File #: BL-17-046, **Version:** 1

TAMRMS#: B06

Bylaw 38/2017 Council Code of Conduct
Presented by: Kevin Scoble, City Manager

RECOMMENDATION(S)

1. That Bylaw 38/2017 be amended by replacing it in its entirety with the version provided as an attachment to the August 21, 2017 agenda report titled "Bylaw 38/2017 - A bylaw to establish the code of conduct for members of Council."

2. That Bylaw 38/2017, as amended, be read a second time.

3. That Bylaw 38/2017 be read a third and final time.

4. The City Council Policy C-CG-08 Council Members Code of Conduct be rescinded upon the date that Bylaw 38/2017 comes into force.

5. That Administration review the Council Code of Conduct six months after it comes into effect and report to Council on its implementation.

6. That Administration investigate the options available to provide for the Office of the Integrity Commissioner, prepare a bylaw to establish the Office of the Integrity Commissioner, and provide budget estimates for implementation of the Office of the Integrity Commissioner by December 2017.

7. That up to $40,000 be committed from the 2018 Council Contingency budget to support a third party acting as Integrity Commissioner.

PURPOSE OF REPORT

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

COUNCIL DIRECTION

On June 26, 2017 Council passed the following motion:

(BL-17-034)
That Bylaw 38/2017, being a bylaw to establish the code of conduct for members of Council, be read a first time.

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.

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 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.

BACKGROUND AND DISCUSSION

Administration has reviewed proposed Bylaw 38/2017 since first reading and several edits to the bylaw have been made as per the Attachment "Bylaw 38/2017 (amendments highlighted). Most of the amendments are formatting and typographical in nature, however, Section 22 has been expanded upon and is now proposed to read:

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 section 174(1)(d) of 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 Member's being removed from the committee or body or being subject to other sanctions outlined in this bylaw.

24. 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.

This proposed amendment was required to ensure clarity around the difference between the consequences of failure to attend Council meetings versus the failure to attend Council committee meetings and meetings of other bodies to which Council members are appointed.

If the current bylaw is passed, Administration will return later with a draft bylaw outlining the roles and responsibilities of the Integrity Commissioner. Several options will be considered and reviewed concerning how to provide for this Office. The current preferred approach by Administration is to hire a third party under a "fee for service" model. This model would see the City retain a firm or individual

to act as an Integrity Commissioner. The firm or individual would be compensated for the administering of complaint(s).

On July 26, 2017 the Province released draft regulation governing Codes of Conducts. Section 1 of the proposed *Code of Conduct for Elected Officials Regulation* lays out the minimum requirements for matters that a municipality's code of conduct must address. Proposed Bylaw 38/2017 meets all the criteria currently outlined in the proposed regulation, however changes to the regulation may require subsequent amendments to Bylaw 38/2017.

STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT

Proposed Bylaw 38/2017 was drafted by a legal consultant with significant experience on the subject matter. 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. First reading was passed on June 26, 2017.

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:

The draft Regulation notes that a Council must establish a Code of Conduct within 270 days of the *Municipal Government Amendment Act, 2015* coming into force. As noted above, this proposed Code of Conduct, to be established by bylaw, is compliant with the current draft Regulation and its requirement for the establishment of a Code.

Program or Service:

Tracking and reporting of the attendance of Councillors on a quarterly basis will affect capacity in the Legislative Services area.

Organizational:

N/A

ALTERNATIVES AND IMPLICATIONS CONSIDERED

1. Council could choose to further 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 to consider the Council Code of Conduct Bylaw at this time. This would mean the existing Council Policy C-CG-08 would remain in effect until a Council Code of Conduct Bylaw is passed by Council. The timing of the passing of a Code of Conduct Bylaw would need to meet the legislative requirements of the new provincial regulation when passed.

3. That Council postpone discussion of 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: August 21, 2017
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