



CITY OF EDMONTON

BYLAW 19870

COUNCIL COMMITTEE CODE OF CONDUCT BYLAW

(CONSOLIDATED ON OCTOBER 17, 2022)

THE CITY OF EDMONTON
BYLAW 19870
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WHEREAS

City Council expects the highest standards of ethical conduct from members of Council Committees, and recognizes that the public interest is best served when Council Committee members perform their functions with integrity, accountability, transparency, and respect;

Edmonton City Council enacts:

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| PURPOSE | 1 | The purpose of this bylaw is to adopt a code of conduct for members of council committees. |
| DEFINITIONS | 2 | <p>(1) Unless otherwise specified, words used in this bylaw have the same meaning as defined in the <i>Municipal Government Act</i>, RSA 2000, c M-26 or the <i>Local Authorities Election Act</i>, RSA 2000, c L-21.</p> <p>(2) In this bylaw:</p> <p>(a) “City” means The City of Edmonton;</p> <p>(b) “City employee” means an individual that reports to the City Manager or City Auditor and provides services to the City under an employment agreement, personal services agreement, or in the capacity of agent, student, or volunteer;</p> <p>(c) “City Manager” means the City’s chief administrative officer or delegate;</p> <p>(d) “Council” means the City’s council; and</p> <p>(e) “Member” means an individual appointed to a City council committee listed in section 3 who is performing functions on behalf of the committee, and excludes councillors.</p> |
| APPLICATION | 3 | <p>The code of conduct adopted by this bylaw applies to Members of the following council committees:</p> <p>(a) Accessibility Advisory Committee;</p> |

- (b) Anti-Racism Advisory Committee;
- (c) Audit Committee;
- (d) City of Edmonton Youth Council, including the General Assembly;
- (e) Community Services Advisory Board;
- (f) Edmonton Combative Sports Commission;
- (g) Edmonton Design Committee;
- (h) Edmonton Historical Board;
- (i) Edmonton Salutes;
- (j) Edmonton Transit System Advisory Board;
- (k) Energy Transition Climate Resilience Committee;
- (l) Naming Committee; **and**
- ~~(1.1) Office of the Councillors Budget Review Task Force; and~~
- (m) Women's Advocacy Voice of Edmonton Committee.

CODE OF CONDUCT 4

The code of conduct contained in Schedule A of this bylaw is adopted by Council to apply to all Members.

COMPLAINTS 5

- (1) If any person believes that a Member has contravened the code of conduct adopted by this bylaw, the person is encouraged to first pursue the informal resolution process set out in Schedule B - Informal Resolution Process.
- (2) If any person believes that a Member has contravened the code of conduct adopted by this bylaw and the informal resolution process established by subsection (1) is either not pursued or is unsuccessful, the person may submit a formal written complaint in accordance with Schedule C - Complaints.

SANCTIONS 6

- (1) If a breach of this code of conduct is substantiated and Council determines it appropriate to do so, Council may, by motion passed by special resolution, impose sanctions on a Member who

contravenes the code of conduct adopted by this bylaw in accordance with Schedule D - Sanctions.

- (2) Nothing in this bylaw requires Council to impose a sanction for any complaint or contravention.

**COMING INTO
FORCE**

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This bylaw comes into force on January 1, 2022.

(NOTE: Consolidation made under Section 69 of the *Municipal Government Act*, R.S.A. 2000, c.M-26 and Bylaw 16620 Section 16, and printed under the City Manager's authority)

Bylaw 19870 passed by Council January 1, 2022

Amendments:

Bylaw 2281, March 12, 1962

SCHEDULE A

COUNCIL COMMITTEE CODE OF CONDUCT

Part A: Representing a Council Committee

1. Members will perform their functions with integrity, accountability, transparency, and respect.

Part B: Communications

1. Members will:
 - a. ensure that all communications (including social media) issued by them on behalf of the council committee are accurate and truthful; and
 - b. ensure that all communications (including social media) issued by them on behalf of the council committee do not discriminate, harass or demonstrate disrespect toward any person.

Part C: Decision-Making

1. Members will consider all decisions and issues thoughtfully, consistently, and impartially taking in all relevant facts, opinions, and perspectives in a manner that demonstrates fairness, respect for differences, and an intention to work together for the common good.

Part D: Adherence to Rules

1. Members will comply with any applicable legislation, bylaw, or Council Policy.
2. Members will comply with the procedural rules for meetings established by the *Municipal Government Act*, a bylaw, or motion of the council committee.

Part E: Respectful Interactions

1. Members will conduct themselves with decorum while attending council committee meetings, interacting with City employees, and engaging with the public.

Part F: Confidential Information

1. Members must keep confidential all information received during a private portion of a meeting or otherwise received in confidence or marked as confidential.

Part G: Conflicts of Interest

1. Members will obtain advice whenever a potential conflict of interest may exist in a matter before the council committee, and will recuse themselves from any discussion or decision on any matter in which they have a real or perceived conflict of interest.
2. When exercising official duties, a Member must not give preferential treatment to any person or organization or use their position on the council committee with the intent of advancing the Member's private interests or for their personal benefit.

Part H: City Assets

1. Members will only use City assets to assist them in carrying out their duties.
2. Members must not direct City employees.

Part I: Orientation and Training

1. Members will attend all training and orientation sessions directed by Council or by the Chair of the council committee.

