

2023 Code of Conduct Sub-Committee Feedback on Whereas Clauses and Schedule A

Bylaw 18483 Council Code of Conduct

Section	Feedback/Discussion	Rationale
Whereas Clauses	Delete “The role of a Councillor is to be actively engaged with the electors, community, and region in a way that demonstrates the shared responsibility of being a Councillor and member of a productive Council.”	The preamble (whereas clauses) is lengthy and this particular clause seems to be out of place.
Schedule A Part A: Representing the Municipality	<p>Revise Clause 1A to incorporate language related to “being open to persuasion” and remove vague terms such as “consistently,” “impartially,” and “relevant.”</p> <p>Move “while carrying out their duties Councillors must act in the best interest of the city as a whole” from Clause 1A to Whereas Clauses.</p> <p>Delete Clauses 1B and 1E.</p> <p>Request an interpretation of Clause 1D from the Integrity Commissioner.</p>	<p>Requiring Councillors to act impartially is challenging in an environment that is also political, where people are elected on a certain mandate. This concept gets confused with the conflict of interest principles.</p> <p>This is a foundational principle that may be best suited for the preamble and not as a requirement. It is currently being used as a catch-all by complainants.</p> <p>Eliminates duplication with Whereas Clauses.</p>

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<p>Schedule A Part B: Communications</p>	<p>Revise Clause 1D to read “Without limiting the ability of a Councillor to hold a position on an issue and respectfully express their opinions, Councillors will not issue any communications that mislead Council or the public about any matter relating to the decisions of Council or the business of the City of Edmonton.”</p> <p>Delete Clause 3; draft terms of engagement or other policy tool to provide guidance on how ward specific issues will be handled between Councillors</p>	<p>The current language is too broad. Complaints are received for instance about Councillors commenting on social media about news events, etc.</p> <p>This clause is interpreted and applied differently. Some Councillors feel that no other Councillor should cross the border into their constituency, whereas others feel this is a way for enquiries to be referred between constituencies. Some receive a great number of enquiries given their location within the City and have difficulty keeping up with them. This provision is an outlier and not found in other Codes. The ward Councillor should have a right of first refusal.</p>
<p>Schedule A Part C: Decision-Making Processes</p>	<p>Revise Clause 2 to remove the requirement to ask informed questions.</p>	<p>Select aspects of this clause are not enforceable (for example: “ask informed questions”).</p>

Attachment 1

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		accepting such complaints. It is only after conviction by a court or a regulator for breaking a law or regulation, that a Code of Conduct complaint may be considered.
Schedule A Part E: Respectful Interactions	Revise Clause 3.	Remove “disrespectful,” and “unparliamentary,” and strengthen protection for City of Edmonton employees.
Schedule A Part F: Confidential Information	No changes requested.	
Schedule A Part G: Conflicts of Interest	Revise Clause 1.	Expand the definition of conflict beyond pecuniary interest as defined in the <i>Municipal Government Act</i> while recognizing the statutory requirement of a Councillor that is present to vote.
Schedule A Part H: Use of Influence	All Clauses to be consolidated.	This proposed change is to ensure content is not duplicated in other sections.
Schedule A Part I: City Assets	No changes requested.	
Schedule A Part J: Orientation and Training	No changes requested.	

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Schedule A Part K: Elections and Campaigning	Revise Clauses 1 and 3 to define “city-sponsored events.”	Clarity is required as is information on the definition of “nomination day,” and “nominated” in relation to Clause 3.
Schedule A Part L: Gifts and Benefits	No changes requested.	
Schedule A Part M: Retaliation, Interference, and Obstruction	No changes requested.	
Other	Revise Schedule B, Investigation Section, Third Paragraph to clarify how investigations will be kept confidential/incorporate the following recommendation of the Integrity Commissioner: “the Integrity Commissioner may find a complaint to be made in bad faith if the Complainant widely publishes the fact that they have made a complaint before the Respondent Councillor has been afforded due process.”	The Code of Conduct states investigations will be handled in a confidential manner. The Integrity Commissioner is only required to identify the Complainant if the Respondent Councillor cannot fairly defend themselves without knowing the identity of the Complainant. The Code Complaint Form contains a notice that the content of the Complaint Form may be disclosed to the Respondent Councillor and the information will be collected, used and disclosed according to the <i>Freedom of Information and Protection of Privacy Act</i> .