



Calgary

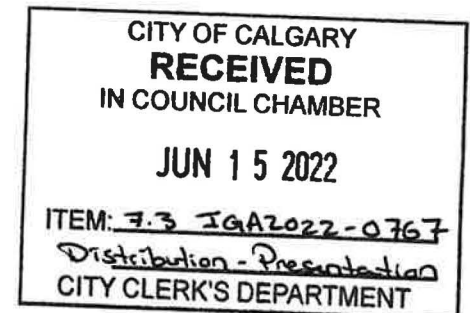


Code of Conduct Consultation

2022 June 15

ISC: Unrestricted

Code of Conduct Consultation IGA 2022-0767





Recommendation



The Intergovernmental Affairs Committee recommends that Council request the Mayor make a formal submission to the Code of Conduct consultation based on the discussion at the 2022 June 15 Intergovernmental Affairs Committee.



Background

- Municipal Affairs is conducting consultation on the Code of Conduct
- Circulated to Council for feedback on Thursday, June 2
- Results compiled to assist in today's discussion
- Due to Municipal Affairs on July 11
- Municipal Affairs may use feedback received from municipalities to inform further consultation on “local elections and councillor accountability” this summer



Process

- Walk through both questions
- ICS – lead the discussion, compile feedback
- Integrity and Ethics Office – provide guidance in forming an answer



Code of Conduct

1. Has your municipality experienced challenges related to enforcing its Code of Conduct?

a. If so, what were those challenges?

Ethics and Integrity Office (Attachment 3)

- This office operates both as a collaborative, advisory and educational office, and as a dispute resolution and adjudication body pursuant to the Code of Conduct. If a Code violation is found, the Integrity Commissioner makes a report to council and recommends sanction. Council makes the final decision on sanction. Councillors are held accountable through public communication of reports and failure to comply with a sanction can be the basis for a further complaint of misconduct.
- Four reports have been made to Council to date. In two cases, the Councillor did not comply with the sanctions imposed by Council. The challenge under the current system is enforcing a sanction. Enforcement measures are required.
- Several Councillors have recommended strengthening the sanctions available to Council. Stronger sanctions would include, for example, suspension of salary, which is available in municipalities in Ontario, a fine, or further restrictions on benefits, privileges.
- **Additional sanctions might be advisable, but more serious sanctions such as disqualification might change the nature of the Integrity Commissioner's investigation and adjudication function. Stronger sanctions might necessitate Councillors retaining counsel and would necessitate an even more formal, expensive and litigious process.**



Code of Conduct

- 1. Has your municipality experienced challenges related to enforcing its Code of Conduct?**
 - a. If so, what were those challenges?**

Compiled Councillor Response:

- There are challenges with both enforcement of the code and then following through with enforcement measures (sanctions) when Councillors do not comply.



Protecting Voters

2. Do you think the current legislation on Code of Conduct is sufficient and meets the requirement of municipalities to provide fair and accountable governance?

a. If no, please provide your suggestions.

Ethics and Integrity Office (Attachment 3):

- The current legislation concerning codes of conduct is sufficient, but enforcement measures could be strengthened.
- However, we advise that Council consider making a recommendation to Municipal Affairs to amend s. 174 of the MGA, which provides reasons for disqualification from Council.
 - Section 174 (1) (e) of the MGA provides that a Councillor is disqualified if convicted of certain *Criminal Code* offences. They include an offence punishable by imprisonment for five or more years, municipal corruption (s. 123), selling or purchasing office (s. 124) or influencing or negotiating appointments or dealings in offices (s. 125).
- We recommend that further matters should be added to the list of offences leading to disqualification, which are punishable by less than 5 years, in particular: frauds on government (s. 121) and breach of trust (s. 122).



Code of Conduct

2. Do you think the current legislation on Code of Conduct is sufficient and meets the requirement of municipalities to provide fair and accountable governance?

a. If no, please provide your suggestions.

Compiled Council Response:

- No, the current legislation is difficult to enforce. There should be consequences for those who breach to Code and do not respond to sanctions. This could include possible financial penalties.



Recommendation

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