

## CITY OF ST. ALBERT

### BYLAW 38/2017

#### A Bylaw to establish the code of conduct for members of Council.

WHEREAS, pursuant to section 145 of the *Municipal Government Act*, a council may pass bylaws for municipal purposes regarding the conduct of council and the conduct of councillors;

AND WHEREAS pursuant to section 146.1 of the *Municipal Government Act*, a council must, by bylaw, establish a code of conduct governing the conduct of councillors;

AND WHEREAS the establishment of a code of conduct for members of Council is consistent with the principles of transparent and accountable government;

AND WHEREAS a Code of Conduct ensures that members of Council share a common basis and understanding for acceptable conduct extending beyond the legislative provisions governing the conduct of councillors;

NOW THEREFORE the Council of the City of St. Albert, in the Province of Alberta, duly assembled, enacts as follows:

#### **Title**

1. This Bylaw may be called the “Council Code of Conduct Bylaw”.

#### **Definitions**

2. In this bylaw, words have the meanings set out in the Act, except that:
  - a. “Act” means the *Municipal Government Act*, R.S.A. 2000, c. M-26, any regulations thereunder, and any amendments or successor legislation thereto;
  - b. “Administration” means the administrative and operational arm of the City, comprised of the various departments and business units and including all City staff who operate under the leadership and supervision of the City Manager;
  - c. “City Manager” means the chief administrative officer of the City, or their designate;
  - d. “City” means the municipal corporation of the City of St. Albert;

- e. “Complainant” means an individual who makes an informal complaint in accordance with section 69 of this bylaw, or a Formal Complaint in accordance with section 70 of this bylaw;
- f. “Council Member” or “Member” means a member of City Council, including a councillor and the Mayor;
- g. “FOIP” means the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25, any regulations thereunder, and any amendments or successor legislation thereto;
- h. “Formal Complaint” means a request by City Council, a Council Member, a City employee, a City resident, or a person who has a business, institutional or other premises in the City, that the Integrity Commissioner conduct an inquiry into an event or series of events alleged to contravene the Code of Conduct or any other procedures, rules or policies governing the ethical behaviour of Council Members, in accordance with section 69 of this bylaw;
- i. “Integrity Commissioner” means the individual appointed by Council who is responsible for performing in an independent manner the functions assigned by this Code of Conduct;
- j. “Mayor” means the chief elected official of the City;
- k. “Social Media” refers to freely accessible, third-party hosted, interactive web-based technologies used to produce, post and interact through text, images, video and audio to inform, share, promote, collaborate or network.

### **Purpose and Application**

The purpose of this Code of Conduct is to provide standards for the conduct of Council Members relating to their roles and obligations as elected representatives of the City and a procedure for the investigation and enforcement of those standards. This Code of Conduct is one aspect of accountability and transparency both internally, as among Members and as between Council and Administration, as well as externally, with other orders of government, the media and the public at large.

### **Framework and Interpretation**

This Code of Conduct provides 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 of its local government elected representatives. This Code of Conduct is intended to supplement existing legislation governing the conduct of Council Members.

3. Along with the bylaws and policies of Council, the following provincial and federal legislation governs the conduct of Members:
  - a. The *Municipal Government Act*
  - b. The *Freedom of Information and Protection of Privacy Act*
  - c. The *Local Authorities Election Act*
  - d. The *Alberta Human Rights Act*
  - e. The *Occupational Health and Safety Act*
  - f. The *Criminal Code of Canada*
4. The Code of Conduct is to be given a broad and liberal interpretation in accordance with applicable legislation. It is not possible to write a Code of Conduct that covers every scenario and, accordingly, Council Members are to be guided by and conduct themselves in a manner that reflects the spirit and intent of this Code. Commentary and examples used in this Code of Conduct are illustrative and not exhaustive.

