

Council Policy

Policy Title: **Ethical Conduct Policy**
Policy Number: **CP2017-XX**
Report Number: **PFC2017-0574**
Adopted by/Date: **TBD**
Effective Date: **TBD**
Last Amended:
Policy Owner: **Office of the Mayor and Members of Council**

1. POLICY STATEMENT

- 1.1 City of Calgary Council is committed to fostering and achieving high standards of ethical conduct by all Members of Council.

2. PURPOSE

- 2.1 This Council policy establishes rules a Member of Council must follow in the discharge of his or her office.

3. APPLICABILITY

- 3.1 This Council policy ("Policy") applies to Members of Council.
- 3.2 "Member of Council" ("Member") means all elected officials on City of Calgary Council, including the Mayor.
- 3.3 In the event of a conflict between this Policy and another policy governing Member conduct, this Policy governs.

4. RULES GOVERNING MEMBER CONDUCT

4.1 General Obligations

- 4.1.1 A Member must approach his or her obligations under this Policy in good faith. In doing so he or she must take into account the Context and Commentary to this Policy published by the Integrity and Ethics Office, as well as any decisions, opinions or interpretive guidelines issued by that Office.
- 4.1.2 A Member must respect and comply with all obligations imposed on the Member by statute or other legal enactment, and by City of Calgary ("The City") policies and procedures, including but not limited to the:
- (a) *Municipal Government Act* RSA 2000, c M-26
 - (b) *Local Authorities Election Act* RSA 2000, c L-21
 - (c) *Freedom of Information and Protection of Privacy Act* RSA 2000, c F-25

- (d) *Respectful Workplace Policy* (HR-LR-001)
- (e) *Workplace Violence Policy* (GN-040)
- (f) *Acceptable Use of City Technology Resources – Members of Council* (PAC009, 2003 June 23)
- (g) *Disclosure Policy for Members of Council* (CC044, 2014 November 04)
- (h) *Councillors' Expenses/Allowance Policy* (PAC006, 2003 October 28)
- (i) *Office of the Councillors Expenditure Authorization Policy* (PAC008, 2003 October 29)

4.1.3 A Member must, in the discharge of his or her office:

- (a) Act in the best interests of The City taking into account the interests of The City as a whole, and without regard to the Member's personal interests;
- (b) Consider all issues consistently and fairly, and in light of all relevant facts, opinions and analyses of which the Member should be reasonably aware;
- (c) Bring to the attention of Council any matter that would promote the welfare or interests of The City;
- (d) Act competently and diligently; and
- (e) Vote on any matter brought to a Council meeting attended by the Member unless the Member must abstain under the *Municipal Government Act*, another enactment or at law.

4.1.4 A Member must respect and comply with the law, and avoid conduct that, in the eyes of a reasonable Calgarian, undermines, or has the potential to undermine, public confidence in City governance.

4.1.5 A Member must communicate with members of the public, one another, and with City and Council employees respectfully, without abuse, bullying or intimidation.

4.1.6 A Member must only use the influence of his or her office for the exercise of his or her official duties.

4.1.7 A Member must be independent and impartial, and must not provide preferential treatment to any person or organization except as warranted by the ordinary and lawful discharge of the Member's duties.

4.1.8 A Member must not use the prospect of his or her future employment by a person or entity, or other future economic opportunities, to detrimentally affect the performance of his or her duties to The City.

4.1.9 A Member must not act as an agent of a third-party before Council or any of its Boards, Commissions and Committees.

- 4.1.10 A Member may not direct the work of City employees, and should follow established channels of communication and authority when working with City employees.
- 4.1.11 A Member must not request City employees to undertake personal or private work on behalf of the Member, or accept such work from a City employee.
- 4.1.12 A Member must not use, or permit the use of, City land, facilities, equipment, supplies, services, employees or other resources for activities other than the business of The City.

4.2 Confidentiality and Information Management

- 4.2.1 “Confidential Information” means information that a Member has a legal duty not to disclose. It also includes information that is not public, and the disclosure of which could reasonably harm the interests of individuals or organizations, including The City.
- 4.2.2 A Member must protect Confidential Information. This includes the following duties:
 - (a) A Member must not disclose Confidential Information, including to City or Council employees, or to persons outside The City, except as authorized by Council or by City employees empowered to authorize such disclosure;
 - (b) A Member must not use Confidential Information with the intention to cause harm or detriment to Council, The City or any other person or body;
 - (c) A Member must protect Confidential Information from inadvertent disclosure, including by compliance with the *Acceptable Use of City Technology Resources – Members of Council Policy* (PAC009, 2003 June 23);
 - (d) A Member must use Confidential Information only for the purpose for which it is intended to be used;
 - (e) A Member must take reasonable care to prevent the examination of Confidential Information by unauthorized individuals; and
 - (f) A Member must not take personal advantage of, or use for their own benefit, corporate or financial opportunities learned about through Confidential Information.
- 4.2.3 A Member must access and use information at The City only in the normal course of their duties.
- 4.2.4 A Member must not change or alter City records or documents other than in the normal course of their duties.
- 4.2.5 A Member must retain records and other information in accordance with best practices, and must respond in good faith to all requests for

information made pursuant to the *Freedom of Information and Protection of Privacy Act*.

