

**Integrity and Ethics Office Report to
Executive Committee
2022 December 14**

**ISC: UNRESTRICTED
EC2022-1368
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**Integrity and Ethics Office Proposed Amendments to the Code of Conduct for Elected
Officials Bylaw (26M2018)**

RECOMMENDATION(S):

That the Executive Committee recommend that Council give three readings to the proposed Bylaw to amend the *Code of Conduct for Elected Officials Bylaw (26M2018)*, outlined in Attachment 1.

RECOMMENDATION OF THE EXECUTIVE COMMITTEE, 2023 JANUARY 31:

That Council give three readings to Proposed Bylaw 7M2023 to amend the *Code of Conduct for Elected Officials Bylaw (26M2018)* (Attachment 1).

**Excerpt from the Minutes of the Regular Meeting of the Executive Committee,
held 2023 January 31:**

“Moved by Councillor McLean

That with respect to Report EC2023-1368, the following amendment be approved:

In Attachment 1, Revised Proposed Bylaw 26M2018, the following words be deleted:

1. In Section 40.1 (1), delete “directly or indirectly”; and
2. In Section 77 (a) and (b), delete both instances of “directly or indirectly”.

Moved by Councillor McLean

That Councillor McLean be allowed to withdraw his proposed amendment.

For: (9): Councillor Spencer, Councillor Pootmans, Councillor Sharp, Councillor Walcott, Councillor Carra, Councillor Chabot, Councillor Chu, Councillor McLean, and Councillor Wong

Against: (2): Mayor Gondek, and Councillor Penner

MOTION CARRIED

Moved by Councillor Chabot

That with respect to Report EC2022-1368, the following be approved, **after amendment**:

That Executive Committee recommend that Council give three readings to the proposed Bylaw to amend the Code of Conduct for Elected Officials Bylaw (26M2018), outlined in **Revised** Attachment 1.

For: (10): Mayor Gondek, Councillor Spencer, **Councillor Pootmans**, Councillor Sharp, Councillor Walcott, Councillor Carra, Councillor Chabot, Councillor Chu, Councillor McLean, and Councillor Wong

Against: (1): Councillor Penner

MOTION CARRIED

Integrity and Ethics Office Proposed Amendments to the Code of Conduct for Elected Officials Bylaw (26M2018)

By General Consent, pursuant to Section 121 of Procedure Bylaw 35M2017, Committee granted Councillor Pootmans' request to change his vote from "Against" to "For".

HIGHLIGHTS

- A full review, with proposed amendments, of the *Code of Conduct for Elected Officials Bylaw* (26M2018) ("Bylaw") has been completed in compliance with the *Code of Conduct for Elected Official Regulation*, AR 200/2017 ("Regulation"). Previously, amendments to the Bylaw were adopted by Council in 2020 and 2021.
- The Regulation mandates a review and update of municipal codes of conduct bylaws at least every four years from when they were adopted by council. This is to ensure that codes of conduct reflect the current state of the law, best practices and procedures.
- The proposed amendments clarify and improve the complaints process, strengthen the ethical duties to avoid improper use of influence, enable the Integrity Commissioner to initiate investigations without a complaint, and clean-up the language and clarify the scope of the Bylaw.
- Council established the Integrity and Ethics Office in 2016 to strengthen Council ethics and accountability. Per the *Municipal Government Act*, RSA 2000 C M-26, s. 146.1, Council adopted the Bylaw in 2018. The Integrity Commissioner is responsible for investigating and adjudicating formal complaints made against Members of Council under the Bylaw. The Ethics Advisor provides legal and ethical advice to Members of Council and assists in informal resolution of complaints. The Office cannot speak publicly about specific complaints or investigations.
- Strategic Alignment to Council's Citizen Priorities: A well run City.

DISCUSSION

The Integrity and Ethics Office periodically reviews and updates the *Code of Conduct for Elected Officials Bylaw* (26M2018) ("Bylaw"). Section 8 of the Bylaw requires that the Office undertake such reviews on an annual basis.

In addition, Section 7 of the *Code of Conduct for Elected Officials Regulation*, 200/2017 ("Regulation") mandates that municipal codes of conduct are reviewed at least every four years:

Each council must review and update its code of conduct and any related bylaws that have been incorporated by reference into the code of conduct in accordance with section 3, at least once every 4 years starting from the date when the code of conduct was passed.

The Bylaw was adopted by Council on May 28, 2018. The Bylaw has been reviewed annually, with amendments adopted by Council in 2020 and 2021.

To comply with the Regulation and the Bylaw, the Integrity and Ethics Office undertook a comprehensive review of the Bylaw. The objective is to ensure that the Bylaw reflects the current state of the law, best practices and procedures.

The proposed amendments fall into four general categories:

**Integrity and Ethics Office Proposed Amendments to the Code of Conduct for
Elected Officials Bylaw (26M2018)**

1. Amendments to clean-up language and clarify the scope and application of the Bylaw.
2. Procedural amendments to, among other things, clarify and update how complaints can be made, confidentiality obligations of parties to complaints, withdrawal or dismissal of complaints, and who should be provided with investigation reports and when.
3. Substantive new provisions, including:
 - Improper use of influence directed to City or Member's staff;
 - Enabling the Integrity Commissioner to initiate investigations;
 - A duty to cooperate with investigations.
4. Amendments to correct typographical errors and inconsistencies in the Bylaw, including consistent referencing to defined terms, formatting and headings.

Attachments

Attachment 1 is the proposed Bylaw for consideration by the Executive Committee.

Attachment 2 is a redline version of the proposed Bylaw to enable amendments to be more easily tracked and assessed in the context of the Bylaw as a whole.

Attachment 3 provides a side-by-side comparison of current and proposed amendments to the Bylaw and reasons for the changes.

Attachment 4 provides information requested at the June 15, 2022 Intergovernmental Affairs Committee meeting, namely, the history of compliance by Members of Council with sanctions imposed by Council following Integrity Commissioner reports and sanctions recommendations.

Attachment 5 provides information requested at the June 15, 2022 Intergovernmental Affairs Committee meeting about additional possible sanctions that Council may impose on a Member who has been found to be in violation of the Code of Conduct.

STAKEHOLDER ENGAGEMENT AND COMMUNICATION (EXTERNAL)

- Public Engagement was undertaken
- Public Communication or Engagement was not required
- Public/Stakeholders were informed
- Stakeholder dialogue/relations were undertaken

ATTACHMENT(S)

1. **Proposed Bylaw 7M2023**
2. Proposed Bylaw – redline version
3. Chart of current and proposed amendments, and reasons for the changes
4. Integrity Commissioner investigation reports – sanctions compliance
5. Information about sanctions
6. Presentation