

**Integrity and Ethics Office Report to
Priorities and Finance Committee
2018 May 01**

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PFC2018-0554
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Proposed Code of Conduct for Elected Officials Bylaw

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. Council further directed the Integrity and Ethics Office to draft the bylaw to make its compliance with the Code of Conduct for Elected Officials Regulation AR 200/2017 clear and accepted the recommendations of the Integrity and Ethics Office as to how to address gaps between current Policy and the Code of Conduct for Elected Officials Regulation.

The Ethics and Integrity Office has drafted a proposed Code of Conduct for Elected Officials Bylaw in accordance with the direction of Council, attached to this Report as Attachment 1. The proposed Code of Conduct for Elected Officials Bylaw also revises the policies for clarity and addresses some stylistic and substantive gaps in the policies. This Report identifies the general differences between the current policies and the proposed Code of Conduct for Elected Officials Bylaw. Attachment 2 contains an Annotated Proposed Bylaw that indicates where a section of the bylaw can be found in the previous policies (or if it is new), and whether and how it has been revised. The few provisions from the previous policies that have been deleted are listed at the end of the Annotated Proposed Bylaw.

Council also directed the Integrity and Ethics Office to update the Context and Commentary for the *Ethical Conduct Policy* and provide the new document to Council for information. The revised Context and Commentary will be provided to Council following approval of the new bylaw.

INTEGRITY AND ETHICS RECOMMENDATIONS:

That the Priorities and Finance Committee recommends that Council:

1. Adopt the proposed Code of Conduct for Elected Officials Bylaw (Attachment 1); and
2. Rescind the *Ethical Conduct Policy* (CP2017-03) (Attachment 3) and the *Integrity Commissioner Complaints Policy* (CP2016-08) (Attachment 4) on the day that the Code of Conduct for Elected Officials Bylaw comes into force.

RECOMMENDATION OF THE PRIORITIES AND FINANCE COMMITTEE, DATED 2018 MAY 01:

That Council:

1. Give three readings to Proposed Bylaw 26M2018; and
2. Rescind the *Ethical Conduct Policy* (CP2017-03) (Attachment 3) and the *Integrity Commissioner Complaints Policy* (CP2016-08) (Attachment 4) on the day that the Code of Conduct for Elected Officials Bylaw comes into force.

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

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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.

BACKGROUND

On 2017 October 26 Section 146.1 of the *Municipal Government Act* RSA 2000 c M-26 came into force, along with Alberta Regulation 200/2017, the Code of Conduct for Elected Officials Regulation.

Section 146.1 of the amended *Municipal Government Act* requires Council to establish by bylaw a code of conduct governing the conduct of Members of Council.

The Code of Conduct for Elected Officials Regulation sets out the topics that must be addressed by the code of conduct bylaw. It also sets out the sanctions that can be imposed for breaching the code of conduct.

The bylaw must be approved by Council by 2018 July 23.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

Stakeholder Engagement, Research and Communication

On 2018 March 6 the Integrity and Ethics Office presented a Report to the Priorities and Finance Committee identifying three gaps between current City policies and the requirements of the Code of Conduct for Elected Officials Regulation. The Report set out options for how those gaps could be addressed, and recommended a course of action. After discussion and consultation the Committee and Council accepted the recommendations of the Integrity and Ethics Office. Subsequent to the decision of Council on 2018 March 19 the Integrity and Ethics Office has consolidated and revised the policies to create the proposed Code of Conduct for Elected Officials Bylaw in Attachment 1.

Differences between the proposed Code of Conduct for Elected Officials Bylaw and the existing *Ethical Conduct Policy* and *Integrity Commissioner Complaints Policy* fall into the following general categories:

- Provisions have been reorganized to conform to how the City normally writes bylaws and as a consequence of consolidating the two policies.

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- Provisions have been reorganized and grouped to make it clear how they relate to the subject matters the Code of Conduct for Elected Officials Regulation requires the bylaw to address.
- New provisions have been added to address matters required to be addressed by the Code of Conduct for Elected Officials Regulation.
- New provisions have been added to address gaps in the existing policies.
- Some provisions have been revised to improve or address gaps in the existing policies.
- Some provisions of the policy have been redrafted to be clearer and more concise.

The Annotated Proposed Bylaw in Attachment 2 identifies the precise relationship between the proposed Code of Conduct for Elected Officials Bylaw and the *Ethical Conduct Policy* and *Integrity Commissioner Complaints Policy*. The Annotated Proposed Bylaw indicates where each provision of the proposed Code of Conduct for Elected Officials Bylaw comes from and the nature of any revisions made to a provision from what was in the policies. The end of the Annotated Proposed Bylaw lists the provisions from the prior policies that have not been included in the proposed Code of Conduct for Elected Officials Bylaw.

Strategic Alignment

The proposed 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 draft bylaw 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 proposed Code of Conduct for Elected Officials Bylaw will ensure Council and the City comply with their legal obligations under the *Municipal Government Act* and the Code of Conduct for Elected Officials Regulation, 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.

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Risk Assessment

REASON FOR RECOMMENDATION:

The proposed Code of Conduct for Elected Officials Bylaw ensures Council and the City comply with their legal obligations under the *Municipal Government Act* and the Code of Conduct for Elected Officials Regulation.

ATTACHMENT(S)

1. **Proposed Bylaw 26M2018;**
2. Annotated Proposed Code of Conduct for Elected Officials Bylaw;
3. *Ethical Conduct Policy* (CP2017-03; Effective Date 2017 July 24)
4. *Integrity Commissioner Complaints Policy* (CP2016-08; effective date 2016 December 19)