

THE CITY OF EDMONTON
BYLAW 18483
COUNCIL CODE OF CONDUCT

WHEREAS:

The Municipal Government Act requires councils of all municipalities in Alberta to adopt a code of conduct by bylaw;

Committing to a code of conduct provides Councillors with shared accountability and a framework to guide ethical conduct in a way that upholds the integrity of the City and the high standards of professional conduct the public expects from elected officials;

A code of conduct is one aspect of accountability and transparency both internally, as between Councillors and City employees, as well as externally, with other levels of government, the media, and the public;

Council recognizes that Edmontonians expect the highest standards of ethical conduct from their elected officials and that public interest is best served when Councillors perform their functions of office and manage their private interests with integrity, accountability, transparency, and respect;

~~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; and~~

Considering the City's municipal purposes and the duties of Councillors, Council desires to demonstrate and promote the principles of integrity, accountability, transparency, and respect through its actions and behaviours;

While carrying out their governance functions, Councillors must act in the best interest of the City as a whole, and be open to persuasion and differing perspectives;

Edmonton City Council enacts:

SCHEDULE A
COUNCIL CODE OF CONDUCT

Part A: Representing the Municipality

1. While carrying out their duties, Councillors must:
 - a) ~~act in the best interests of the City as a whole;~~
 - b) ~~consider all decisions and issues thoughtfully, consistently, impartially, and fairly by considering all relevant facts, opinions, and perspectives;~~
 - c) attend and vote at all meetings as empowered by and in accordance with the Municipal Government Act, unless prohibited by an enactment from doing so;
 - d) accurately represent and respect decisions made by Council while preserving the value of fair comment and differences of opinion; and
 - e) communicate respectfully with members of the public, Councillors, and City employees, including employees providing services to a Councillor's office. ~~City employees, and Councillor's employees.~~

Part B: Communications

1. Without limiting the ability of a Councillor to hold a position on an issue and respectfully express their opinions, Councillors will:
 - a) ensure their communications accurately reflect the facts of Council's decisions;
 - b) refer inquiries regarding Council's position on an initiative to Council's representative for that initiative;
 - c) ensure that all communications are accurate and not issue any communication that the Councillor knows, or ought to have known, to be false;
 - d) ensure that all communications issued by, or on behalf of, the Councillor, including social media, are respectful and do not discriminate, harass, or demonstrate disrespect toward any person; and
 - e) 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.
2. No Councillor may engage in negotiations or make representations or commitments on behalf of the City unless authorized to do so by Council, but may advocate for the City's interests to any level of government or non-governmental body as opportunities arise.
3. If a Councillor becomes aware of or receives correspondence through a City-issued account or address ~~an inquiry~~ that is a ward-specific constituency issue relating to another Councillor's ward, the Councillor will offer to refer the matter to the ward Councillor ~~or request that the person contact the ward Councillor~~, or alternatively, the Mayor.

Part C: Decision-making Processes

1. Councillors will exercise their authority to make decisions in a manner that demonstrates fairness, respect for differences, and an intention to work together for the common good and in the public interest.
2. Councillors will prepare for meetings by reviewing materials in advance and will be respectful and attentive to, ~~and ask informed questions of,~~ the public and City employees providing information at a meeting.
3. Councillors will not provide information contained in records or documents at a meeting unless those records or documents have been provided to all of Council in advance, if possible.
4. Councillors will obtain all necessary information about the operations and administration of the City from the City Manager using processes developed by the City Manager, ~~and will respect the role of City employees to provide neutral and objective information without undue influence and interference.~~

Part D: Adherence to Rules

1. ~~Councillors will comply with the procedural rules for meetings established by Council.~~
2. Councillors will comply with ~~all applicable laws and~~ Council approved policies, and will support City employees, including employees providing services to a Councillor's office, ~~City employees and Councillor's employees~~ to do the same on behalf of the City.

Part E: Respectful Interactions

1. Councillors will conduct themselves with decorum at all times, including while attending meetings, interacting with City employees and Councillor's employees, and engaging with the public.
2. Councillors who act as chair of a meeting will, ~~at the start and throughout the~~ ~~throughout a~~ meeting, set expectations for appropriate decorum and conduct for all in attendance.
3. Councillors must not use any harassing, offensive, discriminatory, disrespectful, or unparliamentary language about Council, a Councillor, City employees, Councillor's employees, or the public.
4. A Councillor must not demand a City employee to engage in partisan or political activities at any level of government, or subject any City employee to reprisal for a refusal to engage in such activities. A Councillor must also not subject any City employee to reprisal for any engagement in partisan or political activities at any level of government that is done in their personal capacity.

5. If a Councillor makes an inquiry to a City employee when the inquiry is not made in their ~~professional~~ capacity as Councillor, the Councillor must inform the City employee that they are acting in a personal capacity and not as a Councillor.

