PROPOSED ETHICAL CONDUCT POLICY

EXECUTIVE SUMMARY

On 2016 December 16, the Ethics Advisor requested that Council approve the preparation of a revised Ethical Conduct Policy for Members of Council. The request arose because the Integrity and Ethics Office was concerned that the current *Ethical Conduct Policy for Members of Council* was not sufficiently clear or comprehensive. It did not provide useful guidance to Members or to the public about Members' ethical responsibilities. In addition, too many different policies imposed obligations on Members of Council, and the policies were not coordinated or cross-referenced with each other. This increased the likelihood of confusion.

Council accepted this request and directed the Ethics Advisor, City Solicitor and City Clerk to prepare a revised Ethical Conduct Policy for Members of Council.

The proposed Ethical Conduct Policy will replace the previous *Ethical Conduct Policy for Members of Council,* the *Gifts and Benefits Policy for Members of Council* and the *Members of Council and Election Campaigns Policy.* It incorporates by reference other policies and legislation that govern Member conduct.

The Integrity and Ethics Office has also prepared a Context and Commentary document for the proposed Ethical Conduct Policy. The Context and Commentary provides background information and interpretive guidance for the proposed Ethical Conduct Policy. Its purpose is to provide additional information to help Members and the public understand the role and responsibilities of Members of Council. The Integrity and Ethics Office will update the Context and Commentary on a regular basis to respond to changes in legislation or other City policies, and to incorporate decisions or advice provided by the Integrity Commissioner or the Ethics Advisor.

INTEGRITY AND ETHICS OFFICE RECOMMENDATIONS

That the Priorities and Finance Committee recommend that Council:

1. Adopt the proposed Ethical Conduct Policy (Attachment 1);
2. Receive the Ethical Conduct Policy, Context and Commentary for information (Attachment 2);
3. Direct the City Clerk to consolidate the proposed Ethical Conduct Policy and the Context and Commentary and post the consolidation in the Council Policy Library on the City of Calgary website;
4. Rescind the *Ethical Conduct Policy for Members of Council* (Attachment 3);
5. Rescind the *Gifts and Benefits Policy for Members of Council* (Attachment 4); and
6. Rescind the *Members of Council and Election Campaigns Policy* (Attachment 5).

RECOMMENDATION OF THE PRIORITIES AND FINANCE COMMITTEE, DATED 2017 JULY 04

That Council:

1. Adopt the proposed **Revised** Ethical Conduct Policy (Attachment 1);

Author: Woolley, Alice, Cole, Glenda and Martin, Katarzyna
City Clerk's: J. Darragh

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2. Receive the **Revised** Ethical Conduct Policy, Context and Commentary for information (Attachment 2);

3. Direct the City Clerk to consolidate the proposed Ethical Conduct Policy and the Context and Commentary and post the consolidation in the Council Policy Library on the City of Calgary website;

4. Rescind the *Ethical Conduct Policy for Members of Council* (Attachment 3);

5. Rescind the *Gifts and Benefits Policy for Members of Council* (Attachment 4); and

6. Rescind the *Members of Council and Election Campaigns Policy* (Attachment 5).

PREVIOUS COUNCIL DIRECTION / POLICY

At the 2016 December 19 Regular Meeting of Council, Council directed the Ethics Advisor, the City Solicitor and City Clerk, in consultation with Members of Council, to prepare a revised Ethical Conduct Policy to govern Members of Council.

The *Ethical Conduct Policy for Members of Council* (CC042; effective 2013 July 01), was adopted at the 2013 April 22 Regular Meeting of Council. Council adopted amendments to the *Ethical Conduct Policy for Members of Council* in 2014, 2015 and 2016.

The *Gifts and Benefits Policy for Members of Council* (CC043; effective 2013 July 01) was adopted at the 2013 April 22 Regular Meeting of Council. Council adopted amendments to the *Gifts and Benefits Policy* in 2015, 2016 and 2017.

The *Members of Council and Election Campaign Policy* (CC041; effective 2013 January 28) was adopted at the 2013 January 28 Combined Meeting of Council. Council adopted amendments to the *Members of Council and Election Campaign Policy* in 2013 and 2016.

