

DEFERRAL REQUEST – BYLAW AND POLICY AMENDMENTS REQUIRED AS A RESULT OF THE ADOPTION OF TERMS OF REFERENCE FOR THE ETHICS ADVISOR AND INTEGRITY COMMISSIONER AND A PROCEDURE PROTOCOL FOR THE INTEGRITY COMMISSIONER

EXECUTIVE SUMMARY

On 2016 July 4, after considering Report M2016-0566 titled “Ethics Advisor and Integrity Commissioner Terms of Reference”, Council adopted Terms of Reference for the Ethics Advisor and Integrity Commissioner and a Procedure Protocol for the Integrity Commissioner. The Integrity and Ethics Office, City Solicitor and City Auditor were directed to report back to Council no later than 2016 September 26 with bylaw or policy amendments necessitated by the adoption of these documents. While work is underway to identify required bylaw and policy amendments, this work is not complete and therefore, the Integrity and Ethics Office, City Solicitor and City Auditor are requesting that Council amend its direction to allow the report to be provided to Council no later than the 2016 December 19 Council meeting.

INTEGRITY AND ETHICS OFFICE, CITY SOLICITOR AND CITY AUDITOR’S RECOMMENDATIONS

That Council reconsider its 2016 July 4 decision to require the Integrity and Ethics Office, City Solicitor and City Auditor to report back to Council no later than 2016 September 26 with bylaw and policy amendments necessitated by Council’s adoption of Terms of Reference for the Ethics Advisor and Integrity Commissioner and Procedural Protocol for the Integrity Commissioner and instead require that this report be presented to Council no later than Council’s 2016 December 19 meeting.

PREVIOUS COUNCIL DIRECTION / POLICY

As indicated in the Executive Summary section of this report.

BACKGROUND

The Ethics Advisor, Integrity Commissioner, City Solicitor, City Auditor, and City Clerk are in the process of identifying required policy and bylaw amendments, however, this analysis is not yet complete. It is clear that amendments will be required to Council’s Whistle-blower Policy (CC026) and the Audit Committee Bylaw 48M2012, as amended given Council’s adoption of the Integrity Commissioner’s mandate to receive and review complaints concerning the conduct of members of Council in accordance with the approved Procedure Protocol. However, given approval of their Terms of Reference, the Ethics Advisor and Integrity Commissioner are also currently reviewing Council’s Ethical Conduct Policy for Members of Council (CC042) and other Council policies governing the conduct of members of Council to determine whether they believe Council should consider making amendments to these and it would be optimal to bring forward to Council amendments to all required bylaws and policies for concurrent consideration.

Some of the bylaw and policy amendments arise simply by virtue of the creation of the Ethics Advisor and Integrity Commissioner positions – most obviously, moving the review of complaints regarding Council Member conduct from the City Auditor to the Integrity Commissioner. Other changes arise, however, because the Ethics Advisor and Integrity Commissioner believe that better and clearer direction could be given to Council Members, particularly with respect to ethical conduct. The Ethics Advisor is currently in the process of identifying approaches to

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ethical conduct policies in other municipalities, and of reviewing all of the policies currently governing ethical conduct by City of Calgary Council Members. The Ethics Advisor also wants to obtain feedback and input from Council Members on these questions. Completing this process and bringing forward a comprehensive set of recommendations requires some additional time.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

The required reviews will be completed and recommendations available for Council's consideration no later than 2016 December 19.

Stakeholder Engagement, Research and Communication

With respect to communication, a website for the Ethics Advisor and Integrity Commissioner is now included on Calgary.ca. Further, the City Auditor's Office is currently working on amendments to the Whistle-blower Program portion of The City's website to ensure alignment with that information.

Strategic Alignment

The reviews outlined in this report are required as a result of Council's commitment to ethical conduct by Council members and Council member accountability. Council's commitment has been demonstrated through its adoption of policies relating to ethical conduct and its appointment of an Ethics Advisor and Integrity Commissioner.

Social, Environmental, Economic (External)

Council members and Calgarians will benefit from clear policies articulating standards for ethical behaviour by Council members and clarity around the mandate of the Ethics Advisor, Integrity Commissioner, City Auditor, and Audit Committee.

Financial Capacity

Current and Future Operating Budget:

There are no current and future operating budget impacts as a result of this report.

Current and Future Capital Budget:

There are no current and future capital budget impacts as a result of this report.

Risk Assessment

Clarifying responsibilities of the Ethics Advisor, Integrity Commissioner, City Auditor, and Audit Committee will assist Calgarians in understanding expectations of Council members in regard to ethical matters, where questions and concerns about the same can be directed and how questions and concerns will be addressed. This clarity reduces risk for The City that could otherwise result from uncertainty in this regard.

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REASON(S) FOR RECOMMENDATION(S):

Additional time is required for the Ethics Advisor, Integrity Commissioner, City Auditor, City Solicitor, and City Clerk to determine amendments to bylaws and policies required as a result of Council's adoption of Terms of Reference for the Ethics Advisor and Integrity Commissioner and Procedure Protocol for the Integrity Commissioner.

ATTACHMENT(S)

None