



REVISED AGENDA

EXECUTIVE COMMITTEE

January 31, 2023, 9:30 AM
IN THE COUNCIL CHAMBER

Members

Mayor J. Gondek, Chair
Councillor E. Spencer, Vice-Chair
Councillor S. Sharp (Infrastructure and Planning Committee Chair)
Councillor P. Demong (Councillor-at-Large)
Councillor K. Penner (Community Development Committee Chair)
Councillor R. Pootmans (Audit Committee Chair)
Councillor C. Walcott (Councillor-at-Large)

SPECIAL NOTES:

Public are encouraged to follow Council and Committee meetings using the live stream [Calgary.ca/WatchLive](https://calgary.ca/WatchLive)

Council Members may be participating remotely.

1. CALL TO ORDER
2. OPENING REMARKS
3. CONFIRMATION OF AGENDA
4. CONFIRMATION OF MINUTES
 - 4.1 Minutes of the Regular Meeting of the Executive Committee, 2022 December 14
5. CONSENT AGENDA
 - 5.1 DEFERRALS AND PROCEDURAL REQUESTS
None
6. POSTPONED REPORTS
(including related/supplemental reports)
 - 6.1 Integrity and Ethics Office Proposed Amendments to the Code of Conduct for Elected Officials Bylaw (26M2018), EC2022-1368
Time Specific: Following Item 10.1.2.
7. ITEMS FROM OFFICERS, ADMINISTRATION AND COMMITTEES

- 7.1 Green Line Board Q1 2023 Report, EC2023-0067
Attachment 3 held confidential pursuant to Sections 24 (Advice from officials), 25 (Disclosure harmful to economic and other interests of a public body), and 27 (Privileged information) of the *Freedom of Information and Protection of Privacy Act*.

Review By: Do Not Release

- 7.2 Approaches for Determining Local Access Fees, EC2023-0077
Attachments 1 and 2 held confidential pursuant to Section 24 (Advice from officials) of the *Freedom of Information and Protection of Privacy Act*.

Review By: 2028 January 31

- 7.3 ENMAX 2023 Borrowing Request, EC2023-0025

8. ITEMS DIRECTLY TO COMMITTEE

- 8.1 REFERRED REPORTS
None

8.2 NOTICE(S) OF MOTION

- 8.2.1 Notice of Motion - Strengthening Provincial Regulations to Improve Safety of Unlicensed Private Day Homes, EC2023-0090
Councillor Walcott, Mayor Gondek, Councillor Spencer, Councillor Wyness, Councillor Demong

- 8.2.2 Notice of Motion - Incentivizing Low Carbon Investments, EC2023-0131
Councillor Spencer

9. URGENT BUSINESS

10. CONFIDENTIAL ITEMS

10.1 ITEMS FROM OFFICERS, ADMINISTRATION AND COMMITTEES

- 10.1.1 City Manager 2022 Performance Review and 2023 Goals, Objectives and Personal Development Plan (Verbal), EC2023-0094
Held confidential pursuant to Sections 17 (Disclosure harmful to personal privacy) and 19 (Confidential Evaluations) of the *Freedom of Information and Protection of Privacy Act*.

Review By: Do Not Release

NEW MATERIAL

- 10.1.2 *Budget Process Refinement (Verbal), EC2023-0059*
Held confidential pursuant to Section 24 (Advice from officials) of the *Freedom of Information and Protection of Privacy Act*.

Review By: 2023 December 31

10.2 URGENT BUSINESS

11. BRIEFINGS
None

12. ADJOURNMENT



MINUTES

EXECUTIVE COMMITTEE

**December 14, 2022, 9:30 AM
IN THE COUNCIL CHAMBER**

PRESENT:

- Mayor J. Gondek, Chair
- Councillor E. Spencer, Vice-Chair
- Councillor P. Demong (Councillor-at-Large) (Remote Participation)
- Councillor S. Sharp (Infrastructure and Planning Committee Chair)
- Councillor K. Penner (Community Development Committee Chair)
- Councillor R. Pootmans (Audit Committee Chair)
- Councillor C. Walcott (Councillor-at-Large)
- Councillor G-C. Carra (Remote Participation)
- Councillor A. Chabot (Partial Remote Participation)
- Councillor S. Chu (Remote Participation)
- Councillor D. McLean

ALSO PRESENT:

- City Manager D. Duckworth
- City Solicitor and General Counsel J. Floen
- General Manager C. Arthurs
- General Manager K. Black
- General Manager S. Dalglish
- Chief Financial Officer C. Male
- General Manager D. Morgan
- General Manager M. Thompson
- City Clerk K. Martin
- Legislative Advisor J. Palaschuk

1. CALL TO ORDER

Mayor Gondek called the meeting to order at 9:32 a.m.

ROLL CALL

Councillor Sharp, Councillor Spencer, Councillor Walcott, Councillor Carra, Councillor Demong, Councillor Chabot, Councillor McLean, Councillor Penner, Councillor Pootmans, and Mayor Gondek.

2. OPENING REMARKS

Mayor Gondek provided opening remarks and a traditional land acknowledgement.

3. CONFIRMATION OF AGENDA

Moved by Councillor Walcott

That the Agenda be amended by adding the following as an Item of Urgent Business:

- 9.1, Notice of Motion – Developing a New Civic Partnership Program, EC2022-1378

MOTION CARRIED

Moved by Councillor Demong

That the Agenda be amended by setting Item 8.2.3., Notice of Motion - Unattached Catalytic Converters, EC2922-1373, to be dealt with following the Consent Agenda.

MOTION CARRIED

Moved by Councillor Sharp

That the Agenda be amended by setting Item 7.9 Integrity and Ethics Office Proposed Amendments to the Code of Conduct for Elected Officials Bylaw (26M2018), EC2022-1368 to be dealt with following Item 8.2.3.

MOTION CARRIED

Moved by Councillor Pootmans

That the Agenda be amended by setting Item 7.4 Economic Development Update, EC2022-1211 to be dealt with as the first item following lunch recess.

MOTION CARRIED

Moved by Councillor Walcott

That the Agenda for the 2022 December 14 Regular Meeting of the Executive Committee be confirmed, **as amended**.

MOTION CARRIED

4. CONFIRMATION OF MINUTES

4.1 Minutes of the Regular Meeting of the Executive Committee, 2022 November 15

Moved by Councillor Penner

That the Minutes of the 2022 November 15 Regular Meeting of the Executive Committee be confirmed.

MOTION CARRIED

5. CONSENT AGENDA

5.1 DEFERRALS AND PROCEDURAL REQUESTS

5.1.1 Deferral Request – Benefit Driven Procurement Report-back due Q4 2022, to return in Q2 2023, EC2022-1356

Moved by Councillor Spencer

That with respect to Report EC2022-1356, the following be approved:

That the Executive Committee recommends that Council defers Administration's Report-back on Benefit Driven Procurement due Q4 2022, to return in Q2 2023.

MOTION CARRIED

Committee then dealt with Item 8.2.3.

6. POSTPONED REPORTS

None

7. ITEMS FROM OFFICERS, ADMINISTRATION AND COMMITTEES

7.1 Update on Métis Nation of Alberta Region 3 (MNAR3) Policy Implementation Guide (The Guide), EC2022-1274

This Item was dealt with following Item 7.9.

Mayor Gondek left the Chair at 10:11 a.m. and Vice-Chair Spencer assumed the Chair.

Mayor Gondek resumed the Chair at 10:12 a.m.

Moved by Councillor Spencer

That with respect to Report EC2022-1274, the following be approved:

That the Executive Committee recommend Council direct Administration to pause the work of the Métis Nation of Alberta Region 3 Policy Implementation Guide (The Guide) and seek to re-engage in this work no later than Q4 2023, or upon notice from the new Calgary Métis leadership.

For: (11): Mayor Gondek, Councillor Spencer, Councillor Demong, Councillor Sharp, Councillor Penner, Councillor Pootmans, Councillor Walcott, Councillor Carra, Councillor Chabot, Councillor Chu, and Councillor McLean

MOTION CARRIED

7.2 Indigenous Gathering Place 2022 Q4 Update, EC2022-1337

Michelle Fournie and John Fischer, Co-Chairs, Indigenous Gathering Place Society, addressed Committee with respect to Report EC2022-1337.

Moved by Councillor Spencer

That with respect to Report EC2022-1337, the following be approved:

That Executive Committee recommend that Council receive this update report for the Corporate Record.

For: (11): Mayor Gondek, Councillor Spencer, Councillor Demong, Councillor Sharp, Councillor Penner, Councillor Pootmans, Councillor Walcott, Councillor Carra, Councillor Chabot, Councillor Chu, and Councillor McLean

MOTION CARRIED

7.3 City Manager's Quarterly Report Q3-Q4 2022, EC2022-1229

Councillor Chu (Remote Member) left the meeting at 10:38 a.m.

The following documents were distributed with respect to Report EC2022-1229:

- A corrected Attachment 8; and
- A corrected Attachment 9.

Moved by Councillor Pootmans

That with respect to **corrected** Report EC2022-1229, the following be approved:

That Executive Committee recommend that Council:

1. Direct Administration close out the Community Representation Framework (Attachment 10); and
2. Accept the withdrawal of the Council Innovation Fund application for Operation Social Enterprise – Urban Agriculture Pilot (Attachment 10).

For: (10): Mayor Gondek, Councillor Spencer, Councillor Demong, Councillor Sharp, Councillor Penner, Councillor Pootmans, Councillor Walcott, Councillor Carra, Councillor Chabot, and Councillor McLean

MOTION CARRIED

Committee then dealt with Item 7.5.

7.4 Economic Development Update, EC2022-1211

This Item was dealt with following Item 7.8.

Moved by Councillor Sharp

That with respect to Report EC2022-1211, the following be approved:

That the Executive Committee recommend that Council direct Administration to:

1. Assess and action opportunities that can be implemented using existing resources to ensure alignment with the goals of the community economic development strategy, Calgary in the New Economy, as stewarded by Calgary Economic Development, and that these efforts be coordinated through the Business & Local Economy team with support from the

Business & Local Economy Network. This includes investigating the development of a process or processes by which The City can intake and assess opportunities meant to help businesses further advance or develop their product, service or technology;

2. Identify potential resourcing requirements for areas where we can improve our alignment with Calgary in the New Economy; and
3. Report back to Council through the Executive Committee no later than Q3 2023 on those areas where further improvement is taking place and where further resourcing is required.

For: (8): Mayor Gondek, Councillor Spencer, Councillor Sharp, Councillor Penner, Councillor Pootmans, Councillor Walcott, Councillor Chabot, and Councillor McLean

MOTION CARRIED

Committee then dealt with Item 8.2.1.

7.5 Parks Foundation Investment Policy and Memorandum of Agreement, EC2022-1303

This Item was dealt with following Item 7.3.

Councillor Demong (Remote Member) left the meeting at 11:17 a.m.

Councillor Chabot (Remote Member) left the meeting at 11:22 a.m.

A revised presentation entitled "EC2022-1303 Parks Foundation Investment Policy and Memorandum of Agreement" was distributed with respect to Report EC2022-1303.

Moved by Councillor Penner

That with respect to Report EC2022-1303, the following be approved, **after amendment:**

That the Executive Committee **forward this report to the 2022 December 20 Combined Meeting of Council and** recommend that Council:

1. Approve the Parks Foundation Investment Policy;
2. Approve the heads of agreement for the Parks Foundation Operating Endowment Memorandum of Agreement; and
3. Direct that any closed meeting discussions and Attachment 3 remains confidential pursuant to Sections 16 (Disclosure harmful to negotiations) of the *Freedom of Information and Protection of Privacy Act*, to be released after 2023 January 1.

For: (8): Mayor Gondek, Councillor Spencer, Councillor Sharp, Councillor Penner, Councillor Pootmans, Councillor Walcott, Councillor Carra, and Councillor McLean

MOTION CARRIED

7.6 Council Innovation Fund Virtual Reality Fire and Life Safety Education Pilot (Verbal), EC2022-1284

A revised presentation was distributed with respect to Verbal Report EC2022-1284.

Councillor Chabot (Remote Member) joined the meeting at 11:25 a.m.

Councillor Demong (Remote Member) joined the meeting at 11:33 a.m.

A revised presentation entitled "Council Innovation Fund report back on the Virtual Reality Fire and Life Safety Education Pilot (Verbal)" was distributed with respect to Report EC2022-1284.

Moved by Councillor Penner

That with respect to Verbal Report EC2022-1284, the following be approved, **after amendment**:

That the Executive Committee **recommend that Council** direct Administration to report back to the Executive Committee on the outcomes of this project by Q2 2023.

For: (10): Mayor Gondek, Councillor Spencer, Councillor Demong, Councillor Sharp, Councillor Penner, Councillor Pootmans, Councillor Walcott, Councillor Carra, Councillor Chabot, and Councillor McLean

MOTION CARRIED

7.7 Service Improvement in 2023-2026, EC2022-1304

Mayor Gondek left the Chair at 11:39 a.m. and Vice-Chair Spencer assumed the Chair.

Mayor Gondek resumed the Chair at 11:41 a.m.

Moved by Councillor Demong

That with respect to Report EC2022-1304, the following be approved:

That the Executive Committee recommend that Council direct Administration to close out the Zero-Based Review program.

For: (10): Mayor Gondek, Councillor Spencer, Councillor Demong, Councillor Sharp, Councillor Penner, Councillor Pootmans, Councillor Walcott, Councillor Carra, Councillor Chabot, and Councillor McLean

MOTION CARRIED

7.8 Bus Electrification Strategy, EC2022-1338

A revised presentation entitled "Bus Electrification Strategy Bus Electrification Project Update 2022 December 14" was distributed with respect to Report EC2022-1338.

By General Consent, Committee modified the lunch recess to begin following the presentation from Administration.

Committee recessed at 12:04 p.m. and reconvened at 1:04 p.m. with Mayor Gondek in the Chair.

ROLL CALL

Councillor McLean, Councillor Penner, Councillor Pootmans, Councillor Sharp, Councillor Spencer, Councillor Walcott, Councillor Chabot, and Mayor Gondek,

Absent from Roll Call: Councillor Demong.

Moved by Councillor Chabot

That with respect to Report EC2022-1338, the following be approved, **after amendment:**

That the Executive Committee **forward this report to the 2022 December 20 Combined Meeting of Council and** recommends that Council:

1. Approve the Bus Electrification Project as represented in the Calgary Transit Fleet Transition Plan, specifically the Bus Electrification Strategy (Attachment 4),
2. Direct Administration to negotiate and execute any definitive agreements required to implement the Project as represented in the strategy, and with terms acceptable to the General Manager Operational Services and Chief Financial Officer,
3. Approve the purpose, terms and conditions, and restrictions for the Canada Infrastructure Bank Zero Emission Bus Lifecycle Reserve as outlined in the Reserve Template - Request to Create a New Reserve (Attachment 6)
4. Upon execution by the Government of Canada of a contribution agreement for the Zero Emission Transit Fund with terms acceptable to the General Manager Operational Services and Chief Financial Officer, direct Administration to appropriate \$80 million in previously approved capital funding as part of the 2023-2026 Service Plans and Budgets and \$20 million from the Centralized Climate Fund to support the Bus Electrification Strategy, and
5. Direct that Attachment 5 of Report EC2022-1338 remain confidential pursuant to Sections 24 (Advice from officials) and 25 (Disclosure harmful to economic and other interests of a public body) of the *Freedom of Information and Protection of Privacy Act*, to be reviewed by 2023 December 15.

For: (7): Mayor Gondek, Councillor Spencer, Councillor Sharp, Councillor Penner, Councillor Pootmans, Councillor Walcott, and Councillor Chabot

Against: (1): Councillor McLean

MOTION CARRIED

Committee then dealt with Item 7.4.

7.9 Integrity and Ethics Office Proposed Amendments to the Code of Conduct for Elected Officials Bylaw (26M2018), EC2022-1368

This Item was dealt with following Item 8.2.3.

Councillor Chu (Remote Member) joined the meeting at 9:55 a.m.

A presentation entitled "Proposed Amendments to the Code of Conduct for Elected Officials Bylaw (26M2018)" was distributed with respect to Report EC2022-1368.

Moved by Councillor Penner

That with respect to Report EC2022-1368, the following be approved:

That Committee postpone this report to the 2023 January 31 Regular Meeting of the Executive Committee.

For: (11): Mayor Gondek, Councillor Spencer, Councillor Demong, Councillor Sharp, Councillor Penner, Councillor Pootmans, Councillor Walcott, Councillor Carra, Councillor Chabot, Councillor Chu, and Councillor McLean

MOTION CARRIED

Committee then dealt with Item 7.1.

8. ITEMS DIRECTLY TO COMMITTEE

8.1 REFERRED REPORTS

None

8.2 NOTICE(S) OF MOTION

8.2.1 Notice of Motion - Establishment of a Remuneration and Expense Policy for Council - Established Boards, Commissions, and Committees, EC2022-1371

This Item was dealt with following Item 7.4.

Moved by Councillor Penner

That with respect to Notice of Motion EC2022-1371, the following be approved:

That Notice of Motion EC2022-1371 be forwarded to the 2023 January 24 Regular Meeting of Council for consideration.

For: (7): Mayor Gondek, Councillor Spencer, Councillor Sharp, Councillor Penner, Councillor Pootmans, Councillor Walcott, and Councillor McLean

Against: (1): Councillor Chabot

MOTION CARRIED

8.2.2 Notice of Motion - Reducing Election Sign Complaints by Improving the Temporary Sign Bylaw, EC2022-1372

Moved by Councillor Penner

That with respect to Notice of Motion EC2022-1372, the following be approved:

That Notice of Motion EC2022-1372 be forwarded to the 2022 December 20 Combined Meeting of Council for consideration.

For: (6): Mayor Gondek, Councillor Spencer, Councillor Sharp, Councillor Penner, Councillor Pootmans, and Councillor Walcott

Against: (2): Councillor Chabot, and Councillor McLean

MOTION CARRIED

Committee then dealt with Item 9.1.

8.2.3 Notice of Motion - Unattached Catalytic Converters, EC2022-1373

This Item was dealt with following Item 5.1.1.

A clerical correction was noted on page 2 of Notice of Motion EC2022-1373, in the first NOW THEREFORE BE IT RESOLVED, by deleting the word "and" following the words "regulations as appropriate, to regulate" and by substituting with the word "any".

Moved by Councillor Demong

That with respect to ~~corrected~~ Notice of Motion EC2022-1373, the following be approved:

That Notice of Motion EC2022-1373 be forwarded to the 2023 January 24 Regular Meeting of Council for consideration.

For: (10): Mayor Gondek, Councillor Spencer, Councillor Demong, Councillor Sharp, Councillor Penner, Councillor Pootmans, Councillor Walcott, Councillor Carra, Councillor Chabot, and Councillor McLean

MOTION CARRIED

Committee then dealt with Item 7.9.

9. URGENT BUSINESS

9.1 Notice of Motion - Developing a New Civic Partnership Program - EC2022-1378

This Item was dealt with following Item 8.2.2.

Moved by Councillor Walcott

That with respect to Notice of Motion EC2022-1378, the following be approved:

That Notice of Motion EC2022-1378 be forwarded to the 2022 December 20 Combined Meeting of Council for consideration.

For: (8): Mayor Gondek, Councillor Spencer, Councillor Sharp, Councillor Penner, Councillor Pootmans, Councillor Walcott, Councillor Chabot, and Councillor McLean

MOTION CARRIED

Committee then dealt with Item 12.

10. CONFIDENTIAL ITEMS

10.1 ITEMS FROM OFFICERS, ADMINISTRATION AND COMMITTEES

None

10.2 URGENT BUSINESS

None

11. BRIEFINGS

11.1 Public Hearing Improvements Update, EC2022-1228

11.2 Financial Task Force Implementation Update, EC2022-1241

11.3 Council Innovation Fund Report Back - Complete Complaints Foundation's Calgary Police Complaints App, EC2022-1268

12. ADJOURNMENT

Moved by Councillor Sharp

That this meeting adjourn at 1:36 p.m.

MOTION CARRIED

The following items have been forwarded on to the 2022 December 20 Combined Meeting of Council:

CONSENT

- Bus Electrification Strategy, EC2022-1338
- Parks Foundation Investment Policy and Memorandum of Agreement, EC2022-1303

ITEMS FROM OFFICERS, ADMINISTRATION AND COMMITTEES

COMMITTEE REPORTS

- Notice of Motion – Developing a New Civic Partnership Program, EC2022-1378
- Notice of Motion - Reducing Election Sign Complaints by Improving the Temporary Sign Bylaw, EC2022-1372

The following items have been forwarded on to the 2023 January 24 Regular Meeting of Council:

CONSENT

- Deferral Request – Benefit Driven Procurement Report-back due Q4 2022, to return in Q2 2023, EC2022-1356
- Update on Métis Nation of Alberta Region 3 (MNAR3) Policy Implementation Guide (The Guide), EC2022-1274
- Indigenous Gathering Place 2022 Q4 Update, EC2022-1337
- City Manager's Quarterly Report Q3-Q4 2022, EC2022-1229
- Economic Development Update, EC2022-1211
- Council Innovation Fund Virtual Reality Fire and Life Safety Education Pilot (Verbal), EC2022-1284
- Service Improvement in 2023-2026, EC2022-1304

ITEMS FROM OFFICERS, ADMINISTRATION AND COMMITTEES

COMMITTEE REPORTS

- Notice of Motion - Establishment of a Remuneration and Expense Policy for Council - Established Boards, Commissions, and Committees, EC2022-1371
- Notice of Motion - Unattached Catalytic Converters, EC2022-1373

The following item has been forwarded on to the 2023 January 31 Regular Meeting of the Executive Committee:

POSTPONED REPORTS

- Integrity and Ethics Office Proposed Amendments to the Code of Conduct for Elected Officials Bylaw (26M2018), EC2022-1368

The next Regular Meeting of the Executive Committee is scheduled to be held on 2023 January 31 at 9:30 a.m.

CONFIRMED BY COMMITTEE ON

CHAIR

CITY CLERK

POSTPONED REPORT

Excerpt from the Minutes of the Executive Committee, held 2022 December 14:

7.9 Integrity and Ethics Office Proposed Amendments to the Code of Conduct for Elected Officials Bylaw (26M2018), EC2022-1368

"A presentation entitled "Proposed Amendments to the Code of Conduct for Elected Officials Bylaw (26M2018)" was distributed with respect to Report EC2022-1368.

Moved by Councillor Penner

That with respect to Report EC2022-1368, the following be approved:

That Committee postpone this report to the 2023 January 31 Regular Meeting of the Executive Committee.

For: (11): Mayor Gondek, Councillor Spencer, Councillor Demong, Councillor Sharp, Councillor Penner, Councillor Pootmans, Councillor Walcott, Councillor Carra, Councillor Chabot, Councillor Chu, and Councillor McLean

MOTION CARRIED"

**Integrity and Ethics Office Report to
Executive Committee
2022 December 14**

**ISC: UNRESTRICTED
EC2022-1368
Page 1 of 2**

Integrity and Ethics Office Proposed Amendments to the Code of Conduct for Elected Officials Bylaw (26M2018)

RECOMMENDATION(S):

That the Executive Committee recommend that Council give three readings to the proposed Bylaw to amend the *Code of Conduct for Elected Officials Bylaw (26M2018)*, outlined in Attachment 1.

HIGHLIGHTS

- A full review, with proposed amendments, of the *Code of Conduct for Elected Officials Bylaw (26M2018)* ("Bylaw") has been completed in compliance with the *Code of Conduct for Elected Official Regulation, AR 200/2017* ("Regulation"). Previously, amendments to the Bylaw were adopted by Council in 2020 and 2021.
- The Regulation mandates a review and update of municipal codes of conduct bylaws at least every four years from when they were adopted by council. This is to ensure that codes of conduct reflect the current state of the law, best practices and procedures.
- The proposed amendments clarify and improve the complaints process, strengthen the ethical duties to avoid improper use of influence, enable the Integrity Commissioner to initiate investigations without a complaint, and clean-up the language and clarify the scope of the Bylaw.
- Council established the Integrity and Ethics Office in 2016 to strengthen Council ethics and accountability. Per the *Municipal Government Act, RSA 2000 C M-26, s. 146.1*, Council adopted the Bylaw in 2018. The Integrity Commissioner is responsible for investigating and adjudicating formal complaints made against Members of Council under the Bylaw. The Ethics Advisor provides legal and ethical advice to Members of Council and assists in informal resolution of complaints. The Office cannot speak publicly about specific complaints or investigations.
- Strategic Alignment to Council's Citizen Priorities: A well run City.

DISCUSSION

The Integrity and Ethics Office periodically reviews and updates the *Code of Conduct for Elected Officials Bylaw (26M2018)* ("Bylaw"). Section 8 of the Bylaw requires that the Office undertake such reviews on an annual basis.

In addition, Section 7 of the *Code of Conduct for Elected Officials Regulation, 200/2017* ("Regulation") mandates that municipal codes of conduct are reviewed at least every four years:

Each council must review and update its code of conduct and any related bylaws that have been incorporated by reference into the code of conduct in accordance with section 3, at least once every 4 years starting from the date when the code of conduct was passed.

The Bylaw was adopted by Council on May 28, 2018. The Bylaw has been reviewed annually, with amendments adopted by Council in 2020 and 2021.

**Integrity and Ethics Office Report to
Combined Meeting of Council
2022 December 14**

**ISC: UNRESTRICTED
EEC2022-1368
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**Integrity and Ethics Office Proposed Amendments to the Code of Conduct for
Elected Officials Bylaw (26M2018)**

To comply with the Regulation and the Bylaw, the Integrity and Ethics Office undertook a comprehensive review of the Bylaw. The objective is to ensure that the Bylaw reflects the current state of the law, best practices and procedures.

The proposed amendments fall into four general categories:

1. Amendments to clean-up language and clarify the scope and application of the Bylaw.
2. Procedural amendments to, among other things, clarify and update how complaints can be made, confidentiality obligations of parties to complaints, withdrawal or dismissal of complaints, and who should be provided with investigation reports and when.
3. Substantive new provisions, including:
 - Improper use of influence directed to City or Member's staff;
 - Enabling the Integrity Commissioner to initiate investigations;
 - A duty to cooperate with investigations.
4. Amendments to correct typographical errors and inconsistencies in the Bylaw, including consistent referencing to defined terms, formatting and headings.

Attachments

Attachment 1 is the proposed Bylaw for consideration by the Executive Committee.

Attachment 2 is a redline version of the proposed Bylaw to enable amendments to be more easily tracked and assessed in the context of the Bylaw as a whole.

Attachment 3 provides a side-by-side comparison of current and proposed amendments to the Bylaw and reasons for the changes.

Attachment 4 provides information requested at the June 15, 2022 Intergovernmental Affairs Committee meeting, namely, the history of compliance by Members of Council with sanctions imposed by Council following Integrity Commissioner reports and sanctions recommendations.

Attachment 5 provides information requested at the June 15, 2022 Intergovernmental Affairs Committee meeting about additional possible sanctions that Council may impose on a Member who has been found to be in violation of the Code of Conduct.