Part F: Confidential Information

1. Councillors must keep confidential all information received during a Council or council committee meeting held in private in accordance with the Municipal Government Act, information that would be exempt from disclosure under the Freedom of Information and Protection of Privacy Act, or otherwise received in confidence or marked as confidential.
2. If a Councillor receives confidential information, they must use the information only for the purpose for which the information is intended and to fulfill the duties of their office, and must not seek to access confidential information for any other purpose.
3. A Councillor must not use confidential information for personal or private interests, including interests of the Councillor's family, or in any way that may cause harm or detriment to any person.
4. Councillors must respect the right of access to City records under the Freedom of Information and Protection of Privacy Act and the obligation to protect privacy, and will:
 - a) provide any records subject to an access request under the Freedom of Information and Protection of Privacy Act to the City employee appointed as head for the purposes of that Act;
 - b) not interfere with the access request processes set out in the Freedom of Information and Protection of Privacy Act and implemented by the head;
 - c) after receiving notice of an access request, not alter, destroy, or withhold any record that is subject to the request; and
 - d) safeguard personal information.

Part G: Conflicts of Interest

1. Councillors will adhere to the pecuniary ~~and other conflict of~~ interest obligations prescribed by the Municipal Government Act, and will obtain advice whenever a potential ~~conflict of pecuniary~~ interest may exist to preserve the integrity of Council's decisions.
2. When exercising official duties, a Councillor must not give preferential treatment to any person or organization with the intent of advancing the Councillor's private interests or for their personal benefit.
3. A Councillor must not act as an advocate before Council on behalf of any person or organization for compensation.

4. Councillors must not use information received as an elected official that is not available to the public or the rest of Council, for a purpose other than carrying out the Councillor's duties.
5. Councillors should avoid carrying out their duties in any manner that may reasonably be perceived as being in conflict with any future endeavour that may be undertaken by the Councillor.
6. Councillors 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, provided that, when doing so, they disclose that such participation is not in their capacity as elected officials.
7. While acting in their capacity as elected officials, Councillors will not:
 - a) attend partisan political events; or
 - b) contribute money or real or City property for the benefit of a political party, constituency association, or candidate, or in support of partisan political activities that involve direct or indirect support of, or opposition to, any political party or candidate for public office.
8. Council may, by motion, direct a Councillor or the Mayor to participate in the political process as Council determines appropriate. Whenever such direction is given, the provisions in this part must be applied in a manner that supports participation to the extent that is reasonable and in accordance with applicable laws and Council's direction.

Part H: Use of Influence

1. ~~Councillors must not use, or attempt to use, their office for the purpose of intimidating, influencing, threatening, coercing, or directing a Councillor's employee or City employee in a manner contrary to the employee's duties or for the Councillor's personal benefit.~~
2. If serving as a reference or recommending an individual for employment with the City, a Councillor must comply with the City's hiring practices and must not use their role as an elected official to unfairly influence any hiring decisions.
3. Councillors must not contact or attempt in any way to influence any member of a judicial, quasi-judicial, or regulatory body before which the City may be a party regarding a matter before that body.

Part I: City Assets

1. Councillors will only use City assets to assist them in carrying out their duties, but may use City assets that are generally available to the public on the same terms and conditions offered to the public, including complying with booking procedures and paying applicable fees, and may be provided with surplus City promotional items and/or passes to City attractions and facilities for the purpose of donating them to community organizations.

2. A Councillor may use communication facilities, such as computers, telephones, electronic mail, and mobile devices, provided by the City for personal use provided that such use is not offensive or inappropriate, or would not cause harm to any person.
3. Councillors will comply with all information security procedures applicable to City employees and will not take any actions that may compromise the integrity or security of the City's information systems.
4. A Councillor must not attempt to obtain financial gain from any of the City's intellectual property, and all Councillors acknowledge that the City's intellectual property is owned by the municipal corporation.
5. Councillors will maintain their constituency and City records in accordance with City policies and applicable laws.
6. Immediately prior to the end of their term of office, Councillors will return City assets, including City records, to the City Manager.

Part J: Orientation and Training

1. Councillors will attend all training required by the Municipal Government Act to be provided to Councillors, as well as any additional training directed by Council.

Part K: Elections and Campaigning

1. ~~Public events organized, sponsored, or advertised using and advertising or media paid for through City budgets specifically allocated for Council use (ward budgets or Council Contingency) or public events organized or sponsored by Councillors using any City budgets or assets~~ must be completed by May 31 of a general election year and not scheduled until following the inaugural organizational meeting of Council.
2. Councillors must not issue City-funded ward newsletters and City-funded mass electronic mail distributions after May 31 of a general election year.
3. Councillors who are nominated to run for re-election must not ~~perform official or ceremonial duties at~~ ~~participate in~~ any event organized or substantially sponsored by the City ~~City-sponsored events requiring them to perform official ceremonial duties~~ between nomination day and election day.
4. Councillors must not use their office, the services of City employees, or any City assets, including any of the City's intellectual property, communication facilities, or other facilities, for election- or campaign-related activities.
5. Councillors may only use the City's website, social media, and electronic mail only for

official duties. Councillors will maintain separate websites, social media, and electronic mail accounts for all campaign activities and communications. Website and electronic mail distribution lists that are used for official duties may not be used for campaign activities and communications. However, this does not prevent the returning officer from providing links to campaign websites for all candidates on the City's elections website.

