

FOR DISCUSSION PURPOSES ONLY

CODE OF CONDUCT FOR ELECTED OFFICIALS REGULATION

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Sets out the minimum requirements for matters that a municipality's code of conduct must address. Provides individual municipalities with discretion to supplement the minimum standard.

Code of conduct contents

1 The code of conduct each council is required to establish governing the conduct of its councillors pursuant to section 146.1 of the Act must be consistent with the Act and any regulations made under the Act and, at a minimum, include the following topics:

- (a) representing the municipality;
- (b) communicating on behalf of the municipality
- (c) respecting the decision-making process;
- (d) adherence to policies, procedures and bylaws;
- (e) respectful interactions with councillors, staff, the public and others;
- (f) confidential information;
- (g) conflicts of interest;
- (h) improper use of influence;
- (i) use of municipal assets and services; and
- (j) orientation and other training attendance.

Establishes a process used to determine the validity of the complaint. Provides councils with flexibility in determining who can make a complaint and how complaints are submitted.

Complaints

2 A code of conduct must establish a complaint system including

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- (a) who may make a complaint alleging a breach of the code of conduct,
- (b) the method by which a complaint may be made,
- (c) the process to be used to determine the validity of a complaint, and
- (d) the process to be used to determine how sanctions are imposed if a complaint is determined to be valid.

If a municipality has already addressed a topic in a bylaw, it can be incorporated into the code of conduct by reference.

Bylaws

3 If any matter required to be included in a code of conduct is addressed in a separate bylaw, the contents of that bylaw shall be incorporated by reference into the code of conduct.

Any codes must be consistent with the municipal purposes and general duties of councillors set out in the *MGA*.

Establishing code of conduct

4(1) When establishing a code of conduct, council shall consider sections 3 and 153 of the Act.

Transitional provision to set timeline for establishing first code of conduct that complies with new requirements.

(2) A council must establish a code of conduct within 270 days from the date section 16 of the *Municipal Government Amendment Act, 2015* comes into force.

Provides a list of sanctions that councils may consider; however, does not preclude councils from using other types of sanctions.

Sanctions for breaching code of conduct

5 If a councillor has failed to adhere to the code of conduct, sanctions may be imposed including any of the following:

- (a) a letter of reprimand addressed to the councillor;
- (b) requesting the councillor to issue a letter of apology;
- (c) publication of a letter of reprimand or request for apology and the councillor's response;
- (d) a requirement to attend training;
- (e) suspension or removal of the appointment of a councillor as the chief elected official under section 150(2) of the Act;
- (f) suspension or removal of the appointment of a councillor as the deputy chief elected official or acting chief elected official under section 152 of the Act;

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- (g) suspension or removal of the chief elected official's presiding duties under section 154 of the Act;
- (h) suspension or removal from some or all council committees and bodies to which council has the right to appoint members;
- (i) reduction or suspension of remuneration as defined in section 275.1 of the Act corresponding to a reduction in duties, excluding allowances for attendance at council meetings.

Consistent with the *MGA* limitation that a councillor must not be disqualified or removed from office for a breach of the code.

Requirement to fulfil duties

6 A code of conduct or any sanctions imposed under a code of conduct must not prevent a councillor from fulfilling the legislated duties of a councillor.

Aligns with the municipal election cycle so that the code of conduct is reviewed following each municipal election.

Review of code of conduct

7 Each council must review and update its code of conduct and any related bylaws that have been incorporated by reference into the code of conduct in accordance with section 3, every 4 years starting from the date when the code of conduct is passed.

Indicates when the regulation comes into force.

Coming into force

8 This Regulation comes into force on the coming into force of section 16 of the *Municipal Government Amendment Act, 2015*.