

Integrity and Ethics Office Report to
Executive Committee
2024 February 13

ISC: UNRESTRICTED
EC2024-0181

Remote Participation at Council and Council Committee Meetings

PURPOSE

To provide recommendations to amend the *Procedure Bylaw* (35M2017) and the *Code of Conduct for Elected Officials Bylaw* (26M2018) (“*Code of Conduct Bylaw*”) to clarify the rules for remote participation at Council and Council Committee meetings.

RECOMMENDATION:

That the Executive Committee recommend that Council give three readings to the Bylaw to amend the Procedure Bylaw (35M2017) and the Code of Conduct for Elected Officials Bylaw (26M2018), outlined in Attachment 1.

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RECOMMENDATION OF THE EXECUTIVE COMMITTEE, 2024 FEBRUARY 13:

That Council:

1. Give three readings to **Proposed Bylaw 12M2024** to amend the Procedure Bylaw (35M2017) and the Code of Conduct for Elected Officials Bylaw (26M2018), outlined in Attachment 1; **and**
2. **Following first reading, amend the proposed Bylaw to amend the Procedure Bylaw (35M2017) and the Code of Conduct for Elected Officials Bylaw (26M2018) as follows:**

(a) In section 1(b)(i), delete the following:

“(b) Best efforts must be used to attend Council or Council Committee meetings, including Closed Meetings, in person conforming with the Code of Conduct for Elected Officials Bylaw (26M2018). Compliance is overseen by the Integrity and Ethics Office.”

and replace with the following:

“(b) A Member may regularly participate remotely in a Council or Council Committee meeting, after they have disclosed to and been guided by the advice of the Ethics Advisor, on the basis of an accommodation based on protected grounds, as outlined by the *Alberta Human Rights Act*; R.S.A. 2000, c. A-25.5.

(c) Best efforts must be used to attend Council or Council Committee meetings, including Closed Meetings, in person conforming with the Code of Conduct for Elected Officials Bylaw (26M2018). Compliance is overseen by the Integrity and Ethics Office.”

(b) In section 2, delete

“(a) urgent personal or medical matters; or

(b) when out of town for the purpose of City business.”

and replace with the following:

“(a) urgent personal or medical matters;

(b) when out of town for the purpose of City business; or

(c) to accommodate a Member based on protected grounds in the *Alberta Human Rights Act*, R.S.A. 2000, c. A-25.5. In such circumstances, the claimed accommodation must be disclosed to the Ethics Advisor and the advice of the Ethics Advisor received.”.

Opposition to Recommendation: Councillor Chabot

Excerpt from the Minutes of the Regular Meeting of the Executive Committee, 2024 February 13:

A presentation entitled "Remote Participation in Council and Council Committee Meetings" was distributed with respect to Report EC2024-0181.

Remote Participation at Council and Council Committee Meetings

HIGHLIGHTS

- Under the *Municipal Government Act*, RSA 2000, c M-26 (“MGA”) and Procedure Bylaw, Members of Council may participate remotely in Council and Council Committee meetings.
- Council would benefit from rules clarifying when remote participation is ethical under the Code of Conduct Bylaw.
- The Integrity and Ethics Office prepared this report in collaboration with the City Clerk’s Office and the City’s Legal Services section.
- This report recommends amending the Procedure Bylaw and Code of Conduct Bylaw to provide that best efforts should be used to participate in person, to clarify the circumstances when remote participation is permissible, namely for urgent personal and medical matters and when out of town for City business, and to stipulate requirements to ensure privacy and transparency.
- This report further recommends amending the Procedure Bylaw to make clear that compliance concerning remote participation in meetings is overseen by the Integrity and Ethics Office.

DISCUSSION

The MGA provides that Members of Council may participate in Council and Council Committee meetings remotely (s. 199). The *Procedure Bylaw* sets out the procedures for remote participation (s. 29.1 and Appendix F). The procedures include, among other things:

- Requirements concerning the technology that must be used;
- Limiting availability of remote participation to Council and Council Committee meetings, including Closed Meetings; and
- Enabling the Chair to limit the number of Members of Council that can participate remotely in a meeting.

Remote participation is an important tool to allow Members of Council to continue to serve Calgarians when unable to participate a meeting in person. That said, in person participation at Council and Council Committee meetings also serves an important function. It upholds public confidence in City governance and demonstrates good faith commitment to fulfilling Members duties, which include participating in Council and Council Committee meetings (MGA, s. 153; *Code of Conduct Bylaw*, ss. 9-11).

Members of Council would benefit from clarity concerning the ethical rules that should govern remote participation in meetings. At present the *Procedure Bylaw* addresses logistical aspects of remote participation and enables the Chair to establish rules. The *Code of Conduct Bylaw* provides broad ethical rules that govern conduct, but the *Code of Conduct Bylaw* does not explicitly address remote participation in meetings. Currently missing are provisions that detail the ethical criteria for remote versus in person participation at meetings.

To that end, we recommend that amendments are made to the *Procedure Bylaw* and the *Code of Conduct Bylaw* to achieve two objectives:

- (1) To clarify the circumstances when remote participation is ethically permissible; and

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(2) To entrust the Integrity and Ethics Office with compliance oversight of remote participation.

Bylaw Amendments

We recommend that the *Procedure Bylaw* is amended as follows:

Current provision	Proposed amendment (changes underlined)
29.1 A Member may participate in Council or Council Committee meetings remotely, in accordance with the procedures set out in Appendix F.	29.1 A Member may <u>on occasion</u> participate in Council or Council Committee meetings remotely, in accordance with the procedures set out in Appendix F.
F.1 A Member may participate remotely in a Council or Council Committee meeting.	F.1 (a) A Member may <u>on occasion</u> participate remotely in a Council or Council Committee meeting <u>provided they are in an appropriate and secure location free from distractions with their camera on and no background used.</u> <u>(b) Best efforts must be used to participate in Council or Council Committee meetings, including Closed Meetings, in person conforming with the Code of Conduct for Elected Officials Bylaw (26M2018). Compliance is overseen by the Integrity and Ethics Office.</u>
F.8 Remote participation is permitted in Closed Meetings.	F.8 Remote participation is permitted in Closed Meetings <u>provided a Member is in a private and secure location free from distractions with their camera on and no background used.</u>

We recommend that the *Code of Conduct Bylaw* is amended as follows:

New provision

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11.1 (1) All Members must use best efforts to participate in *Council* and *Council* committee meetings in person. However, remote participation may occur in exceptional circumstances, where participation in person is impossible or impractical, including:

- (a) Urgent personal or medical matters; or
- (b) When out of town for the purpose of City business.

(2) A *Member* must keep a record of their reasons for participating remotely, which must be disclosed to the *Integrity Commissioner* upon request.

EXTERNAL ENGAGEMENT AND COMMUNICATION

- | | |
|--|---|
| <input type="checkbox"/> Public engagement was undertaken | <input checked="" type="checkbox"/> Dialogue with interested parties was undertaken |
| <input type="checkbox"/> Public/interested parties were informed | <input checked="" type="checkbox"/> Public communication or engagement was not required |

ATTACHMENTS

1. Proposed Bylaw 12M2024
2. Presentation

Department Circulation

General Manager/Director	Department	Approve/Consult/Inform
Jill Floen	Law, Legislative Services & Security	Inform
David Duckworth	Chief Administrator's Office	Inform

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City Clerks: C. Doi / A. Degrood