

Priorities Committee Meeting_May15_2018

STRATEGIC INITIATIVE AND UPDATE

Council Code of Conduct Draft Bylaw Provisions

Report Purpose

To seek input from the Priorities Committee on a draft bylaw for the Council Code of Conduct.

Council History

October 7, 2014 – Council reviewed the Council Code of Conduct policy (GOV-001-028)

April 24, 2011 – Council approved the Council Code of Conduct policy (GOV-001-028)

Strategic Plan Priority Areas

Economy: n/a

Governance: A Code of Conduct Bylaw supports accountable and transparent governance and helps establish trust in Council on the part of citizens and rate payers.

Social: n/a

Culture: n/a

Environment: n/a

Other Impacts

Policy: The Council Code of Conduct bylaw will subsume the content in the following Council Policies: Council Code of Conduct; Council Communications; and Election Campaigns.

Legislative/Legal: The *Municipal Government Act*, RSA 2000, M-26, s. 146.1(1) requires that a council establish, by bylaw, a code of conduct governing the conduct of councillors. The Code of Conduct for Elected Officials Regulation (200/2017) provides the required contents for the Code of Conduct bylaw.

Interdepartmental: Legislative and Legal Services is supporting the development of the draft bylaw.

Summary

The Government of Alberta began a comprehensive review of the Municipal Government Act (MGA) in 2012. Since that time, a number of changes to the MGA were passed in three amending bills:

- Bill 20 – Municipal Government Amendment Act – passed in March 2015
- Bill 21 – Modernized Municipal Government Act – passed May 2016
- Bill 8 – An Act to Strengthen Municipal Government – passed April 2017

In addition to the amending bills, a number of new regulations have also been approved. One of the more significant governance revisions relates to the Code of Conduct for Elected Officials (Enclosure 1).

Municipalities must establish a code of conduct bylaw as per the Code of Conduct for Elected Officials Regulation that governs the conduct of councillors and is applied to all councillors equally. The related sections of legislation and the regulation came into force on October 26, 2017. The code of conduct bylaw must be in place by July 23, 2018 (270 days).

Currently, Strathcona County has a Code of Conduct policy; however, the new regulation requires a much more comprehensive Code than what the current policy provides.

Administration has sought direction from the Governance Advisory Committee (GAC) on the draft bylaw for Council Code of Conduct. The GAC wanted to ensure that the Code of Conduct met the legislative requirements but was not too complex or burdensome as not to be helpful to members of Council. The GAC did not wish to see the Code of Conduct apply to members of Council Committees. The GAC also agreed that certain policies could likely be repealed since the regulation requires that the Code address certain topics such as Council Communications and Election Campaigns. Finally, the GAC wanted to ensure that there was adequate opportunity for all of Council to consider the draft of the bylaw and provide input.

The draft of the bylaw is provided as Enclosure 2, but the table below provides a brief overview of the sections included in the draft.

Topic	Rationale
Statement of values	Recommended by the GAC since value statements are provided in the existing Code of Conduct policy
Representing the municipality	Required by Regulation
Communicating on behalf of the municipality	Required by Regulation – this section of the draft Bylaw subsumes current Council Communications policy
Respecting the decision-making process	Required by Regulation
Adherence to policies, procedures, and bylaws	Required by Regulation
Respectful interactions with councillors, staff, the public and others	Required by Regulation and aligns with current Code of Conduct policy
Confidential information	Required by Regulation
Conflicts of interest	Required by Regulation
Improper use of influence	Required by Regulation
Use of municipal assets and services	Required by Regulation – this section of the draft Bylaw subsumes current Election Campaigns policy*
Orientation and other training attendance	Required by Regulation
Complaints	Required by Regulation – must address who may make a complaint, method by which a complaint may be made, process to be used to determine the validity of a complaint, and process to be used to determine how sanctions are imposed if the complaint is determined to be valid
Mandatory review schedule	Required by Regulation

Administration is seeking general input from the Priorities Committee on the draft bylaw; however, of particular interest is the approach to the formal complaint process. The approach is outlined in Enclosure 3 and differs from the approach taken by other municipalities in that the complaint process is limited to members of Council (e.g. members of the public are not able to make a Code of Conduct complaint). Further, while some municipalities are relying on an independent external investigator, the draft process has the whole of Council as the main body that receives complaints.

Once the Priorities Committee has provided input, Administration will proceed with finalizing the draft bylaw and provide it to Council for consideration in June of 2018.

Enclosures

- 1 Code of Conduct for Elected Officials Regulation (Regulation No. 200/2017).
- 2 Council Code of Conduct Draft Bylaw
- 3 Proposed Code of Conduct Formal Complaint Process
- 4 Draft Code of Conduct Bylaw Presentation