### **Statement of Principles and Values**

5. Council Members are expected to perform their functions of office with integrity, accountability and transparency and conduct themselves in a professional manner at all times.
6. Members have a duty to act honestly, in good faith, and in best interests of the City.
7. Members shall:
  - a. uphold the law established by the Federal Parliament and the Alberta Legislature and the bylaws and policies adopted by Council;
  - b. carry out their duties in accordance with all applicable legislation, bylaws and policies pertaining to their position as an elected official;
  - c. observe the highest standard of ethical conduct and perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny; and
  - d. serve and be seen to serve the welfare and interests of the City as a whole and the community at large in a conscientious and diligent manner and shall approach decision-making with an open mind.

## Confidential Information

Council as a whole must be able to access information that is necessary to fulfill its decision-making duties and oversight responsibilities; however, individual Members must also recognize that the information they receive in their capacity as elected officials is subject to confidentiality and disclosure rules contained in federal and provincial legislation and City bylaws and policies.

8. Council Members have a statutory duty to keep in confidence matters discussed in private at a Council or Council Committee meeting until discussed at a meeting held in public, pursuant to section 153(e) of the *Municipal Government Act* (“the Act”).
9. In the course of their duties, Council Members may also become privy to confidential information received outside of an “in-camera” meeting. Members must not:
  - a. disclose or release by any means to any member of the public, including the media, any confidential information acquired by virtue of their office, unless the disclosure is permitted or required by law, as determined by the designated head of the City for the purposes of FOIP;
  - b. access or attempt to gain access to confidential information in the custody or control of the City unless it is necessary for the performance of the Member’s duties and is not otherwise prohibited by Council, and only then if the information is acquired through appropriate channels in accordance with applicable Council bylaws and policies;
  - c. use confidential information for personal benefit or for the benefit of any other individual or organization.
10. Confidential information includes information in the possession of, or received in confidence by, the City that the City is prohibited from disclosing pursuant to legislation, court order or by contract, or is required to refuse to disclose under FOIP or any other legislation, or any other information that pertains to the business of the City, and is generally considered to be of a confidential nature, including but not limited to information concerning:
  - a. the security of the property of the City;
  - b. a proposed or pending acquisition or disposition of land or other property;
  - c. a tender that has or will be issued but has not been awarded;
  - d. contract negotiations;

- e. employment and labour relations;
- f. draft documents and legal instruments, including reports, policies, bylaws and resolutions, that have not been the subject matter of deliberation in a meeting open to the public;
- g. law enforcement matters;
- h. litigation or potential litigation, including matters before administrative tribunals; and
- i. advice that is subject to solicitor-client privilege.

### **Conflicts of Interest**

11. Council Members are expected to make decisions for municipal purposes for the welfare or interests of the City as a whole.
12. Members are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends or associates, business or otherwise.
13. Members have a statutory duty to comply with the pecuniary interest provisions set out in Part 5, Division 6 of the Act and a corresponding duty to vote unless required or permitted to abstain under the Act or another enactment.
14. Council Members shall not use their positions to obtain employment with the City for themselves, family members or close associates. Members are ineligible to apply or be considered for any position with the City while they hold their elected position and for one year after leaving office.
15. Members shall not, in the exercise of an official power, duty or function, give preferential treatment to any individual or organization if a reasonably well-informed person would conclude that the preferential treatment was advancing a private interest.
16. No Council Member shall use the influence of their office for any purpose other than for the exercise of the Member's official duties.
17. No Member shall act as a paid agent to advocate on behalf of any individual, organization or corporate entity before Council or a committee of Council or any other body established by Council.
18. Members shall not contact or otherwise attempt to influence members of any adjudicative body whose members have been appointed by Council regarding

any matter before it; for example, the City's Subdivision and Development Appeal Board or a Local or Composite Assessment Review Board.

### **Respect for the City and its Bylaws and Policies**

19. Members shall respect the City as a municipal institution, its bylaws and policies. Members shall encourage public respect for the City, its bylaws and policies.
20. A Member must not encourage disobedience of a City bylaw or policy in responding to a member of the public, as this undermines confidence in the City and in the rule of law.
21. Members shall conduct themselves with appropriate decorum at all times. As leaders in the community, Members are held to a higher standard of behaviour and conduct and must be mindful that as public figures the lines between public and private behaviour are not readily apparent, nor easily distinguishable by the public at large.

