

# Staff Report



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| To           | <b>Committee of the Whole</b>                                     |
| Service Area | Corporate Services                                                |
| Date         | Tuesday, May 6, 2025                                              |
| Subject      | <b>Update to the Code of Conduct for Council and Local Boards</b> |

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## Recommendation

1. That the Revised Code of Conduct for Council and Local Boards, included as Attachment-1 to report 2025-196 dated May 6, 2025, be approved.
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## Executive Summary

### Purpose of Report

At the March 4, 2025 Committee of the Whole meeting, the Integrity Commissioner presented proposed revisions to the Code of Conduct for Council and Local Boards (the Code). City Council raised concerns with several of the proposed changes and unanimously referred the Code to staff for further review. City Clerk's Office staff have reviewed the initial proposal from the Integrity Commissioner and are recommending changes that align with the views of City Council articulated on March 4.

### Key Findings

Staff are recommending changes to the Code that include no restrictions on elected officials endorsing political parties/candidates or promoting third-party interests. Additionally, the Code now clearly outlines how and when elected officials seeking re-election can reference their current role/title on social media.

The Province has announced, [through legislation tabled prior to the 2025 election](#), that it will mandate a uniform Code for all Ontario municipalities as of the 2026-2030 term of Council. As a result, it is highly likely that the Code proposed in this report will only be in place for the remainder of the 2022-2026 term of Council.

### Strategic Plan Alignment

These recommended Code changes, and the Code itself more broadly, supports the Strategic Plan objective of leading with accountability by ensuring that elected and appointed officials are held to high ethical standards and that accountability mechanisms are available to the public.

### Future Guelph Theme

Foundations

## **Future Guelph Objectives**

Foundations: Lead with accountability

## **Financial Implications**

None.

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## **Report**

On April 16, 2024, City Council passed the following resolutions:

1. That the City Clerk be directed, in collaboration with the Integrity Commissioner, to review the Code of Conduct for Council as it relates to the use of personal versus corporate social media accounts and administered groups and report back as part of the 2025 Governance Review.
2. That the City Clerk be directed, in collaboration with the Integrity Commissioner, to review the Use of Corporate Resources During an Election Policy as it relates to the use of corporate social media accounts and administered groups and report back as part of the 2025 Governance Review.

On March 4, 2025, City Council discussed changes to the Code presented by the Integrity Commissioner and referred them back to City staff for further consideration. Specifically, members of City Council raised concerns regarding prohibitions on political endorsements, the promotion of third-party interests and the use of titles on social media during election campaigns.

Various changes to the Code are discussed in detail in the sections below. A full copy of the proposed Code is included as Attachment-1.

### **No Prohibitions on Political Endorsements**

The proposed Code does not include any prohibitions on the endorsement of candidates or political parties at any level of government, including leadership campaigns.

### **No Prohibitions on Promotion of Third-Party Interests**

The proposed Code does not include any prohibitions on content that promotes or appears to promote third-party interests, including events, products, services or goods.

### **Personal Versus Corporate Social Media Accounts**

There are no changes being recommended to the Code, compared to what was presented on March 4, 2025, regarding personal vs social media accounts.

The Code applies to all City Council members whenever they are reasonably perceived as acting in their official capacity or where their conduct is unbecoming of a locally elected representative. This means that the Code governs all member behavior on social media, regardless of whether the account is considered 'personal' or 'private'.

## **Clarification on the Use of Titles on Social Media During Election Campaigns**

The proposed Code clarifies that a member's title is not to be used in a member's social media account handle, username, or profile description during an election campaign. As a limited exception, however, the profile description of a member's social media account during an election may use the words 're-elect' before the member's name along with the position for which the member is seeking to be re-elected. For example, 'Re-elect Jane Doe as ward 1 Councillor'.

Additionally, during an election campaign, members may reference their current title in social media content, outside of the account handle, username or profile description. As an example, a councillor could post 'as a ward 5 councillor I voted in favour of...' or 'I have always supported topic ABC as a ward 5 councillor'.

