

Plain Language Version of MGA Code of Conduct Regulations

All municipal councils are required to have a code of conduct bylaw that fulfills the minimum requirements set out in Part 4, Division 6, of the *Municipal Government Act* (MGA).

New code of conduct regulations are proposed to provide more detailed guidance, outlined below.

Code of Conduct Regulations

1. Requirements

The code of conduct bylaw shall establish rules in relation to:

- council advising the public of sanctions made against a member of council due to a breach of the code of conduct bylaw;
- the Chief Administrative Officer advising the public of financial disclosure statements;
- members of council treating every person with dignity, understanding and respect;
- members of council avoiding discriminatory, bullying or harassing behaviours in their roles as members; and,
- member of council refraining from the use of derogatory language towards another person.

Complaint process

A process for complaints shall be included in the code of conduct bylaw, including at a minimum:

- who may submit a complaint;
- the form in which complaints shall be submitted;
- who a complaint shall be submitted to;
- the time period in which the complainant should submit their complaint after a code of conduct breach;
- rules for determining the validity of a complaint (if frivolous or vexatious) and for dismissing the complaint if invalid;
- rules prohibiting any adverse action against a person who has made a complaint; and
- rules respecting an informal complaint resolution process.

Investigation process

A process for investigating complaints unable to be resolved through an informal complaint resolution process shall be included in the code of conduct bylaw, including at a minimum:

- council appointing a third-party investigator;
- the process for the investigator's review of the complaint and determination whether further investigation is necessary;
- the investigation process, including providing the information to the council member who is the respondent and the respondent's right to respond to the complaint;
- the council member who is the respondent is required to participate in the investigation in good faith; and,
- the time within which the investigator shall provide a report of findings, recommendations and proposed sanctions, if any, to the council, the complainant and the respondent.

Role of investigator

The role and duties of the investigator in the complaint resolution process shall be included in the code of conduct bylaw, including at a minimum:

- determining whether a breach of the code of conduct has occurred based on the information provided;
- determining whether informal attempts were made to resolve the complaint and whether those attempts were successful;
- investigating the complaint;
- providing the complainant and respondent the opportunity to be heard; and,
- reporting back to council.

Council's review of report

On receipt of the investigator's report, council shall close the meeting to the public and review the report. Following the review of the report, council shall re-open the meeting to the public and hold a vote to determine whether the council member breached the code of conduct, and if so, the appropriate sanction, if any.

The vote following the investigator's report shall be determined by a majority of the members present and voting at the meeting.

2. Code of conduct for committees, etc.

The code of conduct bylaw should include rules for members of committees and directors of controlled corporations established by council who are not members of council. This shall include:

- treating every person with dignity, understanding and respect;
- avoiding discriminatory, bullying or harassing behaviours in their roles as members or directors; and
- refraining from the use of derogatory language towards another person.

3. Code of conduct training

Initial code of conduct training for members of council, as specified by the Minister, shall be arranged by the Chief Administrative Officer for members of council within six months of the new code of conduct regulations coming into force. In addition, within the first six months after a member of council is appointed, elected or re-elected, the code of conduct training must also be completed.

A member shall not carry out a power, duty or function as a member of council until training is completed.

4. Sanctions

Factors to be considered

When deciding whether to impose sanctions for a breach of the code of conduct bylaw, council shall consider:

- the nature of the breach;
- whether the breach was intentional;
- whether the council member took any steps to remedy or mitigate the consequences of the breach;
- whether the council member previously breached the code and the circumstances of that breach;
- whether the council member has previously refused to comply with a sanction for a breach of the code; and,
- the recommendations of the investigator.

Imposing sanctions

Council can decide to impose sanctions in its code of conduct bylaw if a breach occurs. The bylaw may include one or more of the following sanctions:

- a fine in an amount not exceeding \$500;
- a letter of reprimand addressed to the council member;
- the council member issue a letter of apology to a specified person or persons;
- the council member attend training as recommended by the council;
- suspension of the council member for a period not to exceed six months, or the expiry of the member's term of office, whichever occurs first; and,
- reduction or suspension of the council member's compensation.

Compliance required

A sanctioned council member shall comply with the terms of the sanction within the time period specified by the council.

Consequences of suspension

Where a council member is suspended, the council member shall not, during the period of the suspension:

- sit on council, a committee of council or the board of directors of a controlled corporation or other entity established by the municipality in the member's capacity as a council member; and,
- receive any compensation in respect to the duties as a council member.

5. Review

The code of conduct bylaw shall be reviewed and updated by council at least every 5 years starting from the date the bylaw is passed.