

Rationale for Proposed Amendments to the Code of Conduct for Citizen Members Appointed to Council Established Boards, Commissions and Committees (CC045)

Item	Existing Council Policy	Proposed Amendment	Rationale
1.	Section 14.1 Members seeking political office for municipal, provincial or federal government or any other elected public office shall immediately advise the Chair, and must take a leave of absence for the duration of their election campaign	Section 14.2 Local jurisdictions 14.2.1 Members seeking elected office for The City of Calgary Council, school district or school division shall immediately advise the Chair, and must take a leave of absence for the period commencing on nomination day (as set by the <i>Local Authorities Election Act</i> RSA 2000 c. L-21) and ending one week following election day.	With respect to local jurisdictions, the proposed amendment provides that citizen members are required to take a five week leave of absence in order to seek elected office. It is proposed that the five week period begin with nomination day (Section 25 of the <i>Local Authorities Election Act</i> provides that nomination day shall be 4 weeks before election day) and end one week following election day (Sub-section 97(2) provides that the returning officer shall on the 4th day after election day announce or cause to be announced or post or cause to be posed a statement of the results of the voting for candidates, including a declaration that the candidate received the highest number of votes for each office to be filled is elected). In defining the leave of absence as a five week period, consideration was given to the term lengths of the individual Boards, Commissions and Committees (BCCs) affected by the Council policy, membership requirements to deliver the BCC's mandate, and <u>The City of Calgary Procedure Bylaw, 44M2006</u>, which provides that "in the year of a General Election, no Regular Meeting shall be held between nomination day, under the <i>Local Authorities Election Act</i>, and the Organizational Meeting following the General Election".

Item	Existing Council Policy	Proposed Amendment	Rationale
		Section 14.3 Provincial and Federal Elections 14.3.1 Members seeking elected office for provincial or federal government shall immediately advise the Chair, and must 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.	With respect to provincial elections, the <i>Election Act</i> RSA 2000, c. E-1 (<i>Election Act</i>) provides that every election commences by the passing of an order of the Lieutenant Governor in Council authorizing the issue of a writ of election. Sub-section 39(d) of the <i>Election Act</i> provides that, where voting is necessary, the 28th day after the date of the writ is the day on which voting is to take place, or if the 28th day is a holiday, the next following day not being a holiday. Paragraph 55(1)(e) provides that the election proclamation contain the place, date and time for announcing the results of the official count, the date being the 10th day after polling day. Accordingly, citizen members seeking elected office would be required to take a leave of absence for approximately five weeks. With respect to federal elections, the <i>Canada Elections Act</i> S.C. 2000, c.9 (<i>Canada Elections Act</i>) provides that the Governor in Council shall issue a proclamation in order for a general election to be held and an order in order for a by-election to be held. Sub-section 57(1.2) provides that the proclamation or order shall fix the date of issue of the writ and fix the date for voting at the election, which date must be at least 36 days after the issue of the writ. Section 533 of the <i>Canada Elections Act</i> provides that the Chief Electoral Officer shall, in the case of a general election, without delay, and, in the case of a by-election, within 90 days after the return of the writ, publish a report that sets out the number of votes cast for each candidate. Given that the <i>Canada Elections Act</i> only provides the minimum length of an election campaign, and given that results are to be published without delay, the period of time between the issue of a writ of election and the announcement of the official result will vary from election to election. Accordingly, the period of time required for a leave of absence under this Council policy will vary.

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2.	Section 14.3 Members must not use their time serving on a Board, Commission or Committee to further any political activity by themselves and/or others.	Deleted	Section 9.1 of the existing Council policy provides that in the performance of their duties, citizen members must avoid conflicts of interest, or any situation that could give rise to a potential or perceived conflict of interest. Further, the existing Council policy already provides that citizen members must not use The City of Calgary and Board, Commission and Committee property, technology and resources (capital and human) for any political activity. Together, these two existing requirements are sufficient to address the intent of Section 14.3.
3.	Section 12.2 Members must attend all meetings, except those where approval for absence was granted by the Committee	Section 12.2 Members must attend all meetings, except those where approval for absence was granted by the Committee or where the Member is required to take a leave of absence in accordance with this Council policy	Sections 14.2.1 and 14.3.1 of the proposed amended Council policy provide that citizen members seeking elected office are required to take a leave of absence. For consistency, and clarity, the existing Section 12.2 has been expanded to account for this requirement.
4.		Section 5.4 [This Council policy] does not take precedence in the circumstance where Council has approved a Code of Conduct policy, terms of reference containing a Code of Conduct policy, or any other document specific to a particular Board, Commission or Committee	During the implementation stage of the existing Council policy, it was observed that the applicability section does not provide sufficient guidance to those BCCs which had existing Code of Conduct policies/provisions prior to the adoption of this Council policy. To address this circumstance and to eliminate any contradiction in Council approved policies, terms of reference and any other documents, an expansion of the applicability section is proposed. The proposed amendment provides greater clarity and balances the individual mandates of Council established BCCs with the need for minimum standards of conduct expected of all citizen members.