## **Use of Social Media During an Election**

Apart from changes regarding the use of titles noted above, there are no changes being recommended to the Code, compared to what was presented on March 4, 2025, regarding the use of social media during an election campaign.

City staff and the Integrity Commissioner recommend updating the Code of Conduct to ensure that sitting members do not have an unfair advantage over other candidates during municipal elections due to their position as elected officials.

The proposed changes would require City Council members to either maintain separate and distinct social media accounts for re-election purposes or use a single account with restricted use. If opting for a single account, the member must:

- Remove any references to the City of Guelph, including logos, email addresses, etc., from the social media account.
- Remove any references to the members title from the account handle, username and profile description (with the exception noted earlier in this report).
- Notify followers/friends on the social media platform that the account will be used for re-election purposes and provide an alternative source of information for those interested in constituency services.

## **The Permissibility of Members of City Council Blocking Members of the Public on Social Media**

There are no substantive changes being recommended to the Code, compared to what was presented on March 4, 2025, regarding the permissibility of City Council members blocking members of the public on social media.

Members of City Council asked staff to clarify with the Integrity Commissioner the permissibility of blocking members of the public on social media. In Canada, there is no explicit legal authority addressing whether public representatives can block users on social media. However, if an official's social media is considered a public forum, blocking users could violate their freedom of expression under section [2 \(b\) of the Canadian Charter of Rights and Freedoms](#). Where a member has chosen to enable public participation and comments on a social media account, the social

media account is considered a public forum. Members cannot selectively exclude members of the public from that forum because they are critical of the member or express objectionable/contrary views.

Members should therefore exercise restraint in blocking users, while recognizing that it may be justified in specific cases to protect against harassment, abuse, or to maintain the utility of the social media platform. Members should consider seeking guidance from the Integrity Commissioner when contemplating blocking a member of the public.

### **Applicability of the Code to Local Boards/Advisory Committees of Council**

On March 4, 2025, several members of City Council raised concerns about the applicability of the Code to members of Advisory Committees of Council (ACOCs), who may be less familiar with its application and contents. Under the Municipal Act, ACOCs are considered local boards and must follow the same accountability and transparency regulations as City Council.

City staff do not believe that the proposed Code creates an undue level of restriction or hardship for appointed ACOC members. ACOC members, and chairs specifically, hold positions of significant privilege within Guelph's system of governance. ACOC chairs, for example, have the authority to approve ACOC agendas and add items to those agendas, giving them a direct mechanism to recommend policy changes and positions to City Council. Additionally, ACOCs are permitted to present to City Council alongside City staff. These privileges come with the expectation that all ACOC members will conduct themselves to the same ethical standards as City Council. Other transparency programs, such as the Lobbyist Registry, also apply to members of ACOCs the same way they apply to members of City Council.

While several sections and provisions of the Code may be unlikely to impact an ACOC member, it is nonetheless important that they remain in place to ensure the public has an accountability mechanism should an ACOC member ever engage in nefarious behaviour or conduct unbecoming of someone placed in an appointed position of trust within Guelph's local government.

Training will be given to all ACOCs following the recruitment and appointment of members to the new ACOC structure, to ensure all members understand the Code and its provisions.

### **The Municipal Accountability Act**

Prior to the recent provincial election, the Province introduced the [Municipal Accountability Act](#). If reintroduced in the upcoming legislative session, as expected, the legislation would lead to the implementation of a uniform Code for all municipalities in Ontario beginning in the 2026-2030 term of City Council. Staff are recommending that no further updates or reviews of the Code be undertaken until the provincial Code and legislative framework is released.

City staff will report back to City Council when more details about that Code and associated regulations become available.

## **Financial Implications**

None.

## **Consultations and Engagement**

Aird and Berlis LLP, City Council's appointed Integrity Commissioner, reviewed the proposed Code changes as it relates to interpretability and enforceability.

## **Attachments**

Attachment- 1 Revised Code of Conduct for Council and Local Boards

## **Departmental Approval**

None.

## **Report Author**

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