

# Proposed Amendments to the *Code of Conduct for Elected Officials Bylaw* (26M2018)

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Integrity and Ethics Office  
Ellen-Ann O'Donnell, Integrity Commissioner  
Emily Laidlaw, Ethics Advisor

CITY OF CALGARY  
**RECEIVED**  
IN COUNCIL CHAMBER  
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ITEM: 7.9 EC2022-1368  
Distrib-Presentation  
CITY CLERK'S DEPARTMENT

# Background

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- Comprehensive review of *Code of Conduct Bylaw*.
- Review mandated by:
  - *Code of Conduct for Elected Officials Regulation*
  - *Code of Conduct Bylaw*
- Past reviews: 2020, 2021

# Theme of Proposed Amendments

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1. Procedural amendments to clarify the process of complaints;
2. \*New\* provisions e.g.
  - a) Improper use of influence directed at City or Member's staff;
  - b) Enabling the Integrity Commissioner to initiate investigations;
  - c) A duty to cooperate with investigations.
3. "Clean-up" amendments:
  - a) Scope and application of *Bylaw*;
  - b) Typos, inconsistencies.



# Procedural Amendments: Part 3, ss. 63 onward

## STEP 1 Complaints Intake Process (ss. 64-69)

- Every reasonable effort to maintain complainant confidentiality.
- Complaints normally can be withdrawn.
- Discretion to Integrity Commissioner to continue investigation without further participation of the complainant, to dismiss anonymous complaints.
- **\*NEW\*** Integrity Commissioner may initiate investigations.

# Procedural Amendments: Part 3, ss. 63 onward

## **STEP 2 Initial Assessment (ss. 72-76.1)**

- If reasonable grounds to believe a violation has occurred, notice of investigation issued. Otherwise, complaint dismissed.
- **\*NEW\*** Written advice of Ethics Advisor must be considered by Integrity Commissioner.

# Procedural Amendments: Part 3, ss. 63 onward

## STEP 3 Formal Investigation (ss. 81-87)

- Complainant/Member have 10 business days to respond to Integrity Commissioner notice.
- **\*NEW\*** Documents provided by Integrity Commissioner are confidential except for obtaining legal or other confidential professional advice.



# Procedural Amendments: Part 3, ss. 63 onward

## STEP 4 Informal Resolution (SS. 87.1 – 87.2)

- Any time after formal investigation commenced, Integrity Commissioner may refer a complaint to the Ethics Advisor to resolve. Complainant and Member must consent.
- If informal resolution not possible, complaint returned to Integrity Commissioner to continue investigation.
- If resolved, the complaint is dismissed.

# \*NEW\* Cooperating with Investigations (ss. 87.3-87.5)



Once notified of investigation, Member must preserve evidence until investigation complete.



Obstruction of the investigation is a presumed violation of the *Bylaw*.



Failure to cooperate in an investigation weighed in finding and report to Council.



# Procedural Amendments: Part 3, ss. 63 onward

## STEP 5 Adjudication (ss. 88-92)

- If the Integrity Commissioner determines that a Member violated the *Bylaw*, the decision is reported to Council.
  - No violation = no report to Council.
- Report provided to Council, City Clerk and City Solicitor and General Counsel 24-48 hours before start of Council meeting.
- Clarify that Council may impose other sanctions that Council deems reasonable in the circumstances.

# Principles of Sanctions

## Constraints on Sanctions

- Sanctions must remedial, not punitive.
- Rationally connected to the violation.
- Proportionate to the seriousness.
- Must not interference with Member's ability to perform their duties.



# Examples of Alternative Sanctions

Limit access to confidential information.

Removal of privileges (travel, hosting etc.)

Increased duties/workload.

Community service.

Retraction.



# Financial Sanctions

## Available

- Repayment of funds improperly obtained.

## Unavailable

- Fines

## Currently Unavailable

- Temporary reduction of compensation corresponding to removal from boards and committees;
- To enable must amend compensation process.

# Highlights of Other Amendments

## Scope and Application:

- *Bylaw* does not apply to Mayor's staff (amend s. 77 and delete s. 78)

## \*NEW\* Undue Influence (s. 40.1, 77)

- A Member must not directly or indirectly influence City employees or Members' staff to do something which if done by the Member would be a violation of the Bylaw.
- Member will be investigated if their staff's conduct was undertaken on their behalf, directly or indirectly.

## Orientation Training

- Mandatory Indigenous relations and anti-racism training.

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