



Implementation Fact Sheet

Amendments to the Municipal Government Act, 2015-17

Code of Conduct for Elected Officials

Legislation	<u>Municipal Government Act (MGA)</u> 
Regulation	Code of Conduct for Elected Officials Regulation 
Category	Governance
Section Numbers	s. 146, s. 153

Previous MGA requirement:

No municipal code of conduct was required. Councillor conduct was addressed locally.

What's changed?

- Municipalities must establish a code of conduct bylaw that governs the conduct of councillors. s. 146.1(1)
- The code must apply to all councillors equally. s.146.1(2)
- The council may establish a code of conduct to govern the conduct of members of council committees and other boards established by the council who are not councillors. S.146.1(3)
- The code must not allow councils to remove councillors from office. s.146.1(4)

What do municipalities need to know?

- Ensure that the existing/newly established code of conduct bylaws meet the standards established by the Code of Conduct Regulation. s.146.1(5)
- If a matter required to be included in a code of conduct is already addressed in a separate bylaw, the contents of that bylaw can be incorporated by reference into the code of conduct.
- At a minimum, the following topics must be covered:

Topic	Intent / Rationale
Representing the municipality	To build and inspire public trust and confidence in local government by upholding high standards and ideals.
Communicating on behalf of the municipality	To promote public confidence by respecting the process established by council for communicating with the public on behalf of council or the municipality.
Respecting the decision-making process	To support effective decision-making through the processes set out in legislation and local bylaws for making decisions, including respect for the role of the chair.
Adherence to policies, procedures and bylaws	To promote service of the public interest and show leadership by upholding legislation, local bylaws, and policies adopted by council.

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Respectful interactions with councillors, staff, the public and others	To promote treatment of council members, municipal employees, and others with dignity, understanding and respect.
Confidential information	To promote public trust by refraining from using information in a way that would be detrimental to the public interest.
Conflicts of interest	<p>To promote public trust by refraining from exploiting the position of councillor for private reasons or that would bring discredit to the office.</p> <p>*Bylaw provisions do not diminish or change the effect of existing legislated pecuniary interest provisions.</p>
Improper use of influence	To promote the priority of municipal interests over the individual interests of councillors, and to refrain from seeking to influence decisions for personal reasons.
Use of municipal assets and services	To promote stewardship and public trust by refraining from the use of municipal assets or resources for personal reasons.
Orientation and other training attendance	To promote effective leadership and personal development by accessing training opportunities.

- The code of conduct bylaw must set out a complaint system that addresses who may make a complaint; how a complaint is made; the process used to determine the validity of the complaint; and what sanctions may be imposed if a complaint is determined to be valid.
- Review and update the code of conduct bylaw at least once every four (4) years starting from the date when the code of conduct is passed. Municipalities could choose to align the review with the municipal election cycle, so that the code of conduct is reviewed following each municipal election.

What if a councillor does not comply?

- If a councillor has failed to adhere to the code of conduct, a council may choose to impose a sanction that can include the following:
 - letter of reprimand for the councillor;
 - a request to the councillor to issue a letter of apology;
 - publication of a letter of reprimand or request for apology and the councillor's response;
 - requirement to attend training;
 - suspension or removal of the appointment of a councillor as the Chief Elected Official/Mayor/Reeve, Deputy Chief Elected Official or Acting Chief Elected Official and presiding duties;

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- suspension or removal from some or all council committees and bodies to which the council has a right to appoint members; and
- reduction or suspension of remuneration corresponding to a reduction in duties, excluding allowances for attendance at council meetings.
- The code of conduct and any sanctions imposed under a code of conduct cannot remove a councillor from council and must not prevent a councillor from fulfilling the legislated duties of a councillor, including the general duties of councillors outlined in s.153 of the Act.

When does this change take place?

- These sections come into force October 26, 2017.
- Municipalities must establish a code of conduct bylaw by July 23, 2018 (270 days (9 months) from the date it came into force.

What resources are/will there be available to assist?

- Sample Code of Conduct and Bylaws are under development (AUMA/AAMDC) 
- [Municipal Affairs Regional Training Sessions](#). 
- [Elected Officials Education Program \(EOEP\)](#) – www.eoep.ca (AAMDC/AUMA) 
- Council Conflict Workshop. (schedule TBD)
- [Municipal Government Amendment Act, 2015](#) 



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Document information:

Title: Implementation Fact Sheet: Code of Conduct for Elected Officials

Date of publication: October 2017

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Availability: This document is available online at <https://open.alberta.ca/publications/mga-implementation-fact-sheets>