STAKEHOLDER ENGAGEMENT AND COMMUNICATION (EXTERNAL)

- ☐ Public Engagement was undertaken
- ☒ Public Communication or Engagement was not required
- ☐ Public/Stakeholders were informed
- ☒ Stakeholder dialogue/relations were undertaken

ATTACHMENT(S)

1. Proposed Bylaw – clean version
2. Proposed Bylaw – redline version
3. Chart of current and proposed amendments, and reasons for the changes
4. Integrity Commissioner investigation reports – sanctions compliance
5. Information about sanctions

**Integrity and Ethics Office Report to
Combined Meeting of Council
2022 December 14**

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**Integrity and Ethics Office Proposed Amendments to the Code of Conduct for
Elected Officials Bylaw (26M2018)**

6. Presentation

**Proposed Text of a Bylaw to amend the
Code of Conduct for Elected Officials Bylaw 26M2018**

1. Bylaw 26M2018, the Code of Conduct for Elected Officials Bylaw, as amended, is hereby further amended.
2. In section 3:
 - (a) subsection 3(i) is deleted and replaced with the following:
 - “(i) *“Gift or Personal Benefit”* is an item or service of value that is received by a *Member of Council* for their personal use. It includes but is not limited to money, gift cards, tickets to events, clothing, jewelry, pens, food or beverages, discounts/rebates on personal purchases, free or subsidized drinks or meals, entertainment, participation in sport and recreation activities, and invitations to social functions. *Gift or Personal Benefit* does not include:
 - (i) campaign contributions received by a *Member* in compliance with the *Local Authorities Election Act*, R.S.A. 2000, c. L-21; or
 - (ii) in the event that the *City* becomes responsible for the payment of external legal fees and disbursements for a *Member*, any donations the *Member* may solicit to the City of Calgary to defray those amounts.
 - (b) the following is added after subsection 3(j) as subsection (j.1):

“(j.1) *“Integrity and Ethics Office”* means the office of the *Integrity Commissioner* and *Ethics Advisor*,”;

and
 - (c) subsection 3(m) is deleted and replaced with the following:

“(m) *“Member of Council”* or *“Member”* means all current elected officials on *Council*, including the *Mayor*, but does not include past members of *Council*,”.
3. Section 9 is deleted and replaced with the following:

“9. A *Member* must approach their obligations under this Bylaw in good faith, taking into account all obligations imposed on the *Member* by statute or other legal enactment, and by applicable *City* bylaws, policies and

procedures, as well as any reports, opinions, guidelines or interpretation bulletins issued by the *Integrity and Ethics Office*.”.

4. In section 18:
 - (a) in subsection 18(j), the “.” is deleted and replaced with “; and”;
and
 - (b) the following is added after subsection 18(j) as subsection 18(k):

“(k) *Alberta Human Rights Act*, R.S.A. 2000, c. A-25.5.”.
5. In section 19, the words “abuse, bullying or intimidation” are deleted and replaced with “abuse, bullying, intimidation, harassment or discrimination.”.
6. In section 34(a), the words “Alberta Urban Municipalities Association (AUMA)” are deleted and replaced with “Alberta Municipalities”.
7. The following is added after section 40 as section 40.1:

“40.1 (1) A *Member* must not directly or indirectly demand, request, induce or aid, *City* employees, *Members’* staff, members of any boards, commissions, associations and committees to do something which, if done by the *Member*, would be a breach of this Bylaw.

(2) A *Member* must not use or attempt to use their authority for the purpose of intimidating, coercing, or influencing *City* employees or *Members’* staff with the intent of interfering with such staff’s duties.”.
8. In section 53, the words “by the City Manager” are deleted and replaced with “in writing by the Ethics Advisor.”.
9. Section 61.1 is deleted and replaced with the following:

“61.1 All *Members* must attend the Indigenous relations and anti-racism sessions of *Orientation Training*, and any other session identified as mandatory by the City Solicitor and General Counsel, City Clerk and *Ethics Advisor*.”.
10. In section 62.1, the word “reported” is deleted and replaced with “confirmed”.
11. After section 63, the title “**B - Reporting**” is deleted and replaced with “**B - Complaints**”.
12. In section 64:

- (a) the words “(“the reporter”)” are deleted and replaced with “(“the complainant”)”;
 - (b) the word “report” is deleted and replaced with “complaint”;
 - and
 - (c) the word “reporter’s” is deleted and replaced with “complainant’s”.
13. In section 65, the word “Reports” is deleted and replaced with “Complaints”.
14. Section 66 is deleted and replaced with the following:
- “66. A complainant who does not provide the *Integrity Commissioner* with their name, residential address and email address will not receive any notice or other communication from the *Integrity Commissioner* notwithstanding any contrary requirement in this Bylaw. In such circumstances, the *Integrity Commissioner* may exercise their discretion to investigate or dismiss such complaints.”.
15. The following is added after section 66 as sections 66.1, 66.2 and 66.3:
- “66.1 A complaint may be withdrawn at any time by notice in writing to the *Integrity Commissioner* by regular mail or by email. In such circumstances, the *Integrity Commissioner* may use their discretion to continue to investigate the matter without further participation of the complainant.
- 66.2 Every reasonable effort will be made to maintain the confidentiality of the complainant. If disclosure of the complainant identity is necessary to ensure that a thorough investigation is conducted, the *Integrity Commissioner* will ask the complainant for permission to disclose their identity or give the option to withdraw the complaint. The complainant’s identity may be disclosed as required by law.
- 66.3 The *Integrity Commissioner* may initiate an investigation without a complaint if there are reasonable grounds for believing that a violation of this Bylaw may have occurred.”.
16. Before section 67, the title “**C – Reporter Protection**” is deleted and replaced with “**C –Complainant Protection**”.
17. In section 67, the word “Reporter” is deleted and replaced with “Complainant” wherever it appears.

18. Section 68 is deleted.
19. In section 69:
 - (a) the word “reporter” is deleted and replaced with “complainant”;
and
 - (b) the word “report” is deleted and replaced with “complaint”;
wherever they appear.
20. In section 70:
 - (a) the word “Code” is deleted and replaced with “*Bylaw*”;
and
 - (b) the words “Integrity and Ethics Office” are deleted and replaced with “*Integrity and Ethics Office*”.
21. In section 71:
 - (a) the word “reporter” is deleted and replaced with “complainant” wherever it appears;
and
 - (b) the word “Reporting” is deleted and replaced with “Making a complaint”.
22. In section 72:
 - (a) the word “report” is deleted and replaced with “complaint” wherever it appears;
and
 - (b) after the words “*Member* conduct” the words “may have occurred” are added.
23. Section 73 is deleted and replaced with:

“73. The *Integrity Commissioner* may reject any complaint received (a) more than 180 days after the date of the incident, or (b) more than 180 days after the complainant became aware of the incident, or (c) after the date of

a municipal election which intervenes between the incident and the date the complaint is received by the Commissioner. ”.

24. In section 74:
- (a) the word “report” is deleted and replaced with “complaint”;
 - and
 - (b) the word “reporter” is deleted and replaced with “complainant”;
- wherever they appear.
25. In section 75, the word “reporter” is deleted and replaced with “complainant and/or the *Member*”.
26. Section 76 is deleted and replaced with the following:
- “76. (1) If the *Integrity Commissioner* is of the opinion that there are no reasonable grounds for believing that a violation of this Bylaw or a *City* policy governing *Member* conduct has occurred, the *Integrity Commissioner* will advise the complainant and *Member* in writing, setting out reasons for the decision, and dismiss the complaint. The *Integrity Commissioner’s* decision is final.
- (2) If the *Integrity Commissioner* is of the opinion that there are reasonable grounds for believing that a violation of this Bylaw or a *City* policy governing *Member* conduct has occurred, the *Integrity Commissioner* will issue a notice of investigation and proceed with a formal investigation in accordance with sections 81 to 87.”.
27. The following is added after section 76 as section 76.1:
- “76.1 A *Member* may provide the *Integrity Commissioner* with written advice given by the *Ethics Advisor* regarding the incident being investigated. The *Integrity Commissioner*, upon confirmation of the advice by the *Ethics Advisor*, must consider such advice in investigating the complaint, or in any subsequent related complaint.”.
28. Section 77 is deleted and replaced with the following:
- “77. When a complaint concerns the conduct of a *Member’s* staff:
- (a) if the conduct was undertaken on the *Member’s* behalf directly or indirectly by demand, request, inducement, encouragement or aid

the *Integrity Commissioner* will proceed with a formal investigation in accordance with sections 81 to 87;

- (b) if the conduct was not undertaken on the *Member's* behalf, directly or indirectly, by demand, request, inducement, encouragement or aid, the *Integrity Commissioner* must refer the complaint to the *Member* concerned and advise the complainant in writing that the complaint is dismissed.”.

29. Sections 78, 79 and 80 are deleted.

30. After section 80, the title “**G – Investigation**” is deleted and replaced with “**G – Formal Investigation**”.

31. Section 81 is deleted and replaced with the following:

“81. A formal investigation will be commenced by the *Integrity Commissioner* serving a notice of investigation, the complaint and any supporting material on the *Member* personally or by e-mail.”.

32. In section 82:

- (a) the words “10 days” are deleted and replaced with “10 business days”;

- (b) the words “notice of intention to conduct an” are deleted and replaced with “the notice of”;

and

- (c) the word “report” is deleted and replaced with “complaint”.

33. The following is added after section 82 as section 82.1:

“82.1 Except for the purposes of obtaining legal or other confidential professional advice, failure by the *Member* to keep confidential all documents and records the *Integrity Commissioner* provides to the *Member* in the investigation may result in an adverse finding against the *Member* and may be considered in the report to *Council*.”.

34. Section 83 is deleted and replaced with the following:

“83. The *Integrity Commissioner* will provide the complainant with a copy of the response and submissions received from the *Member* on a strictly confidential basis. If the complainant wishes to respond to the *Member's* response and submission, they must do so within 10 business days of

receiving the copy of the response and submission, subject to the *Integrity Commissioner's* discretion to extend this timeline.”.

35. The following is added after section 83 as section 83.1:

“83.1 Except for the purposes of obtaining legal or other confidential professional advice, failure by the complainant to keep confidential all documents and records the *Integrity Commissioner* provides to the complainant in the investigation may result in the dismissal of the complaint.”.

36. Section 84 is deleted and replaced with the following:

“84. The *Integrity Commissioner* may request any person whose evidence is necessary to the investigation to provide it in a statutory declaration sworn or affirmed and declared before a lawyer, notary public or commissioner of oaths.”.

37. Section 87 is deleted and replaced with the following:

“87. In the period 90 days prior to the date of a Municipal election, the *Integrity Commissioner* may suspend any investigation underway, decline to commence an investigation or proceed with an investigation at their discretion. If the *Integrity Commissioner* decides the investigation should proceed, they will advise the *Member* in writing of the reasons for the decision.”.

38. The following is added after section 87 as sections 87.1, 87.2, 87.3, 87.4 and 87.5”

“G.1 – Informal Resolution

87.1 At any time after a notice of investigation has been issued, the *Integrity Commissioner* may refer the complaint to the *Ethics Advisor*, who will take steps, in consultation with the complainant and the *Member*, to resolve the issue informally.

87.2 If the *Ethics Advisor* at any time concludes that an informal resolution is not possible, the *Ethics Advisor* must return the complaint to the *Integrity Commissioner* to commence or continue a formal investigation. The *Ethics Advisor* will not provide any information to the *Integrity Commissioner* about the informal process except that the complaint was not resolved.

G.2 – Cooperating with Investigations

- 87.3 Upon the notice of investigation being sent to the *Member*, evidence in the possession of the *Member* and/or their staff, including any records, must be preserved pending the outcome of the investigation.
- 87.4 The obstruction of an *Integrity Commissioner's* investigation by a *Member* is presumed to be a violation of this Bylaw.
- 87.5 Failure to cooperate and participate in an investigation may result in an adverse finding against the *Member* and will be noted in the report to *Council*.”.
39. In section 88, the word “report” is deleted and replaced with “complaint”.
40. In section 89:
- (a) the words “reviewing all pertinent information” are deleted and replaced with “formal investigation”;
 - (b) the word “reporter” is deleted and replaced with “complainant”.
41. In section 90:
- (a) the words “reviewing all pertinent information” are deleted and replaced with “formal investigation”;
 - (b) the word “decision” is deleted and replaced with the word “report” wherever it appears;
 - (c) in subsection 90(e), the words “Integrity and Ethics Office” are deleted and replaced with “*Integrity and Ethics Office*”;
 - (e) subsection 90(f) is deleted and replaced with the following:
 - “(f) not less than 24 hours nor more than 48 hours prior to the start of the *Council* meeting at which the verbal report is to be considered, the *Integrity Commissioner* will provide a copy of the report, on a strictly confidential basis, to all *Members*, the City Clerk and the City Solicitor and General Counsel. A breach of confidentiality under this section will be considered a violation of this Bylaw; ”;
- and
- (f) subsection 90(g) is deleted and replaced with the following:
 - “(g) the *Integrity Commissioner* will provide their verbal report to *Council* at the closed meeting.”.

42. Section 91 is deleted and replaced with the following:

- “91. (1) The *Integrity Commissioner’s* report that a *Member* violated this Bylaw or a *City* policy governing *Member* conduct is final and may not be reviewed or reconsidered by *Council*.
- (2) *Council* must decide whether to adopt the *Integrity Commissioner’s* recommendation as to sanction or whether to substitute a different lesser or greater sanction. ”.

43. In section 92:

- (a) the words “include the following” are deleted and replaced with “include, but are not limited to, the following”;
- (b) in subsection 92(h), the “.” is deleted and replaced with “; or”;
- and
- (c) the following is added after subsection 92(h) as subsection 92(i):
- “(i) any other sanction that *Council* deems reasonable in the circumstances.”.

44. This bylaw comes into force on the day it is passed.

DISCUSSION DOCUMENT

December 7/2022

Showing proposed changes to the Code of Conduct for Elected Officials Bylaw.

Additions in **red underlined** text.

Deletions in **red strikethrough** text.

OFFICE CONSOLIDATION

BYLAW NUMBER 26M2018

BEING A BYLAW OF THE CITY OF CALGARY TO ESTABLISH A CODE OF CONDUCT FOR ELECTED OFFICIALS

(Amended by 27M2020, 36M2021, 45M2021, 72M2021)

WHEREAS The City of Calgary Council is committed to fostering and achieving high standards of ethical conduct by members of Council;

AND WHEREAS The City of Calgary Council is committed to having an effective mechanism for oversight of the conduct of members of Council;

AND WHEREAS section 146.1 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 requires The City of Calgary Council to establish by bylaw a code of conduct governing the conduct of members of Council;

AND WHEREAS the *Code of Conduct for Elected Officials Regulation* AR 200/2017 sets out the matters that the code of conduct bylaw must address, which matters were formerly addressed in City of Calgary Council policies;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

PART 1 - INTERPRETATION

Short Title

1. This Bylaw may be cited as the "Code of Conduct for Elected Officials Bylaw".

Purpose

2. This Bylaw establishes rules a *Member of Council* must follow in the discharge of their office, and the powers and procedure of the *Integrity Commissioner* in exercising oversight over *Members of Council*.

Definitions

3. In this Bylaw:

- (a) “*Campaign Period*” means the period commencing the first of June immediately preceding a general election and ending on the day of the general election;
- (b) “*City*” means The *City* of Calgary, a municipal corporation in the province of Alberta;
- (b.1) “*City Manager*” means the Chief Administrative Officer of The City of Calgary or the employee of The City of Calgary who has been delegated the authority to exercise the powers, duties, and functions of the Chief Administrative Officer under this Bylaw;
(72M2021, 2022 January 01)
- (c) “*Confidential Information*” means:
 - (i) information that a *Member of Council* has a legal duty not to disclose;
 - (ii) information that is not publicly available; and
 - (iii) information the disclosure of which could reasonably be expected to harm the interests of individuals or organizations, including the City;

For additional clarity, *Confidential Information* does not include information that has been made publicly available;
- (d) “*Council*” means the council of the *City* of Calgary;
- (e) “*Deputy Mayor*” means the *Member of Council* appointed as deputy chief elected official pursuant to section 152 of the *Municipal Government Act*, R.S.A. 2000, c. M-26;
- (f) “*Election Campaign*” means activities related to the re-election of a *Member of Council* and not to their duties under the *Municipal Government Act*, R.S.A. 2000, c. M-26;
- (g) “*Ethics Advisor*” means the person appointed by *Council* to fulfill the obligations approved by *Council* in the “Terms of Reference for the *Ethics Advisor*”;
- (h) “*Fund Raising Activity*” means any and all activities undertaken by or on behalf of a *Member of Council* to raise funds for the purpose of an *Election Campaign*, taking place at any point during a *Member of Council*’s term of office;
- ~~(i) “*Gift or Personal Benefit*” is an item or service of value that is received by a *Member of Council* for their personal use. It includes but is not limited to money, gift cards, tickets to events, clothing, jewelry, pens, food or beverages, discounts/rebates on personal purchases, free or subsidized drinks or meals, entertainment, participation in sport and recreation activities, and invitations to~~

~~social functions. *Gift or Personal Benefit* does not include campaign contributions received by a *Member of Council* in compliance with the *Local Authorities Election Act*, R.S.A. 2000, c. L-21 or funds received in accordance with the *Indemnification of Members of Council Policy* (CC010, 1977 August 22);~~

~~(i) *“Gift or Personal Benefit”* is an item or service of value that is received by a *Member of Council* for their personal use. It includes but is not limited to money, gift cards, tickets to events, clothing, jewelry, pens, food or beverages, discounts/rebates on personal purchases, free or subsidized drinks or meals, entertainment, participation in sport and recreation activities, and invitations to social functions. *Gift or Personal Benefit* does not include:~~

~~(i) campaign contributions received by a *Member* in compliance with the *Local Authorities Election Act*, R.S.A. 2000, c. L-21; or~~

~~(ii) in the event that the *City* becomes responsible for the payment of external legal fees and disbursements for a *Member*, any donations the *Member* may solicit to the *City of Calgary* to defray those amounts.~~

(j) *“Integrity Commissioner”* means the person appointed by *Council* to fulfill the obligations approved by *Council* in the “Terms of Reference for the Integrity Commissioner”;

~~(j.1) *“Integrity and Ethics Office”* means the office of the *Integrity Commissioner* and *Ethics Advisor*;~~

(k) *“Immediate Family”* means “councillor’s family” as defined in section 169(b) of the *Municipal Government Act*, R.S.A. 2000, c. M-26: a *Member of Council*’s spouse or adult interdependent partner, children, parents and the parents of the *Member of Council*’s spouse or adult interdependent partner;

(l) *“Mayor”* means the chief elected official of the *City* elected by a vote of the electors of the municipality under section 150 of the *Municipal Government Act*, R.S.A. 2000, c. M-26;

~~(m) *“Member of Council”* or *“Member”* means all elected officials on council, including the Mayor;~~

~~(m) *“Member of Council”* or *“Member”* means all current elected officials on *Council*, including the Mayor, but does not include past members of *Council*;~~

(n) *“Orientation Training”* means training offered by the *City* in accordance with section 201.1 of the *Municipal Government Act*, R.S.A. 2000, c. M-26;

(o) *“Personal Information”* means recorded information about an identifiable individual as further specified in the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25.

Application

4. This Bylaw applies to *Members of Council*.

5. This Bylaw applies to conduct undertaken on a *Member's* behalf by a *Member's* staff or a *City* employee.
6. Part 3 of this Bylaw also applies to any person who has witnessed conduct by a *Member* or a *Member's* staff that they believe contravenes this Bylaw or any *City* policy governing *Member* conduct.
7. If any provision of this Bylaw conflicts with any provision in any other bylaw or *City* policy, the provision of this Bylaw prevails.
8. The Integrity and Ethics Office will review this Policy on an annual basis to ensure it reflects governing legislation as well as other legal enactments and relevant case law.

PART 2 – RULES GOVERNING MEMBER CONDUCT

A – Representing the City

- ~~9. A *Member* must approach their obligations under this Bylaw in good faith, taking into account the Context and Commentary to this Bylaw published by the Integrity and Ethics Office, as well as any decisions, opinions or interpretive guidelines issued by that Office.~~
9. A *Member* must approach their obligations under this Bylaw in good faith, taking into account all obligations imposed on the *Member* by statute or other legal enactment, and by applicable *City* bylaws, policies and procedures, as well as any reports, opinions, guidelines or interpretation bulletins issued by the *Integrity and Ethics Office*.
10. A *Member* must in the discharge of their office:
 - (a) act in the best interests of the *City* taking into account the interests of the *City* as a whole, and without regard to the *Member's* personal interests;
 - (b) consider all issues consistently and fairly, and in light of all relevant facts, opinions and analyses of which the *Member* should be reasonably aware;
 - (c) bring to the attention of *Council* any matter that would promote the welfare or interests of the *City*;
 - (d) act competently and diligently; and
 - (e) vote on any matter brought to a *Council* meeting attended by the *Member* unless the *Member* must abstain under the *Municipal Government Act*, R.S.A. 2000, c. M-26, another enactment or at law.
11. A *Member* must respect and comply with the law and avoid conduct that, in the eyes of a reasonable Calgarian, undermines, or has the potential to undermine, public confidence in *City* governance.

B – Communicating on Behalf of the City

12. A *Member* must not communicate on behalf of the *City* unless authorized to do so by *Council* resolution or by virtue of a position or role the *Member* has been authorized to undertake by *Council*.
13. A statement or communication made by a *Member* is presumed to be made on the *Member's* own behalf, not the *City's* behalf.
14. Where a *Member* communicates on behalf of the *City* the *Member* must make reasonable efforts to ensure the communication is fair and accurate.

C – Respecting the Decision-Making Process

15. A *Member* must respect the decision-making process of *Council* and all of its boards, commissions and committees.
16. A *Member* must respect and comply with *Procedure Bylaw 35M2017*.
17. A *Member* must not act as an agent of a third-party before *Council* or any of its boards, commissions and committees.

D – Adherence to Policies, Procedures and Bylaws

18. A *Member* must respect and comply with all obligations imposed on the *Member* by statute or other legal enactment, and by the *City's* policies and procedures, including but not limited to the:
 - (a) *Municipal Government Act*, R.S.A. 2000, c. M-26;
 - (b) *Local Authorities Election Act*, R.S.A. 2000, c. L-21;
 - (c) *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25;
 - (d) *Procedure Bylaw 35M2017*;
 - (e) *Respectful Workplace Policy* (HR-LR-001);
 - (f) *Workplace Violence Policy* (GN-040);
 - (g) *Acceptable Use of City Technology Resources – Members of Council* (PAC009, 2003 June 23);
 - (h) *Disclosure Policy for Members of Council* (CC044, 2014 November 04);
 - (i) Councillors' Budgets and Expenses Bylaw;
(36M2021, 2021 May 10)
 - (j) DELETED BY 36M2021, 2021 MAY 10: and

(k) Alberta Human Rights Act, R.S.A. 2000, c. A-25.5.

D.1 – Disclosure of Third Party Personal Information

- 18.1 (1) *Personal Information* may be used only for the purpose for which it was collected, or consistent with that purpose, and to the extent necessary to enable *Members* to discharge the duties of their office in the best interests of The City and in a reasonable manner. Disclosure of *Personal Information* may occur only in the following circumstances:
- (a) the disclosure would not be an unreasonable invasion of a third party's personal privacy;
 - (b) if the *Personal Information* is information of a type routinely disclosed in a business or professional context, the disclosure is limited to business contact information, and does not reveal other *Personal Information* about the individual or *Personal Information* about another individual; or
 - (c) if the disclosure otherwise complies with the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25.
- (2) A *Member* who is uncertain about the procedure for disclosure should seek advice from the Office of the Councillors. A *Member* who is uncertain whether a disclosure creates a risk of violating this Bylaw, or is otherwise of a confidential nature, should seek written advice from the *Ethics Advisor*.

(27M2020, 2020 July 22)

E – Respectful Interactions with Members, Staff, the Public and Others

19. A *Member* must communicate with *Members* of the public, one another, and with *City* employees and *Members'* staff respectfully, without abuse, bullying, ~~or~~ harassment or discrimination.
20. A *Member* must comply with the *Respectful Workplace Policy* (HR-LR-001).

F – Confidential Information

21. A *Member* must protect *Confidential Information*. This includes the following duties:
- (a) A *Member* must not disclose *Confidential Information*, including to *City* or *Council* employees, or to persons outside the *City*, except as authorized by *Council* or by *City* employees empowered to authorize such disclosure;
 - (b) A *Member* must not use *Confidential Information* with the intention to cause harm or detriment to *Council*, the *City* or any other person or body;
 - (c) A *Member* must protect *Confidential Information* from inadvertent disclosure, including through compliance with the *Acceptable Use of City Technology Resources – Members of Council Policy* (PAC009, 2003 June 23);

- (d) *A Member* must use *Confidential Information* only for the purpose for which it is intended to be used;
 - (e) *A Member* must take reasonable care to prevent the examination of *Confidential Information* by unauthorized individuals; and
 - (f) *A Member* must not take personal advantage of, or use for their own benefit, corporate or financial opportunities learned about through *Confidential Information*.
22. *A Member* must access and use information at the *City* only in the normal course of their duties.
23. *A Member* must not change or alter *City* records or documents other than in the normal course of their duties.
24. *A Member* must retain records and other information in accordance with best practices, and must respond in good faith to all requests for information made pursuant to the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25.
25. When dealing with *Personal Information*, *a Member* must comply with the provisions of the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25. All reasonable and necessary measures must be taken to ensure that the *Personal Information* of individuals is protected.

G – Conflicts of Interest

Disclosure

26. *A Member* must disclose their real estate and financial holdings in accordance with the *Disclosure Policy for Members of Council* (CC044, 2014 November 04).
27. *A Member* must disclose *Gifts and Personal Benefits* as required by section 35 of this Bylaw on a quarterly basis.
28. *A Member*, excluding the *Mayor*, must provide information on budgets and expenses to the Office of the Councillors in order to permit that Office to disclose those budgets and expenses as required by the Councillors' Budgets and Expenses Bylaw and the *Posting Councillor Ward Budgets and Expenses Policy* (CC027, 2006 January).
(36M2021, 2021 May 10)
29. The *Mayor* must provide information on budgets and expenses to the *Mayor's* Chief of Staff in order to permit the Office of the Mayor to make this information publicly available in accordance with the policies and procedures governing that Office.
30. (1) *A Member* must disclose quarterly a list of persons with whom they or their staff have meetings, regardless of location and including remotely, but excluding media, *City* employees and *Immediate Family*. Disclosure of such persons' names is not required in the following circumstances:

- (a) if the meeting is of a size and nature that the names of many of those participating is unknown; or
- (b) if the act of disclosure would violate section 18.1 of this Bylaw concerning protection of third party personal privacy.

In such cases, only the fact the meeting took place is required.

- (2) A *Member* who is uncertain about the procedure for disclosure should seek advice from the Office of the Councillors. A *Member* who is uncertain whether a disclosure creates a risk of violating this Bylaw, or is otherwise of a confidential nature, should seek written advice from the *Ethics Advisor*.