- 4.2.6 When dealing with Personal Information, a Member must comply with the provisions of the *Freedom of Information and Protection of Privacy Act*. All reasonable and necessary measures must be taken to ensure that the personal or private information of individuals is protected. "Personal Information" means recorded information about an identifiable individual, as further specified in the *Freedom of Information and Protection of Privacy Act*.

4.3 Disclosure

- 4.3.1 A Member must disclose their real estate and financial holdings in accordance with the *Disclosure Policy for Members of Council* (CC044, 2014 November 04).
- 4.3.2 A Member must disclose Gifts and Personal Benefits in accordance with Rule 4.4.7 of this Policy.
- 4.3.3 A Member must provide information on budgets and expenses to the Office of the Councillors in order to permit that Office to disclose those budgets and expenses as required by the *Budget and Accounting Office of the Councillors Policy* (PAC014, 2003 October 28) and the *Posting Councillor Ward Budgets and Expenses Policy* (CC027, 2006 January).
- 4.3.4 Subject to a visitor's consent, which the visitor must be encouraged to provide, a Member must disclose quarterly a list of persons with whom they have met in their offices, excluding media and City employees.

4.4 Gifts and Benefits

- 4.4.1 "Gift or Personal Benefit" is an item or service of value that is received by a Member for his or her personal use. It includes but is not limited to money, gift cards, tickets to events, clothing, jewelry, pens, food or beverages, discounts/rebates on personal purchases, free or subsidized drinks or meals, entertainment, participation in sport and recreation activities, and invitations to social functions. Gift or Personal Benefit does not include campaign contributions received by a Member in compliance with the *Local Authorities Election Act*, or funds received in accordance with the *Indemnification of Members of Council Policy* (CC010, 1977 August 22).
- 4.4.2 "Immediate Family" means the Member's spouse or adult interdependent partner, children, parents and the parents of the Member's spouse or adult interdependent partner (*Municipal Government Act*).
- 4.4.3 A Gift or Personal Benefit provided to a Member's Immediate Family or the Member's staff that, to the Member's knowledge, is connected directly or indirectly to the performance of the Member's duties is deemed to be a Gift or Personal Benefit to that Member.

- 4.4.4 A Member must not accept a Gift or Personal Benefit that is connected directly or indirectly with the performance of his or her duties unless permitted by the exceptions listed in Rule 4.4.6.
- 4.4.5 A Member must not solicit a Gift or Personal Benefit that is connected directly or indirectly with the performance of his or her duties except in conjunction with fundraising activities for a community, charitable or non-profit organization undertaken after full disclosure to and in compliance with a written opinion from the Ethics Advisor.
- 4.4.6 A Member may receive a Gift or Personal Benefit if it is:
 - (a) Compensation authorized by law, including compensation for serving on external bodies such as the Alberta Urban Municipalities Association (AUMA) or the Federation of Canadian Municipalities (FCM);
 - (b) Received as part of fundraising activities for a community, charitable or non-profit organization, undertaken after full disclosure to and in compliance with a written opinion from the Ethics Advisor;
 - (c) Received as a normal or necessary incident to fulfilling the Member's duties;
 - (d) Received as an incident of protocol or social obligation;
 - (e) A person's volunteer time or activities provided to further the interests of The City or the Member's Ward;
 - (f) A suitable memento of a function attended by the Member as part of his or her duties;
 - (g) Food, lodging, and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the Federal government or by a foreign government within a foreign country; or
 - (h) Food and beverages consumed at, and tickets to, meals, banquets, receptions, sporting events, or similar activities if:
 - (i) Attendance serves a legitimate purpose associated with the Member's duties;
 - (ii) The person extending the invitation or a representative of the inviting organization is in attendance; and
 - (iii) The value is reasonable and the invitations infrequent.
- 4.4.7 A Member must disclose all Gifts and Personal Benefits received. The disclosure must:
 - (a) Describe and/or include a photograph of the Gift or Personal Benefit, including its value if known; and

- (b) Indicate the source of the Gift or Personal Benefit, and the circumstances under which it was given or received.

