

# > Municipal Conduct

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Practical Legal Preparation

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# Overview & Introduction

How did I get here?

*Municipal Conduct Act*

Conflict of Interest

Code of Conduct

# What is the purpose of the MCA?

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Accountability to public and one another

Mechanism to address genuinely problematic situations

Greater authority for municipalities to govern own affairs

Fulfill the mandate set by the statute

Maintain public confidence in Council & administration

Reach an outcome that is legally sustainable, defensible

What can you do to assist in this process?

# Conflicts of Interest

What is a conflict of interest under the *MCA*?

- In the making of a decision (or involvement)
- Private interests of individual are affected (as defined)
- Unable to act impartially due to personal relationships
- Question: “reasonable apprehension of bias”?

# CONFLICT OF INTEREST

Court's interpretation of "conflict of interest"

Declaring and documenting

Vote process where a councillor is uncertain

Continuing impact of Council's vote



# Code of Conduct Complaints

# FAIRNESS IN THE PROCESS

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“Low” to “Moderate” fairness required, but what does it mean?

Communicating with the parties

Changing the procedure on the fly

Correcting a procedural mistake (quickly!)

Define allegations to be answered

Hear from the Respondent (but how and when?)

# PREPARING A VALID MOTION

- CLEAR QUESTION PUT TO A VOTE
  - Council should cast vote based on solely on the record
  - Be aware of external influences & limit, or document
  - Councillors are limited to voting “yes” or “no”
  
- DOCUMENTATION IS EVERYTHING
  - What materials were being considered?
  - What is the conduct under consideration?
  - Can the reader understand the outcome objectively?
  - Closed meeting minutes
  
- ADDITIONAL COMMENTARY
  - Council ratifies motion from closed meeting in public
  - Limited commentary at the public meeting

# NUTS AND BOLTS

Organization is everything!

- Number the complaints to keep track
- ATIPPA requests and privacy
- Judicial review or appeal: what to expect
- Keep all documentation
- Request investigative materials
- Transcript of public meeting

# CONFLICTS AND COMPLAINTS: REAL TALK

- What to do if you are in a conflict
- What to do if someone else is in a conflict
- What the Town Clerk should document after a declaration of conflict
- Consider the downside
- Judicial review/appeal
- Costs: resources, money, energy/time
- Outcomes



# CHOOSING AN APPROPRIATE SANCTION

Reprimand

Training

Suspension from Council/Committees for up to 3 months

Application to Court to vacate seat

(Loss of public trust; violence; refusal to comply with past penalties)

Former Councillors: Special considerations



# Final Thoughts