

Council Policy & Bylaw Review: Legal and Ethical Obligations in the Absence of a Code of Conduct Bylaw

Following the recent amendments to the *Municipal Government Act*, Council is no longer authorized to regulate the conduct of Members of Council and the *Code of Conduct for Elected Officials Bylaw 26M2018* is repealed. 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 [updated to August 29, 2025]

Bylaw/Policy/Requirement	Original Authority	Continues?	Notes/Next Steps
<i>Code of Conduct for Elected Officials Bylaw 26M2018</i>	MGA s. 146.1 (repealed)	No	Since the <i>Code of Conduct Bylaw</i> is repealed, updates to other policies/bylaws have been proposed/completed.
<i>Code of Conduct for Elected Officials Bylaw 26M2018 – election activities, ss. 48-60</i>	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	Amendments have been made 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 26M2018 – Gifts, Personal Benefits and meetings, ss. 30-35.1</i>	MGA s. 172, 172.1	No	Voluntary process to disclose gifts, benefits and meetings can be adopted.
<i>Councilors' Budgets and Expenses Bylaw 36M2021</i>	MGA s. 248	Yes	All expenditures must be contained in budget or otherwise approved by Council.

Bylaw/Policy/Requirement	Original Authority	Continues?	Notes/Next Steps
<i>Maternity and Parental Leave for Members of Council</i> Bylaw 38M2018	MGA s. 144.1	Yes	
Procedure 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)	Contractual/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 a minor update to remove reference to the <i>Code of Conduct Bylaw</i> . Update does not impact application of the policy.
<i>Disclosure Policy for Members of Council</i> (CC044)		No	Previously incorporated by reference in the <i>Code of Conduct Bylaw</i> .
<i>Councillors’ Assistants Policy</i> (PAC005)	Contract	Yes	This policy requires updating to align with the MGA requirements. Proposed revisions introduce the optional Respectful Workplace Policy.
<i>Indemnification of Members of City Council</i> (CC010)	MGA s. 535	Yes	The authority to determine whether legal coverage is provided has been delegated to the City Solicitor through bylaw. Whether or not someone is indemnified is assessed case-by-case based on whether they were acting in good faith and in performance of their duties as a Member of Council.

Bylaw/Policy/Requirement	Original Authority	Continues?	Notes/Next Steps
<i>Learning and Development Policy for Councillors (CC024)</i>		Yes	S. 20 of the <i>Expense Bylaw</i> provides that Members of Council must comply with the policy.
<i>Office of the Councillors Work Experience Policy & Agreement (PAC015)</i>		Yes	
<i>Respectful Workplace Policy (HR-LR-011)</i> (Administration policy)		No	Previously incorporated by reference in the <i>Code of Conduct Bylaw</i> . Proposed revisions to the <i>Councillors' Assistants Policy (PAC005)</i> introduces an optional Respectful Workplace Policy.
<i>Workplace Violence Policy (GN-040)</i> (Administration policy)		No	Previously incorporated by reference in the <i>Code of Conduct Bylaw</i> .
MGA s. 153: General Duties of Councillors	MGA s. 153	Yes, except for s.153 (e.1)	s. 153 (e.1) requiring adherence to the <i>Code of Conduct Bylaw</i> was repealed by the recent amendments to the MGA.
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	Councillors are subject to the same obligations as any employer.
Pecuniary and personal conflict of interest	MGA ss. 169-170, 172	Yes	