(27M2020, 2020 July 22)

Gifts and Personal Benefits

- 31. A *Gift or Personal Benefit* provided to a *Member's Immediate Family* or the *Member's* staff that, to the *Member's* knowledge, is connected directly or indirectly to the performance of the *Member's* duties is deemed to be a *Gift or Personal Benefit* to that *Member*.
- 32. A *Member* must not accept a *Gift or Personal Benefit* that is connected directly or indirectly with the performance of their duties unless permitted by the exceptions listed in section 34 of this Bylaw.
- 33. A *Member* must not solicit a *Gift or Personal Benefit* that is connected directly or indirectly with the performance of their duties except in conjunction with fundraising activities for a community, charitable or non-profit organization undertaken after full disclosure to and in compliance with a written opinion from the *Ethics Advisor*.
- 34. A *Member* may receive a *Gift or Personal Benefit* if it is:
 - (a) compensation authorized by law or *Council* resolution, including compensation for serving on external bodies such as the ~~Alberta Urban Municipalities Association (AUMA)~~ Alberta Municipalities or the Federation of Canadian Municipalities (FCM);
 - (b) received as part of fundraising activities, including benevolent events, for a community, charitable or non-profit organization, undertaken after full disclosure to and in compliance with a written opinion from the *Ethics Advisor*;
(27M2020, 2020 July 22)
 - (c) received as a normal or necessary incident to fulfilling the *Member's* duties;
 - (d) received as an incident of protocol or social obligation;
 - (e) a person's volunteer time or activities provided to further the interests of the *City* or the *Member's Ward*;
 - (f) a suitable memento of a function attended by the *Member* as part of their duties;

- (g) food, lodging, or entertainment provided by provincial, regional and local governments or political subdivisions of them, by the federal government or by a foreign government within a foreign country;
 - (h) reimbursement of expenses associated with travel to and attendance at a conference or other event at which the *Member* is invited to speak; or
 - (i) food and beverages consumed at, and tickets to, meals, banquets, receptions, sporting events, or similar activities if:
 - (i) attendance serves a legitimate purpose associated with the *Member's* duties;
 - (ii) the person extending the invitation or a representative of the inviting organization is in attendance; and
 - (iii) the value is reasonable and the invitations infrequent.
35. A *Member* must disclose all *Gifts and Personal Benefits* received with a value in excess of \$50, except those received pursuant to section 34(e). The disclosure must:
- (a) describe and/or include a photograph of the *Gift or Personal Benefit*, including its value if known; and
 - (b) indicate the source of the *Gift or Personal Benefit*, and the circumstances under which it was given or received.
- 35.1 *Gifts and Personal Benefits* received pursuant to s. 34(c), (d), (f) and (i) must not have a value in excess of \$500.00.

Conflicts of Interest

36. A *Member* must comply with the requirements of the *Municipal Government Act*, R.S.A. 2000, c. M-26 with respect to pecuniary interests.
37. A *Member* who suspects that they have a pecuniary interest must seek advice from the *Ethics Advisor* with respect to their obligations in relation to that interest, unless doing so is not practically possible.
38. A *Member* who has a personal interest in a matter before *Council* or a *Council* committee other than a pecuniary interest must disclose that interest to the *Ethics Advisor* unless doing so is not practically possible, and should be guided by the advice of the *Ethics Advisor*.
39. A *Member* must not use the prospect of future employment by a person or entity, or other future economic opportunities, to detrimentally affect the performance of their duties to the *City*.

H – Improper Use of Influence

40. A *Member* must only use the influence of their office for the exercise of their official duties.

40.1 (1) A *Member* must not directly or indirectly demand, request, induce or aid, *City* employees, *Members*' staff, members of any boards, commissions, associations and committees to do something which, if done by the *Member*, would be a breach of this Bylaw.

(2) A *Member* must not use or attempt to use their authority for the purpose of intimidating, coercing, or influencing *City* employees or *Members*' staff with the intent of interfering with such staff's duties.

41. A *Member* must be independent and impartial, and must not provide preferential treatment to any person or organization except as warranted by the ordinary and lawful discharge of the *Member*'s duties.
42. A *Member* must not participate in any civic events requiring them to perform official ceremonial duties between Nomination Day and Election Day, as defined by the *Local Authorities Election Act*, R.S.A. 2000, c. L-21, except as authorized by the *Ethics Advisor* after full disclosure.
43. A *Member* must comply with the *Local Authorities Election Act*, R.S.A. 2000, c. L-21 in undertaking election campaign activities and fundraising.

I – Use of Municipal Assets and Services

General

44. A *Member* may not direct the work of *City* employees, and should follow established channels of communication and authority when working with *City* employees.
45. A *Member* must not request *City* employees to undertake personal or private work on behalf of the *Member*, or accept such work from a *City* employee.
46. A *Member* must not use, or permit the use of, *City* land, facilities, equipment, supplies, services, employees or other resources for activities other than the business of the *City*.
47. A *Member* must not use funds from *City* accounts as contributions to municipal, provincial or federal election campaigns.

Election Activities

48. A *Member* must not use *City* resources for *Election Campaigns* or for a *Fund Raising Activity* at any point during a term of office.
49. A *Member* must not use *City* data for *Election Campaigns* or *Fund Raising Activities* unless those data sources are publicly available and all fees associated with the use of the data have been paid for with election campaign funds.
50. A *Member* must only use *City* property for *Election Campaigns* in accordance with *City* policies and bylaws and where such property is similarly available to all candidates.

51. A *Member* must not use their office to engage in *Election Campaign* related activities.
52. During the *Campaign Period* *Members* must not deliver *City*-funded newsletters or conduct open houses organized by them.
53. During the *Campaign Period* *Members* must not use *City* resources to distribute mass e-mails except in cases of emergency as authorized ~~by the City Manager in writing by the~~ Ethics Advisor.
54. A *Member* must not update websites that are either *City* hosted or external websites paid for by the *City* between Nomination Day and Election Day, as defined by the *Local Authorities Election Act*, R.S.A. 2000, c. L-21, in a general election year. The website may state that the lack of updates is due to the *City's* election campaign rules.
55. A *Member* must not at any time place links to a *Member's* campaign website on either *City* websites or external websites paid for by the *City*. A *Member's* campaign website may link to a *City* website or an external website paid for by the *City*.
56. A *Member* may use non-*City* funded social media and Internet resources (e.g. Twitter accounts, Facebook sites) in their personal names during a *Campaign Period*, even when they have been using those resources prior to the *Campaign Period*. During the *Campaign Period* these accounts must include, where possible, a disclaimer that they are not *City*-funded and do not reflect *City* policy.
57. *City* employees and *Member* staff must not be engaged or requested by a *Member* to work on an *Election Campaign* during hours in which they receive compensation from the *City*, unless the work both unavoidably overlaps with the regular duties of the employee or *Member* staff and is minor and infrequent. Examples of such activities might include coordinating campaign schedules within the *Member's* calendar or redirecting citizens with campaign questions to the campaign.
58. *City* employees and *Member* staff may work on a volunteer or paid capacity for an *Election Campaign* during non-work or vacation hours, but must not identify themselves as *City* or *Council* employees.
59. *Member* staff may take unpaid leave from the *Member's* office to work on an *Election Campaign*.
60. Any wages paid to *City* employees and *Member* staff working on an *Election Campaign* in accordance with sections 58 and 59 of this bylaw must be paid from sources other than the *City*.

J – Orientation and Training Attendance

61. After first being elected, a *Member* must attend all sessions of *Orientation Training* unless doing so is not practically possible.
- 61.1 All *Members* must attend the Indigenous relations and anti-racism sessions of *Orientation Training*, and any other session identified as mandatory by the City Solicitor and General Counsel, City Clerk and *Ethics Advisor*.

62. All *Members* must attend meetings that the *Ethics Advisor* identifies as mandatory.
- 62.1 All *Members* must execute and submit to the *Ethics Advisor* an annual declaration that they have read, understand and abide by the Code of Conduct Bylaw, which will be ~~reported~~ confirmed in the *Ethics Advisor*'s annual report. The declaration must be in the form set out in Appendix "A" and Appendix "A" to this Bylaw forms part of this Bylaw.
- (45M2021, 2021 May 10)

PART 3 – PROCEDURE FOR INVESTIGATING AND ADJUDICATING COMPLAINTS

A- Jurisdiction

63. The *Integrity Commissioner* has authority to investigate and adjudicate any allegation that a *Member* has violated this Bylaw or *City* policy governing *Member* conduct.

B - Reporting Complaints

64. Any person ("the ~~reporter~~ complainant") who has witnessed conduct by a *Member* or a *Member's* staff which they believe to be in contravention of this Bylaw or a *City* policy governing *Member* conduct may make a ~~report~~ complaint in writing setting out all pertinent information in the ~~reporter's~~ complainant's knowledge and request that the *Integrity Commissioner* investigate the conduct.
65. Reports Complaints to the *Integrity Commissioner* must be made to the *Integrity Commissioner* via The City of Calgary Whistle Blower Program website reporting option or be delivered by a postal, courier service or e-mail to:

integrity.commissioner@calgary.ca

- or -

Integrity Commissioner
Integrity and Ethics Office
P.O. Box 2100, Station M, #8001A
Calgary, AB T2P 2M5.

66. A ~~reporter~~ complainant who does not provide the *Integrity Commissioner* with their name, ~~current~~ residential address and ~~phone number~~ email address will not receive any notice or other communication from the *Integrity Commissioner* notwithstanding any contrary requirement in this Bylaw. In such circumstances, the *Integrity Commissioner* may exercise their discretion to investigate or dismiss such complaints.
- 66.1 A complaint may be withdrawn at any time by notice in writing to the *Integrity Commissioner* by regular mail or by email. In such circumstances, the *Integrity Commissioner* may use their discretion to continue to investigate the matter without further participation of the complainant.
- 66.2 Every reasonable effort will be made to maintain the confidentiality of the complainant. If disclosure of the complainant identity is necessary to ensure that a thorough investigation is conducted, the *Integrity Commissioner* will ask the complainant for

permission to disclose their identity or give the option to withdraw the complaint. The complainant's identity may be disclosed as required by law.

66.3 The Integrity Commissioner may initiate an investigation without a complaint if there are reasonable grounds for believing that a violation of this Bylaw may have occurred.

C – Reporter Complainant Protection

67. ~~Reporter~~ Complainant protection is extended to any City employee, and reasonable efforts made to extend it to staff of the Office of the Councillors and Member staff, who has knowledge of a potential violation of this Bylaw or a City policy governing Member conduct and reports the activity in good faith. ~~Reporter~~ Complainant protection is provided in two areas: confidentiality and retaliation.

(45M2021, 2021 May 10)

~~68. Every reasonable effort will be made to maintain the confidentiality of the reporter. However, the reporter's identity may be disclosed to ensure that a thorough investigation is conducted. The identity may be disclosed to parties on a need-to-know basis, including as required by law.~~

69. No City employee or person acting on behalf of the City shall take any action in reprisal, oral or written, against a ~~reporter complainant~~ submitting a ~~report~~ complaint in good faith. Where management is informed or becomes aware of possible reprisals against an individual as a result of a ~~report~~ complaint under this policy, management must inform the City Auditor. A ~~reporter complainant~~ who believes they are being retaliated against should contact the City Auditor's Office. The allegations of reprisals will be the subject of immediate investigation. Where the investigation substantiates the allegations of reprisals, the City Manager will be informed and the employee(s) deemed to have violated this Bylaw will be subject to disciplinary action.

70. No Member shall threaten or undertake any reprisal against a person who makes a complaint under this ~~Code~~ Bylaw or against a person who provides information to the Integrity and Ethics Office in any investigation of such a complaint.

(45M2021, 2021 May 10)

71. Any ~~reporter complainant~~ raising a concern should do so in good faith. Where the Integrity Commissioner has reasonable grounds to suspect that a ~~reporter complainant~~ did not act in good faith they may take steps to address that suspicion, including commencing an investigation or referring the matter to an appropriate person, such as the City Manager. Reporting Making a complaint in bad faith could result in adverse legal consequences, such as disciplinary action by the City or an investigation by the Integrity Commissioner.

D – Initial assessment

72. The Integrity Commissioner must determine whether the conduct described in the ~~report~~ complaint is within the Integrity Commissioner's authority to investigate and whether the information given in the ~~report~~ complaint provides reasonable grounds for believing that a violation of this Bylaw or City policy governing Member conduct may have occurred.

73. The *Integrity Commissioner* may reject any report complaint received (a) more than 180 days after the date of the reported incident, or (b) more than 180 days after the reporter complainant became aware of the incident, or (c) after the date of a municipal election which intervenes between the reported event incident and the date the report complaint is received by the Commissioner.
74. If the *Integrity Commissioner*, on receipt of the report complaint, or at any time thereafter, is of the opinion that:
- (a) the conduct is not within the *Integrity Commissioner's* authority to investigate;
 - (b) the referral of the matter to the *Integrity Commissioner* is frivolous, vexatious or not made in good faith;
 - (c) the investigation is, or might be, hampered or the *Member* might be prejudiced by insufficiency of information identifying the reporter complainant; or
 - (d) the conduct occurred during the period of a municipal election and is election conduct and not related to the legislated duties of a *Member*,
- the *Integrity Commissioner* will advise the reporter complainant in writing, setting out reasons for the decision, and close the file.
75. The *Integrity Commissioner* may request further information from the reporter complainant and/or the Member before determining whether or not there are reasonable grounds for believing that a violation of this Bylaw or a *City* policy governing *Member* conduct may have occurred.
76. (1) If the *Integrity Commissioner* is of the opinion that there are no reasonable grounds for believing that a violation of this Bylaw or a *City* policy governing *Member* conduct has occurred, the *Integrity Commissioner* will advise the reporter complainant and Member in writing, setting out reasons for the decision, and close the file dismiss the complaint. The Integrity Commissioner's decision is final.
- (2) If the *Integrity Commissioner* is of the opinion that there are reasonable grounds for believing that a violation of this Bylaw or a *City* policy governing *Member* conduct has occurred, the *Integrity Commissioner* will issue a notice of investigation and proceed with a formal investigation in accordance with sections 81 to 87.
- 76.1 A Member may provide the Integrity Commissioner with written advice given by the Ethics Advisor regarding the incident being investigated. The Integrity Commissioner, upon confirmation of the advice by the Ethics Advisor, must consider such advice in investigating the complaint, or in any subsequent related complaint.

E – Complaints about Members' staff

- ~~77. When the report concerns the conduct of a Member's staff and:~~
- ~~(a) the conduct was not undertaken on the Member's behalf;~~

~~(b) — the staff is not employed by the City in the Office of the Mayor; and~~

~~(c) — the file is not closed pursuant to section 76;~~

~~then the Integrity Commissioner will advise the reporter that the report is being referred to the Member concerned. The Integrity Commissioner must refer the report to the Member concerned and will take no further action except as directed by the Member.~~

77. When a complaint concerns the conduct of a Member's staff:

(a) if the conduct was undertaken on the Member's behalf directly or indirectly by demand, request, inducement, encouragement or aid the Integrity Commissioner will proceed with a formal investigation in accordance with sections 81 to 87;

(b) if the conduct was not undertaken on the Member's behalf, directly or indirectly, by demand, request, inducement, encouragement or aid, the Integrity Commissioner must refer the complaint to the Member concerned and advise the complainant in writing that the complaint is dismissed.

~~78. When the report concerns the conduct of staff in the Office of the Mayor, and the file is not closed pursuant to section 76, the Integrity Commissioner will advise the reporter that the report is being referred to the City Auditor.~~

F – Referral to the Ethics Advisor

~~79. When the Integrity Commissioner is of the opinion that there are reasonable grounds for believing that a violation of this Bylaw or a City Policy governing Member conduct may have occurred the Integrity Commissioner must determine whether the circumstances of the report require a formal investigation or whether the issues involved can be more promptly and efficiently resolved informally by the Ethics Advisor. In the latter case the Integrity Commissioner will refer the report to the Ethics Advisor, who will take steps, in consultation with the reporter and the Member, to resolve the issue informally.~~

~~80. If any concerned party is unwilling to participate in an informal process to resolve the complaint, or if the Ethics Advisor at any time concludes that an informal resolution is not possible, the Ethics Advisor must return the file to the Integrity Commissioner to commence a formal investigation. The Ethics Advisor will indicate to the Integrity Commissioner only that the matter could not be resolved by the Ethics Advisor, and will not provide the Integrity Commissioner with any report or assessment on the issue.~~

G – Formal Investigation

~~81. A formal investigation will be commenced by the Integrity Commissioner serving personally or by e-mail the Member whose conduct is at issue with the report complaint and any supporting material together with a notice of intention to conduct an investigation and any supporting material.~~

A formal investigation will be commenced by the Integrity Commissioner serving a notice of investigation, the complaint and any supporting material on the Member personally or by e-mail.

82. The *Member* will have 10 business days, subject to the *Integrity Commissioner's* discretion to extend the timeline, from the date of service of ~~notice of intention to conduct~~ an the notice of investigation to deliver to the *Integrity Commissioner* a written response to the ~~report~~ complaint together with any submissions that the *Member* chooses to make.
- 82.1 Except for the purposes of obtaining legal or other confidential professional advice, failure by the *Member* to keep confidential all documents and records the *Integrity Commissioner* provides to the *Member* in the investigation may result in an adverse finding against the *Member* and may be considered in the report to *Council*.
83. The *Integrity Commissioner* will provide the ~~reporter~~ complainant with a copy of the response and submissions received from the *Member* on a strictly confidential basis, ~~and request a reply in writing within 10 days, subject to the *Integrity Commissioner's* discretion to extend the timeline.~~ If the complainant wishes to respond to the *Member's* response and submission, they must do so within 10 business days of receiving the copy of the response and submission, subject to the *Integrity Commissioner's* discretion to extend this timeline.
- 83.1 Except for the purposes of obtaining legal or other confidential professional advice, failure by the complainant to keep confidential all documents and records the *Integrity Commissioner* provides to the complainant in the investigation may result in the dismissal of the complaint.
84. The *Integrity Commissioner* may request any person whose evidence is necessary to the investigation to provide it in ~~an affidavit~~ a statutory declaration sworn or affirmed and declared before a lawyer, notary public or commissioner of oaths.
85. The *Integrity Commissioner* may review all books, financial records, electronic data, processing records, reports, files and any other papers, things or property belonging to or used by the *City* and enter any relevant *City* work location which the Commissioner deems necessary for the purpose of the investigation.
86. The *Integrity Commissioner* will engage a third-party for the purpose of investigating any specific aspects of the allegation against a *Member* where the *Integrity Commissioner* considers doing so necessary to ensure a proper assessment of the facts at issue.
87. In the period 90 days prior to the date of a Municipal election, the *Integrity Commissioner* may suspend any investigation underway, ~~or~~ decline to commence an investigation or proceed with an investigation at their discretion. If the *Integrity Commissioner* decides the investigation should proceed, they will advise the *Member* in writing of the reasons for the decision.

G.1 – Informal Resolution

- 87.1 At any time after a notice of investigation has been issued, the *Integrity Commissioner* may refer the complaint to the *Ethics Advisor*, who will take steps, in consultation with the complainant and the *Member*, to resolve the issue informally.

87.2 If the *Ethics Advisor* at any time concludes that an informal resolution is not possible, the *Ethics Advisor* must return the complaint to the *Integrity Commissioner* to commence or continue a formal investigation. The *Ethics Advisor* will not provide any information to the *Integrity Commissioner* about the informal process except that the complaint was not resolved.

G.2 – Cooperating with Investigations

87.3 Upon the notice of investigation being sent to the *Member*, evidence in the possession of the *Member* and/or their staff, including any records, must be preserved pending the outcome of the investigation.

87.4 The obstruction of an *Integrity Commissioner's* investigation by a *Member* is presumed to be a violation of this Bylaw.

87.5 Failure to cooperate and participate in an investigation may result in an adverse finding against the *Member* and will be noted in the report to *Council*.

H – Adjudication and reporting

88. The *Integrity Commissioner* will make a decision within 90 days of receiving a ~~report~~ complaint requesting that the *Integrity Commissioner* investigate conduct by a *Member* of Council, unless section 87 applies or the *Integrity Commissioner* determines that doing so is not practically possible.
89. If after ~~reviewing all pertinent information~~ formal investigation the *Integrity Commissioner* determines that a *Member* did not violate this Bylaw or a *City* policy governing *Member* conduct, the *Integrity Commissioner* will advise the ~~reporter~~ complainant and the *Member* of the decision and will not disclose the fact of the investigation in an annual report or otherwise, except in the form and context of statistics.
90. If after ~~reviewing all pertinent information~~ formal investigation the *Integrity Commissioner* determines that a *Member* did violate this Bylaw or a *City* policy governing *Member* conduct then:
- (a) the *Integrity Commissioner* will write a ~~decision report~~ explaining their decision that the *Member* violated this Bylaw or a *City* policy governing *Member* conduct;
 - (b) the *Integrity Commissioner's* ~~decision report~~ will make a recommendation as to the appropriate sanction for the violation;
 - (c) if the *Integrity Commissioner* determines that a contravention of this Bylaw or a *City* policy governing *Member* conduct occurred, but that the *Member* took all reasonable steps to prevent it, or that it was trivial or committed through inadvertence or a genuine error of judgment, the *Integrity Commissioner* will so state in their ~~decision report~~ and recommend that no sanction be imposed;
 - (d) the *Integrity Commissioner* will advise the *City Clerk* that the *Integrity Commissioner* has a ~~decision report~~ to be provided in a verbal report to Council in the closed meeting portion of a *Council* meeting;

- (e) the City Clerk will ask the *Mayor* to include a verbal report from the *Integrity and Ethics Office* in the closed meeting portion of the agenda for the next regular or combined *Council* meeting at which consideration of the verbal report can be accommodated;
 - (f) not less than 24 hours nor more than 48 hours prior to the start of the *Council* meeting at which the verbal report is to be considered, the *Integrity Commissioner* will provide a copy of the decision report, on a strictly confidential basis, ~~to the Member or Members about whom the report was received to all Members, the City Clerk and the City Solicitor and General Counsel. A breach of confidentiality under this section will be considered a violation of this Bylaw;~~
 - (g) ~~all other Members of Council will receive the decision on a strictly confidential basis at the time the Integrity Commissioner provides their verbal report to Council at the closed meeting the Integrity Commissioner will provide their verbal report to Council at the closed meeting;~~ and
 - (h) Following the closed meeting the *Integrity Commissioner's* decision report will be made publicly available.
91. (1) The *Integrity Commissioner's* decision report that a *Member* violated this Bylaw or a *City* policy governing *Member* conduct is final and may not be reviewed or reconsidered by *Council*.
- (2) *Council* must, ~~however,~~ decide whether to adopt the *Integrity Commissioner's* recommendation as to sanction or whether to substitute a different lesser or greater sanction.
92. Sanctions that may be imposed for violating this Bylaw or a *City* policy governing *Member* conduct include, but are not limited to, the following:
- (a) a letter of reprimand addressed to the *Member*;
 - (b) a request that the *Member* issue a letter of apology;
 - (c) the publication of a letter of reprimand or request for apology by the *Integrity Commissioner*, and the *Member's* response;
 - (d) a requirement that the *Member* attend training;
 - (e) suspension or removal of the appointment of a *Member* as the *Deputy Mayor*;
 - (f) suspension or removal of the *Mayor's* presiding duties under section 154 of the *Municipal Government Act* R.S.A. 2000, c. M-26;
 - (g) suspension or removal of the *Member* from some or all *Council* committees and bodies to which the *Member* was appointed by *Council*; or
 - (h) reduction or suspension of the *Member's* remuneration as defined in section 275.1 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, corresponding to a reduction in duties, excluding allowances for attendance at council meetings-; or

(27M2020, 2020 July 22)

(i) any other sanction that *Council* deems reasonable in the circumstances.

Coming into force

93. This Bylaw comes into force on the day it is passed.

READ A FIRST TIME ON MAY 28 2018.

READ A SECOND TIME, AS AMENDED, ON MAY 28 2018.

READ A THIRD TIME, AS AMENDED, ON MAY 28 2018.

(Sgd.) N. Nenshi
MAYOR
(Sgd.) B. Hilford
ACTING CITY CLERK

Appendix “A”

Annual Statement of Commitment to the Code of Conduct for Elected Officials Bylaw (26M2018)

I, (Full Name) _____ declare that as an elected Member of **Calgary City Council**, I have read, understood and abide by the Code of Conduct for Elected Officials Bylaw (26M2018).

Signed: _____

Declared this ____ day of _____, _____.

Proposed Amendments to the Code of Conduct for Elected Official Bylaw (26M2018) and Reasons

For ease of reading, amendments are underlined.

#	New Provision	Old Provision (if applicable)	Reasons
1			Amendments to correct typographical errors and inconsistencies in the Bylaw, including consistent referencing to defined terms, formatting and headings
2	Amend the <i>Code of Conduct Bylaw</i> to replace “reporter” and “report” with “complainant” and “complaint” respectively, and “decision” with “report” as appropriate. Use the term “report” solely to refer to the Integrity Commissioner’s investigative report.		To clarify the terms used in the <i>Bylaw</i> to refer to complainant, complaint and <i>Integrity Commissioner</i> report. The amendment would be consistent with the language in other municipal codes of conduct.
3	3(i) “ <i>Gift or Personal Benefit</i> ” is an item or service of value that is received by a <i>Member of Council</i> for their personal use. It includes but is not limited to money, gift cards, tickets to events, clothing, jewelry, pens, food or beverages, discounts/rebates on personal purchases, free or subsidized drinks or meals, entertainment, participation in sport and recreation activities, and invitations to social functions. <i>Gift or Personal Benefit</i> does not include: <u>(i) campaign contributions received by a Member in compliance with the Local Authorities Election Act, R.S.A. 2000, c. L-21; or</u>	3(i) “ <i>Gift or Personal Benefit</i> ” is an item or service of value that is received by a <i>Member of Council</i> for their personal use. It includes but is not limited to money, gift cards, tickets to events, clothing, jewelry, pens, food or beverages, discounts/rebates on personal purchases, free or subsidized drinks or meals, entertainment, participation in sport and recreation activities, and invitations to social functions. <i>Gift or Personal Benefit</i> does not include campaign contributions received by a <i>Member of Council</i> in compliance with the <i>Local Authorities Election Act</i> , R.S.A. 2000, c. L-21 or funds received in accordance with the	To clarify in the Bylaw that a provision in the <i>Indemnification of Members of Council Policy</i> (CC010, 1977 August 22), which allows solicitation of donations to the City to defray legal fees and disbursements paid under indemnification, is not a gift or personal benefit.

