



CODE OF CONDUCT BYLAW 18483 - COUNCIL FEEDBACK

RECOMMENDATION

1. That the January 24, 2023, Office of the City Clerk report OCC01534, be received for information.
2. That Attachment 1 of the January 24, 2023, Office of the City Clerk report OCC01534 remain private pursuant to section 24 (advice from officials) of the *Freedom of Information and Protection of Privacy Act*.

Report Purpose

Information

Previous Council/Committee Action

At the September 29, 2022, Code of Conduct Sub-Committee meeting, the following motion was passed:

That the Mayor and Councillors review the Code of Conduct Bylaw 18483 and the September 29, 2022, verbal presentation from the Integrity Commissioner/Ethics Advisor and submit comments/questions by December 31, 2022, and that the City Clerk consolidate the questions/feedback and bring back to the next Code of Conduct Sub-Committee meeting.

Executive Summary

- At the September 29, 2022, meeting, the Sub-Committee discussed the Office of the City Manager report OCM00775, Council Code of Conduct - Lessons Learned, from Administration as well as a submission from the Integrity Commissioner and Ethics Advisor, which recommended further revisions to Bylaw 18483 - Council Code of Conduct (see private Attachment 1).
- This report is a summary of the previous committee discussion and includes a draft outline of the approach to work through a review of Bylaw 18483 Council Code of Conduct (Attachment 2).

REPORT

Background

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Section 146.1 of the *Municipal Government Act*, requires councils of all municipalities in Alberta to establish a code of conduct governing the conduct of Councillors via bylaw.

At the June 26, 2018, City Council meeting, Council passed Bylaw 18483 Council Code of Conduct. The purpose of this bylaw is “to adopt a code of conduct for Councillors.” The Code of Conduct is applicable to all members of Council and provides Councillors with a framework to guide ethical conduct in a way that upholds the integrity of the City and the high standards of conduct the public expects from elected officials.

At the September 5, 2018, City Council meeting, Council passed Bylaw 18567 To Establish the Designated Officer Position of Integrity Commissioner. The purpose of this bylaw is “to establish the position of Integrity Commissioner as a designated officer, and to delegate powers, duties, and functions to that position.” Amongst other accountabilities, the Integrity Commissioner is responsible for investigating complaints and determining appropriate sanctions related to breaches of the Code of Conduct. Currently, the Office of the Integrity Commissioner is involved in the investigation of complaints, will give recommendations on sanctions, and will provide advice on amendments to the content of the Code of Conduct.

In addition to the Integrity Commissioner, City Council hired an Ethics Advisor in September 2018. The Ethics Advisor provides ethical advice about the Code of Conduct to City Council as a whole, including advice on the interpretation of the Code of Conduct. In addition, the Ethics Advisor may provide legal advice to individual Councillors strictly on matters relating to the Code of Conduct and Code of Conduct investigations.

Review History

- January 20, 2020: City Council approved the Office of the City Manager report CR_7855rev Procedures for Dealing with Substantiated Complaints Further to the Council Code of Conduct. These procedures addressed a gap in Bylaw 18155 Council Procedures, which does not contemplate a meeting where Council makes decisions on potential sanctions against a sitting member of Council.
- August 16, 2021: City Council passed a motion directing the Integrity Commissioner, Ethics Advisor, Office of the City Clerk and Legal Services to return to Council Services Committee with a report outlining lessons learned regarding the Code of Conduct and Sanction Hearing Process.
- September 29, 2022: The Code of Conduct Sub-Committee received the Office of the City Manager report OCM00775, Council Code of Conduct - Lessons Learned, from Administration as well as a private report from the Integrity Commissioner and Ethics Advisor, which recommended further revisions to Bylaw 18483 Council Code of Conduct.

Proposed Approach for Review of Bylaw 18483 Council Code of Conduct (Attachment 2)

Bylaw 18156 Council Committees Bylaw establishes the Code of Conduct Sub-Committee as a temporary sub-committee of the Council Services Committee. Its mandate is to “review the

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Council Code of Conduct Bylaw, Bylaw 18483, and provide recommendations for changes; and any other matters referred to it by Council.”

ATTACHMENTS

- Attachment 1: September 29, 2022 City of Edmonton Council Code of Conduct Sub-Committee (PRIVATE)
- Attachment 2: Bylaw 18483 - Code of Conduct Revision Proposed Work Plan