Part J: Election Activities

1. Members have a right to freely and fully participate in the political process in their personal capacity, including contributing personal money or real property, volunteering, or offering financial support of partisan political activity.
2. If a Member chooses to run for municipal office (Mayor or Councillor), the Member must take a leave of absence from nomination day until election day, and must immediately resign from the council committee if elected.
3. Members must not:
 - a. promote or oppose the candidacy of any person;
 - b. use City assets to promote or oppose the candidacy of any person;
 - c. demand that a City employee engage in partisan or political activities, or subject any City employee to reprisal for a refusal to engage in such activities; and

- d. if running for political office, use their status as a Member to gain an unfair advantage over other candidates.

Part K: Gifts and Benefits

1. Before accepting any gift or gratuity, Members will consider how the acceptance of the gift would be perceived by the public, the media, and City Council.
2. Members will refuse all cash gifts and decline any gift that is intended as an exchange for a favour.

Part L: Retaliation, Interference, and Obstruction

1. Members will not retaliate against anyone who participates or provides information in good faith during an investigation into a reported breach of the code of conduct.
2. Members will not interfere with or obstruct an investigation into a reported breach of the code of conduct.

SCHEDULE B

INFORMAL RESOLUTION PROCESS

Any person, including a Member, who identifies or witnesses behaviour or activity by a Member that appears to contravene this code of conduct may address the prohibited behaviour or activity themselves in the following manner:

- Advise the Member that the behaviour or activity appears to contravene the code of conduct.
- Encourage the Member to acknowledge their contravention and agree to stop the prohibited behaviour or activity and to avoid future occurrences.
- Document the incidents, including dates, times, locations, other persons present, and any other relevant factual information.
- If the contravention does not stop, or reoccurs, the individual should advise the chair (or the vice-chair, if it is the chair who appears to be contravening the code of conduct).
- The chair (or the vice-chair, if it is the chair who appears to be contravening the code of conduct) will meet with the complainant and the Member to find a common understanding of appropriate behaviour in the context of the complaint.
- If this conversation does not resolve the situation, the chair (or the vice-chair, if it is the chair who appears to be contravening the code of conduct) may submit a request to the City Clerk to obtain the services of a third-party mediator.
- If resolution cannot be reached the complainant may wish to submit a formal complaint in accordance with Schedule C.

SCHEDULE C COMPLAINTS

If any person believes that a Member has contravened this code of conduct, that person may make a written complaint. Written complaints must include the following:

- the name of the Member alleged to have contravened the code of conduct
- the provisions of the code of conduct allegedly contravened and the facts surrounding the allegation, including witnesses
- the complainant's name and contact information

Complaints must be submitted in writing by email at city.clerk@edmonton.ca or delivered to:

City Clerk
Office of the City Clerk
3rd Floor, City Hall
1 Sir Winston Churchill Square
Edmonton AB T5J 0R2

A complaint must be received by the Office of the Clerk no later than 60 days after the date on which the person became aware of the conduct giving rise to the complaint. An extension may be granted if:

- the delay occurred in good faith;
- it is in the public interest to consider the complaint; and,
- no substantial prejudice will result to any person because of the delay.

Initial Assessment

On receipt of a complaint, the City Clerk will complete an initial assessment. Complaints that:

- are not about a current member;
- allege criminal activity;
- allege a violation of the *Municipal Government Act* or the *Freedom of Information and Protection of Privacy Act*; or
- are covered by other applicable legislative appeal, complaint, or court processes

will be immediately refused and the complainant will be advised in writing, with reasons, and provided with information regarding other forums, if applicable.

Complaints received or under investigation within 90 days prior to a municipal election may be suspended until after election day.

Complaints that are determined to be frivolous, vexatious, or made in bad faith, will be dismissed immediately.

Mediation

If mediation may be possible, the parties to the complaint may request that the complaint be forwarded to an agreed upon mediator.

Formal Investigations

If a complaint cannot be resolved informally, the complaint will be referred to a third party to conduct a formal investigation. Formal investigations must be conducted in a fair, timely, and confidential manner that respects the principles of procedural fairness and natural justice.

The complainant and the respondent Member will receive written notice of the investigation, and the respondent Member will receive a copy of the complaint.

Names of complainants and witnesses may be provided to the respondent Member if:

- the investigation cannot be completed without releasing the complainant's name; or
- the respondent Member requires the names to properly respond to the allegations.

During an investigation, a complainant or witness may be asked to provide additional information and may be asked to provide information through a statutory declaration. If a statutory declaration is requested, the Office of the City Clerk may provide a Commissioner for Oaths (paid for by the Office of the City Clerk).

City employees may also be asked to provide information, and the third party investigator may look at any record or thing belonging to or used by the City.

The respondent Member is entitled to disclosure of all relevant information gathered during an investigation. Once all relevant information has been provided to the respondent Member, the respondent Member will have 10 days to respond to the complaint in writing and may provide any further information in support of their response. This deadline may be extended.

The third party investigator will strive to complete investigations within 90 days of the date the complaint is accepted.

Reporting

Following the investigation, if the third party investigator believes the complaint is substantiated they will provide a report to Council. The report must contain:

- a summary of the complaint;
- a summary of information gathered and conclusions made; and
- a recommended resolution, including any recommended sanctions in accordance with Schedule D.

SCHEDULE D

SANCTIONS

If a Member contravenes a provision of the code of conduct, Council may impose any of the following sanctions:

- issue a letter of reprimand to the Member
- require the Member to issue a letter of apology
- require the Member to attend specified training or counselling
- revoke the Member's appointment from the council committee

Council may also impose any other sanction it deems appropriate.

When imposing a sanction, Council may consider the following:

- the severity of the breach
- the consequences of the breach
- the principles and intent of this bylaw
- whether the member has previously contravened this bylaw.

Council is not obligated to impose a sanction for a substantiated breach of this bylaw.