

August 21, 2023

Code of Conduct

Today, administration introduced a new Code of Conduct Bylaw to City Council. The new bylaw includes revisions that focus on process refinement, alignment with provincial and federal legislation such as the Human Rights Act and consideration of municipal best practices. The bylaw will return for second reading within four weeks, at which point amendments may be proposed by Council. If approved, it is expected to take effect on December 1, 2023.

1. What is the Code of Conduct Bylaw?

A Code of Conduct Bylaw is a written document that sets expectations for Council Member's conduct or behaviour. All municipal councils are required by the Municipal Government Act (MGA) to have a Code of Conduct Bylaw. The City of Red Deer had code of conduct policies prior to the bylaw (3608-2018) being adopted by Council on July 23, 2018. It is reviewed every four years when a new council is elected.

2. Why is a new bylaw needed?

Under the MGA, City Council Code of Conduct Bylaws must be reviewed and updated every four years. Through this process, the proposed new bylaw will allow for streamlined processes, greater transparency and accountability, while also ensuring confidentiality and discretion through the process when complaints are received and investigated. It also considers the need for fiscal responsibility of municipal funds.

3. How is a Code of Conduct complaint currently handled?

Right now, when a member of the public, member of Council or City employee has a concern about the conduct of a Council Member, they follow a formal resolution process. Receipt of a signed written complaint from either a member of the public, a City employee or a member of Council triggers a more formal review and investigation. Informal reviews can currently occur only if the complaint is received from another member of Council and are typically addressed through informal discussion between the parties, sometimes with the assistance of the Mayor to facilitate a healthy discussion and resolution. The investigation process may be led by Council or an independent third party. If the investigation determines that there has been a breach of the Code of Conduct Bylaw, Council may impose sanctions on the Council Member whose conduct fell short of the expected standards.

The member who is the subject of the complaint is given a full opportunity to respond to the complaint before council deliberates or a decision on sanctions are made.

4. What changes are proposed in the new Code of Conduct Bylaw?

The new Code of Conduct Bylaw being proposed draws from municipal best practices and incorporates feedback from City Council that was collected over the duration of their term thus far.

The new code of conduct bylaw includes a redesigned complaint and investigation process, a new independent Integrity Commissioner role, and more robust guidance pertaining to sanctions. More specifically, the updates include:

- A redesigned complaint process:

- All formal complaints are received and managed by an Integrity Commissioner, who is appointed by City Council, removing the Mayor and Councillors from the intake process.
 - The addition of timelines to ensure complaints are managed in a timely and fair manner.
 - Inclusion of a blackout period within 90 days of a municipal election.
 - Inclusion of an informal complaint resolution that can be leveraged in all circumstances when a Code of Conduct complaint is submitted.
 - Clarity around factors for consideration when City Council is determining potential sanctions.
- Changes related to representing the municipality.
 - Updates that ensure alignment with Alberta Human Rights legislation and the Alberta Human Rights Act.
 - Clarity about the use of City resources during an election campaign.
 - Adjustments related to how City Council provides feedback to administration.

5. How was City Council consulted in the process?

These improvements are based on a review of best practices in Alberta municipalities, a survey of Councillors in 2021, and lessons learned from the operationalization of the current bylaw. City Council has, throughout its term, talked with administration about the bylaw and factors for consideration in developing a new bylaw.

6. When will the proposed bylaw take effect?

Following Second and Third Reading and City Council's approval, the proposed bylaw would take effect on December 1, 2023.