



Legislation Text

File #: BL-17-034, **Version:** 1

TAMRMS#: B06

Bylaw 38/2017 Council Code of Conduct

Presented by: Kevin Scoble, City Manager

RECOMMENDATION(S)

1. That Bylaw 38/2017, being a bylaw to establish the code of conduct for members of Council, be read a first time.
2. That Bylaw 38/2017 be read a second time.
3. That unanimous consent be given for consideration of third reading of Bylaw 38/2017.
4. That Bylaw 38/2017 be read a third and final time.
5. That City Council Policy C-CG-08 Council Members Code of Conduct be rescinded upon the date that Bylaw 38/2017 comes into force.
6. That Administration review the Council Code of Conduct six months after it comes into effect and report to Council on its implementation.

PURPOSE OF REPORT

To present the proposed Bylaw 38/2017 Council Code of Conduct for consideration by Council.

COUNCIL DIRECTION

On August 22, 2016 Council passed the following motion:

(C500-2016)

That Administration open up and bring forward recommendations for appropriate updates to the Council Code of Conduct by June of 2017.

On February 13, 2017 Standing Committee of the Whole passed the following motion:

(INC-17-011)

That Administration draft a proposed bylaw to replace City Council Policy C-CG-08 Council Members' Code of Conduct, and draft amendments to any other policies or bylaws based on the discussion held at the February 13, 2017 Standing Committee of the Whole at the June 2017 Standing Committee of the Whole Meeting.

On April 10, 2017 Standing Committee of the Whole passed the following motion:

(INC-17-015)

That Administration incorporate input provided during the confidential discussion on the draft Council Code of Conduct Bylaw for City Manager's review by April 30, 2017 and present an updated draft for Council's consideration at the June 26, 2017 Council Meeting.

BACKGROUND AND DISCUSSION

On August 22, 2016 Council instructed Administration to begin work on a Council Code of Conduct Bylaw to replace the current City Council Policy C-CG-08 Council Members Code of Conduct in anticipation of new regulations to be introduced by the Province of Alberta as part of the Municipal Government Act review which is set to make Code of Conduct bylaws mandatory for all municipalities.

Administration arranged for a facilitator with experience in municipal law and Council Codes of Conduct to facilitate discussions with the Standing Committee of the Whole and members of Council on the drafting of the proposed Code. The facilitator met with the Standing Committee of the Whole on February 13, 2017 and April 10, 2017. The information gathered from those discussions was used as the basis for drafting proposed Bylaw 38/2017.

The commentary and examples used in proposed Bylaw 38/2017 are illustrative and not exhaustive. It acts as a framework and supplements existing provincial and federal legislation governing the conduct of Council Members. As noted in the Bylaw itself 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.

Sections of note in the proposed Bylaw 38/2017:

Section 63: Sanctions

This section of the proposed Bylaw outlines some of the potential sanctions that may be imposed on a Member by Council. Sanctions can include a public apology, removal from committees and suspension of remuneration and other measures outlined in this section.

Sections 66 and 67: Complaint Procedures

These sections outline the proper method for an individual to undertake an informal or formal complaint against a Council Member under the Code of Conduct. Section 63 covers the informal processes, which can include advising the Member that the behaviour or activity contravenes the Code and encouraging the member to acknowledge and stop the prohibited behavior.

The formal process outlined in Section 64, involves a written complaint to the Integrity Commissioner. The Integrity Commissioner then decides on the validity of the complaint and may then conduct an investigation. The Integrity Commissioner would then submit a report to Council outlining their findings and recommendations.

If Council passes Bylaw 38/2017, Administration would proceed to draft an additional Bylaw establishing the Office of the Integrity Commissioner, which would outline the role, scope, authority, reporting methods and appointment process for that office. Administration would also draft a Council Policy expanding on the processes for the Council Self Evaluation Sessions established in Section 61 of proposed Bylaw 38/2017.

STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT

Proposed Bylaw 38/2017 was drafted by an expert in municipal law and codes of conduct under contract with the City. An initial draft of the proposed Bylaw 38/2017 was presented to the Standing Committee of the Whole on April 10, 2017 for feedback and discussion.

IMPLICATIONS OF RECOMMENDATION(S)

Financial:

Should Council pass Bylaw 38/2017 Administration would commence work on developing a bylaw for the Office of the Integrity Commissioner. Administration recognizes that this Office could be provided for through several options and would have to review each for potential financial implications. The options available and costs for each option would be provided to Council during the development of that bylaw.

Legal / Risk:

It is possible, though unlikely, that Regulations to be passed under the new MGA amendments will require adjustments to the Code and Bylaw. Administration will bring any such amendments forward as may be necessary.

Program or Service:

None

Organizational:

None

ALTERNATIVES AND IMPLICATIONS CONSIDERED

1. Council could choose to amend the proposed Bylaw 38/2017 and direct Administration to bring an updated version of the bylaw back to Council at a future date for further consideration.
2. Council could choose to not approve the proposed Council Code of Conduct Bylaw. This would mean the existing City Council Policy C-CG-08 would remain in effect until such time as the Province approves the new regulations and a new Bylaw must be approved.
3. That Council pass first reading of the proposed Bylaw 38/2017 and direct Administration to bring it back to Council following the October 16, 2017 Municipal General Election.

STRATEGIC CONNECTIONS

Governance Strategy

Council is committed to ensuring that the City of St. Albert is a responsive, accountable government that delivers value to the community.

Report Date: June 26, 2017

Author(s): Kevin Scoble

Committee/Department: City Manager's Office

General Manager: n/a

City Manager: Kevin Scoble