

**PROPOSED AMENDMENTS TO THE CODE OF CONDUCT FOR CITIZEN MEMBERS  
APPOINTED TO COUNCIL ESTABLISHED BOARDS, COMMISSIONS AND COMMITTEES**

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**EXECUTIVE SUMMARY**

This report presents proposed amendments to the Council policy on the *Code of Conduct for Citizen Members Appointed to Council Established Boards, Commissions and Committees*.

**ADMINISTRATION RECOMMENDATION(S)**

That the Legislative Governance Task Force recommend that Council:

1. Adopt the amended Council policy on the *Code of Conduct for Citizen Members Appointed to Council Established Boards, Commissions and Committees (CC045)*; and
2. Rescind the Council policy on *Conflict of Interest: Citizen Appointees (CC006)*.

**RECOMMENDATION OF THE LEGISLATIVE GOVERNANCE TASK FORCE, DATED  
2015 MARCH 03:**

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That the Administration Recommendations contained in Report LGT2015-0232 be approved.

**PREVIOUS COUNCIL DIRECTION / POLICY**

At the 2014 December 15 Regular Meeting of Council, Council adopted a Council policy on the *Code of Conduct for Citizen Members Appointed to Council Established Boards, Commissions and Committees*. Further, the following motion was adopted:

"MOTION ARISING, Moved by Councillor Demong, Seconded by Councillor Chabot, that with respect to Report LGT2014-0932, Council direct Administration to explore bringing greater clarity to Section 14 of Attachment 4, and return to Council through the Legislative Governance Task Force no later than Q1 2015".

**BACKGROUND**

The *Code of Conduct for Citizen Members Appointed to Council Established Boards, Commissions and Committees*, as adopted by Council on 2014 December 15, contains a policy implementation gap related to the conduct expected of citizen members with respect to political activity and campaign periods at all three orders of government.

**INVESTIGATION: ALTERNATIVES AND ANALYSIS**

The *Local Authorities Election Act* RSA 2000, c. L-21 (*Local Authorities Election Act*) defines "campaign period", for a candidate in a general election, as the period of time from January 1 immediately following a general election to December 31 immediately following the next general election. Given that the campaign period as defined in the *Local Authorities Election Act* spans a period of 4 years, this definition is not well suited for the purposes of this Council policy. As the term lengths for the affected Boards, Commissions and Committees (BCCs) range from 1 to 3 years, citizen members would be required to take a leave of absence for a significant portion of their term. Further, extended leaves of absence could potentially pose negative impacts on the delivery of the BCC's mandate. To balance the individual needs of the BCCs against any potential conflicts of interest associated with an election this report proposes adopting a

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narrower definition of campaign period for local jurisdictions. The proposed amendment requires citizen members seeking elected office for The City of Calgary Council, school district or division to take a leave of absence for the period commencing on nomination day and ending one week following election day.

With respect to provincial and federal elections, the *Election Act* RSA 2000, c. E-1 and the *Canada Elections Act* S.C. 2000, c.9 assign different meanings to "campaign period" and "election period". To provide greater clarity in the implementation of the Council policy, this report proposes an amendment which requires citizen members seeking elected office for provincial or federal government to take a leave of absence for the period commencing with the issue of a writ of election and ending with the announcement of the official election result. These proposed amendments are provided at Section 14 (Attachment 1) and the rationale is detailed at item 1 (Attachment 2).

To provide further clarity with respect to the conduct expected of citizen members related to political activity and leaves of absence for the purpose of seeking elected office, this report proposes two additional amendments at Sections 14.3 and 12.2. Further, this report proposes expanding Section 5, Applicability, to provide greater guidance to those BCC which had existing Code of Conduct policies/provisions prior to Council adopting the *Code of Conduct for Citizen Members Appointed to Council Established Boards, Commissions and Committees*. These proposed amendments are provided in Attachment 1 and the rationale is detailed in Attachment 2. The proposed amended Council policy is provided in Attachment 3.

With the adoption of a *Code of Conduct for Citizen Members Appointed to Council Established Boards, Commissions and Committees*, the current Council policy on *Conflict of Interest: Citizen Appointees* (Attachment 4) is no longer required. Rescinding this Council policy would not impose a change in the existing requirements as the annual advertisement criteria is already covered in the *Advertising Policy for Appointment of Citizens to Boards, Commissions and Committees* (CC002) and in the Council policy on the *Appointment of Members of Council, Administration and Citizens to Agencies and Establishment of Council Agencies* (CC003).

**Stakeholder Engagement, Research and Communication**

Key legislative sources consulted in the drafting of the proposed amendments include: *Local Authorities Election Act* RSA 2000 c. L-21, the *Election Act* RSA 2000 c. E-1, and the *Canada Elections Act* S.C. 2000, c.9. In addition, the City Clerk's Office consulted with the Law Department in the preparation of the proposed amendments.

**Strategic Alignment**

This Council policy aligns with Council's priority of a well-run city: "Calgary's government is open, responsive, accountable and transparent, delivering excellent services at a fair price. We work with our government partners to ensure we have the tools we need" (Action Plan 2015-2018).

**Social, Environmental, Economic (External)**

There are no social, environmental or external economic implications as a result of this report.

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**Financial Capacity**

**Current and Future Operating Budget:**

There are no current and future operational 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**

The absence of a clearly identified leave of absence period for citizen members seeking elected office creates a gap in the implementation of the existing Council policy. Further, the applicability section of the existing Council policy does not provide sufficient guidance, and consequently creates a contradiction between a mandate of an individual Council established BCC and the minimum standards of conduct expected of all citizen members.

**REASON(S) FOR RECOMMENDATION(S):**

Amendments to the Council policy are required to bring greater clarity to the conduct expected of citizen members and to eliminate policy implementation gaps.

**ATTACHMENT(S)**

1. Proposed amendments to the Council policy on the *Code of Conduct for Citizen Members Appointed to Council Established Boards, Commissions and Committees (CC045)*;
2. Rationale for proposed amendments to the Council policy on the *Code of Conduct for Citizen Members Appointed to Council Established Boards, Commissions and Committees (CC045)*;
3. Proposed amended Council policy; and
4. Council policy on the *Conflict of Interest: Citizen Appointees (CC006)*.