### **Attendance**

22. Members have a statutory duty to participate in Council meetings and failure to attend as required may lead to a Member's disqualification under the Act.
23. Members are responsible for participating in Council committee meetings and meetings of other bodies to which they are appointed by Council and failure to attend as required may lead to Members being removed from the committee or body or being subject to other sanctions outlined in this bylaw.
24. Members are responsible for attending Council orientation and other training. Failure to attend as required may lead to Members being subject to the sanctions outlined in this bylaw.
25. Members' attendance at meetings and official events required by law, City bylaw, policy or procedure, committee terms of reference, or by Council resolution shall be recorded and reported quarterly by the City Manager on the City's website.

### **Conduct at Meetings**

26. Council Members shall conduct themselves with decorum and make every effort to participate diligently in the meetings of Council, committees of Council and other bodies to which they are appointed by Council.
27. Members shall comply with the provisions of the Procedure Bylaw, or any other rules of meeting procedure applicable to the body to which they have been appointed by Council.

28. Members shall act in a manner that demonstrates fairness, respect for individual differences, and an intention to work together for the common good and in furtherance of the public interest.
29. Members shall endeavour to conduct and convey Council business and all their duties in an open and transparent manner other than for those matters which by virtue of legislation are authorized to be dealt with in a confidential manner in an in-camera (closed) session, and in so doing, allow the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.

### **Respect for Decision Making Process**

30. Decision-making authority lies with Council, and not with an individual Member. Council may only act by bylaw or resolution passed at a Council meeting held in public at which there is a quorum present, pursuant to sections 180 and 181 of the Act.
31. A Member must not purport to bind Council, either by publicly expressing their personal views on behalf of Council when not authorized to do so or by giving direction to employees, agents, contractors, consultants or other service providers of the City or prospective vendors.
32. Members shall accurately communicate the decisions of Council, even if they disagree with Council's decision, such that respect for the decision-making processes of Council is fostered.

### **External Communications**

This part of this Code of Conduct is not meant to limit public comment solely to Council's official spokesperson, but rather to recognize that the City requires a single point of contact to speak with authority on behalf of Council. Council acknowledges and respects that Members have the legal right to express their personal opinions, whether those opinions are complimentary or critical, subject to those limits prescribed by law.

33. A Member must not purport to speak on behalf of Council unless authorized to do so.
34. Unless Council directs otherwise, the Mayor is Council's official spokesperson and in the absence of the Mayor it is the Deputy Mayor.
35. A Member who is authorized to act as Council's official spokesperson must ensure that their comments accurately reflect the official position and will of Council as a whole, even if the Member disagrees with Council's position.



36. No Member shall make a statement when they know that statement is false.

37. No Member shall make a statement with the intent to mislead Council or members of the public.

38. Media Communications:

- a. All inquiries from the media regarding the official Council position on an issue shall be referred to Council's official spokesperson.

### **Use of Social Media**

Once posted on social media, any material or comment is accessible to anyone with an Internet connection. Furthermore, the content can never be effectively removed. As public figures and representatives of the City, Council Members should act with discretion and be judicious in what material they post on social media. As with any other communications, Members are accountable for content and confidentiality. Care should be exercised in debates or comments on contentious matters, as feelings and emotions can become enflamed very quickly.

39. No Member shall attempt to disguise or mislead as to their identity or status as an elected representative of the City when using social media.

40. No Member shall use social media to publish anything that is dishonest, untrue, unsubstantiated, offensive, disrespectful, constitutes harassment, is defamatory or misleading in any way.

### **Discrimination and Harassment**

Council Members have a duty to treat members of the public, one another and City staff with dignity and respect and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment. Council Members are governed by the *Alberta Human Rights Act* and the *Occupational Health and Safety Act*.

41. No Member shall use indecent, abusive, or insulting words or expressions toward any other Member, any staff member or any member of the public.

