

**Integrity and Ethics Office Report to
Regular Meeting of Council
2018 June 25**

**ISC: UNRESTRICTED
C2018-0810
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Code of Conduct For Elected Officials Bylaw - Context and Commentary

EXECUTIVE SUMMARY

On 2018 March 19 Council directed the Integrity and Ethics Office to consolidate the *Ethical Conduct Policy* (CP2017-03; Effective Date 2017 July 24) and the *Integrity Commissioner Complaints Policy* (CP2016-08; effective date 2016 December 19) into a single document to be enacted as a bylaw. It also directed the Integrity and Ethics Office to provide a revised Context and Commentary to the bylaw by the end of June 2018.

Council approved the new *Code of Conduct for Elected Officials Bylaw* on 28 May 2018.

This Report provides in Attachment 1 the Context and Commentary to the *Code of Conduct for Elected Officials Bylaw*. The new Context and Commentary reflects the shift from the *Ethical Conduct Policy* to the new *Code of Conduct for Elected Officials Bylaw*. It also updates the Context and Commentary to incorporate legislative developments and other matters arising since July 2017 when the Context and Commentary to the *Ethical Conduct Policy* was originally received by Council. Attachment 2 annotates the Context and Commentary to the *Code of Conduct for Elected Officials Bylaw* to track precisely changes from the Context and Commentary to the *Ethical Conduct Policy*. Attachment 3 is the Context and Commentary to the *Ethical Conduct Policy*.

INTEGRITY AND ETHICS OFFICE RECOMMENDATION:

That Council:

1. Receive for information the Context and Commentary to the *Code of Conduct for Elected Officials Bylaw* (Attachment 1).

PREVIOUS COUNCIL DIRECTION / POLICY

On 2017 July 24 Council approved the *Ethical Conduct Policy* (CP2017-03; Effective Date 2017 July 24). It also received for information the Context and Commentary to *the Ethical Conduct Policy* created by the Integrity and Ethics Office. It directed the City Clerk to consolidate the *Ethical Conduct Policy* and the Context and Commentary, and to post the consolidation in the Council Policy Library.

On 2016 December 19 Council approved the *Integrity Commissioner Complaints Policy* (CP2016-08; effective date 2016 December 19) which it modestly revised in July 2017.

The *Ethical Conduct Policy* replaced prior council policies, and in particular the *Ethical Conduct Policy for Members of Council* (CC042, effective 2013 July 01); the *Gifts and Benefits Policy for Members of Council* (CC043; effective 2013 January 28); and the *Members of Council and Election Campaign Policy* (CC041; effective 2013 January 28).

Members of Council also have duties under legislation, including the *Municipal Government Act* RSA 2000, c M-26, the *Local Authorities Election Act* RSA 2000, c L-21 and the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25. In addition, the Code of Conduct for Elected Officials Regulation 200/2017 governs the content to be included in a code of conduct for elected officials bylaw.

Council approved the new *Code of Conduct for Elected Officials Bylaw* on 28 May 2018.

Code of Conduct For Elected Officials Bylaw - Context and Commentary

BACKGROUND

When Council adopted the *Ethical Conduct Policy* (CP2017-03) in July 2017 it also received for information the Context and Commentary to the *Ethical Conduct Policy* created by the Integrity and Ethics Office.

The Context and Commentary provided background information to put the *Ethical Conduct Policy* into context. It also provided interpretive guidance about how Members of Council should approach the *Policy* to fulfill their ethical responsibilities.

With the enactment of the new *Code of Conduct for Elected Officials Bylaw* it is necessary to update and revise the Context and Commentary to reflect the changes made in that Bylaw. Some legislative changes and other matters arising since the Context and Commentary was written also require revisions to the Context and Commentary.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

Stakeholder Engagement, Research and Communication

The Integrity and Ethics Office reviewed the existing Context and Commentary in light of changes arising from the new bylaw, legislative developments and experiences over the last year. Comment and feedback on the Context and Commentary was solicited from representatives of the Law Department and Clerk's office who had been involved in the preparation of the *Code of Conduct for Elected Officials Bylaw*. The Context and Commentary was also provided to the new Integrity Commissioner for comment and feedback.

The Context and Commentary is substantially the same as that previously provided to Council in 2017 with respect to the *Ethical Conduct Policy*. Revisions mostly reflect the changes made to the *Ethical Conduct Policy* by virtue of adopting the Bylaw itself, and also legislative and other developments (e.g., the enactment of the *Procedure Bylaw* (Bylaw 35M2017)) that have occurred since the *Ethical Conduct Policy* was approved in July 2017.

The Annotated Context and Commentary in Attachment 2 identifies the precise relationship between the original Context and Commentary and the new document. Attachment 3 contains the original Context and Commentary to the *Ethical Conduct Policy*.

Strategic Alignment

The Context and Commentary for the *Code of Conduct for Elected Officials Bylaw* aligns with Council's priority of supporting ethical conduct by Members of Council, as evidenced by the enactment of the *Ethical Conduct Policy* and the *Integrity Commissioner Complaints Policy*, and aligns with Council's commitment to ensuring compliance with its obligations under its governing legislation. Further, the Context and Commentary aligns with Council's priority of a well-run city: "Calgary's government is open, responsive, accountable and transparent, delivering excellent services at a fair price. We work with our government partners to ensure we have the tools we need" (*Action Plan 2015-2018*).

Social, Environmental, Economic (External)

The Context and Commentary to the *Code of Conduct for Elected Officials Bylaw* will assist Council and the City to comply with their legal obligations under the *Code of Conduct for Elected Officials Bylaw*, the *Municipal Government Act* and the Code of Conduct for Elected

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Officials Regulation, and other legislation, and will promote accountability and transparency in City government.

Financial Capacity

Current and Future Operating Budget:

There are no current and future operating budget impacts.

Current and Future Capital Budget:

There are no current and future capital budget impacts.

Risk Assessment

REASON(S) FOR RECOMMENDATION(S):

Not applicable

ATTACHMENTS

1. Attachment 1 – Context and Commentary to the *Code of Conduct for Elected Officials Bylaw*;
2. Attachment 2 – Annotated Context and Commentary to the *Code of Conduct for Elected Officials Bylaw*;
3. Attachment 3 – Context and Commentary to the *Ethical Conduct Policy (2017)*