	(ii) in the event that the <i>City</i> becomes responsible for the payment of external legal fees and disbursements for a <i>Member</i> , any donations the <i>Member</i> may solicit to the City of Calgary to defray those amounts.	<i>Indemnification of Members of Council Policy</i> (CC010, 1977 August 22);	
4	3(j.1) " <i>Integrity and Ethics Office</i> " means the office of the <i>Integrity Commissioner</i> and <i>Ethics Advisor</i> ;	New provision.	For clarity of terms used in the <i>Bylaw</i> .
5	3(m) " <i>Member of Council</i> " or " <i>Member</i> " means all <u>current</u> elected officials on <i>Council</i> , including the <i>Mayor</i> , <u>but does not include past members of <i>Council</i></u> ;	3(m) <i>Member of Council</i> " or " <i>Member</i> " means all elected officials on council, including the <i>Mayor</i> ;	To clarify that the <i>Bylaw</i> does not apply to past <i>Members</i> to make clear that the <i>Integrity Commissioner</i> will not initiate or continue an investigation of a <i>Member</i> once they are no longer in office.
6	9. A <i>Member</i> must approach their obligations under this <i>Bylaw</i> in good faith, taking into account <u>all obligations imposed on the <i>Member</i> by statute or other legal enactment, and by applicable <i>City's</i> bylaws, policies and procedures, as well as any reports, opinions, guidelines or interpretation bulletins issued by the <i>Integrity and Ethics Office</i></u> .	9. A <i>Member</i> must approach their obligations under this <i>Bylaw</i> in good faith, taking into account the Context and Commentary to this <i>Bylaw</i> published by the Integrity and Ethics Office, as well as any decisions, opinions or interpretive guidelines issued by that Office.	To update and clarify types of communications from the <i>Integrity and Ethics Office</i> that apply to <i>Members</i> . It is recommended that the Context and Commentary is no longer referenced as it is out of date and should be replaced with interpretation bulletins.
7	18. A <i>Member</i> must respect and comply with all obligations imposed on the <i>Member</i> by statute or other legal enactment, and by the <i>City's</i> <u>bylaws</u> , policies and procedures, including but not limited to the: ...	18. A <i>Member</i> must respect and comply with all obligations imposed on the <i>Member</i> by statute or other legal enactment, and by the <i>City's</i> policies and procedures, including but not limited to the:	To clarify that some <i>City</i> bylaws apply to <i>Members</i> , such as the <i>Councillors' Budgets and Expenses Bylaw</i> . To add the <i>Human Rights Act</i> to the list of applicable legislation. While the list is non-exhaustive, it reflects the legislation, bylaws and policies most often applicable to <i>Member</i> conduct, and

	<u>(k) Alberta Human Rights Act, R.S.A. 2000, C. A-25.5.</u>		therefore should include the <i>Human Rights Act</i> .
8	19. A <i>Member</i> must communicate with Members of the public, one another, and with City employees and <i>Members'</i> staff respectfully, without abuse, bullying or intimidation, <u>harassment or discrimination</u> .	19. A <i>Member</i> must communicate with Members of the public, one another, and with City employees and <i>Members'</i> staff respectfully, without abuse, bullying or intimidation.	To define the terms consistent with the <i>Respectful Workplace Policy</i> (HR-LR-001).
9	34(a) compensation authorized by law or <i>Council</i> resolution, including compensation for serving on external bodies such as the <u>Alberta Municipalities</u> or the Federation of Canadian Municipalities (FCM);	34(a) compensation authorized by law or <i>Council</i> resolution, including compensation for serving on external bodies such as the Alberta Urban Municipalities Association (AUMA) or the Federation of Canadian Municipalities (FCM);	To update the reference to Alberta Municipalities.
10	<u>40.1 (1) A <i>Member</i> must not directly or indirectly, demand, request, induce or aid, City employees, <i>Members'</i> staff, members of any boards, commissions, associations and committees to do something which, if done by the <i>Member</i>, would be a breach of this Bylaw.</u> <u>(2) A <i>Member</i> must not use or attempt to use their authority for the purpose of intimidating, coercing, or influencing City employees or <i>Members'</i> staff with the intent of interfering with such staff's duties.</u>	New provision.	The Bylaw includes provisions that prohibit improper use of influence (s. 40) and respectful interactions (ss. 19 and 20). It is recommended that a more explicit provision is added to address conduct directed to <i>City</i> or <i>Members'</i> staff, and associated bodies. A similar provision is included in the codes of conduct of some other Canadian municipalities.

11	53. During the <i>Campaign Period</i> <i>Members</i> must not use <i>City</i> resources to distribute mass e- mails except in cases of emergency as authorized <u>in writing by the Ethics Advisor.</u>	53. During the <i>Campaign Period</i> <i>Members</i> must not use <i>City</i> resources to distribute mass e- mails except in cases of emergency as authorized by the City Manager.	The <i>Integrity and Ethics Office</i> should have oversight of approvals related to Bylaw matters.
12	61.1 All <i>Members</i> must attend <u>the Indigenous relations and anti-racism sessions of <i>Orientation Training</i>, and any other session identified as mandatory by the City Solicitor and General Counsel,</u> City Clerk and <i>Ethics Advisor</i> .	61.1 All <i>Members</i> must attend those sessions of <i>Orientation Training</i> identified as mandatory by the City Solicitor, City Clerk and <i>Ethics Advisor</i> .	To embed the <i>City's</i> commitment to Indigenous relations and anti-racism into Council orientation training.
13	66. A <u>complainant</u> who does not provide the <i>Integrity Commissioner</i> with their name, <u>residential address and email address may</u> not receive any notice or other communication from the <i>Integrity Commissioner</i> notwithstanding any contrary requirement under the Bylaw. <u>In such circumstances, the <i>Integrity Commissioner</i> may exercise their discretion to investigate or dismiss such complaints.</u>	66. A reporter who does not provide the <i>Integrity Commissioner</i> with their name, current address and phone number will not receive any notice or other communication from the <i>Integrity Commissioner</i> notwithstanding any contrary requirement in this Bylaw.	<p>To amend the information that a complainant should provide to the <i>Integrity Commissioner</i> when submitting a complaint.</p> <p>-The primary way the Integrity Commissioner receives complaints is through email. Complaints through Clearview do not require provision of email addresses, which complicates communications.</p> <p>-To remove the requirement that a complainant provide their phone number. The <i>Integrity Commissioner</i> does not accept or make calls to complainants. Requiring a phone number leads some complainants to believe the <i>Integrity Commissioner</i> should communicate with them over the phone, which has inherent risks.</p> <p>To clarify that the <i>Integrity Commissioner</i> may investigate a complaint even though some of the information required in s. 66</p>

			have not been provided (e.g. anonymous complaints). Some anonymous complaints may contain evidence suggesting the complaint may have merit and it is in the best interests of the <i>City</i> and <i>Council</i> .
14	<u>66.1 A complaint may be withdrawn at any time, by notice in writing to the Integrity Commissioner by regular mail or by email. In such circumstances, the Integrity Commissioner may use their discretion to continue to investigate the matter without further participation of the complainant.</u>	New provision.	To clarify that complaints may be withdrawn at any time, although the <i>Integrity Commissioner</i> has discretion to continue an investigation when it is reasonable and it is in the best interests of the <i>City</i> and <i>Council</i> , and the complaint can be investigated without further participation of the complainant.
15	<u>66.2 Every reasonable effort will be made to maintain the confidentiality of the complainant. If disclosure of the complainant's identity is necessary to ensure that a thorough investigation is conducted, the Integrity Commissioner will ask the complainant for permission to disclose their identity or give the option to withdraw complaint. The complainant's identity may be disclosed as required by law.</u>	68. Every reasonable effort will be made to maintain the confidentiality of the reporter. However, the reporter's identity may be disclosed to ensure that a thorough investigation is conducted. The identity may be disclosed to parties on a need-to-know basis, including as required by law.	To clarify the procedure for complainants who do not want their identity disclosed.
16	<u>66.3 The Integrity Commissioner may initiate an investigation if there are reasonable grounds for believing that a violation of this Bylaw may have occurred.</u>	New provision.	To enable the <i>Integrity Commissioner</i> to initiate an investigation when it is reasonable and it is in the best interests of the <i>City</i> and <i>Council</i> .
17	68. Delete		To remove redundancy as the subject matter is now covered in s. 66.2 on

			<p>maintaining confidentiality of complainants.</p> <p>S. 68 is limited to reporter protection of <i>City</i> employees and <i>Members</i>' staff. Therefore, confidentiality protections for all complainants are better addressed in s. 66.2.</p>
18	72. The <i>Integrity Commissioner</i> must determine whether the conduct described in the report is within the <i>Integrity Commissioner's</i> authority to investigate and whether the information given in the <u>complaint</u> provides reasonable grounds for believing that a violation of this Bylaw or <i>City</i> policy governing <i>Member</i> conduct <u>may have occurred</u> .	72. The <i>Integrity Commissioner</i> must determine whether the conduct described in the report is within the <i>Integrity Commissioner's</i> authority to investigate and whether the information given in the report provides reasonable grounds for believing that a violation of this Bylaw or <i>City</i> policy governing <i>Member</i> conduct.	To clarify the language of the provision.
19	75. The Integrity Commissioner may request further information from the <u>complainant and/or the Member</u> before determining whether or not there are reasonable grounds for believing that a violation of this Bylaw or a <i>City</i> policy governing <i>Member</i> conduct may have occurred.	75. The <i>Integrity Commissioner</i> may request further information from the reporter before determining whether or not there are reasonable grounds for believing that a violation of this Bylaw or a <i>City</i> policy governing <i>Member</i> conduct may have occurred.	To clarify that the <i>Integrity Commissioner</i> may make initial enquiries of a <i>Member</i> in assessing whether to undertake a formal investigation.
20	76(1) If the <i>Integrity Commissioner</i> is of the opinion that there are no reasonable grounds for believing that a violation of this Bylaw or a <i>City</i> policy governing <i>Member</i> conduct has occurred, the <i>Integrity Commissioner</i> will advise the <u>complainant and Member</u> in writing,	76. If the <i>Integrity Commissioner</i> is of the opinion that there are no reasonable grounds for believing that a violation of this Bylaw or a <i>City</i> policy governing <i>Member</i> conduct has occurred the <i>Integrity Commissioner</i> will advise the	To clarify the communication process when a complaint is dismissed to ensure <i>Members</i> are informed of the outcome.

	<p>setting out reasons for the decision, and dismiss the complaint. The <i>Integrity Commissioner's</i> decision is final.</p> <p><u>(2) If the <i>Integrity Commissioner</i> is of the opinion that there are reasonable grounds for believing that a violation of this Bylaw or a <i>City</i> policy governing <i>Member</i> conduct has occurred, the <i>Integrity Commissioner</i> will issue a notice of investigation and proceed with a formal investigation in accordance with sections 81 to 87.</u></p>	<p>reporter in writing, setting out reasons for the decision, and close the file.</p>	
21	<p><u>76.1 A <i>Member</i> may provide the <i>Integrity Commissioner</i> with written advice given by the <i>Ethics Advisor</i> regarding the incident being investigated. The <i>Integrity Commissioner</i>, upon confirmation of the advice by the <i>Ethics Advisor</i>, must consider such advice in investigating the complaint, or in any subsequent related complaint.</u></p>	<p>New provision.</p>	<p>To clarify the practice of the <i>Integrity Commissioner</i> when investigating complaints on matters for which the Ethics Advisor has given a <i>Member</i> advice.</p>
22	<p>Delete sections 77 and 78 and replace with the following:</p> <p><u>77. When a complaint concerns the conduct of a <i>Member's</i> staff:</u> <u>(a) if the conduct was undertaken on the <i>Member's</i> behalf directly or indirectly by demand, request, inducement, encouragement or aid the <i>Integrity Commissioner</i> will proceed with a formal investigation in accordance with sections 81 to 87;</u></p>	<p>77. When the report concerns the conduct of a <i>Member's</i> staff and: (a) the conduct was not undertaken on the <i>Member's</i> behalf; (b) the staff is not employed by the <i>City</i> in the Office of the Mayor; and (c) the file is not closed pursuant to section 76; then the <i>Integrity Commissioner</i> will advise the reporter that the report is being referred to the <i>Member</i> concerned. The <i>Integrity Commissioner</i> must refer</p>	<p>After consultation with the City auditor's office, it is recommended that all Bylaw complaints should be conducted by the <i>Integrity Commissioner</i>. The amendment makes consistent treatment of <i>Members'</i> staff, including the <i>Mayor's</i> staff.</p> <p>To clarify that conduct undertaken on a <i>Member's</i> behalf includes indirect forms of behaviour. To make s. 77 consistent with the proposed s. 40.1 on improper use of influence.</p>

	<p><u>(b) if the conduct was not undertaken on the <i>Member's</i> behalf, directly or indirectly, by demand, request, inducement, encouragement or aid, the <i>Integrity Commissioner</i> must refer the complaint to the <i>Member</i> concerned and advise the complainant in writing that the complaint is dismissed.</u></p>	<p>the report to the <i>Member</i> concerned and will take no further action except as directed by the <i>Member</i>.</p> <p>78. When the report concerns the conduct of staff in the Office of the Mayor, and the file is not closed pursuant to section 76, the <i>Integrity Commissioner</i> will advise the reporter that the report is being referred to the <i>City Auditor</i>.</p>	
23	<p><u>87.1 At any time after a notice of investigation has been issued, the <i>Integrity Commissioner</i> may refer the complaint to the <i>Ethics Advisor</i>, who will take steps, in consultation with the complainant and the <i>Member</i>, to resolve the issue informally.</u></p> <p><u>87.2 If the <i>Ethics Advisor</i> at any time concludes that an informal resolution is not possible, the <i>Ethics Advisor</i> must return the complaint to the <i>Integrity Commissioner</i> to commence or continue a formal investigation. The <i>Ethics Advisor</i> will not provide any information to the <i>Integrity Commissioner</i> about the informal process except that the complaint was not resolved.</u></p>	<p>79. When the <i>Integrity Commissioner</i> is of the opinion that there are reasonable grounds for believing that a violation of this Bylaw or a <i>City Policy</i> governing <i>Member</i> conduct may have occurred the <i>Integrity Commissioner</i> must determine whether the circumstances of the report require a formal investigation or whether the issues involved can be more promptly and efficiently resolved informally by the <i>Ethics Advisor</i>. In the latter case the <i>Integrity Commissioner</i> will refer the report to the <i>Ethics Advisor</i>, who will take steps, in consultation with the reporter and the <i>Member</i>, to resolve the issue informally.</p> <p>80. If any concerned party is unwilling to participate in an informal process to resolve the complaint, or if the <i>Ethics Advisor</i> at any time concludes that an informal resolution is not possible, the <i>Ethics Advisor</i> must return the file to the <i>Integrity Commissioner</i> to commence a</p>	<p>To clarify the process of informal resolution with the <i>Ethics Advisor</i>, and to move the process to a more logical place in the Bylaw after the process for formal investigation has been explained.</p>

		formal investigation. The <i>Ethics Advisor</i> will indicate to the <i>Integrity Commissioner</i> only that the matter could not be resolved by the <i>Ethics Advisor</i> , and will not provide the <i>Integrity Commissioner</i> with any report or assessment on the issue.	
24	<u>81. A formal investigation will be commenced by the <i>Integrity Commissioner</i> serving a notice of investigation, the complaint and any supporting material on the <i>Member</i> personally or by e-mail.</u>	81. A formal investigation will be commenced by the <i>Integrity Commissioner</i> serving personally or by e-mail the <i>Member</i> whose conduct is at issue with the report complaint and any supporting material together with a notice of intention to conduct an investigation and any supporting material.	To clarify the process to commence a formal investigation.
25	82. The <i>Member</i> will have 10 <u>business</u> days, subject to the <i>Integrity Commissioner's</i> discretion to extend the timeline, from the date of service of notice of <u>investigation</u> to deliver to the <i>Integrity Commissioner</i> a written response to the <u>complaint</u> together with any submissions that the <i>Member</i> chooses to make.	82. The <i>Member</i> will have 10 days, subject to the <i>Integrity Commissioner's</i> discretion to extend the timeline, from the date of service of notice of intention to conduct an investigation to deliver to the <i>Integrity Commissioner</i> a written response to the report together with any submissions that the <i>Member</i> chooses to make.	To clarify that the timeline for a <i>Member</i> to deliver a written response to a complaint is 10 business days.
26	<u>82.1 Except for the purposes of obtaining legal or other confidential professional advice, failure by the <i>Member</i> to keep confidential all documents and records the <i>Integrity Commissioner</i> provides to the <i>Member</i> in the investigation may result in an adverse finding against the <i>Member</i> and</u>	New provision.	To require that the documents shared in an investigation are kept confidential by the <i>Member</i> except for the purposes of obtaining legal or other confidential professional advice.

	<u>may be considered in the report to Council.</u>		
27	<p>83. The <i>Integrity Commissioner</i> will provide the <u>complainant</u> with a copy of the response and submissions received from the <i>Member</i> on a strictly confidential basis. <u>If the complainant wishes to respond to the Member's response and submission, they must do so within 10 business days of receiving the copy of the response and submission,</u> subject to the <i>Integrity Commissioner's</i> discretion to extend the timeline.</p> <p><u>83.1 Except for the purposes of obtaining legal or other confidential professional advice, failure by the complainant to keep confidential all documents and records the <i>Integrity Commissioner</i> provides to the complainant in the investigation may result in the dismissal of the complaint.</u></p>	<p>83. The <i>Integrity Commissioner</i> will provide the reporter with a copy of the response and submissions received from the <i>Member</i> on a strictly confidential basis, and request a reply in writing within 10 days, subject to the <i>Integrity Commissioner's</i> discretion to extend the timeline.</p> <p>New provision</p>	<p>To require that the documents shared in an investigation are kept confidential by the complainant, except for the purposes of legal or other confidential professional advice, and to enable the <i>Integrity Commissioner</i> to dismiss the complaint for failure to comply.</p> <p>To clarify that the timeline for a complainant to provide a written response is 10 business days.</p>
28	84. The <i>Integrity Commissioner</i> may request any person whose evidence is necessary to the investigation to provide it in <u>a statutory declaration sworn or affirmed and declared before a lawyer, notary public or commissioner of oaths.</u>	84. The <i>Integrity Commissioner</i> may request any person whose evidence is necessary to the investigation to provide it in an affidavit.	To clarify for complainants how they can provide a statutory declaration.
29	87. In the 90 days prior to the date of a Municipal election, the <i>Integrity Commissioner</i> may suspend any investigation underway, <u>decline to</u>	87. In the period 90 days prior to the date of a Municipal election, the <i>Integrity Commissioner</i> may suspend any	To clarify the procedure for investigations in the 90 days prior to a municipal election.

	commence an investigation <u>or proceed with an investigation at their discretion. If the <i>Integrity Commissioner</i> decides the investigation should proceed, they will advise the <i>Member</i> in writing of the reasons for the decision.</u>	investigation underway or decline to commence an investigation.	
30	<p><u>G.2 – Cooperating with Investigations</u></p> <p><u>87.3 Upon the notice of investigation being sent to the <i>Member</i>, evidence in the possession of the <i>Member</i> and/or their staff, including any records, shall be preserved pending the outcome of the investigation.</u></p> <p><u>87.4 The obstruction of an <i>Integrity Commissioner's</i> investigation by a <i>Member</i> is presumed to be a violation of this Bylaw.</u></p> <p><u>87.5 Failure to cooperate and participate in an investigation may result in an adverse finding against the <i>Member</i> and will be noted in the report to <i>Council</i>.</u></p>	New provisions.	To prohibit obstruction of investigations or destruction of records during an investigation.
31	90(f) not less than 24 hours nor more than 48 hours prior to the start of the <i>Council</i> meeting at which the verbal report is to be considered, the <i>Integrity Commissioner</i> will provide a copy of the <u>report, on a strictly confidential basis, to all <i>Members</i>, the City Clerk and the City Solicitor and General Counsel. A breach</u>	90(f) not less than 24 hours nor more than 48 hours prior to the start of the <i>Council</i> meeting at which the verbal report is to be considered, the <i>Integrity Commissioner</i> will provide a copy of the decision, on a strictly confidential basis, to the <i>Member</i> or <i>Members</i> about whom the report was received;	<p>To provide a copy of the report to all <i>Members</i> 24-48 hours before the verbal report to allow more time to review reports.</p> <p>To provide a copy to the City Clerk and the City Solicitor and General Counsel in their role supporting <i>Members</i>.</p>

	<p><u>of confidentiality under this section will be considered a violation of this Bylaw.</u></p> <p><u>(g) the <i>Integrity Commissioner</i> will provide their verbal report to <i>Council</i> at the closed meeting; and</u></p>	<p>(g) all other <i>Members</i> of <i>Council</i> will receive the decision on a strictly confidential basis at the time the <i>Integrity Commissioner</i> will provide their verbal report to <i>Council</i> at the closed meeting; and</p>	
32	<p>91(1) The <i>Integrity Commissioner's</i> <u>report</u> that a <i>Member</i> violated this Bylaw or a <i>City</i> policy governing <i>Member</i> conduct is final and may not be reviewed or reconsidered by <i>Council</i>.</p> <p>(2) <i>Council</i> must decide whether to adopt the <i>Integrity Commissioner's</i> recommendation as to sanction or whether to substitute a different lesser or greater sanction.</p>	<p>91. The <i>Integrity Commissioner's</i> decision that a <i>Member</i> violated this Bylaw or a <i>City</i> policy governing <i>Member</i> conduct is final and may not be reviewed or reconsidered by <i>Council</i>. <i>Council</i> must, however, decide whether to adopt the <i>Integrity Commissioner's</i> recommendation as to sanction or whether to substitute a different lesser or greater sanction.</p>	<p>To clarify the separate roles and functions of the <i>Integrity Commissioner</i> and <i>Council</i> when the <i>Integrity Commissioner</i> provides a report that a <i>Member</i> violated this Bylaw.</p>
33	<p>92. Sanctions that may be imposed for violating this Bylaw or a <i>City</i> policy governing <i>Member</i> conduct include, <u>but are not limited to</u>, the following:</p> <p>(a) a letter of reprimand addressed to the <i>Member</i>;</p> <p>(b) a request that the <i>Member</i> issue a letter of apology;</p> <p>(c) the publication of a letter of reprimand or request for apology by the <i>Integrity Commissioner</i>, and the <i>Member's</i> response;</p> <p>(d) a requirement that the <i>Member</i> attend training;</p>	<p>92. Sanctions that may be imposed for violating this Bylaw or a <i>City</i> policy governing <i>Member</i> conduct include the following:</p> <p>(a) a letter of reprimand addressed to the <i>Member</i>;</p> <p>(b) a request that the <i>Member</i> issue a letter of apology;</p> <p>(c) the publication of a letter of reprimand or request for apology by the <i>Integrity Commissioner</i>, and the <i>Member's</i> response;</p> <p>(d) a requirement that the <i>Member</i> attend training;</p>	<p>To clarify that the list of sanctions in s. 92 is not exhaustive. The <i>Integrity Commissioner</i> may recommend, and <i>Council</i> may impose, different or additional sanctions on a <i>Member</i> for violating the Bylaw provided that they are of the same proportionate effect as the sanctions listed.</p> <p>See attachments 2 and 3 for information about sanction compliance and additional possible sanctions.</p>

	<p>(e) suspension or removal of the appointment of a <i>Member</i> as the <i>Deputy Mayor</i>;</p> <p>(f) suspension or removal of the <i>Mayor's</i> presiding duties under section 154 of the <i>Municipal Government Act</i> R.S.A. 2000, c. M-26;</p> <p>(g) suspension or removal of the <i>Member</i> from some or all <i>Council</i> committees and bodies to which the <i>Member</i> was appointed by <i>Council</i>;</p> <p>(h) reduction or suspension of the <i>Member's</i> remuneration as defined in section 275.1 of the <i>Municipal Government Act</i>, R.S.A. 2000, c. M-26, corresponding to a reduction in duties, excluding allowances for attendance at council meetings; <u>or</u></p> <p><u>(i) any other sanction that <i>Council</i> deems reasonable in the circumstances.</u></p>	<p>(e) suspension or removal of the appointment of a <i>Member</i> as the <i>Deputy Mayor</i>;</p> <p>(f) suspension or removal of the <i>Mayor's</i> presiding duties under section 154 of the <i>Municipal Government Act</i> R.S.A. 2000, c. M-26;</p> <p>(g) suspension or removal of the <i>Member</i> from some or all <i>Council</i> committees and bodies to which the <i>Member</i> was appointed by <i>Council</i>; or</p> <p>(h) reduction or suspension of the <i>Member's</i> remuneration as defined in section 275.1 of the <i>Municipal Government Act</i>, R.S.A. 2000, c. M-26, corresponding to a reduction in duties, excluding allowances for attendance at council meetings.</p>	
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Integrity Commissioner Investigation Reports - Sanctions Compliance

On June 15, 2022, at the Intergovernmental Affairs Committee meeting with Council, the Integrity and Ethics Office was requested to provide information about sanctions compliance with the *Code of Conduct for Elected Official Bylaw* (26M2018) ("Bylaw").

Date	Report	Report Finding	Sanction Recommendation	Sanction Imposed	Sanctions Complete
July 25, 2016	M2016-0625	Inaccurate Statement (corporate values)	Apology to City administration and to Calgarians	N/A pre-Bylaw	Complete
May 11, 2020	C2020-0548	Undermine public confidence (s. 11 Bylaw)	Individual, private apologies to Council Members who complained	Applied sanctions as recommended by the Integrity Commissioner	Incomplete
July 27, 2020	C2020-0877	<i>Councillors' Expenses/Allowances Policy</i> PAC006, <i>Councillors' Expenses-Out of Town Travel Policy</i> PAC007 (s. 18 Bylaw)	<ul style="list-style-type: none"> *-Council letter of reprimand - Request letter of apology - Training - Removed from Federation of Canadian Municipalities Committees until following the Organizational meeting of Council in 2021. <p><i>*Sanction recommendation by external counsel</i></p>	As substantially outlined by external counsel, plus: <ul style="list-style-type: none"> - Ineligible from participating in any business travel until following the Organizational meeting of Council in 2021; - Administration refer findings to Calgary Police Service; - Council forward report to the Minister of Municipal Affairs for information and awareness 	Partial (did not publicly apologize)
May 10, 2021	C2021-0733	Intimidating and disrespectful statements, breach of <i>Respectful Workplace Policy</i> (HR-LR-001), undermine public	- Request letter of apology to Councillor and the public to be published	Applied sanctions as recommended by the Integrity Commissioner	Complete

		confidence (ss. 19, 20, 11 Bylaw)			
July 5, 2022	C2022-0759	Undermining public confidence in City governance (s. 11 Bylaw)	- Council letter of reprimand - Training	- Release of report is Council reprimand - Training	Complete
July 5, 2022	C2022-0843	Disclosure of real estate and financial holdings (s. 26 Bylaw; <i>Disclosure Policy for Members of Council</i> (CC044))	- Council letter of reprimand - Letter of apology to the Ingelwood Community and the City of Calgary - Training	- Release of report is Council reprimand - Letter of apology to Calgarians to be published - Training - Integrity and Ethics Office advised when complete	Complete
July 5, 2022	C2022-0851	Respectful interactions (s. 19 Bylaw)	- Council letter of reprimand - Letter of apology to the complainants - Removed from any chair positions held on City boards and committees until October 25, 2022 - Training	- Release of report is Council reprimand - Request letter of apology to complainants to be published - Removed from any chair positions held on City boards and committees until October 25, 2022 - Request training - Integrity and Ethics Office advised when complete	Complete

Information about Sanctions

When the Integrity Commissioner reports a violation of the *Code of Conduct for Elected Officials Bylaw* (26M2018) (“Bylaw”) to Council, the report contains sanction recommendations. Pursuant to section 91 of the Bylaw, Council must decide whether to adopt the Integrity Commissioner’s recommendations as to sanctions or whether to substitute a different sanction.

Section 92 of the Code lists possible sanctions Council may impose, but the list is not exhaustive. As set out in Attachment 3, we recommend that s. 92 of the Bylaw is amended to make this clear.

On June 15, 2022, at the Intergovernmental Affairs Committee meeting with Council, the Integrity and Ethics Office was requested to provide information about additional possible sanctions under the Bylaw. This attachment provides a summary of the principles of sanctions and a list of possible sanctions.

Principles of Sanctions

The purpose of sanctions is remedial. The objectives are general and specific deterrence, rehabilitation and maintaining public confidence. Punitive sanctions are unlikely to withstand a court challenge.

Sanctions must not interfere with a Member of Council’s ability to perform their duties and obligations.

Sanctions should have a rational connection to the nature of the Bylaw violation.

Sanctions must be proportionate the seriousness of the Bylaw violation.