42. No Member shall speak or act in a manner that is discriminatory to any individual based on the person's race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.



## **Conduct Respecting Administration**

Council is the source of all governance authority and will make decisions on whether and to what extent to delegate Council's authority to others, including the Mayor, committees of Council and to the City Manager or a designated officer. Under the direction of the City Manager, staff in Administration serves Council as a whole. No individual Member has executive authority over City staff.

43. Council Members shall respect the fact that staff work for the City as a body corporate and are charged with making recommendations that reflect their professional expertise and a corporate perspective and carrying out directions of Council and administering the policies and programs of the City, and that staff are required to do so without undue influence from any Member or group of Members.

44. A Member must not:

- a. involve themselves in matters of Administration, which fall within the jurisdiction of the City Manager in accordance with section 201(2) of the Act;
- b. use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering in staff's duties; or
- c. maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff.

45. Council Members shall obtain information about the operation or administration of the City from the City Manager or a person designated by the City Manager, in accordance with section 153(d) of the Act.

- a. Members are to contact staff according to the procedures authorized by the City Manager regarding the interaction of Members and staff.

## **Use of Municipal Property and Resources**

46. Council Members shall use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Member, subject to the following limited exceptions:

- a. municipal property, equipment, service, supplies and staff resources that are available to the general public may be used by a Member for personal use upon the same terms and conditions as members of the general public, including booking and payment of any applicable fees or charges;

- b. electronic communication devices, including but not limited to desktop computers, laptops, tablets and smartphones, which are supplied by the City to a Member, may be used by the Member for personal use, subject to the terms and conditions described below.
47. Electronic communication devices provided by the City are the property of the City, and shall, at all times, be treated as the City's property. Council Members are hereby notified that they are to have no expectation of privacy in the use of these devices and further that:
- a. all emails or messages sent or received on City devices are subject to FOIP;
  - b. all files stored on Municipal devices, all use of internal email and all use of the Internet through the City's firewall may be inspected, traced or logged by the City;
  - c. in the event of a Formal Complaint pursuant to this Code of Conduct, Council may require that any or all of the electronic communication devices provided by the City to Members may be confiscated and inspected as part of the investigation including downloading information which is considered relevant to the investigation. All email messages or Internet connections may be retrieved.
48. No Member shall use any property, equipment, services or supplies of the City, including email, Internet services, or any other electronic communication device, if the use could be offensive or inappropriate.
49. No Member shall obtain financial gain from the use or sale of City-developed intellectual property (for example, inventions, creative writings and drawings), computer programs, technological innovations, or other patent, trademark or copyright held by the City. Members acknowledge and do not dispute that all such property remains exclusively that of the City.
50. No Member shall use information gained in the execution of their duties that is not available to the general public, for any purposes other than the Member's official duties.

### **Expenses**

51. Council Members shall comply with the provisions of all Council policies and related procedures and guidelines with respect to claims for remuneration and expenses, including but not limited to, claims for per diems, mileage, travel, meals, lodging, event tickets, hosting and attendance at conferences, conventions, seminars, training courses and workshops.

52. Falsifying of claims, including receipts or signatures, by a Member is a serious breach of this Code of Conduct and the Criminal Code of Canada and could lead to prosecution.

### **Gifts and Benefits**

Council Members are expected to represent the public and the interests of the City and to do so with both impartiality and objectivity. The acceptance of a gift or benefit can imply favouritism, bias or influence on the part of the Member. At times, the acceptance of a gift or benefit occurs as part of the social protocol or community events linked to the duties of a Member and their role in representing the City. Personal integrity and sound business practices require that relationships with developers, vendors, contractors or others doing business with the City be such that no Member is perceived as showing favouritism or bias toward the giver.

