

Law, Legislative Services & Security Report to  
Executive Committee  
2025 June 17

ISC: UNRESTRICTED  
EC2025-0636

## **Response to Notice of Motion EC2025-0521 Upholding Reporting and Accountability of Council**

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### **PURPOSE**

The purpose of this report is to provide recommendations related to election expenditures and disclosure for Members of Council.

### **PREVIOUS COUNCIL DIRECTION**

At its 2025 May 27 Regular Meeting, Council directed Administration to report to the 2025 June 17 meeting of Executive Committee with completed actions where possible and the scope of work and timelines to:

- Propose amendments to Council policies and bylaws which reference the *Code of Conduct for Elected Officials* Bylaw 26M2018 (“*Code of Conduct Bylaw*”) and to ensure they align and are compliant with the *Municipal Government Act* (“MGA”) with respect to reporting of spending of public funds through ward budgets;
- Retain a process for councillors to opt into public reporting of gifts or personal benefits, meetings, taken, and events attended; and
- Create a respectful workplace policy for councillor staff which councillors may choose to use individually upon signing contracts.

More information on background and previous Council direction is provided in Attachment 1.

### **RECOMMENDATIONS:**

That Executive Committee recommend that Council:

1. Direct Administration to retain the current process for publishing, on a voluntary basis, public disclosures provided by Members of Council each quarter of:
  - a. Gifts and personal benefits;
  - b. Supporting information for budget and expense disclosures;
  - c. Meetings; and
  - d. Fundraising related to activities under the guidelines for “Fundraising by Members of Council” (PFC2017-0426).
2. Give three readings to the proposed bylaw to amend the Councillors Budgets and Expenses Bylaw 36M2021 (Attachment 3).

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### RECOMMENDATION OF THE EXECUTIVE COMMITTEE, 2025 JUNE 17:

That Council:

1. Direct Administration to retain the current process for publishing **where compliant with legislation**, on a voluntary basis, public disclosures provided by Members of Council each quarter of:
  - a. Gifts and personal benefits;
  - b. Supporting information for budget and expense disclosures;
  - c. Meetings; and
  - d. Fundraising related to activities under the guidelines for “Fundraising by Members of Council” (PFC2017-0426).
2. Give three readings to the **Proposed Bylaw 38M2025** to amend the Councillors Budgets and Expenses Bylaw 36M2021 (Attachment 3).

### CHIEF ADMINISTRATIVE OFFICER/GENERAL MANAGER COMMENTS

The City Solicitor & General Counsel concurs with the information in this report.

### HIGHLIGHTS

- Administration, in consultation with Dr. Laidlaw, have reviewed Council policies and bylaws impacted by recent amendments to the MGA. These bylaws and Council policies, and the additional work required to fulfil Council’s direction, are outlined in Attachment 2.
- Amendments to the *Councillors Budgets and Expenses Bylaw 36M2021* (“Expense Bylaw”) are recommended to align and comply with the MGA.
- Reporting by Councillors of gifts or personal benefits, meetings taken and events attended, is currently managed by Administration and Administration is prepared to continue to support voluntary participation.
- The existing councillor staff contract template incorporates by reference the *Respectful Workplace Policy* (ALT2020-1092). Administration will create a stand-alone respectful workplace policy which councillors may choose to use individually.

### DISCUSSION

#### Status of Council Policies and Bylaws

Recent amendments to the MGA, which came into force on 2025 May 15, prohibit Council from passing any bylaw or resolution that addresses Council conduct and repeals the *Code of Conduct Bylaw*. Members of Council continue to have various other legal and ethical obligations.

Administration, in consultation with Dr. Laidlaw, reviewed any policies and bylaws that reference the *Code of Conduct Bylaw* or that have been directly impacted by the MGA amendments. Attachment 2 provides an update on this review and identifies both (1) current legal obligations and (2) a review of the status of various policies and bylaws.

The review considered the primary purpose of the bylaw or resolution. If the primary purpose is to address Council conduct, then it is automatically repealed by the MGA. However, if the primary purpose is, for example, to set out procedures for conducting meetings, and any

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provisions relating to conduct are secondary to that purpose, then the relevant policy, bylaw or provision remains in force.

Election Campaigns

The MGA, s. 248 provides that all expenditures of City funds must be contained in the budget or otherwise approved by Council. Use of City resources for an election campaign would be an unauthorized payment of funds. Without the *Code of Conduct Bylaw*, there are no longer detailed rules on how to comply with s. 248 during an election campaign.

Administration and Dr. Laidlaw recommend that the *Expense Bylaw* is amended as set out in Attachment 3 to ensure that the election rules are in place during this election year. The proposed amendments to the *Expense Bylaw* have preserved the wording (with minor updates) from the election related expenses provisions of the *Code of Conduct Bylaw* and apply to all members of Council.

Policy Updates

The *Code of Conduct Bylaw* set out obligations and procedures for reporting gifts, personal benefits, and meetings, which are now repealed. Since the primary purpose of those provisions was to promote transparency and avoid conflicts of interest, and any regulation of Council Member conduct was incidental, Council may adopt disclosure policies to address these matters.

Administration will target to return to the Executive Committee in Q3 with recommendations for any policy amendments. In the meantime, Administration will continue to publish public disclosure information voluntarily provided by Members of Council through the same processes that are currently in place.

*The Information Management and Computer Resources Policy - Office of the Councillors* (PAC011) requires updating to align with the MGA requirements. Administration will target to return to the Executive Committee in Q3 with recommendations for policy amendments.

Respectful Workplace Policy for Councillors' Staff

The *Respectful Workplace Policy* (ALT2020-1092) is incorporated by reference into the existing template for Councillors' Assistants contracts contained in the *Councillors' Assistants Policy* (PAC005). However, with the repeal of the *Code of Conduct*, amendments to the *Councillors' Assistants Policy* (PAC005) are necessary.

Administration will target to return to the Executive Committee in Q3 with recommendations for necessary amendments to the *Councillors' Assistants Policy* (PAC005).

**EXTERNAL ENGAGEMENT AND COMMUNICATION**

- |  |   |
|--|---|
| <input type="checkbox"/> Public engagement was undertaken        | <input 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 |

**IMPLICATIONS**

**Social, Environmental and Economic**  
Not applicable.

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### Service and Financial Implications

No anticipated financial impact

### RISK

The recommendations ensure alignment and compliance with the recent amendments to the MGA.

### ATTACHMENTS

1. Background and Previous Council Direction
2. Council Legal and Ethical Obligations in the Absence of a Code of Conduct Bylaw
3. **Proposed Bylaw 38M2025**
4. Presentation

Department Circulation

General Manager/Director	Department	Approve/Consult/Inform
Jill Floen, City Solicitor & General Counsel	Law, Legislative Services & Security	Approve
Lynne Davies, Director	Law, Legislative Services & Security	Approve
Katarzyna Martin, Director/City Clerk	Law, Legislative Services & Security	Inform
Chris Arthurs, General Manager	People, Innovation & Collaboration Services	Inform
David Duckworth, Chief Administrative Officer	Chief Administrative Officer's Office	Inform

**City Clerks: K. Picketts / A. de Grood**