When considering sanctions, aggravating and mitigating factors particular to the Council Member and the specific violation(s) should be weighed and considered.

Sanctions can be combined or compounded for non-compliance.

Additional possible sanctions under section 92 of the Bylaw

1. Require a written acknowledgment that the conduct violated the Bylaw.
Publication of the acknowledgment.
2. Require a pledge to recommit to the Bylaw and publication of the pledge.
3. Require withdrawal of inappropriate statements with a public unequivocal retraction.
4. Limitation of access/use of confidential Council or City information.
5. Removal of confidential electronic and other records from the Council Member’s possession.
6. Removal of Council Member privileges not directly required to perform duties.
 - Limit travel and/or other expenses e.g. meals, mileage or other out of pocket expenses

- Limit ability to accept certain gifts of hospitality, such as event tickets
 - Limit conference attendance or other activities wherein the Councillor would represent the City.
7. Require the return of municipal property.
 8. Limit access to certain municipal facilities, for example, parking and recreational facilities.
 9. Community Service.
 10. Increased duties and workload.
 11. Financial penalties.

Types of financial penalties and limitations.

- Reduction of Compensation

Section 93 of the *Code of Conduct Bylaw* provides for a suspension or reduction of remuneration where there is a reduction in duties. At present it is not recommended to reduce a Member's remuneration when removing the Member from boards or committees. Under the current *Members of Council Remuneration Policy* (CC035), there is no mechanism for quantifying the value of committee or board work. Therefore, there is a risk that a pay reduction for removal might be viewed by a court as arbitrary and unenforceable.

There is nothing to prevent Council from amending the *Remuneration Policy* to provide a quantified breakdown between compensation for Council work, and compensation for committee work, and representing the City in other forums. Other jurisdictions do so, typically through honoraria or stipends.

- Repayment of funds improperly obtained is a reasonable sanction.

Examples:

Reimbursement of expenses improperly claimed contrary to the *Councillors' Budgets and Expenses Bylaw* (36M2021).

Reimbursement of the cost of resources used improperly, for example during campaigns.

Repayment of a financial benefit obtained in violation of the Bylaw by a Member of Council, a family member or related business.

Return of a gift in breach of the gift sections of the Bylaw.

- Fines

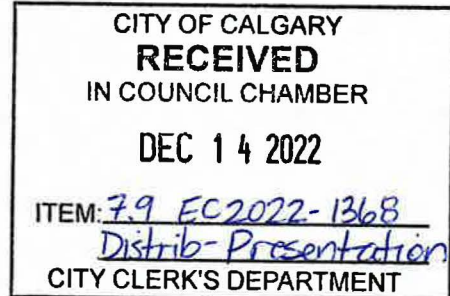
It is not recommended that Council impose sanctions in the form of fines. Sanctions are intended to be remedial rather than punitive and must not prevent the Council Member

from fulfilling their duties. There is a risk that a court would view fines as punitive and disruptive of a Council Member fulfilling their core duties.

The Integrity and Ethics Office is preparing an Interpretation Bulletin on sanctions for Council's reference.

Proposed Amendments to the *Code of Conduct for Elected Officials Bylaw* (26M2018)

Integrity and Ethics Office
Ellen-Ann O'Donnell, Integrity Commissioner
Emily Laidlaw, Ethics Advisor



Background

- Comprehensive review of *Code of Conduct Bylaw*.
- Review mandated by:
 - *Code of Conduct for Elected Officials Regulation*
 - *Code of Conduct Bylaw*
- Past reviews: 2020, 2021

Theme of Proposed Amendments

1. Procedural amendments to clarify the process of complaints;
2. *New* provisions e.g.
 - a) Improper use of influence directed at City or Member's staff;
 - b) Enabling the Integrity Commissioner to initiate investigations;
 - c) A duty to cooperate with investigations.
3. "Clean-up" amendments:
 - a) Scope and application of *Bylaw*;
 - b) Typos, inconsistencies.

Procedural Amendments: Part 3, ss. 63 onward

STEP 1 Complaints Intake Process (ss. 64-69)

- Every reasonable effort to maintain complainant confidentiality.
- Complaints normally can be withdrawn.
- Discretion to Integrity Commissioner to continue investigation without further participation of the complainant, to dismiss anonymous complaints.
- ***NEW*** Integrity Commissioner may initiate investigations.

Procedural Amendments: Part 3, ss. 63 onward

STEP 2 Initial Assessment (ss. 72-76.1)

- If reasonable grounds to believe a violation has occurred, notice of investigation issued. Otherwise, complaint dismissed.
- ***NEW*** Written advice of Ethics Advisor must be considered by Integrity Commissioner.

Procedural Amendments: Part 3, ss. 63 onward

STEP 3 Formal Investigation (ss. 81-87)

- Complainant/Member have 10 business days to respond to Integrity Commissioner notice.
- ***NEW*** Documents provided by Integrity Commissioner are confidential except for obtaining legal or other confidential professional advice.

Procedural Amendments: Part 3, ss. 63 onward

STEP 4 Informal Resolution (SS. 87.1 – 87.2)

- Any time after formal investigation commenced, Integrity Commissioner may refer a complaint to the Ethics Advisor to resolve. Complainant and Member must consent.
- If informal resolution not possible, complaint returned to Integrity Commissioner to continue investigation.
- If resolved, the complaint is dismissed.

***NEW* Cooperating with Investigations (ss. 87.3-87.5)**



Once notified of investigation, Member must preserve evidence until investigation complete.



Obstruction of the investigation is a presumed violation of the *Bylaw*.



Failure to cooperate in an investigation weighed in finding and report to Council.

Procedural Amendments: Part 3, ss. 63 onward

STEP 5 Adjudication (ss. 88-92)

- If the Integrity Commissioner determines that a Member violated the *Bylaw*, the decision is reported to Council.
 - No violation = no report to Council.
- Report provided to Council, City Clerk and City Solicitor and General Counsel 24-48 hours before start of Council meeting.
- Clarify that Council may impose other sanctions that Council deems reasonable in the circumstances.

Principles of Sanctions

Constraints on Sanctions

- Sanctions must remedial, not punitive.
- Rationally connected to the violation.
- Proportionate to the seriousness.
- Must not interference with Member's ability to perform their duties.

Examples of Alternative Sanctions

Limit access to confidential information.

Removal of privileges (travel, hosting etc.)

Increased duties/workload.

Community service.

Retraction.

Financial Sanctions

Available

- Repayment of funds improperly obtained.

Unavailable

- Fines

Currently Unavailable

- Temporary reduction of compensation corresponding to removal from boards and committees;
- To enable must amend compensation process.

Highlights of Other Amendments

Scope and Application:

- *Bylaw* does not apply to Mayor's staff (amend s. 77 and delete s. 78)

NEW Undue Influence (s. 40.1, 77)

- A Member must not directly or indirectly influence City employees or Members' staff to do something which if done by the Member would be a violation of the Bylaw.
- Member will be investigated if their staff's conduct was undertaken on their behalf, directly or indirectly.

Orientation Training

- Mandatory Indigenous relations and anti-racism training.

Proposed Amendments to the *Code of Conduct for Elected Officials Bylaw* (26M2018)

Integrity and Ethics Office

Ellen-Ann O'Donnell, Integrity Commissioner

Emily Laidlaw, Ethics Advisor

**Green Line Report to
Executive Committee
2023 January 31**

**ISC: UNRESTRICTED
EC2023-0067
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Green Line Board Q1 2023 Report

RECOMMENDATION(S):

That the Executive Committee:

1. Receive this report for the Corporate Record; and
2. Direct that Attachment 3 remain confidential pursuant to Sections 24 (Advice from officials), 25 (Disclosure harmful to economic and other interests of a public body), and 27 (Privileged information) of the *Freedom of Information and Protection of Privacy Act*, not to be released.

HIGHLIGHTS

- This recommendation supports the Green Line Board Bylaw 21M2020 reporting requirement.
- The previous recommendation on October 18, 2022, provided the Q4 2022 Quarterly Report by the Green Line Board for the Executive Committee of Council to receive for the corporate record and can be found at EC2022-1149.
- What does this mean to Calgarians? The Green Line LRT Project is the largest infrastructure investment in Calgary's history with unprecedented contributions from Canada, the Province, and the City. Following City Council approval of the business case for Stage 1 of the Green Line LRT Program, and as a condition of the Government of Alberta's approval and funding, the Green Line Board was established and delegated the authority to govern, oversee and ensure the successful delivery of the Project. Quarterly reports from the Green Line Board to Executive Committee of Council are part of the efforts to keep Council and Calgarians informed on the progress and governance of the Green Line LRT Project.
- Why does this matter? The Green Line Board has a mandate to deliver the Green Line LRT Project in alignment with 2020 Council direction and within the committed funds. The Board is working on behalf of Calgarians and all funding partners to balance the costs and risks with the long-term city-shaping benefits. Regular reporting provides transparency and demonstrates that the largest publicly funded project in Calgary's history is being well managed.
- The Phase 1 Design-Build-Finance with Development Phase (DBF-DP) procurement process is on schedule. It is anticipated that one of the two proponents will be selected as the Development Partner by the end of Q1 2023 which will launch the approximately 12-month long Development Phase to advance design, determine the risk allocation, establish price, and confirm a project schedule.
- As part of the Light Rail Vehicle (LRV) contract, a mock-up of the new LRV was received in November 2022 which has allowed for technical reviews to begin.
- The utility relocation work in Beltline East met a major milestone in early November 2022 with the full reopening of the Olympic Way and 12 Avenue SE intersection facilitating traffic and pedestrian movements in the area for Calgary Flames games and major events.
- With the changes to Green Line Board Bylaw Amendment 21M2020 to align the new Real Property Bylaw and Green Line Board Bylaw, Attachment 3 provides the quarterly land transaction report that previously was presented to the Infrastructure and Planning Committee.

Green Line Board Q1 2023 Report

- Strategic Alignment to Council's Citizen Priorities: A city that moves. The Green Line LRT will improve mobility choices by providing a high-quality transit service that is fast, frequent, and reliable; enhance connectivity between people and places including connections to communities, employment hubs and key destinations across the city; and provide flexible capacity for a growing region.

DISCUSSION

In compliance with Council direction, the Green Line Board publishes a monthly progress report, as identified in Attachment 2 - Green Line Board Progress Report December 2022, that includes updates on safety, environment, stakeholder relations, schedule, cost, key risks and risk management, and quality management. The Green Line Board reports that the project remains on-plan and that we continue to proactively monitor and manage risks.

Commercial

The agreement with the Delivery Partner was signed and interviews and onboarding of key individuals began. The Delivery Partner will bring their extensive technical and commercial expertise in complex megaprojects to supplement the project team across a range of project functions, including commercial management, technical support, project controls, and construction management.

The Phase 1 Design-Build-Finance with Development Phase (DBF-DP) Request for Proposal (RFP) to the two pre-qualified proponent teams is proceeding as per schedule. As part of the procurement process, Green Line will continue to review requests for information and participate in meetings with the two pre-qualified proponent teams. Upon the conclusion of the RFP evaluation in Q1 2023, one of the proponent teams will be selected to become the Development Partner.

As part of the LRV contract, Construcciones y Auxiliar de Ferrocarriles (CAF) provided a mock-up, which was received in November 2022. Green Line undertook an initial review of the mock-up with City of Calgary operations and maintenance stakeholders, including those representing accessible design groups. CAF participated in these reviews with the aid of specialized ergonomic consultants to optimize the design of the LRV.

Beltline Downtown Utility Relocation Project (BDURP) and Business Support Program

As we continue to remove utility risk in advance of main construction, the deep and shallow utility relocation work in the intersection of Olympic Way and 12 Avenue SE was completed on schedule and the intersection re-opened in November 2022. Coordination between City colleagues, CMLC, Calgary Stampede and CSEC supported planning for the Calgary Flames season and the corresponding increase in vehicle and pedestrian traffic. This included reopening two lanes of traffic for games while City colleagues integrated full lane reversals and traffic light revisions at multiple intersections to support entering and exiting Stampede Park.

Shallow utility work continued throughout December in East Beltline and the Downtown with Enmax working through the holiday season. A series of workshops were conducted, and will continue, between Green Line and third-party utilities to improve construction sequencing in 2023 with a goal of reducing impacts for businesses and residents.

The Business Support Program (BSP) tested a new initiative and implemented two temporary short-term on-street loading zones. The first was adjacent to a senior's residence in Chinatown

Green Line Board Q1 2023 Report

and the second supported a community housing facility and support agency in Victoria Park. Following feedback from the Business Insights Panel (BIP), the BSP team committed to working to ensure clear path of travel and accessibility through construction. With proactive planning, improvements were made to provide adequate sidewalk clearances between buildings and construction fencing, installing curb access ramps, and additional barriers aimed at moving pedestrians safely through the detours. Direct feedback from stakeholders has been very positive.

Safety, Quality and Environmental Management

On November 17, 2022, Green Line's leadership team stopped work due to safety concerns associated with repeat property damage incidents. The contractor was requested to submit an update to their safety work plan to improve planning and address safety concerns and work resumed following receipt of the plan on November 22, 2022. Green Line has subsequently requested the City's HSE team conduct a safety audit, site safety inspections have increased, and an additional external audit is being pursued.

Green Line continues to provide oversight for quality compliance of Enabling Works and LRV Supply projects and implementation of the Green Line Quality Audit Plan continued with six internal and three external audits completed in 2022. Green Line external quality audits are conducted on contractors, consultants, or suppliers. Internal audits are conducted within the Green Line team. In addition to Green Line quality audits, the audit of Green Line Scheduling Processes and Procedures Report conducted by The City Auditor's Office was presented to the Audit Committee on November 17, 2022, for the corporate record. The audit recommendation has been addressed by Green Line.

The Department of License of Occupation pre-applications were received by Alberta Environment and Parks for the Elbow River and south Bow River crossings. Through this process, the Government of Alberta's Aboriginal Consultation Office directed Green Line to Consult with the Treaty 7 First Nations on both river crossings which has begun.

EXTERNAL ENGAGEMENT AND COMMUNICATION

- | | |
|---|---|
| <input type="checkbox"/> Public engagement was undertaken | <input checked="" type="checkbox"/> Dialogue with interested parties was undertaken |
| <input checked="" type="checkbox"/> Public/interested parties were informed | <input type="checkbox"/> Public communication or engagement was not required |

Direct outreach to Downtown and Beltline adjacent businesses and landowners continues during early works construction. Since tracking began in April 2022, there have been more than 500 calls, meetings, and on-site visits, 218 key stakeholder/partner meetings and 11 information sessions. Ongoing regular communications through Green Line newsletters and social media channels continue to provide timely project information and links back to the website, the primary source for all Green Line information. Website visits surged in Q4 with over 34,000 visits with the LRV, Construction, and Business Info Session pages being in the top five most viewed pages. Social media engagement continues to grow and the LinkedIn launch in October expanded our ability to connect with local industry and has our second largest audience at more than 1,500 followers behind Twitter with over 2,100.

Green Line Board Q1 2023 Report

On November 15, 2022, Green Line also hosted a Business Information Session event to provide local suppliers, contractors, and businesses with a project update and introduce them to the two pre-qualified proponent teams. More than 225 companies attended the event with 40 taking part in individual meetings with the proponent teams, following their presentations.

IMPLICATIONS

Social

As the city's population grows, so will the demands on our transportation network. Phase 1 will welcome 15,000-18,000 new transit riders as travellers who use the Green Line LRT will save up to 20-25 minutes. Auto travellers will also benefit from Green Line through reduced journey times of up to 10% due to decongestion.

Environmental

The Green Line LRT will allow Calgary's transportation network to move more people, emit fewer greenhouse gasses and use less energy and resources than we do today. Phase 1 of the project will reduce greenhouse gas emissions by over 25,000 tonnes. And within the first year of service, will shift 4,800,000 net new transit trips from automobiles.

Economic

As the largest infrastructure investment in Calgary's history, the Green Line is contributing to the city's economic recovery and resiliency, generating \$2.2B in benefits to Calgary. Constructing Phase 1 will create over 20,000 jobs and our early works construction program has already completed over 100 projects putting Calgarians to work today.

Service and Financial Implications

No anticipated financial impact

Financial Summary as of December 31, 2022

Category	Committed Cost	Cost to Date	Cost Year to Date
Owner's Cost	\$80,416,386	\$79,936,759	\$14,660,674
Design & Engineering	\$285,463,824	\$268,411,186	\$31,959,920
Construction, Land & Other Assets	\$541,599,930	\$455,829,163	\$53,309,033
Bus Rapid Transit	\$4,596,206	\$4,596,206	\$1,302,299
Grand Total	\$912,076,346	\$808,773,314	\$101,231,925

RISK

Risk is continually monitored by the Green Line Board, on behalf of Calgarians and all funding partners. They rely on the experience and expertise of the Green Line leadership team to make recommendations and invest in ongoing independent, external due diligence to identify, evaluate, and validate information and assumptions. The key risks and mitigations include:

- Green Line continues to monitor financial market changes due to the current economic climate. Regular external due diligence is ongoing.

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- The market is unwilling to accept certain risks that have been transferred to the private sector in similar projects. Green Line proceeded with a strategy to utilize a DBF with Development Phase to best allocate, mitigate, and manage risks. Completion of early works also provides higher confidence to prospective applicants as it greatly reduces risks.
- Utility relocation works in Beltline and Downtown are ongoing in tight working areas, which can impact mobility and access. Green Line continues to proactively engage and notify interested parties of potential construction related impacts (e.g., road closures).

ATTACHMENT(S)

1. Green Line Board Report Q4 2022 – EC2022-1149
2. Green Line Board Progress Report December 2022
3. CONFIDENTIAL – Green Line Board Quarterly Land Report
Presentation – Green Line Board Report Q1 2023

Department Circulation

General Manager/Director	Department	Approve/Consult/Inform
Don Fairbairn	Green Line Board Chair	Approve
Darshpreet Bhatti	Chief Executive Officer, Green Line	Approve

**Green Line Report to
Executive Committee
2022 October 18**

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Green Line Board Report Q4 2022

RECOMMENDATION(S):

That Executive Committee of Council receive this report for the Corporate Record.

HIGHLIGHTS

- This quarterly report provides an update by the Green Line Board as required by the Green Line Board Bylaw 21M2020.
- What does this mean to Calgarians? Quarterly reports from the Green Line Board (the “Board”) to Executive Committee of Council keep Calgarians informed on the progress and governance of the Green Line LRT project. In addition, the Board publishes monthly reports which are provided to members of Council and the public.
- Why does this matter? This demonstrates that the largest publicly funded project in Calgary’s history is being well managed, which contributes to confidence in the Board’s ability to deliver the Green Line project goals and objectives.
- Strategic Alignment to Council’s Citizen Priorities: A city that moves.
- The Green Line Board has approved the release of the Request for Proposals (RFP) to the two shortlisted proponents from the Request for Qualifications (RFQ) stage. One of the two proponents will be selected in early 2023 as the Development Partner. Following the approximately 12-month long Development Phase, with Green Line Board approval, Green Line will award the main contract for construction.
- Enabling works to relocate deep and shallow utilities in the Beltline and Downtown are underway. Coordination for ongoing detours between partners in the East Beltline continues in preparation for the upcoming sports and events season.
- The Business Support Program continues to work with businesses in the Beltline and Downtown who may be impacted by Green Line construction. Specific initiatives, such as the addition of temporary short-term loading zones, have been implemented and are described in Attachment 1.
- Green Line continues to undertake appropriate due diligence on all elements of the Program to identify, understand, and manage risks.

DISCUSSION

In compliance with Council direction, the Green Line Board reports the project’s progress in six Functional Areas as identified in Attachment 1 - Green Line Board August 2022 Progress Report (among other reporting metrics) that include: Health & Safety, Environmental, Stakeholder Relations, Schedule, Cost and Quality. The project remains on-plan and we continue to proactively monitor and manage risks.

Procurements

Green Line is committed to responsible procurement and the Green Line Board is entrusted to achieving the best value for money with taxpayer dollars. Procurements are conducted in accordance with internal and external governance requirements (e.g., trade agreements, laws, etc.) and overseen by an external Fairness Monitor to uphold the integrity of the procurement process.

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Green Line Board Report Q4 2022

Request for Proposal (RFP)

With approval from the Green Line Board, the RFP for the main contract was released on September 26, 2022, to the two proponent teams, Bow Transit Connectors (Barnard Constructors of Canada LP, Flatiron Constructors Canada Ltd, and WSP Canada Inc) and City Link Partners (Aecon Infrastructure Management Inc, Dragados Canada Inc, Acciona Infrastructure Canada Inc, Parsons Inc, and AECOM Canada Ltd), shortlisted through the RFQ stage. At the conclusion of the RFP evaluation, one of the proponent teams will be selected to become the Development Partner. The Development Partner will collaborate with the Green Line team during an approximately 12-month long Development Phase to advance design, determine the risk allocation, establish price, and confirm a project schedule. During this phase, potential opportunities for smaller, specific work packages and long lead procurement items to advance the schedule and to further de-risk the project, will also be considered.

During the Development Phase, regular reporting to the Green Line Board will continue. After the successful completion of the Development Phase, with Green Line Board approval, the contract will be awarded, and main construction will begin.

Connecting with Industry

On November 15, 2022, Green Line will host an event to provide local suppliers, contractors, and businesses with information on the procurement process while also introducing them to the two proponent teams. While Phase 1 construction will be led by a large consortium with international partners with previous experience delivering projects of similar size and complexity, the actual work will rely on local trades.

Delivery Partner

Green Line released an RFP for a Delivery Partner on August 4, 2022, following approval from the Green Line Board in July 2022. The Delivery Partner will supplement the Green Line team in support of delivering Phase 1 across a range of project functions, including commercial management and technical support leveraging their expertise from complex megaprojects. The Delivery Partner RFP is expected to close in Q4 2022 with the contract awarded in the same quarter.

LRV Mock-up

As part of the LRV contract, Construcciones y Auxiliar de Ferrocarriles (CAF) is providing an LRV mock-up, expected to arrive in Q4 2022. The mock-up has been built to scale and will have a similar look and feel inside and out of the future Green Line vehicle. The mock-up is being transported to Calgary. Once received, Green Line will review the LRV mock-up, and following that, it will be used at information sessions for Calgarians to view and interact with.

Enabling Works

To enable a large amount of deep and shallow utilities to be relocated and upgraded in advance of the construction of the Green Line tunnel, the intersection of 12 Avenue and Olympic Way SE was closed on July 23, 2022. The intersection is on schedule to reopen in November 2022. Construction to relocate deep and shallow utilities in other areas of the Beltline and Downtown will continue.

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Green Line Board Report Q4 2022

Stakeholder coordination meetings continue to support pedestrian and traffic movement in all construction areas including event management in Beltline East. For example, planning for ongoing detours between Green Line, City and area partners continued in preparation for the Calgary Flames, Calgary Hitmen seasons and additional events in the Fall.

Business Support Program

With the increased construction in the Beltline and Downtown, Green Line continues to support businesses in these areas. Examples of business support initiatives are described in Attachment 1

These initiatives are being coordinated between Green Line, The City and area partners as well as local businesses with the intent to reduce and manage impacts that will come with building Green Line.

Look Ahead

Green Line continues to proactively advance works prior to the award of the main contract. Examples of this work is below:

- River Crossings - In August 2022, Green line proactively submitted the river crossing applications to the required agencies to ensure timely approvals.
- Third Party Utility Work – Work in Downtown began in August 2022 and will substantially increase moving forward. This work will enable a large amount of deep and shallow utilities to be relocated in advance of the construction of the Green Line.
- Land - Negotiations for the lands in the Beltline and Downtown that are required to support the main contract are progressing well.

Financial Update

Table 1 below provides the previous 6-month spend rate up to August 31, 2022.

Category	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22
Owner's Cost	\$ 1,532,269	\$ 1,074,861	\$ 1,367,197	\$ 1,128,520	\$ 1,242,551	\$ 1,184,271
Design & Engineering	\$ 2,578,893	\$ 3,768,240	\$ 3,077,176	\$ 2,645,973	\$ 2,933,847	\$ 1,909,873
Construction, Land & Other Assets	\$ 4,207,636	\$ 2,337,942	\$ 8,980,420	\$ 3,726,575	\$ 2,220,709	\$ 3,856,904
Bus Rapid Transit	\$ 13,297	\$ 114,787	\$ 520,502	\$ 233,141	\$ 275,489	\$ 8,617
Grand Total	\$ 8,332,096	\$ 7,295,831	\$ 13,945,295	\$ 7,734,208	\$ 6,672,595	\$ 6,959,666

Table 1 – Green Line Previous 6-month Spend Rate

The monthly variability in expenditures in the Construction, Land & Other Assets category is related to the LRV contract payments (March 2022) and land acquisition (May 2022).

Table 2 below provides the Cost to Date and Cost Year to Date.

Category	Committed Cost	Cost to Date	Cost Year to Date
Owner's Cost	\$ 75,172,376	\$ 74,692,749	\$ 9,416,663
Design & Engineering	\$ 280,259,026	\$ 258,253,267	\$ 21,802,001
Construction, Land & Other Assets	\$ 534,864,055	\$ 428,709,672	\$ 26,189,542
Bus Rapid Transit	\$ 4,499,112	\$ 4,499,112	\$ 1,205,205
Grand Total	\$ 894,794,569	\$ 766,154,800	\$ 58,613,411

Table 2 – Financial Summary as of the end of March 31, 2022 (Costs for May are preliminary)

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Green Line Board Report Q4 2022

As shown in Table 2, \$58,613,411 has been spent in 2022 up to August 31, 2022, with an overall spend of \$766,154,800 as of August 31, 2022.

Attachment 1 - Green Line Board August 2022 Progress Report, is attached for information. The October 2022 Green Line Board Progress Report is being finalized concurrently with this report and will be issued prior to the November 30, 2022, Green Line Board meeting.

Market Trends

Green Line continues to undertake significant due diligence on the cost, schedule and risk of delivering the program in light of current financial and construction market conditions. In addition, Green Line's procurement strategy to include a Development Phase allows for collaboration, design progression and a better understanding of costs and risk in an open and transparent manner while working with the Development Partner.

STAKEHOLDER ENGAGEMENT AND COMMUNICATION (EXTERNAL)

- ☐ Public Engagement was undertaken
- ☐ Public Communication or Engagement was not required
- ☐ Public/Stakeholders were informed
- ☒ Stakeholder dialogue/relations were undertaken

During development of the RFQ and RFP, potential bidders were engaged through market soundings to ensure a balanced and attractive procurement was released.

In addition, Green Line continues to focus on building relationships with businesses, residents and community partners in the Beltline and Downtown areas impacted by BDURP. These valuable interactions have been achieved through calls, meetings, and on-site visits.

IMPLICATIONS

Social

The Green Line will extend Calgary's public transit network, providing increased access for all Calgarians. The Green Line will help connect Calgarians from across the city to employment hubs and destinations and Phase 1 will serve up to 55,000 customers per day.

Environmental

Green Line will reduce emissions to mitigate climate change. Phase 1 is anticipated to save up to 27,500 tons of Greenhouse Gas emissions a year in support of municipal, provincial, and federal environmental goals.

Economic

The Green Line project is expected to create almost 20,000 jobs throughout construction.

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Green Line Board Report Q4 2022

Service and Financial Implications

No anticipated financial impact

There are no anticipated financial impacts to current budgets as a result of this report.

RISK

Green Line continues to monitor financial market changes due to the current economic climate and regular due diligence is ongoing.