4.5 Conflicts of Interest

- 4.5.1 A Member must comply with the requirements of the *Municipal Government Act* with respect to pecuniary interests.
- 4.5.2 A Member who suspects that he or she has a pecuniary interest must seek advice from the Ethics Advisor with respect to his or her obligations in relation to that interest, unless doing so is not practically possible.
- 4.5.3 A Member who has a personal interest in a matter before Council or a Council committee other than a pecuniary interest must disclose that interest to the Ethics Advisor unless doing so is not practically possible, and should be guided by the advice of the Ethics Advisor.

4.6 Election Activities

- 4.6.1 For the purposes of this Rule, the following definitions apply:
 - (a) “Campaign Period” means the period commencing the first of June immediately preceding a general election;
 - (b) “Election Campaign” means all activities related to the re-election of a Member and not to their duties under *the Municipal Government Act* as a Member; and
 - (c) “Fund Raising Activity” means any and all activities undertaken by or on behalf of a Member to raise funds for the purpose of an Election Campaign, taking place at any point during a Member’s term of office.
- 4.6.2 In accordance with section 9 of the *Local Authorities Election Act*, a Member’s term of office expires with the beginning of the Organizational Meeting (the swearing-in of the new Council) immediately following a general election.
- 4.6.3 A Member must comply with the *Local Authorities Election Act* in undertaking election campaign activities and fundraising.

Newsletters, Open Houses and E-mail Campaigns

- 4.6.4 Open Houses organized by Members must be completed, and City-funded newsletters delivered, by May 31 of a general election year or not scheduled until following the Organizational Meeting of Council in a general election year. No mass email distribution should take place during this time, using City resources except in cases of emergency, as authorized by the City Manager.

Internet Resources

- 4.6.5 Updates will not be made to the websites of Members that are either City hosted, or external websites paid for by The City between Nomination Day and Election Day in a general election year. A note may be placed on the website indicating that, due to City of Calgary election campaign rules this site will not be updated between Nomination Day and Election Day.
- 4.6.6 Links are not allowed on City websites or external websites paid for by The City to a Member's campaign website at any point in time during a term of office.
- 4.6.7 A Member may use non-City funded social media and Internet resources (e.g. Twitter accounts, Facebook sites) in their personal names during a Campaign Period. These accounts shall include, where possible, a disclaimer that they are not City-funded, nor do they reflect City policy during a Campaign Period. Account names should not include the Member's current position title, where possible (for example, Jane Smith is preferable to Councillor Jane Smith).

City and Elected Officials' Staff

- 4.6.8 City employees must not be engaged or requested by a Member to work on an Election Campaign during hours in which those persons receive compensation from The City, though they may work on a volunteer or paid capacity for an Election Campaign during non-work or vacation hours.
- 4.6.9 A Member's personal staff must operate under the same restriction, but they may take unpaid leave to work on an Election Campaign. Further, it is permissible for these staff only to undertake very modest activities that could be construed as campaign work, where such activities overlap unavoidably with the regular course of their duties. Examples of such activities might include coordinating campaign schedules within the Member's calendar or redirecting citizens with campaign questions to the campaign.
- 4.6.10 City employees and/or a Member's staff may not identify themselves as City/Council employees while working on an Election Campaign.
- 4.6.11 Under no circumstances should Member's offices be used to engage in Election Campaign related activities.

City Resources

- 4.6.12 City resources must not be used by a Member or staff for Election Campaigns or for a Fund Raising Activity at any point during a term of office.
- 4.6.13 City data must not be used by Members for Election Campaigns or Fund Raising Activities unless those data sources are publicly available and all fees associated with the use of the data have been paid for by the election campaign funds.

- 4.6.14 Use of City property for Election Campaign related activities must be in accordance with City policies and bylaws and must be available to all candidates for a similar activity.

City Functions

- 4.6.15 A Member will not participate in any civic events requiring them to perform official ceremonial duties between Nomination Day and Election Day.

Contributions to Election Campaigns

- 4.6.16 No monies from City accounts shall be used by a Member as contributions to other election campaigns, municipal, provincial or federal.

5. PROCEDURE

- 5.1.1 A Member or any individual who believes a Member is in violation of this Policy may report their concerns in accordance with the *Integrity Commissioner Complaints Policy* (CP2016-08, 2016 December 19).
- 5.1.2 The Integrity Commissioner will receive, investigate and respond to reports received in accordance with the *Integrity Commissioner Complaints Policy* (CP2016-08, 2016 December 19).
- 5.1.3 All substantiated violations and reports shall be addressed by the Integrity Commissioner in accordance with the *Integrity Commissioner Complaints Policy* (CP2016-08, 2016 December 19).
- 5.1.4 The Integrity and Ethics Office will review this Policy on an annual basis to ensure it reflects governing legislation as well as other legal enactments and relevant case law.

6. AMENDMENT(S)

Date of Council Decision	Report/By-Law	Description

7. REVIEW(S)

Date of Policy Owner's Review	Description