Health, as Regional Council is effectively the Board of Health, as stated in the memo before Council (CL-C 28-2021).

Options for Consideration

To help guide our discussion and to ensure we are being as productive as possible, I would like to provide Councillors with three options they may consider:

1. A member may submit a complaint to the Integrity Commissioner to make a determination if a Councillor's attendance and participation in a recent public demonstration during a provincial stay at home order contravened the Region's Code of Conduct.
2. Members may endorse a formal public statement affirming their commitment to the code of conduct, provincial law and recognition of their position of influence within the community; a draft can be provided for your review this afternoon should Councillors wish to proceed with this motion.
3. Members may provide direction to the Chair, on Council's behalf, to actively participate in the Provincial consultation process on strengthening municipal codes of conduct, as well as sending formal correspondence to the Minister of Municipal Affairs endorsing the recommendations of AMO regarding suggested revisions to the strengthen municipal codes of conduct.

As members will recall, Councillor Butters has a motion germane to option #3 that was referred to the Corporate Services Standing Committee. I would suggest that her motion be dealt with as well as it is relevant to the matter at hand.

Unless, and until, the Integrity Commissioner conducts a formal investigation into this incident, and produces findings that indicate that a breach of our code of conduct has occurred, I would suggest that Council's options are limited to what has been described above.

As we progress through our discussions today, it is my hope that all members of Council will conduct themselves in a manner that demonstrates respect for their colleagues, the office they hold, and the constituents they were voted to represent.

Sincerely,

Jim Bradley, Chair
Niagara Region