

Tips for Handling Council Code of Conduct Complaints

BILL 20

Bill 20, *Municipal Government Amendment Act*, 2015 came into force on October 26, 2017. It amended the *Municipal Government Act* to provide that council must, by bylaw, establish a code to govern all councillors. The code must include a complaint system outlining who can make complaints, the method by which complaints can be made, the process to determine a complaint's validity, and the process to determine how sanctions will be imposed for valid complaints. The Ombudsman may investigate complaints about administrative actions and decisions of Alberta municipalities. This includes the application of a bylaw, such as, the council code of conduct.

TIPS FOR HANDLING COMPLAINTS

1

Ensure the bylaw contains all important information

The municipality should ensure that all substantive information is in the bylaw including the code of conduct contents, complaints process, and sanctions process. Section 3 of the *Code of Conduct for Elected Officials Regulation* states, "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."

2

Follow the rules

Municipalities should follow the steps outlined in their code of conduct bylaw, as well as the *Code of Conduct for Elected Officials Regulation*.

3

Provide the respondent with a fair process

When a municipality receives a complaint about a councillor, it should provide the councillor with:

- Adequate notice of the complaint and disclosure of the allegations
- Notice of their right to representation
- A fair and unbiased hearing
- An opportunity to respond to the allegations



4

Provide the complainant and respondent with a written decision

Municipalities should ensure complainants and respondents are provided with written decisions. Even if the municipality hires an external party to investigate and provide a report with recommendations, council remains the decision-maker. Such decisions should:

- State council's decision to accept, decline or vary the findings
- Explain the arguments and evidence considered
- Reference the relevant section of the bylaw that provides council with the authority to dismiss complaints without further investigation
- Provide adequate reasons for council's decision

5

Implement sanctions fairly

If an investigation results in sanctions and council decides to publicize a reprimand or apology letter, the sanctioned member should be given the opportunity to respond per section 5(c) of the *Code of Conduct for Elected Officials Regulation*.

Tips for Municipalities



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