53. Members shall not accept gifts or benefits that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved.

- a. A gift or benefit provided with the Member's knowledge to a Member's spouse, child, or parent that is connected directly or indirectly to the performance of the Member's duties is deemed to be a gift to that Member.
- b. The following are recognized as acceptable gifts or benefits, and all such gifts shall be reported to Council, in the manner prescribed by Council from time to time:
  - i. such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation, provided that the value of the gift or benefit does not exceed \$100 in value;
  - ii. a political contribution that is authorized, administered and reported in accordance with the *Local Authorities Election Act*;
  - iii. services provided without compensation by persons volunteering their time;
  - iv. a suitable memento of a function honouring the Member;
  - v. food, lodging, transportation, event tickets or entertainment provided by provincial, or local governments, by the Federal government or by a foreign government within a foreign county, or by a conference, seminar or event organizer where the Member is either speaking or attending in an official capacity;
  - vi. Food and beverages consumed at banquets, receptions, or similar events, if:
    - attendance serves a legitimate purpose;

- the person extending the invitation or a representative of the organization is in attendance; and
  - the value is reasonable and the invitations infrequent;
- vii. Communication to the offices of a Member, including subscriptions to newspapers and periodicals.

54. Gifts received by a Council Member on behalf of the City as a matter of official protocol which have significance or historical value for the City shall be left with the City when the Member ceases to hold office.

55. Use of real estate or significant assets or facilities (i.e. a vehicle, office, vacation property) at a reduced rate or at no cost is not an acceptable gift or benefit, if the intent is to provide a benefit to the Council Member in recognition of their capacity as a Member. However, it is recognized that Members will have personal relationships with individuals who may from time to time have business relationships that will involve the City in some way. The purpose of this Code is not to prohibit Members from accepting all invitations to socialize at a vacation property of personal friends.

56. An invitation to attend a function where the invitation is directly or indirectly connected with the Member's duties of office is not considered to be a gift but is the fulfillment of an official function or duty. Proper caution and diligence must, however, be exercised when a social function occurs within close temporal proximity to the individual having an issue before Council or staff for approval. Any doubts about the propriety of a gift or benefit should be resolved in favour of not accepting it or not keeping it.

For greater clarity, these provisions do not in any way restrict a Council Member from accepting compensation or other benefits authorized by law that a Member may be entitled to receive in connection with the performance of the Member's duties, including but not limited to Council remuneration and benefits approved by Council policy.

### **Election-Related Activity**

All candidates in an election are entitled to have an equal opportunity to access City resources and expect that no preferential treatment by the City will be afforded to candidates that are incumbent Members.

57. Council Members must not utilize their position to garner an unfair advantage over candidates who are not Members.

58. Council Members are required to follow the provisions of the *Local Authorities Election Act* and are accountable under the provisions of that statute.

59. Members should not make inquiries of, or rely on, City staff to interpret or provide advice to Members regarding the requirements placed on candidates for

municipal office.

60. Members shall be respectful of the role of the Returning Officer in managing the municipal election process and must not interfere with how the Returning Officer's election duties are carried out.

61. Council Members shall not use municipal resources, including property, equipment, services, supplies and staff time, for any election-related activities, whether local, provincial or federal.

- a. Online resources hosted, supplied or funded by the City, including but not limited to Member electronic newsletters,
- b. Member websites linked through the City's website and Member social media accounts shall not be used for any election campaign or campaign-related activities.
- c. No Member shall use the City logo for campaign purposes.

62. To avoid confusion with any website or social media account used for the Council Member's duties, Members who choose to create or use websites or social media accounts for campaign communications must include, for the duration of the campaign, a clear statement on each campaign website or social media account's home page indicating the website or account is being used for election campaign purposes.

63. A Member may accept the services of City staff that may choose to volunteer with the Member's election campaign during non-work hours.

### **Council Self-Evaluation Sessions**

64. Council shall hold Council Self-Evaluation Sessions every twelve months.

- a. Council Self-Evaluation Sessions may include reviews of Council's working relationships and whether the working relationship is, or have been, inconsistent with this Council's values, approved plans, goals and objectives, this Code of Conduct or any other City bylaw or policy.

