

Code of Conduct QA

1. What is the Code of Conduct Bylaw?

A Code of Conduct is a written document that sets shared expectations for conduct or behaviour. A local government council adopts a Code of Conduct to establish shared expectations for how members should conduct themselves while carrying out their responsibilities and in their work as a collective decision-making body for their community

All municipal councils are required by the 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 when a new council is elected.

2. What is a code of conduct review?

When a complaint is received about conduct of a council member, there is a review process (formal and informal) for Council to follow. There is no requirement that a councillor who has a concern about the conduct of a member of council start with the informal process before proceeding to a formal complaint. Informal complaints are typically addressed through informal discussion between the members of council, sometimes with the assistance of the mayor to facilitate a healthy discussion and resolution. Receipt of a signed written complaint from either a member of the public or a councillor triggers a more formal review and investigation. The process may be led by members of Council or an independent third party. The member who is the subject of the complaint is afforded procedural fairness and an opportunity to respond to allegations before council deliberates or a decision on sanctions are made.

3. How does the process start or what triggers a review?

The informal process is triggered when one member of council identifies conduct by another member that he or she reasonably believes is a breach of the code. The formal complaint process starts when a signed complaint is received by the Reviewer. This complaint can come from another member or a member of the public. We cannot presume there has been a breach of the Code. That is something the investigation will determine if a complaint is filed.

4. Is the process confidential?

The investigation is confidential. The member who is the subject of the complaint is given the results of the investigation. Council must make any arising decisions in public.

5. Can Council impose sanctions and if so what are they?

After the investigation is complete Council can make a decision and choose to impose sanctions as outlined in the bylaw:

- (a) a letter of reprimand addressed to the Member;
- (b) requesting the Member to issue a letter of apology;
- (c) publication of a letter of reprimand or request for apology and the Member's response;
- (d) suspension or removal of the Mayor's presiding duties under section 154 of the Act, if the complaint is about the Mayor;
- (e) suspension or removal from some or all Council committees and bodies to which council has the right to appoint members;
- (f) reduction or suspension of remuneration as defined in section 275.1 of the Act corresponding to a reduction in duties; or

(g) any other sanction Council deems reasonable and appropriate in the circumstances provided that the sanction is not contrary to the Act.

6. Can one of the sanctions be forcing the member to resign?

In Alberta every council must have a code of conduct bylaw however a councillor must not be disqualified or removed from office for a breach of the code (MGA s. 146.1) Under the law the most a council can do when a councillor breaches its code is to impose sanctions.

7. What is the cost of a Code of Conduct Investigation?

Costs related to a Code of Conduct investigation may vary depending on the complexity of the complaint and associated investigation.