The market is unwilling to accept certain risks that have been transferred to the private sector in similar projects. Green Line is proceeding with a strategy to utilize a DBF with Development Phase to best allocate, mitigate, and manage risks. This strategy takes into consideration successful market precedents.

Additional risks are discussed in Attachment 1.

ATTACHMENT(S)

1. Green Line Board August 2022 Progress Report

Department Circulation

General Manager/Director	Department	Approve/Consult/Inform
Don Fairbairn	Chair, Green Line Board	Approve
Darshpreet Bhatti	Green Line, CEO	Approve



Green Line Board December 2022 Progress Report

1 Executive Summary

1.1 December Highlights

The agreement with the Delivery Partner was signed and onboarding of key individuals began. The Delivery Partner will bring their extensive technical and commercial expertise in complex megaprojects to supplement the project team across a range of project functions, including commercial management, technical support, project controls, and construction management.

Utility relocation work in the Beltline and Downtown slowed down during the month of December 2022 due to cold weather and the holiday break. The following utility relocation work continued during the month of December 2022:

Beltline:

- Installation of deep utilities in addition to backfilling and roadway works on 12 Avenue SE between 5 Street SE and 6 Street SE
- Enmax vault and manhole installation on 5 Street SE between 11 Ave SE and 12 Ave SE

Downtown:

- Telus duct bank relocation work on 4 Avenue SW between 1 Street and 2 Street SW
- Enmax duct bank relocation work at
 - 7 Avenue SW between 2 Street and 1 Street SW and
 - 1 Street SW between 7 Avenue and 2 Avenue SW
- Telus vault installation on 3 Avenue SW west of 2 Street SW.

The pictures below provide a snapshot of the ongoing third-party utility installation work in the Beltline and Downtown.



Enmax vault installation in Beltline East



Telus duct bank installation along 4 Ave SW

Next Month Look Ahead

BDURP construction will resume in both the Beltline and Downtown for both deep and shallow utility work. The deep utility installation work will continue on the north pass of 12 Avenue SE between 5 Street and 6 Street SE in Beltline East with new manhole installation work beginning at the intersection of 12 Avenue SE













and 6 Street SE. In the Downtown, critical deep utility relocation work will start in January to avoid conflicts with future third part utility relocation work.

Shallow utility relocations will continue to ramp up in the Downtown. Enmax will continue with the construction of the duct bank relocation work at 7 Avenue SW and 1 Street SW. New construction in the intersection of 2 Street SW and 5 Avenue SW will start in January as vault installation work begins.

Outside of construction, Green Line team members will be heavily focused on supporting the Phase 1 RFP procurement process and continue to review requests for information and participate in meetings with the two pre-qualified proponent teams.

1.2 Program Status Dashboard

The table below provides the program status dashboard update for December 2022 including the overall program status and a comparison to the previous month.

Functional Area	Overall Program Status	Last Month's Status	Comments
Health & Safety			<ul style="list-style-type: none"> There were no safety incidents in December 2022. Green Line has had no Lost Time Incidents (LTI) or First Aid (FA) incidents in the past year with one Medical Aid (MA) incident in November 2022.
Environmental			<ul style="list-style-type: none"> As part of the land acquisition process, identified properties require site-specific limited Environmental Site Assessment (ESA).
Stakeholder Relations			<ul style="list-style-type: none"> Connected with more than 65 businesses and key stakeholders in December 2022 (over 700 businesses and key stakeholders throughout 2022). Indigenous Consultation underway in support of application process for the Elbow River and south Bow River crossings.
Schedule			<ul style="list-style-type: none"> Phase 1 DBF-DP RFP activities are on schedule. BDURP construction is on schedule.
Cost			<ul style="list-style-type: none"> Green Line continues to proactively monitor program costs. Appropriate mitigation measures for key risks continue to be established, reviewed, and implemented.
Quality			<ul style="list-style-type: none"> Program Quality Management Plan implementation continued with ongoing oversight of design quality management, BDURP construction works, and LRV Supply project quality compliance.

**Definition of legend for the dashboard in Appendix 1*

1.3 Financial Summary as of December 31, 2022

Category	Committed Cost	Cost to Date	Cost Year to Date
Owner's Cost	\$80,416,386	\$79,936,759	\$14,660,674
Design & Engineering	\$285,463,824	\$268,411,186	\$31,959,920
Construction, Land & Other Assets	\$541,599,930	\$455,829,163	\$53,309,033
Bus Rapid Transit	\$4,596,206	\$4,596,206	\$1,302,299
Grand Total	\$912,076,346	\$808,773,314	\$101,231,925

*Costs for December are preliminary.

**Details on specific inclusions in Appendix 1.

1.4 Milestone Schedule

As work progresses for Green Line, near term milestones and achievements for the program include:

- Q1 2023 – Completion of LRV Preliminary Design Review (PDR) Submissions
- Q1 2023 – Phase 1 DBF-DP Development Phase to begin

1.5 Risk Management

Risk is continually monitored by Green Line. Below are some of the key risk items for December 2022 that are being addressed by the team:

- Green Line continues to monitor financial market changes due to the current economic climate.
 - Regular external due diligence is ongoing to identify, evaluate and validate information and assumptions.
- The market is unwilling to accept certain risks that have been transferred to the private sector in similar projects.
 - Green Line is proceeding with a strategy to utilize a DBF with Development Phase to best allocate, mitigate, and manage risks. This strategy takes into consideration successful market precedents.
 - Utility relocation works that are currently underway provide higher confidence to the prospective applicants in minimizing risks and encourage active participation through the procurement process.
- Utility relocation works in Beltline and Downtown are ongoing in tight working areas, which can potentially impact travelling public and pedestrians.
 - Green Line continues to proactively engage and notify stakeholders of potential construction related impacts (e.g., road closures).

1.6 Stakeholder Relations

Much of the BDURP construction activity wound down for the holidays. Direct outreach to adjacent businesses and landowners was focused on communicating construction status and information on what to expect when construction activity resumes in 2023.

On December 7, Green Line team members attended a virtual Cultural + Entertainment District Community Partners Meeting hosted by Calgary Municipal Land Corporation, to share project updates that included upcoming utility construction planned for 2023.

In addition to the construction notices sent to more than 113 stakeholders in Beltline and Downtown, the direct stakeholder outreach for December 2022 is summarized below.

Stakeholder Activity	Activity (December)	Total Activity (2022)
Business outreach*	34	500
Residential/property outreach*	7	101
Email/social/311 requests	15	113
Key stakeholder/partner meetings	31	218
Information sessions/events	1	11

* Outreach includes calls, meetings, and on-site visits.

In December, video profiles of three businesses along the alignment were developed, released, and promoted across all Green Line social media channels with a story feature on the Green Line website. In total, 12 local business video profiles were released in 2022. This effort will continue in 2023.

2 Health and Safety

2.1 Overall Program




Green Line continues to provide oversight to ensure safety compliance by Green Line staff, consultants, and contractors at construction sites.

There were no safety incidents on Green Line in December 2022.

Overall Program Metrics

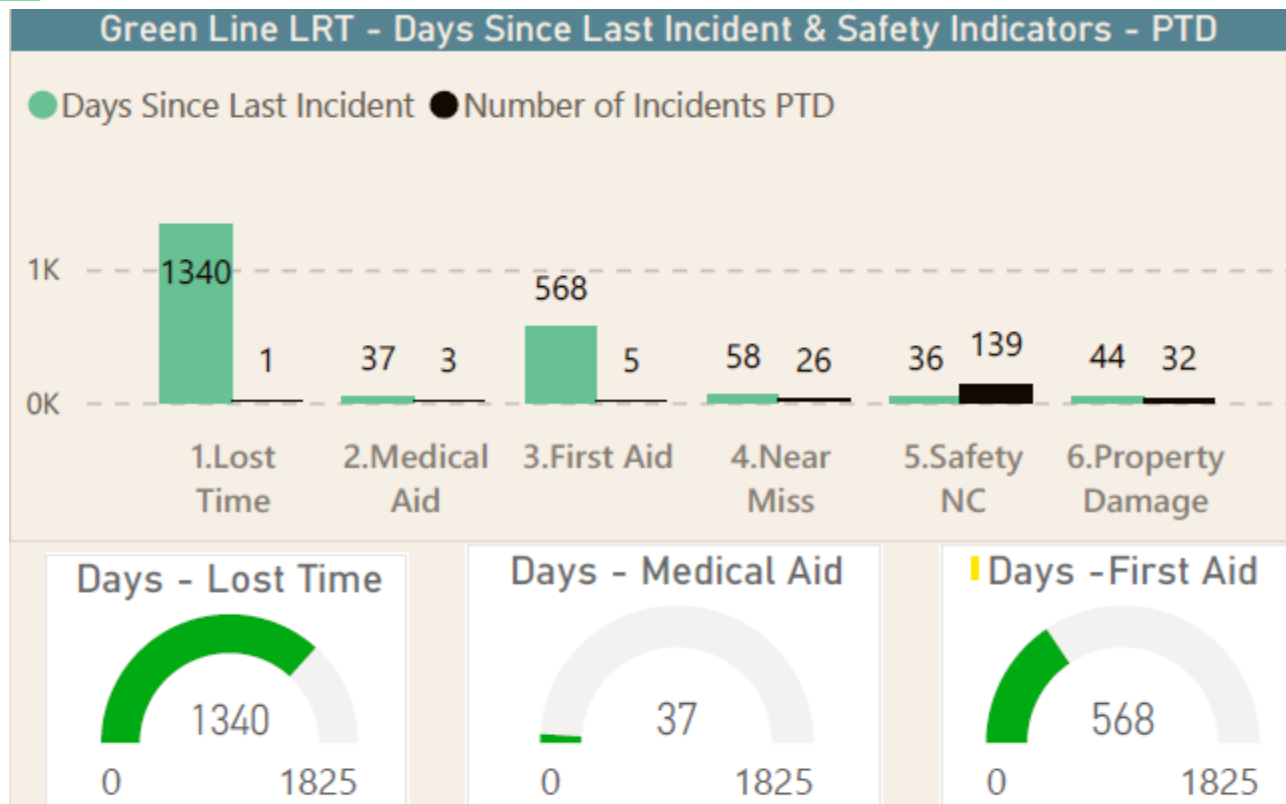
The following tables contain the recorded incidents and non-compliance for the Program:

Table 1: Green Line Safety Incident Frequency Statistics

Performance Indicator		Green Line & City Staff	Contractors	Green Line, City Staff & Contractors
TRIFR: Total Recordable Injury Frequency Rate	per 200,000 hrs			
*Statistics based on a rolling 12-month period from December 31, 2021, to December 31, 2022				

Overview of Safety Metrics as of December 30, 2022

The safety metrics are highlighted in the chart below and represent the Program to Date (PTD).



*NC = Non-Compliance
1825 days = 5 Years

Safety remains a focus for Green Line as BDURP construction activity continues in Beltline and Downtown. Safety Targets include zero Lost Time Incidents (LTI's) for all Green Line related work, compliance with monthly inspections on enabling works, requirement to input all safety records into the Green Line database, maintaining joint Occupational Health & Safety committee representation and performing safety audits.

Certificate of Recognitions Audit

Green Line completed the 2022 Certificate of Recognition (COR) external audit in October 2022. The final report is expected in January 2023. A subsequent safety audit action plan will be developed if any findings or opportunities for improvement are identified.

Appendix 1 – Dashboards & Financial Summary Legends

Dashboards Legends

Health and Safety	<p>Zero LTIs or</p> <p>Scheduled monthly site inspections completed with < 2 missed or Joint OH&S committee meetings and inspections on track or</p> <p>Green Line COR Internal Maintenance Audit completed with minor findings or all mandatory training complete</p>	<p>One LTI or</p> <p>≤5 scheduled site inspection not completed or missed a Joint OH&S committee meeting or inspection or</p> <p>Green Line COR Internal Maintenance Audit completed with major findings or <90% mandatory training completed</p>	<p>More than one LTI or</p> <p>>5 scheduled site inspections not completed or multiple Joint OH&S committee meetings or inspection not completed or</p> <p>Green Line COR Internal Maintenance Audit failed or less than 75% mandatory training complete</p>
TRIFR: Total Recordable Injury Frequency Rate	<p>Per 200,000 hrs</p> <p>≤1.33</p>	<p>Per 200,000 hrs</p> <p>>1.33 and ≤2.66</p>	<p>Per 200,000 hrs</p> <p>>2.66</p>
Environmental	<p>Greenline environmental requirements and permits are progressing and adhere to Municipal/Provincial/Federal Obligations.</p> <p>Quality of life impacts (noise, vibration, dust, light) resulting in minimal complaints from stakeholders or elected officials.</p>	<p>Specific Environmental permits or requirements are in progress; reliance on approving authorities timelines may cause temporary delays. Delays not expected to impact critical path.</p> <p>Quality of life impacts (noise, vibration, dust, light) resulting in moderate complaints from stakeholders or elected officials.</p>	<p>Contract requirements conflict or falling to meet the Municipal/Provincial/Federal obligations. Risk to schedule critical path or budgets.</p> <p>Quality of life impacts (noise, vibration, dust, light) resulting in significant public complaints from stakeholders or elected officials.</p>
Stakeholder Relations	<p>Minimal risk of reputational damage or localized stakeholder issues</p>	<p>Moderate risk of reputational damage or Multiple stakeholder issues that require urgent action</p>	<p>Severe risk of reputational damage or Major risk with funding partners</p>
Schedule	<p>No delay to critical activities or critical milestones</p>	<p>Delay to intermediate milestones by less than two weeks</p>	<p>Delay to critical activities or critical milestones</p>

Cost	Costs forecast within the budget	Costs forecast to be over budget by less than 35% of retained contingency	Cost forecast to be over budget by more than 35 % retained contingency
Quality	Quality requirements adequate/defined or in progress or Audits performed per plan with no/minor findings or NCR identification and resolution are within expectations	Quality requirements not adequate/defined in at least one area or Audits performed per plan with one or more major findings or NCR identification and resolution are not trending downward	Quality requirements not adequate/defined in multiple areas or Audits not performed or performed with many major findings or NCR(s) remain open that impact the safety/security and quality of new infrastructure or would adversely affect the ability to achieve Substantial Completion or MSF Completion

Financial Summary Legend

Owner's Costs: Include City of Calgary Staff Time, Communications, Software, and General Corporate Overheads and Inter- Business Unit costs.

Design & Engineering: Includes all OE costs as well as general Project Consultants costs.

Construction, Land & Other Assets: Includes Land, Enabling Works, and Quick Win build costs.

Bus Rapid Transit: Includes all costs related to the Bus Rapid Transit work for Green Line.

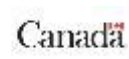
Committed Costs represent issued PO values only for Design & Engineering and Construction, Land & Other Assets. For Owner's Costs and Bus Rapid Transit these are primarily costs incurred to date.



Green Line Board Report Q1 2023

Executive Committee Meeting

January 31, 2023





Recommendation

That Executive Committee of Council receive this report for the corporate record.



Highlights

- » The DBF-DP procurement process and schedule is on-track and Green Line continues to review requests for information and participate in meetings with the two pre-qualified teams.
- » The mock-up of the new low-floor Light Rail Vehicle (LRV) arrived in November 2022 which has allowed for technical reviews to begin.
- » The agreement with the Delivery Partner was signed and interviews and onboarding of key individuals began.
- » The Beltline Downtown Utility Relocation Project (BDURP) achieved a key milestone with the completion of work at Olympic Way and 12 Avenue S.E.
- » More than 225 local suppliers, contractors, and businesses attended an Information Session to meet and hear from the proponent teams.



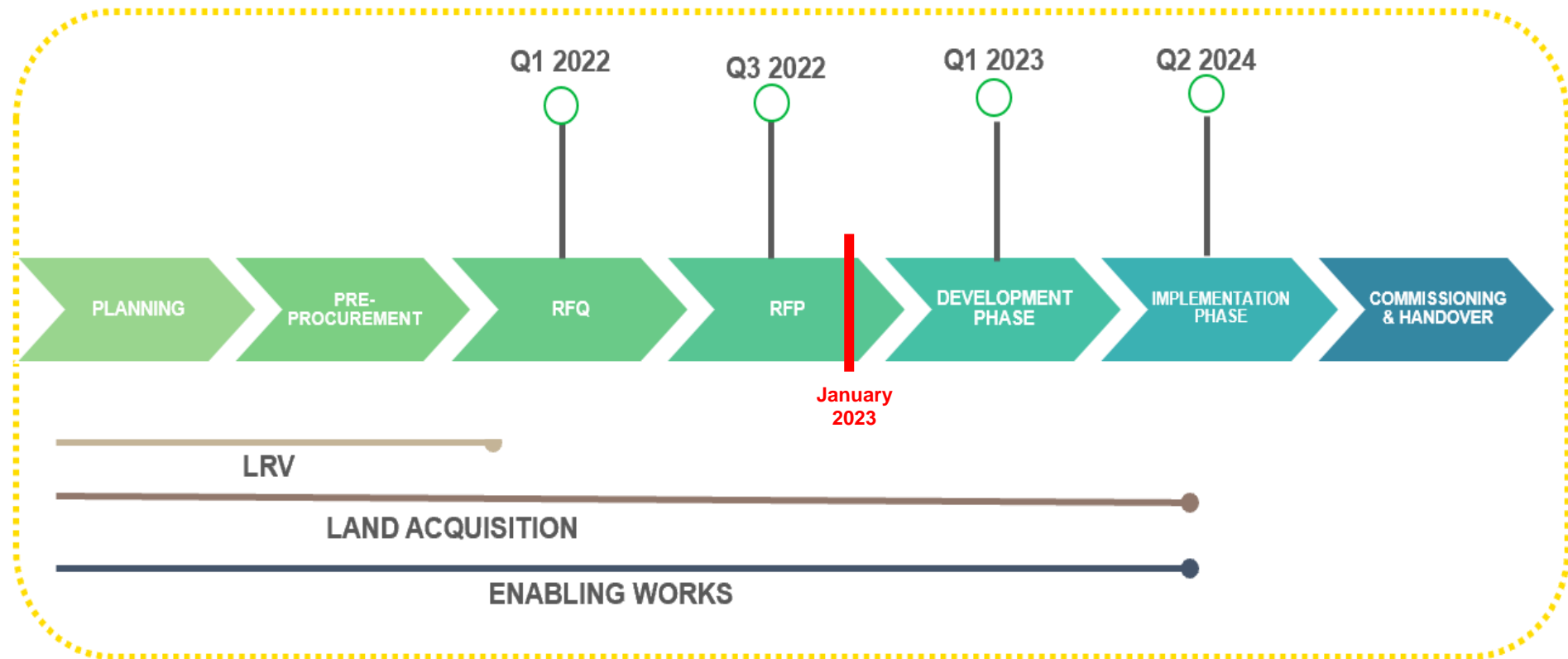


Project Dashboard

Health & Safety		<ul style="list-style-type: none">• There were no safety incidents in December 2022.• Green Line has had no Lost Time Incidents (LTI) or First Aid (FA) incidents in the past year with one Medical Aid (MA) incident in November 2022.
Environment		<ul style="list-style-type: none">• As part of the land acquisition process, identified properties require site-specific limited Environmental Site Assessment (ESA).
Stakeholder Relations		<ul style="list-style-type: none">• Connected with more than 65 businesses and key stakeholders in December 2022 (over 700 businesses and key stakeholders throughout 2022).• Indigenous Consultation underway in support of application process for the Elbow River and south Bow River crossings.
Schedule		<ul style="list-style-type: none">• Phase 1 Design-Build-Finance with Development Phase (DBF-DP) procurement activities are on schedule• Beltline Downtown Utility Relocation Project (BDURP) Beltline East construction is on schedule• LRV mock-up was delivered in Q4
Cost		<ul style="list-style-type: none">• Green Line continues to proactively monitor program costs• Appropriate mitigation measures for various key risks continue to be established, reviewed, and implemented
Quality		<ul style="list-style-type: none">• Program Quality Management Plan implementation continued with ongoing oversight of BDURP construction works, and LRV Supply project quality compliance.



Building Green Line: Design-Build-Finance (DBF) with a Development Phase





Financial Summary

Category	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	22-Dec
Owner's Cost	\$1,266,593	\$1,184,271	\$1,155,059	\$1,170,394	\$1,160,394	\$1,693,077
Design & Engineering	\$2,909,804	\$1,909,873	\$2,521,487	\$2,833,345	\$1,872,764	\$2,995,409
Construction, Land & Other Assets	\$2,220,709	\$3,856,904	\$2,977,347	\$6,331,012	\$2,045,927	\$15,765,205
Bus Rapid Transit	\$275,489	\$8,617	\$27,111	\$989	\$23,089	\$45,906
Grand Total	\$6,672,595	\$6,959,666	\$6,681,004	\$10,335,740	\$5,102,174	\$20,499,597

Table 1 – Green Line Previous 6-month Spend Rate (costs for December are preliminary)

Category	Committed Cost	Cost to Date	Cost Year to Date
Owner's Cost	\$80,416,386	\$79,936,759	\$14,660,674
Design & Engineering	\$285,463,824	\$268,411,186	\$31,959,920
Construction, Land & Other Assets	\$541,599,930	\$455,829,163	\$53,309,033
Bus Rapid Transit	\$4,596,206	\$4,596,206	\$1,302,299
Grand Total	\$912,076,346	\$808,773,314	\$101,231,925

Table 2 – Financial Summary as of December 31, 2022 (costs for December are preliminary)



Risk Mitigation

Cost & Schedule

- Continued assessment of market changes
- DBF-DP procurement on track

Land

- Southeast land acquisition near completion
- Focus on land acquisition in the Beltline and Downtown

Construction

- Business access planning underway
- Meeting with key stakeholders to plan for 2023 construction and related impacts

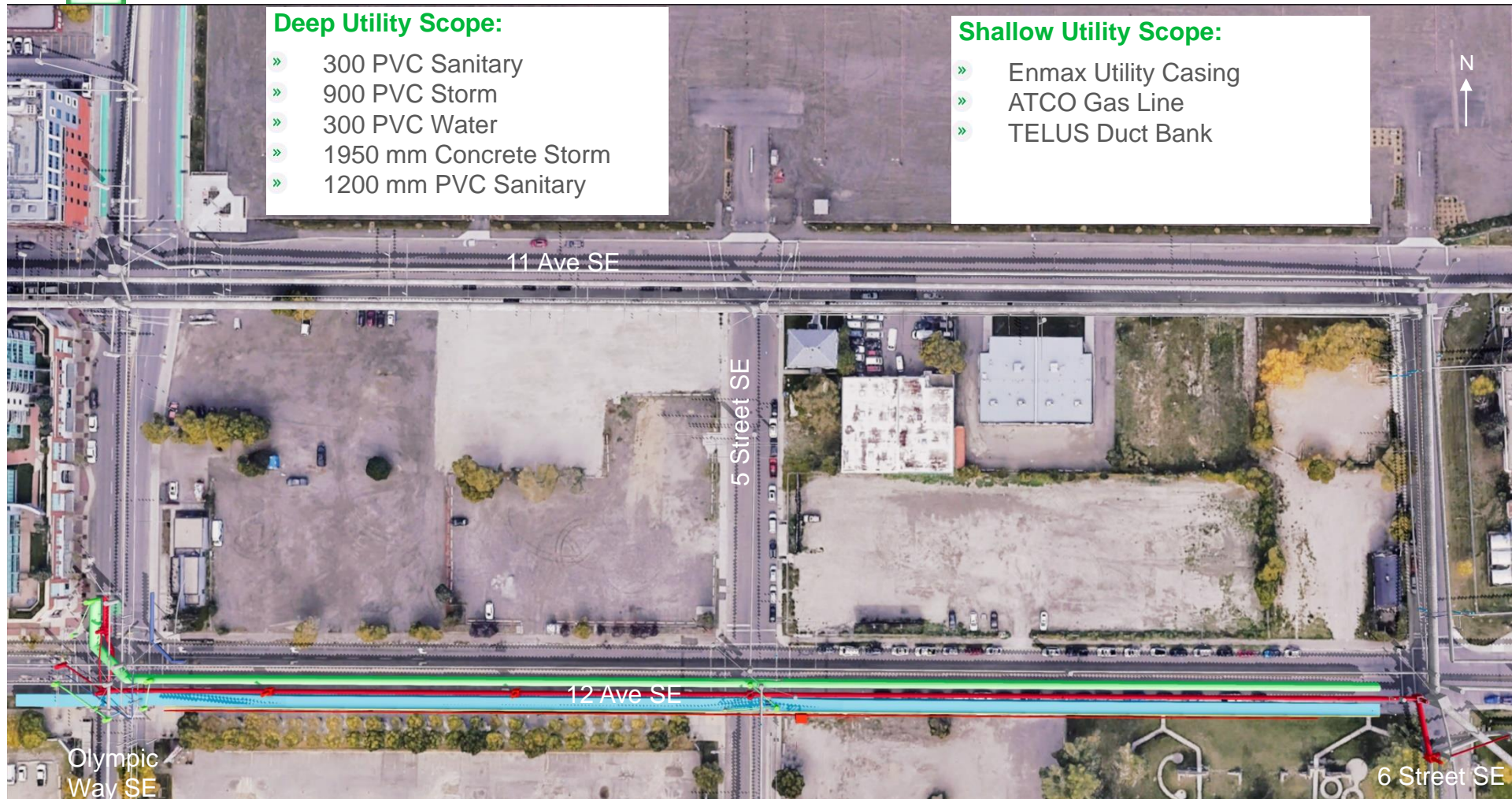
G

Deep Utility Scope:

- » 300 PVC Sanitary
- » 900 PVC Storm
- » 300 PVC Water
- » 1950 mm Concrete Storm
- » 1200 mm PVC Sanitary

Shallow Utility Scope:

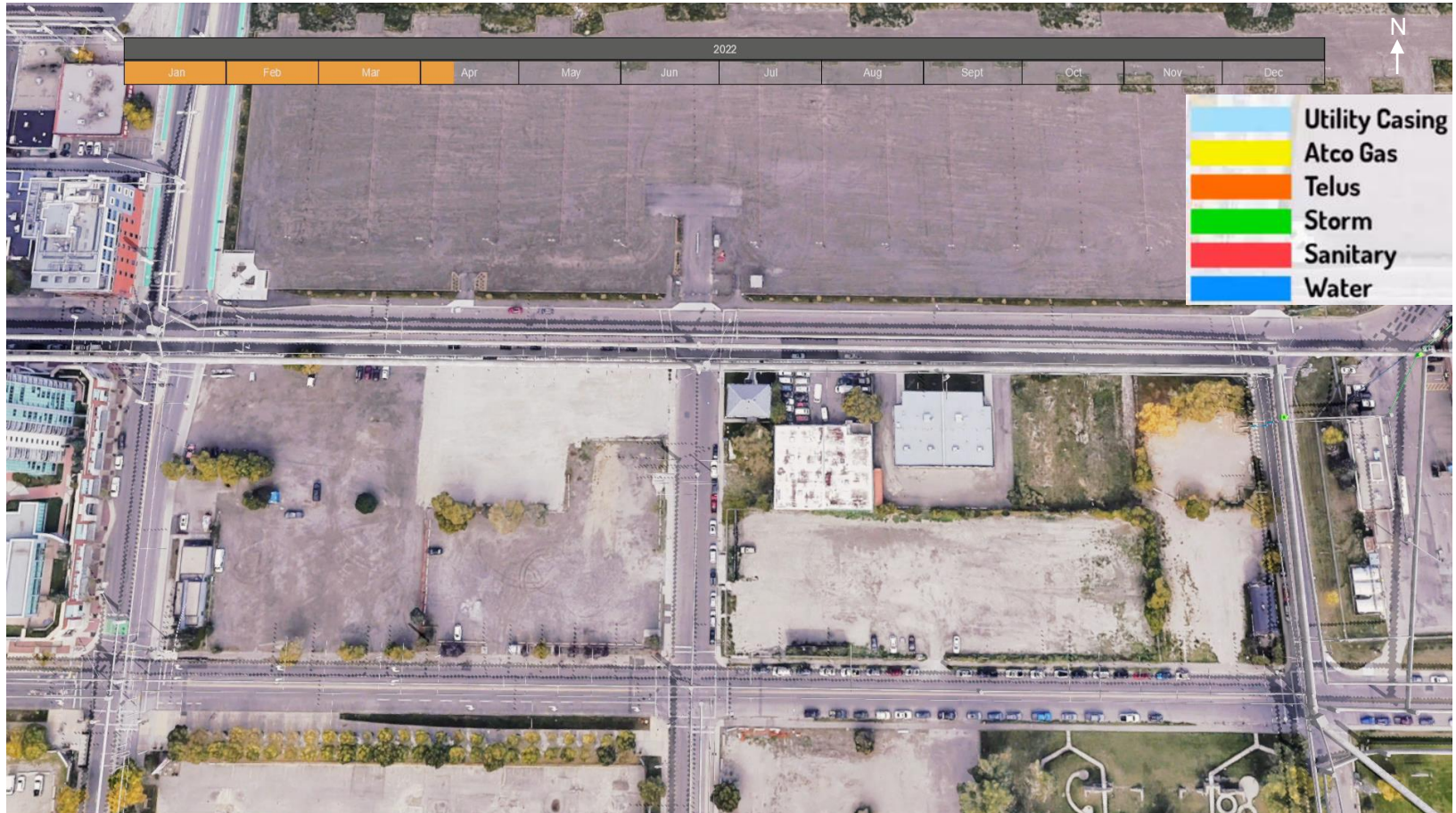
- » Enmax Utility Casing
- » ATCO Gas Line
- » TELUS Duct Bank



Utility Relocation Work Completed – Beltline East



2022 Construction Progress – 12 Avenue SE





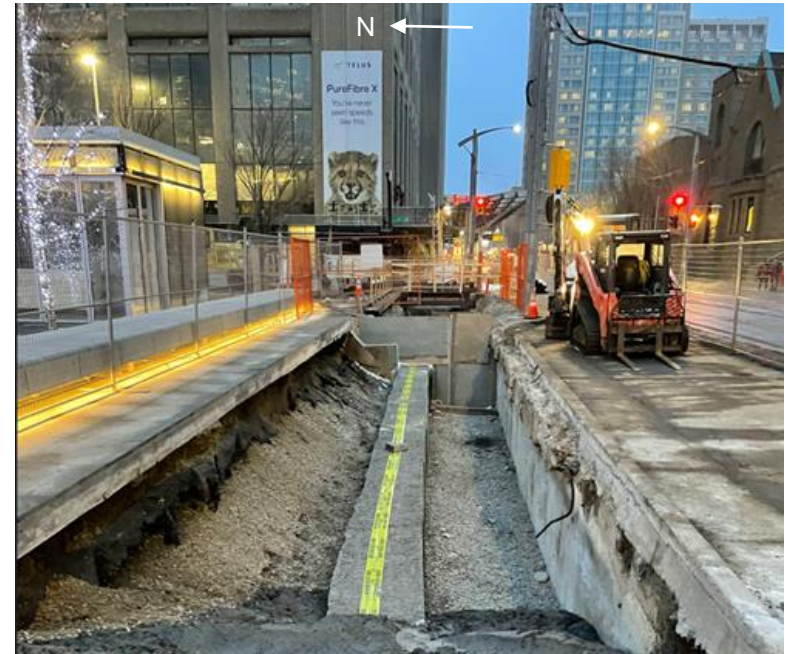
Lessons learned for 2023

Deep utility work – East Beltline



Sanitary and Storm trunk works at the intersection of Olympic Way and 12 Ave SE

Shallow utility work – Downtown



New Enmax duct bank along 7 Ave LRT

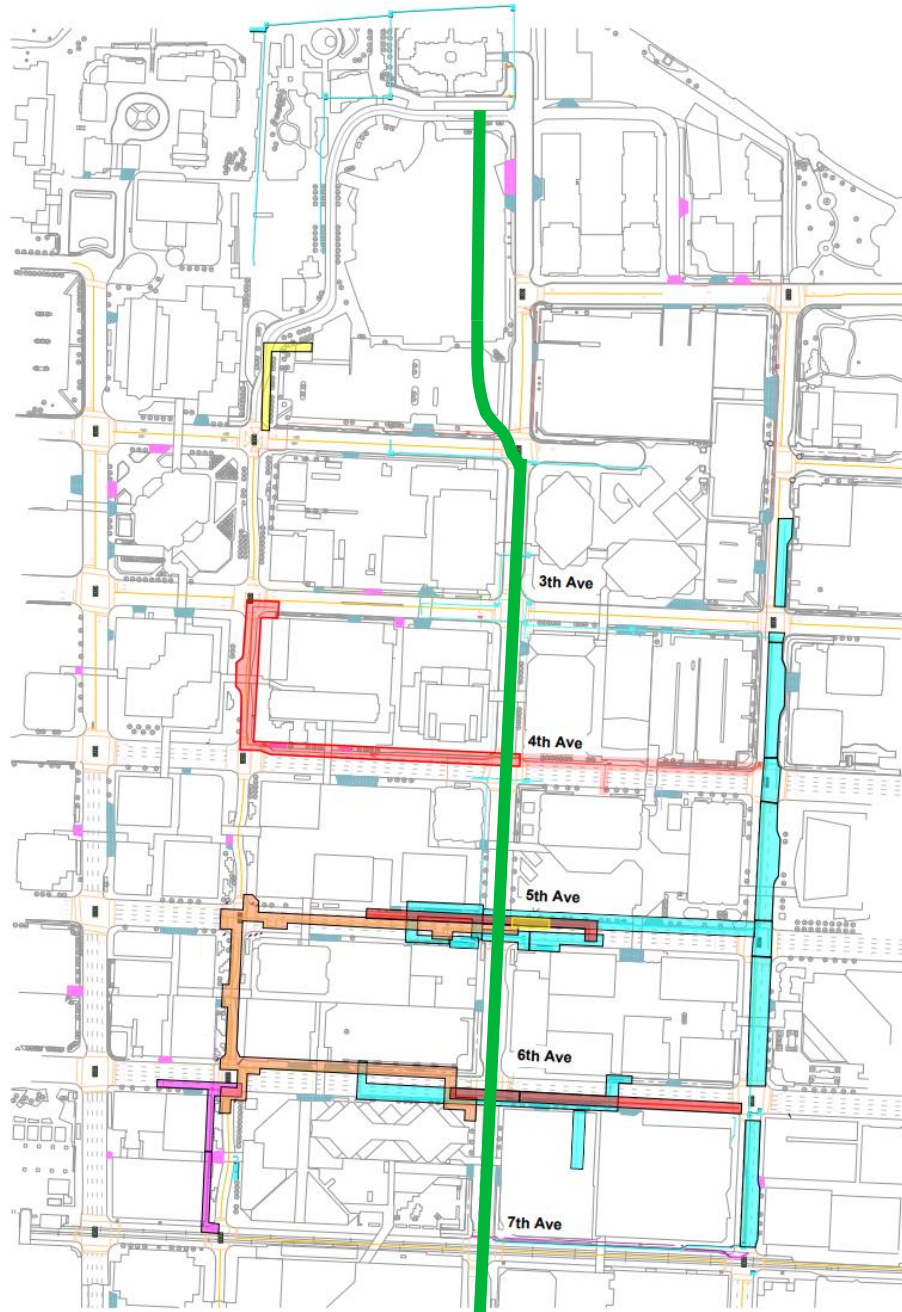
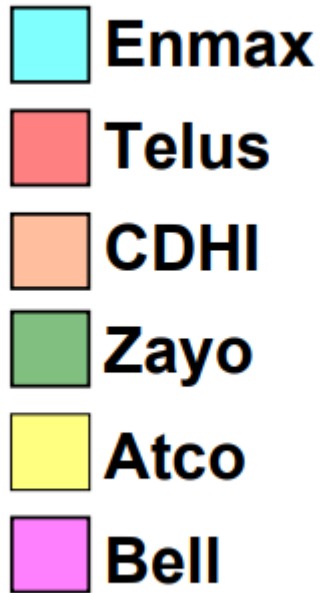


Construction for 2023 – Beltline East



G

Construction for 2023 – Downtown





Recommendation

That Executive Committee of Council receive this report for the corporate record.



Questions

Approaches for Determining Local Access Fees

RECOMMENDATION:

That the Executive Committee recommend that Council:

1. Receive this report for the corporate record.
2. Direct that any closed meeting discussions and attachments be held confidential pursuant to Section 24 (Advice from officials) of the Freedom of Information and Protection of Privacy Act to be reviewed by 2028 January 31.

HIGHLIGHTS

- Franchise Fees is a common term for charges that are mostly called the Local Access Fee on electricity bills and the Municipal Consent and Access Fee on natural gas bills. In Alberta, they are municipal charges applied to electricity, natural gas, and water bills. The legislative authority for these charges is in section 360 of the Municipal Government Act (MGA).
- Under the MGA, a franchise fee is allowed to be collected by the utility and remitted to the municipality in lieu of payments for property taxes and municipal right-of-way access fees. Cities give utilities permission to build and operate power lines, gas lines and water lines through City-owned property. The utilities reimburse the city for that service through the collection of fees from its customers. Municipal governments negotiate franchise fee agreements with utilities to meet the needs of the municipality and the utility serving the community. Most Alberta municipalities collect utility franchise fees.
- **Why is this important to Calgarians?** Energy bills have gone up significantly in line with inflation. Calgarians want assurances that The City did not make opportunistic Local Access Fee changes that take advantage of high energy prices.
- **Why does this matter?** Calgarians would benefit from an awareness that The City of Calgary's franchise fee rates and methodology have been unchanged since 1974.
- The City's revenue-based (or cost-based) approach to franchise fee determination is the most prevalent in Alberta.
- The City of Calgary's local access fee revenue is strongly correlated with the local economy, especially energy market activity. In recent years, The City of Calgary endured reductions in real terms when energy prices declined and then stayed low.
- In 2022, The City of Calgary recovered some of that reduction as a natural hedge against significant increases in The City's own energy-related costs. The recent increase will help The City to catch up and cover significant cost increases.
- Franchise fees are an essential source of City general revenue that assists The City in holding the line on property taxes.
- The City has long term natural gas and electricity franchise agreements.
- Background and Previous Council Direction is included as Attachment 1 (Confidential).

DISCUSSION

Background and Motivation for Franchise or Municipal Consent and Access Agreements

Utility providers often rely on land held by others to operate infrastructure. For example, natural gas providers use underground pipelines, while electricity distribution utilities use above-ground

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Approaches for Determining Local Access Fees

wires. When the land on which they locate utility infrastructure is privately owned land, they pay rent. Similarly, municipalities can charge utility providers for accessing publicly owned lands to locate utility infrastructure.

Utility providers are typically natural monopolies because they have high infrastructure expenses and costly barriers to entry. As such, the current regulation of utilities often grants utilities an exclusive right to provide a utility service within a municipality or service area. When private sector entities give exclusive rights to other entities, they often do so through franchise agreements. Similarly, a municipality can grant an exclusive franchise to a utility provider for a particular utility service.

The Rationale for Local Access, Franchise, or Municipal Consent and Access Fees

As a result, large Alberta municipalities have franchise (or municipal consent and access) agreements with utility providers for delivering electricity, natural gas, and water services. These agreements document the charges for using public lands to operate infrastructure and outline the conditions of use. The charges are local access, franchise, or municipal consent and access agreement fees. The fees are compensation for the following:

- Direct costs to the municipality.
- Restrictions on planning and development due to utility rights of way.
- Inherent risks related to utility access.

Local access, municipal consent and access, or franchise fees have a broad base. That's because all beneficiaries of utility services pay the fees. That's unlike property taxes, where some beneficiaries of municipal services are 'exempt' from paying property taxes. The customer base for Utility providers includes people, businesses, agencies, all levels of government and others who use electricity, gas, or water.

Calculating Local Access, Franchise, or Municipal Consent and Access Fees

The Municipal Government Act (MGA) is the enabling legislation. Through the MGA, municipalities can charge what they believe is fair for the local situation. Section 360 of the MGA provides the authority. Consequently, the fees and the basis for calculating them differ across Alberta municipalities.

For the City of Calgary, the fees are a share of utility revenue that reflects the underlying commodity's 'price' and 'quantity' consumed. For the City of Edmonton, electricity franchise fees are a fixed charge relative to the 'quantity' of the commodity consumed. Both approaches are permissible through the legislation. For example, Edmonton uses a 35 per cent share of gross revenue for its natural gas franchise fees.

For both the revenue and consumption-only approaches, customers have some control over the amount they pay based on the amount they consume. Energy efficiency improvements that reduce greenhouse gases also result in a decrease in franchise fees under both methods. Calgary has applied the revenue basis and an 11.11 per cent rate for natural gas and electricity since 1974.

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Approaches for Determining Local Access Fees

Attachment 2 (Confidential) summarizes the different approaches using information for Alberta's 15 most populous municipalities.

Overarching Pros and Cons of Alternative Approaches

At its core, municipalities must consider a trade-off between stability and responsiveness to local economic conditions. The consumption-based method used by the City of Edmonton for electricity is more predictable because significant year-over-year changes in consumption are unusual. It favours stability. On the other hand, the revenue approach used by The City of Calgary is more responsive to changes in local economic conditions. Whenever the local economy experiences a commodity price increase, some of that increase trickles into general revenue through these fees. It provides a natural hedge against higher prices paid by the municipality as a significant consumer of energy commodities.

The reverse is also true. The consumption-based method used by the City of Edmonton for electricity does not allow the municipality to benefit from commodity price increases, nor does it provide a natural hedge against commodity price swings. Similarly, the revenue method used by The City of Calgary is less stable because it leads to more fee revenue when commodity costs are higher and less when they are lower. Ultimately, the decision to proceed with either choice reflects municipal government policy preferences.

In Calgary, ratepayers are seeing higher costs recently but benefitted from lower fees between 2015 and 2020 due to low commodity costs.

EXTERNAL ENGAGEMENT AND COMMUNICATION

- | | |
|--|---|
| <input type="checkbox"/> Public engagement was undertaken | <input type="checkbox"/> Dialogue with interested parties was undertaken |
| <input type="checkbox"/> Public/interested parties were informed | <input checked="" type="checkbox"/> Public communication or engagement was not required |

IMPLICATIONS

Social

One of the underlying considerations related to the introduction of Calgary's local access fees in 1939, through Bylaw 3232, was to address unequal energy consumption across customer groups. Higher consumption for the more economically advantaged means more franchise fees. In line with The City's Social Wellbeing Policy and equity considerations, The City's current approach acknowledges differences in the level of the underlying natural gas or electricity commodity consumed locally.

Environmental

Most of the underlying environmental impacts associated with the local access fees get reflected in the reliance on natural gas (rather than coal) as a source for heating. There are also efforts underway by the provincial government to clean the electricity grid. These efforts align with The City's newly developed Climate Strategy and Actions Plans. Also, franchise fees incentivize energy efficiency improvements that reduce greenhouse gases.

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Approaches for Determining Local Access Fees

Economic

The establishment of reasonable local access fee rates aligns with The City's economic resilience pillar. It focuses on ensuring robust diversity of funding sources for City programs and services. It also supports local competitiveness and attractiveness to talent and investment by keeping The City of Calgary's franchise fee rates low.

Service and Financial Implications

Other: The 2021 local access revenue received through natural gas (ATCO Gas) and electricity (ENMAX) providers was \$230.7 million. The City's local access fee for electricity will increase from \$165.3 million in 2021 to a little over \$220 million in 2022, in line with increases across Alberta municipalities.

RISK

There are no risks associated with this report.

ATTACHMENTS

1. CONFIDENTIAL - Previous Council Direction, Background
2. CONFIDENTIAL - Approaches to Determining Natural Gas and Electricity Local Access Fees in Alberta's 15 Largest Municipalities

Department Circulation

General Manager/Director	Department	Approve/Consult/Inform
Carla Male	Corporate Planning & Financial Services	Approve

ENMAX 2023 Borrowing Request

RECOMMENDATION(S):

That the Executive Committee recommend that Council:

1. Give first reading to Bylaws: 1B2023, 2B2023, 3B2023, 4B2023, authorizing The City of Calgary ("The City") to borrow a maximum of \$214.176 million for financing capital projects for ENMAX Corporation ("ENMAX"), and as further defined by the proposed Bylaws attached to this report and summarized as:
 - a. 1B2023 – 5 Years - \$21.977 million – Acquisition of Technology and Support Services;
 - b. 2B2023 – 10 Years - \$5.598 million – Acquisition of Fleet Equipment and Capital Tools;
 - c. 3B2023 – 20 Years - \$10.229 million – Non-Residential Development;
 - d. 4B2023 – 25 Years - \$176.372 million – Electric System and Building Improvements;
2. Give first reading to Bylaw 1M2023 – Authorizing Municipal Loans to ENMAX that The City has borrowed pursuant to Borrowing Bylaws 1B2023, 2B2023, 3B2023 and 4B2023, to a maximum sum of \$214.176 million to fund the regulated operations of ENMAX;
3. Withhold second and third readings until the advertising requirements have been met; and
4. Should the proposed Bylaws be fully approved by Council, direct Administration to amend any existing agreements between The City and ENMAX as applicable and in accordance with the Credit Documentation – Loans and Loan Guarantees Policy and Procedures.

HIGHLIGHTS

- As a wholly owned subsidiary of The City, ENMAX is able to borrow from The City to finance its regulated capital projects carried out by its subsidiary, ENMAX Power Corporation
- The terms and conditions of this borrowing are outlined within a Credit Agreement entered into between The City and ENMAX dated 2021 February 8
- Council has reviewed the 2023 Consolidated Operating and Capital Budget for ENMAX, and the Bylaws are to accommodate ENMAX's funding request for 2023 June 15
- ***What does this mean to Calgarians? Why does this matter?***
These additional borrowings are intended to provide lower cost of borrowing to ENMAX Power Corporation, resulting in lower utility service costs for Calgarians

DISCUSSION

- Annually, ENMAX seeks authority from Council to borrow for the current year;
- These borrowings are categorized as Self-Supported Debt as defined by The City's Debt Policy and as such do not impact The City's debt limit;
- ENMAX generally targets June 15 annually for funding its drawdown request.

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ENMAX 2023 Borrowing Request

- Recent and anticipated borrowings are summarized as follows:

Term (Years)	General Descriptions** (\$ millions)	YoY %Δ	2023 *	2022	2021	2020
5	Acquisition of Technology and Support Services	31.8%	\$21.977	\$16.673	\$9.971	\$9.297
10	Acquisition of Fleet Equipment and Capital Tools	-25.9%	\$5.598	\$7.553	\$2.967	\$4.022
20	Non-Residential Development	-23.9%	\$10.229	\$13.446	\$6.459	\$5.716
25	Electric System and Building Improvements	-8.2%	\$176.372	\$192.195	\$140.907	\$145.879
Annual Loan Amount:		-6.8%	\$214.176	\$229.867	\$160.304	\$164.914

* \$ amounts subject to decreases associated with final notice of drawdown submitted by ENMAX

** Descriptions subject to change due to specific descriptions of related borrowings

As at 2022 September 30, The City maintained \$1.6 billion in debentures on behalf of ENMAX at a weighted average interest rate of 3.55 per cent per year (not including The City's Administration Fee), with initial terms ranging between 5 years and 25 years.

EXTERNAL ENGAGEMENT AND COMMUNICATION

- | | |
|--|---|
| <input type="checkbox"/> Public engagement was undertaken | <input checked="" type="checkbox"/> Dialogue with interested parties was undertaken |
| <input type="checkbox"/> Public/interested parties were informed | <input checked="" type="checkbox"/> Public communication or engagement was not required |

The City and ENMAX have discussed this work and ENMAX has reviewed this report. ENMAX representatives will be in attendance for this item at Executive Committee.

IMPLICATIONS

Social

Not Applicable

Environmental

Not Applicable

Economic

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ENMAX 2023 Borrowing Request

Not Applicable

Service and Financial Implications

Self-supported funding

\$214.176 million

No financial implications other than 0.25 per cent Administration Fee charged by The City.

RISK

Risk associated with the ENMAX borrowings are managed by the terms and conditions outlined in the Credit Agreement. Included in these terms and conditions are various commitments made by ENMAX which provide The City with the information it needs to understand and assess this risk.

Notable commitments include:

- **Financial Reporting:** consolidated financial statements are provided by ENMAX quarterly which supports The City's ability to review and assess ENMAX's financial status and key operational development on a timely basis, this includes audited annual statements; and
- **Compliance Certificate:** prepared and submitted quarterly and executed by a duly appointed and authorized officer of ENMAX which confirms ENMAX's compliance with all material terms and conditions of the Credit Agreement and no Events of Default have occurred.

In addition to helping manage risk, these features of the Credit Agreement also promote a collaborative working relationship with ENMAX by helping to manage expectations between both parties.

Relevant items identified in the most recent financial review from ENMAX's three external rating agencies:

- On 2022 March 14 ENMAX received a first-time credit rating from Fitch Ratings of BBB with a stable outlook reflective of a stable and low risk business mix.
- On 2022 June 22 S&P Global Ratings maintained ENMAX's credit rating of BBB- (Outlook Negative). According to S&P, this was *"due to high leverage the company took on... to partially fund its acquisition of Versant Power and the company's robust annual capital spending..."*
- On 2022 July 7 DBRS Morningstar confirmed their rating of ENMAX at BBB (high) with a stable outlook. These and other financial metrics are reviewed by The City quarterly with the receipt of the financial reporting referenced above.

ATTACHMENT(S)

1. Attach 1 – Proposed Bylaw 1B2023
2. Attach 2 – Proposed Bylaw 2B2023
3. Attach 3 – Proposed Bylaw 3B2023

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ENMAX 2023 Borrowing Request

- 4. Attach 4 – Proposed Bylaw 4B2023
- 5. Attach 5 – Proposed Bylaw 1M2023
- 6. Attach 6 – Key Metrics Summary

Department Circulation

General Manager/Director	Department	Approve/Consult/Inform
Carla Male	Corporate Planning & Financial Services	Approve

BYLAW NUMBER 1B2023

**BEING A BYLAW TO AUTHORIZE THE CITY OF CALGARY
TO INCUR INDEBTEDNESS BY THE ISSUANCE OF ONE OR MORE
DEBENTURES IN THE TOTAL AMOUNT OF UP TO \$21.977 MILLION
FOR FINANCING THE ACQUISITION OF TECHNOLOGY AND
SUPPORT SERVICES FOR THE REGULATED OPERATIONS
OF ENMAX CORPORATION**

WHEREAS Council of The City of Calgary ("**Council**") has reviewed the 2023 Consolidated Operating and Capital Budget for ENMAX Corporation ("**ENMAX**"), a controlled corporation of The City of Calgary ("**The City**");

AND WHEREAS the acquisition of technology and support services for the regulated operations of ENMAX (the "**Acquisitions**") are estimated to cost \$37.863 million;

AND WHEREAS it is estimated that \$15.886 million of the total cost will be financed from sources other than debenture borrowing;

AND WHEREAS Council has decided to pass a bylaw pursuant to Sections 251 and 257 of the *Municipal Government Act*, R.S.A. 2000 c. M-26, to authorize borrowing an amount not exceeding \$21.977 million from the Province of Alberta (the "**Province**") or other financial institutions or capital markets by the issuance of debentures for the purpose of financing a portion of the Acquisitions;

AND WHEREAS the primary estimated lifetime of the Acquisitions financed under this Bylaw are equal to, or in excess of five (5) years;

AND WHEREAS the amount of the long-term debt of The City as at 2021 December 31 is \$2,771 million with \$367 million being tax supported debt, \$220 million being self-sufficient tax supported debt and \$2,184 million being self-supported debt and no part of the principal or interest is in arrears;

AND WHEREAS all required approvals for the Acquisitions will be obtained to ensure they are in compliance with all applicable laws in force in the Province of Alberta.

NOW, THEREFORE, COUNCIL, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. The City is hereby authorized to issue one or more debentures to a maximum sum of \$21.977 million to finance a portion of the Acquisitions.
2. The Chief Financial Officer of The City is hereby authorized to execute and deliver such agreements, instruments, certificates, and other documents, and do such further acts and things as may be reasonably necessary or as may be reasonably requested for the purpose of carrying out the borrowing and performing The City's obligations under any associated agreements, instruments, certificates or other documents.
3. The City shall repay the indebtedness over a period not exceeding five (5) years in semi-annual equal principal and interest installments, with interest being calculated at a rate not

exceeding the rate fixed by the Province on the date of the borrowing, up to a maximum rate of 8% per annum.

4. The City shall obtain funds from ENMAX to repay the said indebtedness under the terms of the agreement between The City and ENMAX, as described in Bylaw Number 1M2023. In the event of any revenue deficiency, The City shall levy and raise municipal taxes sufficient to pay the indebtedness.
5. The indebtedness shall be contracted on the credit and security of The City.
6. The net amount borrowed under this Bylaw shall be applied only to the purposes specified by this Bylaw.
7. This Bylaw comes into force on the date it is passed.

READ A FIRST TIME THIS ____ DAY OF _____, 2023.

READ A SECOND TIME THIS ____ DAY OF _____, 2023.

READ A THIRD TIME THIS ____ DAY OF _____, 2023.

MAYOR
SIGNED THIS ____ DAY OF _____, 2023.

CITY CLERK
SIGNED THIS ____ DAY OF _____, 2023.

BYLAW NUMBER 2B2023

**BEING A BYLAW TO AUTHORIZE THE CITY OF CALGARY
TO INCUR INDEBTEDNESS BY THE ISSUANCE OF ONE OR MORE
DEBENTURES IN THE TOTAL AMOUNT OF UP TO \$5.598 MILLION
FOR FINANCING THE ACQUISITION OF FLEET EQUIPMENT
AND CAPITAL TOOLS FOR THE REGULATED OPERATIONS
OF ENMAX CORPORATION**

WHEREAS Council of The City of Calgary ("**Council**") has reviewed the 2023 Consolidated Operating and Capital Budget for ENMAX Corporation ("**ENMAX**"), a controlled corporation of The City of Calgary ("**The City**");

AND WHEREAS the acquisition of fleet equipment and capital tools for the regulated operations of ENMAX (the "**Acquisitions**") are estimated to cost \$9.565 million;

AND WHEREAS it is estimated that \$3.967 million of the total cost will be financed from sources other than debenture borrowing;

AND WHEREAS Council has decided to pass a bylaw pursuant to Sections 251 and 258 of the *Municipal Government Act*, R.S.A. 2000 c. M-26, to authorize borrowing an amount not exceeding \$5.598 million from the Province of Alberta (the "**Province**") or other financial institutions or capital markets by the issuance of debentures for the purpose of financing a portion of the Acquisitions;

AND WHEREAS the primary estimated lifetime of the Acquisitions financed under this Bylaw are equal to, or in excess of ten (10) years;

AND WHEREAS the amount of the long-term debt of The City as at 2021 December 31 is \$2,771 million with \$367 million being tax supported debt, \$220 million being self-sufficient tax supported debt and \$2,184 million being self-supported debt and no part of the principal or interest is in arrears;

AND WHEREAS all required approvals for the Acquisitions will be obtained to ensure they are in compliance with all applicable laws in force in the Province of Alberta.