Other policies governing the conduct of Members of Council include the *Respectful Workplace Policy* (HR-LR-001), the *Workplace Violence Policy* (GN-040), *Acceptable Use of Technology Resources – Members of Council Policy* (PAC-0009), *Disclosure Policy for Members of Council* (CC044), *Councillors' Expense/Allowance Policy* (PAC006) and the *Office of the Councillors Expenditure Authorization Policy* (PAC008).

Members also have duties under legislation, including the *Municipal Government Act* RSA 2000, c M-26, the *Local Authorities Election Act* RSA 2000, c L-21 and the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25.

BACKGROUND

On 2016 December 16, the Ethics Advisor requested that Council approve the preparation of a revised Ethical Conduct Policy for Members of Council. The request arose because the Integrity and Ethics Office was concerned that the current *Ethical Conduct Policy for Members of Council* was not sufficiently clear or comprehensive. It did not provide useful guidance to Members or to the public about Members' ethical responsibilities. In addition, too many different

policies imposed obligations on Members, and the policies were not coordinated or cross-referenced with each other. This increased the likelihood of confusion.

Council accepted this request and directed the Ethics Advisor, City Solicitor and City Clerk to prepare a revised Ethical Conduct Policy for Members of Council.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

To prepare the proposed Ethical Conduct Policy the Ethics Advisor and the City Clerk's Office reviewed and analyzed policies governing members of council in Vancouver, Edmonton, Winnipeg, Ottawa, Hamilton and Toronto. We also consulted with lawyers in the City Solicitor's office about how best to approach development of the new Ethical Conduct Policy.

The purpose of the review and analysis was to identify the conduct matters commonly addressed in codes of conduct and the range of responses provided to those matters across Canadian municipalities. The proposed Ethical Conduct Policy draws on the approach taken in other municipalities. It differs from other municipalities in limiting the proposed Ethical Conduct Policy to rules of behaviour, and by putting the context and commentary in a separate document, rather than incorporating some of those broader concepts into the policy itself. The Context and Commentary also incorporates a broader range of information than that which is provided to members of council in other municipalities.

Stakeholder Engagement, Research and Communication

A draft of the proposed Ethical Conduct Policy and the Context and Commentary document were circulated to Members of Council, the City Solicitor and the Integrity Commissioner on 2017 May 26. The Ethics Advisor set aside times for Members to provide feedback on June 1, 5, 13, 15 and 20. Some Members, the City Solicitor and the Integrity Commissioner provided feedback. Revisions were made to the draft Ethical Conduct Policy to incorporate that feedback.

As noted previously, the proposed Ethical Conduct Policy was prepared based on research regarding the approaches in other municipalities.

Strategic Alignment

The proposed Ethical Conduct Policy and the Context and Commentary document align with Council's priority of supporting ethical conduct by Members of Council, as evidenced by the creation of the Integrity and Ethics Office.

Social, Environmental, Economic (External)

The proposed Ethical Conduct Policy and the Context and Commentary document promote accountability and transparency at The City of Calgary.

Financial Capacity

Current and Future Operating Budget:

There are no current and future operating budget impacts.

Current and Future Capital Budget:

There are no current and future capital budget impacts.

PROPOSED ETHICAL CONDUCT POLICY

Risk Assessment

The current number of Council and Administration policies imposing obligations on Members of Council increases the likelihood of confusion with respect to matters of ethical responsibility. This risk is mitigated by replacing the *Ethical Conduct Policy for Members of Council,* the *Gifts and Benefits Policy for Members of Council* and the *Members of Council and Election Campaigns Policy* with the comprehensive proposed Ethical Conduct Policy. This risk is further mitigated by the Integrity and Ethics Office's Context and Commentary document for the proposed Ethical Conduct Policy, which provides background information and interpretive guidance.

REASON FOR RECOMMENDATION(S):
The Integrity and Ethics Office believes that the proposed Ethical Conduct Policy and the Context and Commentary document will provide useful guidance to Members of Council and to the public about Members' ethical responsibilities.

ATTACHMENTS

1. Proposed Ethical Conduct Policy **(Revised)**
2. Ethical Conduct Policy, Context and Commentary **(Revised)**
3. *Ethical Conduct Policy for Members of Council* (CC042)
4. *Gifts and Benefits Policy for Members of Council* (CC043)
5. *Members of Council and Election Campaigns* (CC041)