6. Councillors must not use any City communications facilities or services for their campaign, including the use of media contacts, electronic mail addresses and distribution lists, the City of Edmonton photo library, and website development, writing, or print material services provided by City employees.
7. Councillors must not seek individual advice from City employees regarding election rules and processes or their obligations as candidates, including any obligations as candidates that may apply while the Councillor holds office. However, nothing restricts a Councillor from receiving information available to all candidates for an election.
8. Councillors must not use their office to gain an unfair advantage over other candidates, or to provide an unfair advantage for a candidate.
9. Councillors must not use City assets to promote or oppose the candidacy of any person to elected office in any municipal, provincial, or federal campaign.
10. Councillors will respect the role of the returning officer, and will not seek to interfere with the returning officer's duties or any election process.
11. Nothing in this part restricts a Councillor from accepting services or support from City employees or Councillor's employees for election-related purposes, provided that the individual is acting in a personal capacity, on personal time, and not receiving remuneration from the City for the same services.

Part L: Gifts and Benefits

In this part, "gift" means a fee or advance paid to or a gift or personal benefit provided with the Councillor's knowledge to a Councillor, the Councillor's family, or to a Councillor's employee, that is connected directly or indirectly to the performance of the Councillor's duties.

1. No Councillor will accept a gift, unless it is:
 - a) compensation authorized by legislation, including compensation for serving on external bodies as a Council-approved City representative;
 - b) suitable mementos (e.g. personal plaques, books, coffee mugs, pen and pencil sets, ties, and scarves) received as an incident of accepted protocol or normal expression of courtesy, or a reasonable memento of a function honouring the Councillor;
 - c) a political contribution otherwise authorized and reported by law, such as in the case of Councillors running for office;

- d) services provided without compensation by persons volunteering their time to further the interests of the City or the Councillor's ward;
 - e) food, lodging, transportation, or entertainment provided by other levels of government or by the government of a foreign country, or by a conference, seminar, or event organizer where the Councillor is attending in an official capacity;
 - f) in-kind (non-cash) sponsorships or donations for community events organized or run by a Councillor, or a third party on behalf of a Councillor, provided that the event will be held in accordance with the standards of conduct and decorum expressed or implied in this code of conduct;
 - g) admission to, and food and beverages consumed at, community events and widely-attended events such as conventions, conferences, sporting and arts events, banquets, or training and education programs, provided that:
 - i) the Councillor's attendance serves a legitimate purpose associated with the Councillor's duties;
 - ii) the admission is unsolicited by the Councillor; and
 - iii) the value is reasonable and the invitations infrequent.
2. A Councillor will, as soon as practicable, return to the donor any gift that does not comply with this code of conduct, along with an explanation as to why the gift cannot be accepted.
 3. Official gifts received by Councillors on behalf of the City are considered City assets and are managed by the City Manager for public display and/or archiving.
 4. Councillors must disclose any single gift accepted by the Councillor with a fair market value in excess of \$300, as well as all gifts from a single donor in a calendar year that collectively exceed \$300, with the exception of gifts falling under sections 1(c) and 1(d) of this part. Each Councillor must file a quarterly disclosure statement with the Office of the City Clerk outlining all gifts exceeding \$300 received for the year to date, or stating that there is nothing to disclose.
 5. Disclosure statements will identify the:
 - a) nature and source of the gift;
 - b) date on which the gift was received; and
 - c) fair market value of the gift.
 6. Disclosure statements may be reviewed by the Ethics Advisor for compliance with this code of conduct and/or future guidance with respect to content.
 7. Disclosure statements will be a matter of public record, in the prescribed format determined by the City Clerk.

Part M: Retaliation, Interference, and Obstruction

1. Councillors must not retaliate against anyone, including another Councillor, who participates

or provides information in good faith during an investigation by the Integrity Commissioner.

2. Interfering with or obstructing an Integrity Commissioner investigation is prohibited, and Councillors must cooperate with the Integrity Commissioner during all stages of such an investigation.

Part N: Human Resources

1. In their capacity as supervisors of Councillor's employees, Councillors will fulfill all legislative requirements and comply with the City's policies and procedures regarding hiring, performance management, safety, and termination.
2. Any conduct of a Councillor's employee that may be the subject of a complaint or investigation under this Code of Conduct is deemed to be the conduct of the Councillor, unless it is determined that the Councillor's employee acted contrary to the Councillor's instructions.