NOW, THEREFORE, COUNCIL, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. The City is hereby authorized to issue one or more debentures to a maximum sum of \$5.598 million to finance a portion of the Acquisitions.
2. The Chief Financial Officer of The City is hereby authorized to execute and deliver such agreements, instruments, certificates, and other documents, and do such further acts and things as may be reasonably necessary or as may be reasonably requested for the purpose of carrying out the borrowing and performing The City's obligations under any associated agreements, instruments, certificates or other documents.
3. The City shall repay the indebtedness over a period not exceeding ten (10) years in semi-annual equal principal and interest installments, with interest being calculated at a rate not

exceeding the rate fixed by the Province on the date of the borrowing, up to a maximum rate of 8% per annum.

4. The City shall obtain funds from ENMAX to repay the said indebtedness under the terms of the agreement between The City and ENMAX, as described in Bylaw Number 1M2023. In the event of any revenue deficiency, The City shall levy and raise municipal taxes sufficient to pay the indebtedness.
5. The indebtedness shall be contracted on the credit and security of The City.
6. The net amount borrowed under this Bylaw shall be applied only to the purposes specified by this Bylaw.
7. This Bylaw comes into force on the date it is passed.

READ A FIRST TIME THIS ____ DAY OF _____, 2023.

READ A SECOND TIME THIS ____ DAY OF _____, 2023.

READ A THIRD TIME THIS ____ DAY OF _____, 2023.

MAYOR
SIGNED THIS ____ DAY OF _____, 2023.

CITY CLERK
SIGNED THIS ____ DAY OF _____, 2023.

BYLAW NUMBER 3B2023

**BEING A BYLAW TO AUTHORIZE THE CITY OF CALGARY
TO INCUR INDEBTEDNESS BY THE ISSUANCE OF ONE OR MORE
DEBENTURES IN THE TOTAL AMOUNT OF UP TO \$10.229 MILLION
FOR FINANCING THE NON-RESIDENTIAL DEVELOPMENT
FOR THE REGULATED OPERATIONS
OF ENMAX CORPORATION**

WHEREAS Council of The City of Calgary ("**Council**") has reviewed the 2023 Consolidated Operating and Capital Budget for ENMAX Corporation ("**ENMAX**"), a controlled corporation of The City of Calgary ("**The City**");

AND WHEREAS the non-residential development for the regulated operations of ENMAX (the "**Development**") is estimated to cost \$29.382 million;

AND WHEREAS it is estimated that \$19.153 million of the total cost will be financed from sources other than debenture borrowing;

AND WHEREAS Council has decided to pass a bylaw pursuant to Sections 251 and 258 of the *Municipal Government Act*, R.S.A. 2000 c. M-26, to authorize borrowing an amount not exceeding \$10.229 million from the Province of Alberta (the "**Province**") or other financial institutions or capital markets by the issuance of debentures for the purpose of financing a portion of the Development;

AND WHEREAS the primary estimated lifetime of the assets financed under this Bylaw are equal to, or in excess of twenty (20) years;

AND WHEREAS the amount of the long-term debt of The City as at 2021 December 31 is \$2,771 million with \$367 million being tax supported debt, \$220 million being self-sufficient tax supported debt and \$2,184 million being self-supported debt and no part of the principal or interest is in arrears;

AND WHEREAS all required approvals for the Development will be obtained to ensure they are in compliance with all applicable laws in force in the Province of Alberta.

NOW, THEREFORE, COUNCIL, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. The City is hereby authorized to issue one or more debentures to a maximum sum of \$10.229 million to finance a portion of the Development.
2. The Chief Financial Officer of The City is hereby authorized to execute and deliver such agreements, instruments, certificates, and other documents, and do such further acts and things as may be reasonably necessary or as may be reasonably requested for the purpose of carrying out the borrowing and performing The City's obligations under any associated agreements, instruments, certificates or other documents.
3. The City shall repay the indebtedness over a period not exceeding twenty (20) years in semi-annual equal principal and interest installments, with interest being calculated at a

rate not exceeding the rate fixed by the Province on the date of the borrowing, up to a maximum rate of 8% per annum.

4. The City shall obtain funds from ENMAX to repay the said indebtedness under the terms of the agreement between The City and ENMAX, as described in Bylaw Number 1M2023. In the event of any revenue deficiency, The City shall levy and raise municipal taxes sufficient to pay the indebtedness.
5. The indebtedness shall be contracted on the credit and security of The City.
6. The net amount borrowed under this Bylaw shall be applied only to the purposes specified by this Bylaw.
7. This Bylaw comes into force on the date it is passed.

READ A FIRST TIME THIS ____ DAY OF _____, 2023.

READ A SECOND TIME THIS ____ DAY OF _____, 2023.

READ A THIRD TIME THIS ____ DAY OF _____, 2023.

MAYOR
SIGNED THIS ____ DAY OF _____, 2023.

CITY CLERK
SIGNED THIS ____ DAY OF _____, 2023.

BYLAW NUMBER 4B2023

**BEING A BYLAW TO AUTHORIZE THE CITY OF CALGARY
TO INCUR INDEBTEDNESS BY THE ISSUANCE OF ONE OR MORE
DEBENTURES IN THE TOTAL AMOUNT OF UP TO \$176.372 MILLION
FOR FINANCING THE ELECTRIC SYSTEM AND BUILDING
IMPROVEMENTS FOR THE REGULATED OPERATIONS
OF ENMAX CORPORATION**

WHEREAS Council of The City of Calgary ("**Council**") has reviewed the 2023 Consolidated Operating and Capital Budget for ENMAX Corporation ("**ENMAX**"), a controlled corporation of The City of Calgary ("**The City**");

AND WHEREAS the electric system and building improvements for the regulated operations of ENMAX (the "**Projects**") are estimated to cost \$341.695 million;

AND WHEREAS it is estimated that \$165.323 million of the total cost will be financed from sources other than debenture borrowing;

AND WHEREAS Council has decided to pass a bylaw pursuant to Sections 251 and 258 of the *Municipal Government Act*, R.S.A. 2000 c. M-26, to authorize borrowing an amount not exceeding \$176.372 million from the Province of Alberta (the "**Province**") or other financial institutions or capital markets by the issuance of debentures for the purpose of financing a portion of the Projects;

AND WHEREAS the primary estimated lifetime of the Projects financed under this Bylaw are equal to, or in excess of twenty-five (25) years;

AND WHEREAS the amount of the long-term debt of The City as at 2021 December 31 is \$2,771 million with \$367 million being tax supported debt, \$220 million being self-sufficient tax supported debt and \$2,184 million being self-supported debt and no part of the principal or interest is in arrears;

AND WHEREAS all required approvals for the Projects will be obtained to ensure they are in compliance with all applicable laws in force in the Province of Alberta.

NOW, THEREFORE, COUNCIL, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. The City is hereby authorized to issue one or more debentures to a maximum sum of \$176.372 million to finance a portion of the Projects.
2. The Chief Financial Officer of The City is hereby authorized to execute and deliver such agreements, instruments, certificates, and other documents, and do such further acts and things as may be reasonably necessary or as may be reasonably requested for the purpose of carrying out the borrowing and performing The City's obligations under any associated agreements, instruments, certificates or other documents.
3. The City shall repay the indebtedness over a period not exceeding twenty-five (25) years in semi-annual equal principal and interest installments, with interest being calculated at

a rate not exceeding the rate fixed by the Province on the date of the borrowing, up to a maximum rate of 8% per annum.

4. The City shall obtain funds from ENMAX to repay the said indebtedness under the terms of the agreement between The City and ENMAX, as described in Bylaw Number 1M2023. In the event of any revenue deficiency, The City shall levy and raise municipal taxes sufficient to pay the indebtedness.
5. The indebtedness shall be contracted on the credit and security of The City.
6. The net amount borrowed under this Bylaw shall be applied only to the purposes specified by this Bylaw.
7. This Bylaw comes into force on the date it is passed.

READ A FIRST TIME THIS ____ DAY OF _____, 2023.

READ A SECOND TIME THIS ____ DAY OF _____, 2023.

READ A THIRD TIME THIS ____ DAY OF _____, 2023.

MAYOR
SIGNED THIS ____ DAY OF _____, 2023.

CITY CLERK
SIGNED THIS ____ DAY OF _____, 2023.

BYLAW NUMBER 1M2023

**BEING A BYLAW OF THE CITY OF CALGARY
AUTHORIZING MUNICIPAL LOANS OF \$214.176 MILLION
TO ENMAX CORPORATION**

**COUNCIL OF THE CITY OF CALGARY, DULY ASSEMBLED, ENACTS THE
FOLLOWING:**

Purpose

1. The purpose of this Bylaw is to authorize Loans from The City to its controlled corporation, ENMAX, pursuant to Section 265 of the MGA and in accordance with subsection 264(1)(b) of the MGA, as modified by subsection 4(11)(a)(i) of the *City of Calgary Charter, 2018 Regulation*, Alta Reg 40/2018.
2. The purpose of the Loans is to fund the regulated operations of ENMAX in the Province of Alberta.

Interpretation

3. In this Bylaw:
 - (a) "Council" means the municipal council of The City;
 - (b) "Credit Agreement" means the credit agreement entered into between The City, as lender, and ENMAX, as borrower, dated the 8th day of February, 2021, as may be amended from time to time;
 - (c) "ENMAX" means ENMAX Corporation, a controlled corporation of The City, incorporated under the *Business Corporations Act*, RSA 2000, c. B-9, on July 29, 1997;
 - (d) "Loans" means the lending of funds from The City to ENMAX in accordance with the terms of the Credit Agreement and as authorized by this Bylaw;
 - (e) "MGA" means *Municipal Government Act*, RSA 2000, c. M-26; and
 - (f) "The City" means The City of Calgary, a municipal corporation of the Province of Alberta.

The Loans

4. (1) The City is authorized to lend to ENMAX funds that The City has borrowed from the Province of Alberta pursuant to Borrowing Bylaws 1B2023, 2B2023, 3B2023 and 4B2023, up to a maximum sum of \$214.176 million. Such loan authorization is made on the condition that the Loans are advanced in accordance with the terms and conditions outlined in the Credit Agreement.

- (2) The Loans shall be advanced by The City to ENMAX after:
- (a) Council has given three readings to Borrowing Bylaws 1B2023, 2B2023, 3B2023 and 4B2023;
 - (b) Council has given three readings to this Bylaw;
 - (c) ENMAX has provided to The City a Notice of Drawdown in accordance with the terms of the Credit Agreement and satisfied the applicable conditions of advance set out in the Credit Agreement; and
 - (d) the City Treasurer of The City has approved of the applicable advance.
- (3) ENMAX shall repay to The City the Loans over a period not exceeding 25 years in accordance with the terms set out in the Credit Agreement. The interest rate applicable to the Loans will align with The City's cost of borrowing from the Province of Alberta.
- (4) ENMAX shall pay to The City an administration fee of 0.25% per annum on the outstanding Loans, which amount shall accrue daily and be payable monthly.

General Matters

5. This Bylaw comes into force on the date it is passed.

READ A FIRST TIME THIS ____ DAY OF _____, 2023.

READ A SECOND TIME THIS ____ DAY OF _____, 2023.

READ A THIRD TIME THIS ____ DAY OF _____, 2023.

MAYOR
SIGNED THIS ____ DAY OF _____, 2023.

CITY CLERK
SIGNED THIS ____ DAY OF _____, 2023.

Key Metrics Summary – 2022 September 30

		Annualized LTM * 2022 Sept 30	Annual 2021	Annual 2020
<i>(millions of Canadian dollars, unless listed otherwise)</i>				
OPERATING RESULTS				
A	Total Revenue ¹ (LTM *)	\$3,445	\$3,097	\$2,626
B	Funds from operations (FFO) ⁴	\$736	\$621	\$537
C	Adjusted EBITDA ^{1, 2} (LTM *)	\$675	\$609	\$569
D	Cash flow used in investing activities ¹ (LTM *)	\$544	\$472	\$1,831
FINANCIAL POSITION				
E	Current Assets ¹	\$1,737	\$1,209	\$967
F	Current Liabilities ¹	\$1,831	\$1,682	\$973
G	Total Long-Term Debt ¹	\$3,205	\$2,852	\$3,368
H	Net Debt (G + F) - E	\$3,299	\$3,325	\$3,374
I	Adjusted Debt ⁴	\$5,018	\$4,458	\$4,551
LIQUIDITY				
J	Cash & Equivalents ¹	\$204	\$65	\$40
K	Credit Facilities Capacity ¹	\$2,050	\$1,650	\$1,100
L	Credit Facilities Available ¹	\$1,328	\$1,041	\$655
M	Credit Facilities Drawn K - L	\$722	\$609	\$445
N	% Drawn M / K	35.2%	36.9%	40.5%
FINANCIAL METRICS				
O	Net Debt to Adjusted EBITDA H / C	4.9x	5.5x	5.9x
P	FFO to Adjusted Debt (Simplified) ^{4, 5} B / I	14.7%	13.9%	11.8%
COMPLIANCE				
Q	Total Debt ³	\$3,590	\$3,550	\$3,613
R	Consolidated Capitalization (Facilities) ³	\$6,749	\$6,265	\$6,024
S	Debt to Capitalization Ratio (75% Maximum) Q / R	53.2%	56.7%	60.0%

Please Note: The information provided above is compiled to support The City's review of ENMAX's financial results. In the event that any value is inconsistent with ENMAX's public disclosure, the reader should default to using ENMAX's public disclosure.

* LTM = Last Twelve Months

¹ Provided within most recent financial reporting;

² Non-IFRS financial measure. Refer to discussion included within ENMAX's financial reporting;

³ Further defined within Credit Agreement entered into between The City and ENMAX dated 2021 February 8;

⁴ Calculated by Administration, and based on an interpretation of S&P Global's publicly available methodology guidance.

⁵ Simplified FFO to debt metric intended to show directional trend. NOT intended to reconcile with S&P's publicized metric which is generated using proprietary data not available to Administration.



Report Number: EC2023-0090

Meeting: Executive Committee

Meeting Date: 2023 January 31

NOTICE OF MOTION

RE: Strengthening provincial regulations to improve safety of unlicensed private day homes

Sponsoring Members of Council: Councillor Walcott, Mayor Gondek, Councillor Spencer, Councillor Wyness, Councillor Demong

WHEREAS:

- the Government of Alberta regulates child care through the Early Learning and Child Care Act but has minimal oversight of, and no minimum safety standards for, unlicensed private day homes;
- on 2022 September 14, Council unanimously approved measures to enhance the safety of unlicensed private day homes in Calgary by introducing a mandatory business licence with minimum application requirements (i.e., valid first aid certification and criminal record checks with vulnerable sector searches) for these businesses;
- on 2022 November 9, the Children's Services mandate letter was released and committed to ensuring more transparency and accountability in unlicensed day homes, including increased training;
- although there are several municipalities in Alberta that have regulations in place to try to address the gap in provincial legislation, there remains a lack of consistency across the province and many jurisdictions with no additional regulations for unlicensed child care providers;
- critical incidents, including traumatic injury, sexual assault, and death continue to occur in unlicensed private day homes across the province, including the recent tragic death of a 7-month old infant at the hands of an unlicensed private day home provider in High Prairie in 2022 October; and
- The City of Calgary has committed to continuing to advocate to the Government of Alberta for child care options that reduce risk and help protect children in unlicensed care.

NOW THEREFORE BE IT RESOLVED:

- that Council endorse a request for decision (Attachment 2) containing the following recommendation to Alberta Municipalities' Spring Municipal Leaders' Caucus, and affirm its support for strengthening provincial regulations to improve safety of unlicensed private day homes across Alberta:

RECOMMENDATION:

That Calgary City Council requests that the Alberta Municipalities Board advocate to the Minister of Children's Services to increase protections for the youngest and most vulnerable Albertans by:

1. Mandating minimum safety standards for unlicensed private day homes including, but not limited to:
 - a) Valid First Aid and Cardiopulmonary Resuscitation (CPR) certification for the day home operator and any employees.
 - b) A criminal record check with vulnerable sector search for the day home operator and any employees.
 - c) A criminal record check with vulnerable sector search for any individual 18 years or older who resides at the day home, regardless of whether they are providing care to children.
2. Ensuring all unlicensed private day home providers across the province have access to affordable and timely First Aid/CPR training, criminal record checks and vulnerable sector searches.

Attachments

1. Notice of Motion Checklist
2. Member Request for Decision Spring Municipal Leaders' Caucus

NOTICE OF MOTION CHECKLIST

The checklist is a tool intended to support the sponsor of a Notice of Motion. The items listed below are important considerations when crafting and submitting a Notice of Motion. It is also intended to support other Members of Council, as the same considerations are important when reaching a decision on a Notice of Motion.

The checklist is therefore an opportunity for the sponsor to:

- consider what advice might be helpful to them in formulating their proposal; and
- share key points about the advice received with their Council colleagues, to inform their deliberations.

This document is recommended to be provided to City Clerks alongside every Notice of Motion and will become part of the Corporate record. It is at the discretion of the sponsor to decide with whom to consult and what information to include.

Title of the Motion: **Strengthening Provincial Regulations to Improve Safety of Unlicensed Private Day Homes**

There are two classifications of a Notice of Motion (Check the one that applies):

☒

Regular

☐

Urgent (Include details in Urgency Rationale box below)

☐

Is this Notice of Motion Confidential? (Include details in Procedural box below)

Financial and Other Resource Capacity

There are no financial implications arising from this Notice of Motion and no resource capacity issues.

Legal / Legislative

There are no legal concerns with the Notice of Motion. Advocacy that results in legislative changes to the provincial *Early Learning and Child Care Act* may require future amendments of impacted City bylaws.

Technical Content
Consultation with Community Strategies and Intergovernmental & Corporate Strategy was undertaken.
Procedural (Including reasons for confidentiality)
Requests for Decision submitted to Alberta Municipalities allow members to seek input from peers on whether the association should act on issues that affect municipalities across Alberta. This Notice of Motion fulfills the requirement that all Requests for Decision submitted to Alberta Municipalities be endorsed by the Council of the sponsoring municipality.
Other Considerations
This Notice of Motion supports The City's commitment to continuing to build partnerships and explore advocacy opportunities to advance accessible, safe, and affordable early learning and child care options.
Urgency Rationale
N/A

MEMBER REQUEST FOR DECISION

SPRING MUNICIPAL LEADERS' CAUCUS

DATE:

March 30-31, 2023

TOPIC:

Strengthening Provincial Regulations to Improve Safety of Unlicensed Private Day Homes

RECOMMENDATION:

That Calgary City Council requests that the Alberta Municipalities Board advocate to the Minister of Children's Services to increase protections for the youngest and most vulnerable Albertans by:

1. Mandating minimum safety standards for unlicensed private day homes including, but not limited to:
 - a) Valid First Aid and Cardiopulmonary Resuscitation (CPR) certification for the day home operator and any employees.
 - b) A criminal record check with vulnerable sector search for the day home operator and any employees.
 - c) A criminal record check with vulnerable sector search for any individual 18 years or older who resides at the day home, regardless of whether they are providing care to children.
2. Ensuring all unlicensed private day home providers across the province have access to affordable and timely First Aid/CPR training, criminal record checks and vulnerable sector searches.

BACKGROUND:

Alberta families should not have to sacrifice safety when choosing child care for their children. Currently, the *Early Learning and Child Care Act* allows for two types of home-based child care: licensed and unlicensed. Whereas licensed home-based child care providers are recruited, trained, and regularly monitored by provincially-licensed family day home agencies, there is no government oversight of unlicensed home-based child care providers and there are no minimum standards to operate an unlicensed private day home. Private day homes are businesses that provide care to children 12 and under out of the caregiver's own home but do not include babysitters, nannies and informal arrangements with family and friends. Currently, the only regulation in place for unlicensed private day home operators is that they are only permitted to care for a maximum of six children, not including their own.

Serious incidents, including traumatic injury, sexual assault, and death have occurred in unlicensed private day homes across the province. The tragic death of 22-month-old toddler Mackenzy Woolfsmith at an unlicensed private day home in Calgary in 2012 sparked a Public Fatality Inquiry led by Justice Joshua B. Hawkes in February 2018. In the Public Fatality Report, released in December 2018, Justice Hawkes detailed the lack of risk-focused regulation of the child care sector and made 10 recommendations to



enhance child care safety. Notably, in paragraph 63(b) on page 12 of the report, Justice Hawkes recommended that a legislative review of provincial regulations for child care be conducted and that “a specific focus of that legislative review should be to shift the focus from solely regulating the size of unlicensed daycare to a focus on reducing risk and increasing protective factors in all forms of child care. Academic research, the experience of other jurisdictions and the tragedy in this case all illustrate and support the need for risk focused regulation of child care¹”.

The Ministry of Children’s Services formally responded to the Public Fatality Report in September 2019 and accepted, or accepted in principle, all 10 recommendations proposed by Justice Hawkes. Following a legislative review, a new *Early Learning and Child Care Act* was introduced in February 2021. Although the updated Act made strides toward addressing some of Justice Hawkes’ recommendations, there were no proactive measures introduced to improve safety for children in unlicensed care. While child care providers operating under a provincially-licensed day home agency are required to pass a criminal record check, there are still no restrictions in place to prevent individuals with criminal records from operating an unlicensed private day home and no requirement that they disclose past convictions to prospective families. This leaves the door open for individuals like Mackenzy Woolfsmith’s care provider, who was convicted of manslaughter in connection with her death, to continue operating.

Municipalities across Alberta have been left to address this significant gap in provincial legislation through a variety of municipal interventions. Calgary City Council recently took steps to enhance safety in unlicensed private day homes by approving a municipal business licence to ensure applicants meet minimum standards, including valid first aid/CPR and criminal record checks and vulnerable sector searches for child care providers and residents of the home. Other municipalities have fewer requirements, and many more have no additional rules for private day homes over and above provincial legislation. This has led to a patchwork of regulations across the province, and a two-tiered system where children in licensed child care programs receive significantly more protections from the Government of Alberta than those in unlicensed care. In November 2022, the Children’s Services mandate letter was released and committed to ensuring more transparency and accountability in unlicensed day homes, including increased training. This is a positive step but falls short of the changes needed to ensure the safety of children in unlicensed child care.

All families care deeply about the health and safety of their children but must make decisions regarding their care within constraints such as child care space availability, location, cost, and work schedules. Currently, there are only enough provincially-regulated child care spaces in Alberta for approximately three out of every 10 children². This has made licensed child care unattainable for many families and, in the absence of provincial safety standards, has left municipalities to shoulder the burden of ensuring children in unlicensed private day homes are protected. Although the province recently committed to creating 42,500 new licensed child care spaces over the next five years, Statistics Canada reported in 2001 that 62 per cent of child care providers in Alberta were unlicensed home-based³. With so many children still in unlicensed care across the province, and an ever-increasing number of incidents occurring in the 10 years since Mackenzy Woolfsmith’s tragic death, it is time for Alberta Municipalities members to add their collective voices to the call for provincial accountability for improved safety and oversight of unlicensed private day homes.



The City of Calgary appreciates the feedback provided by the Alberta Municipalities Small Communities Committee on an early draft of this request for decision and acknowledges the need for the Government of Alberta to ensure that all unlicensed private day home providers across the province have access to affordable and timely First Aid/CPR training, criminal record checks and vulnerable sector searches.

¹ Report to the Minister of Justice and Solicitor General Public Fatality Inquiry, 2018:

<https://open.alberta.ca/dataset/c0485cf2-dc5f-4a49-8459-fe60e29d3bac/resource/adc0a267-4d51-4b91-9caf-c4a00fed419/download/woolfsmith-fatality-inquiry-report.pdf>

² Headed Up, But Still Behind, Child Care Coverage Rates in Alberta's Top Ten Largest Cities, 2016 – 2021:

<https://static1.squarespace.com/static/5f170b16bf7d977d587e43c4/t/62c46530ba63d74c32d55c64/1657038128826/Coverage+Rates+in+Alberta's+Ten+Largest+Cities+2022-06-23.Final.pdf>

²Statistics Canada <https://www150.statcan.gc.ca/n1/daily-quotidien/210615/dq210615c-eng.htm>

ENCLOSURES:

None



Report Number: EC2023-0131

Meeting: Executive Committee

Meeting Date: 2023 January 31

NOTICE OF MOTION

RE: INCENTIVIZING LOW CARBON INVESTMENTS

Sponsoring Member(s) of Council: Councillor Spencer

WHEREAS The City of Calgary Climate Strategy encourages the development of a range of permitting and financial incentives to promote the uptake of energy efficient and climate resilient building design practices.

WHEREAS The City of Calgary Climate Strategy requires the review and update of planning policies, guidelines, regulations, and processes for alignment with the Climate Strategy and to incentivize innovation.

WHEREAS the Climate Implementation Plan stipulates the integration of climate mitigation and adaptation principles and requirements through updates to key processes and bylaws.

WHEREAS one of the priorities of our community economic development strategy, Calgary in the New Economy, is to “build a city with a net zero economy” and stipulates that our success will be measured by our investment in the energy transition.

WHEREAS incentive programs that support the energy transition will encourage business development locally, attract new businesses and talent, and be a positive contribution to our business environment.

WHEREAS The City of Calgary owns underutilized land that could be used to attract low carbon investment.

WHEREAS ATCO is building two solar farms on contaminated brownfields in southeast Calgary investing into the low carbon future.

WHEREAS Administration is reviewing the opportunities to provide incentives such as potential rebates, grants, process-based and tax-based incentive programs to support investments in low carbon land development.

NOW THEREFORE BE IT RESOLVED THAT Council authorize Administration to negotiate with ATCO specifically pertaining to the use of incentives for their two solar farms in southeast Calgary and return to Council no later than Q2 2023 with recommended options and next steps.

Attachment(s):

1. Notice of Motion Checklist

NOTICE OF MOTION CHECKLIST

The checklist is a tool intended to support the sponsor(s) of a Notice of Motion. The items listed below are important considerations when crafting and submitting a Notice of Motion. It is also intended to support other Members of Council, as the same considerations are important when reaching a decision on a Notice of Motion.

The checklist is therefore an opportunity for the sponsor(s) to:

- consider what advice might be helpful to them in formulating their proposal; and
- share key points about the advice received with their Council colleagues, to inform their deliberations.

This document is recommended to be provided to City Clerks alongside every Notice of Motion and will become part of the Corporate record. It is at the discretion of the sponsor(s) to decide with whom to consult and what information to include.

Title of the Motion: **INCENTIVIZING LOW CARBON INVESTMENTS**

There are two classifications of a Notice of Motion (Check the one that applies):

X

Regular

9

X Urgent (Include details in Urgency Rationale box below)

10

☐ Is this Notice of Motion Confidential? (Include details in Procedural box below)

Financial and Other Resource Capacity
Provides direction to Administration to negotiate with a 3 rd Party
Legal / Legislative
Legal department was consulted and was supportive of the language

Technical Content
None
Procedural (Including reasons for confidentiality)
Other Considerations
Urgency Rationale