### **Compliance with this Code of Conduct**

Council Members are accountable to the public through the four-year election cycle. Between elections, Members may become disqualified and required to resign if the Member commits a disqualifying action pursuant to section 174 of the Act.

Members are expected to adhere to the provisions of this Code of Conduct. Council does not have the authority to disqualify or remove a Member from office; only a court of

competent jurisdiction or the Minister of Municipal Affairs can do so. Council does, however, have the right to sanction a Member provided that the Member continues to have sufficient access to information and services so as to be able to carry out their duties as a Member.

65. Any reported violation of this Code of Conduct may be subject to investigation by the Integrity Commissioner.

66. Members are expected to co-operate in every way possible in securing compliance with the application and enforcement of this Code of Conduct.

67. No Council Member shall:

- a. undertake any act of reprisal or threaten reprisal against a Complainant or any other person for providing relevant information to the Integrity Commissioner or to any other person; or
- b. obstruct the Integrity Commissioner, or any other person, in carrying out the objectives or requirements of this Code of Conduct.

68. Sanctions that may be imposed on a Member, by Council, pursuant to this Code of Conduct include, but are not limited to:

- a. a letter of reprimand addressed to the Member;
- b. demand for a public apology;
- c. public reprimand through a motion of censure;
- d. removal from membership of a committee;
- e. a requirement to attend training;
- f. removal as chair of a committee;
- g. required reimbursement of monies received;
- h. reduction or suspension of remuneration paid to the Member in respect of the Member's services;
- i. required return of City property or reimbursement of its value;
- j. restrictions on access to City facilities, property, equipment, services and supplies;

- k. restrictions on contact with City staff;
- l. restriction on travel and representation on behalf of Council;
- m. restrictions on how documents are provided to the Member (e.g. no electronic copies, but only watermarked paper copies for tracking purposes).

## **Complaint Procedures**

### **69. Informal Complaint Procedure**

Any individual who identifies or witnesses behaviour or activity by a Council Member that they reasonably believe, in good faith, is in contravention of this Code of Conduct may address the prohibited behaviour or activity themselves in the following informal and private manner:

- a. Advise the Member that the behaviour or activity appears to contravene this Code of Conduct;
- b. Encourage the Member to acknowledge and agree to stop the prohibited behaviour or activity and to avoid future occurrences of the prohibited behaviour or activity;
- c. Document the incidents including dates, times, locations, other persons present, and any other relevant information;
- d. Request the Mayor to assist in informal discussion of the alleged complaint with the Member in an attempt to resolve the issue. In the event that the Mayor is the subject of, or is implicated in a complaint, request the assistance of the Deputy Mayor;
- e. If applicable, confirm to the Member satisfaction with the response of the Member or, if applicable, advise the Member of dissatisfaction with the response; and
- f. Consider the need to pursue the matter in accordance with the Formal Complaint procedure outlined in section 70, or in accordance with any other applicable judicial or quasi-judicial process or complaint procedure.

Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying behaviour or activity that they believe violates this Code of Conduct. However, an individual is not required to complete this informal complaint procedure prior to pursuing the Formal Complaint procedure outlined in section 70.



## 70. Formal Complaint Procedure

Any individual who identifies or witnesses behaviour or activity by a Council Member that they reasonably believe, in good faith, is in contravention of this Code of Conduct may file a Formal Complaint in accordance with the following conditions:

- a. All Formal Complaints shall be made in writing and shall be dated and signed by an identifiable individual.
- b. All Formal Complaints shall be addressed to the Integrity Commissioner.
- c. The Formal Complaint must set out reasonable and probable grounds for the allegation that the Member has contravened the Code of Conduct, including a detailed description of the facts, as they are known, giving rise to the allegation.
- d. Upon receipt of a Formal Complaint under this Code of Conduct, the Integrity Commissioner shall conduct a preliminary review of the Formal Complaint to determine whether to proceed to investigate the Formal Complaint or dispose of the Formal Complaint in a summary manner.
  - i. The Integrity Commissioner may request further information from the Complainant as part of the preliminary review before determining whether to proceed to investigate the Formal Complaint or dispose of the Formal Complaint in a summary manner.

