

## Council Legal and Ethical Obligations in the Absence of a Code of Conduct Bylaw and Next Steps

In the absence of a Code of Conduct, Members of Council continue to have legal and ethical obligations, including, among others:

- Duties under the *Municipal Government Act* (“MGA”) concerning pecuniary and personal conflict of interest, confidentiality, and expenditures, such as use of City resources during election campaigns;
- Duties as employers of the Chief Administrative Officer and Ward staff;
- Compliance obligations under the *Expenses Bylaw*, *Disclosure Policy for Members of Council* and MGA.
- General fiduciary obligations to the City, including managing conflicts of interest and undue influence.

The below chart provides an overview of the status of Council obligations.

Bylaw/Policy/Requirement	Authority	Continues?	Notes/Next Steps
<i>Code of Conduct for Elected Officials Bylaw</i> 26M2018	MGA s. 146.1 (repealed by Bill 50)	No, but provisions that are primarily about transparency, not Council conduct, could continue to apply in another form.	Since the <i>Code of Conduct Bylaw</i> is repealed, updates to other policies/bylaws needed.
<i>Code of Conduct for Elected Officials Bylaw</i> 26M2018 – <b>election activities, ss. 47-60</b>	MGA s. 248, <i>Freedom of Information and Protection of Privacy Act</i> , ss. 39-40, <i>Acceptable Use of City Technology Resources – Members of Council</i> (PAC009)	No	Recommend amendments to the <i>Expense Bylaw</i> to address prohibition on use of City resources for election campaigns.
<i>Code of Conduct for Elected Officials Bylaw</i> 26M2018 – <b>Gifts, Personal Benefits and meetings, ss. 30-35.1</b>		No	Can be adopted by policy to create a voluntary process to disclose gifts, benefits and meetings.
<i>Councilors' Budgets and Expenses Bylaw</i> 36M2021	MGA s. 248	Yes	All expenditures must be contained in budget or otherwise approved by Council.

Bylaw/Policy/Requirement	Authority	Continues?	Notes/Next Steps
<i>Maternity and Parental Leave for Members of Council</i> Bylaw 38M2018	MGA s. 144.1	Yes	
<i>Procedure</i> Bylaw 35M2017	MGA s. 145	Yes	Provisions governing conduct are secondary to the primary purpose of managing meetings and therefore remain in force.
<i>Acceptable Use of City Technology Resources – Members of Council</i> (PAC009)	condition of use	Yes	
<i>Communication Research and Office Support Policy-Ward Budget-Office of the Councillors</i> (PAC010)		Yes	
<i>Information Management and Computer Resources Policy-Office of the Councillors</i> (PAC011)	condition of use	Yes	This policy requires updating to align with the MGA requirements.
<i>Disclosure Policy for Members of Council</i> (CC044)	MGA s. 171	TBD	To be reviewed by Administration.
<i>Councillors' Assistants Policy</i> (PAC005)	Contract	Yes	This policy requires updating.
<i>Learning and Development Policy for Councillors</i> (CC024)		Yes	S. 20 of the <i>Expense Bylaw</i> provides that Councillors must comply with the policy.
<i>Office of the Councillors Work Experience Policy &amp; Agreement</i> (PAC015)		Yes	
<i>Respectful Workplace Policy</i> (HR-LR-011) (Administration policy)		No	Previously incorporated by reference in the <i>Code of Conduct Bylaw. Councillors' Assistants</i>

Bylaw/Policy/Requirement	Authority	Continues?	Notes/Next Steps
			<i>Policy</i> (PAC005) requires updating.
<i>Workplace Violence Policy</i> (GN-040) (Administration policy)		No	Previously incorporated by reference in the <i>Code of Conduct Bylaw</i> .
MGA s. 153 obligations to: - consider the welfare and interests of the municipality as a whole; - promote an integrated approach to land use planning; - develop and evaluate municipal policies and programs; - participate in council and committee meetings; - obtain information on the operation or administration of the municipality; - keep confidences; and - other duties set out in the MGA or other enactments, or imposed by Council.	MGA s. 153	Yes	s. 531(e.1) requiring adherence to the <i>Code of Conduct Bylaw</i> was repealed by Bill 50.
Obligations as employer of the Chief Administrative Officer and Council Member staff	<i>Alberta Human Rights Act</i> and <i>Occupational Health and Safety Act</i>	Yes	Council is subject to the same obligations as any employer.
Pecuniary and personal conflict of interest	MGA ss. 169-170, 172	Yes	