If the Formal Complaint is not, on its face, a complaint with respect to non-compliance with the Code of Conduct or the complaint is covered by other legislation or a complaint procedure under another Council policy, the Integrity Commissioner shall advise the Complainant, in writing, that the matter is not within the jurisdiction of the Integrity Commissioner to process, with any additional reasons and referrals to the appropriate authority as the Integrity Commissioner considers appropriate.

- ii. If the Integrity Commissioner is of the opinion that a Formal Complaint is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, the Integrity Commissioner shall not conduct an investigation, or, where that becomes apparent in the course of investigation, terminate the investigation. In that event, the Complainant shall be notified of the Integrity Commissioner's decision in writing.

- iii. Other than in exceptional circumstances, the Integrity Commissioner will not report to Council on any Formal Complaint described in subsections (i) or (ii) except as part of an annual or other periodic report.
- e. If the Formal Complaint is within the jurisdiction of the Integrity Commissioner and was not dismissed under section 69D(ii), the Integrity Commissioner shall take such steps as the Integrity Commissioner considers appropriate to investigate the Formal Complaint and may attempt to settle the Formal Complaint.
- f. If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic material in control and custody of the City, and may enter any City work location relevant to the Formal Complaint.
  - i. If any documents or electronic material in control and custody of the City is requested by the Integrity Commissioner, City staff must provide same.
- g. The Integrity Commissioner shall not issue a report to Council finding a violation of the Code of Conduct on the part of any Council Member unless the Member has had reasonable notice of the basis for the proposed finding and any recommended sanction and an opportunity either in person or in writing to comment on the proposed finding and any recommended sanction.
- h. The Integrity Commissioner shall report to the Complainant and the Council Member upon completion of the Integrity Commissioner's report no later than 90 days after receiving the Formal Complaint.
  - i. The 90-day timeline may be extended by the Integrity Commissioner depending upon the nature and complexity of the investigation.
  - ii. Reasonable notice will be provided to the Complainant, the Council Member and Council as a whole.
- i. Where the Formal Complaint is substantiated in whole or in part, the Integrity Commissioner shall also report to Council outlining the findings, the terms of any settlement, or recommended corrective action.
- j. Where the Formal Complaint is dismissed, other than in exceptional circumstances, the Integrity Commissioner shall not report to Council except as part of an annual or other periodic report.

- k. If the Integrity Commissioner determines that there has been no contravention of the Code of Conduct or that a contravention occurred although the Council Member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgement made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.
- l. Council will consider and respond to the Integrity Commissioner's report at the next regularly scheduled Council meeting following receipt of the report, unless circumstances warrant the report's consideration be deferred to a subsequent regular or special Council meeting.
- m. In responding to the Integrity Commissioner's report, Council may vary a recommendation that it impose a penalty, subject to the Act.
- n. All reports from the Integrity Commissioner to Council, other than annual or other periodic reports, are strictly confidential and shall be considered by Council in camera. Integrity Commissioner reports will be made available to the public only after Council rises and reports on the matter.
- o. The Integrity Commissioner in a report to Council on whether a Council Member has violated the Code of Conduct shall only disclose such matters as in the Integrity Commissioner's opinion are necessary for the purposes of the report.
- p. Any references by the Integrity Commissioner in an annual or other periodic report to Council shall not disclose confidential information that could identify a person concerned.

### **General**

- 71. Should any provision of this bylaw be invalid, then the invalid provision shall be severed and the remainder of this bylaw shall be maintained.
- 72. The City shall review this bylaw at least once every four years.

### **Effective Date**

- 73. This bylaw comes into force on ~~March 1, 2018~~ March 15, 2018.

READ a First time this 26<sup>th</sup> day of June 2017.

READ a Second time this 21<sup>st</sup> day of August 2017.

READ a Third time this 21<sup>st</sup> day of August 2017.

SIGNED AND PASSED this \_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF LEGISLATIVE OFFICER