

**BYLAW 2018-03
VILLAGE OF BEISEKER
CODE OF CONDUCT BYLAW**

BEING A BYLAW TO RESCIND BYLAW 2017-03 AND BEING A BYLAW OF THE VILLAGE OF BEISEKER, IN THE PROVINCE OF ALBERTA TO PROVIDE THE CONDCUT FOR THE COUNCIL OF THE VILLAGE OF BEISEKER.

WHEREAS the citizens and the taxpayers of the Village of Beiseker have the right to be served by a Council committed to conducting its service in an ethical and professional manner. It is important that there not be, nor appear to be, any conflict between the private interests of each Councillor. The purpose of the Code of Conduct shall be to uphold these principles governing the conduct of Councillor so Councillors maintain the highest standards while faithfully discharging their duties.

NOW THEREFORE, the Municipal Council of the VILLAGE OF BEISEKER, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. CITATION

1.1 This Bylaw may be cited as the Councillor Code of Conduct

2. DEFINITIONS

2.1 In this Bylaw, words have the meaning set out in the Act, except that:

- (a) "Act" means the *Municipal Government Act*,
- (b) "Administration" means the administrative and operational arm of the Municipality, comprised of the various departments and business units and including all employees who operate under the leadership and supervision of the CAO;
- (c) "CAO" means the chief administrative officer of the Municipality, or their delegate;
- (d) "FOIP" MEANS THE *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, C F-25, and any associated regulations, and any amendments or successor legislation;
- (e) "Investigator" means Council as a whole;
- (f) "Member" means a member of council and includes a councillor or the Mayor or Deputy Mayor;
- (g) "Municipality" means the municipal corporation of the Village of Beiseker.

3. REPRESENTING THE MUNICIPALITY

3.1 Members shall:

- (a) act honestly, and in good faith, serve the welfare and interests of the Municipality as a whole;
- (b) perform their functions and duties in a conscientious and diligent manner with integrity, accountability and transparency; and
- (c) conduct themselves in a professional manner with dignity and make every effort to participate diligently in the meetings of Council, committees of Council and other bodies to which they are appointed by Council.

4. COMMUNICATION ON BEHALF OF THE MUNICIPALITY

- 4.1 Where Members are appointed to committees or boards, they serve in a liaison role, but not necessarily as an advocate for the committee or board.
- 4.2 When Members interact with the public, media or other entities, they must ensure that their comments accurately reflect the official position of Council and the will of Council as a whole, even if that Member personally disagrees with Council's position. Any personal opinions that are provided must be identified as such and not as the position of Council.

5. RESPECTING THE DECISION MAKING PROCESS

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- 5.1 All Members should be given opportunity to address issues while in Council meetings in a full, open and professional manner to encourage and promote healthy debate of issues.
- 5.2 Decision making authority lies with Council, and not with any individual Member. Council may only act by bylaw or resolution passed at a Council meeting, held in public at which there is a quorum present. No Member shall, unless authorized by Council, attempt to bind the Municipality or give direction to employees in Administration, agents, contractors, consultants or other service providers or prospective vendors to the Municipality.
- 5.3 Council decisions are made by majority vote by the Members. The decision of Council must be accepted and respected by all Members even if individual Members do not agree with the majority decision.
- 5.4 While a Member may publically state that they did not vote with the majority of council on an issue, this type of statement must be made in a manner that respects Council, their decision and other Members.

6. ADHERENCE TO POLICIES, PROCEDURES AND BYLAWS

- 6.1 Members shall uphold the law established by the Parliament of Canada and the Legislature of Alberta and the bylaws, policies and procedures adopted by Council.
- 6.2 Members shall respect the Municipality as an institution, its bylaws, policies and procedures and shall encourage public respect for the Municipality, its bylaws, policies and procedures.

7. RESPECTFUL INTERACTIONS WITH COUNCILORS, STAFF, THE PUBLIC AND OTHERS

- 7.1 Councillors shall show respect and accountability to each other and understand the benefit of healthy debate and discussion.
- 7.2 Members shall treat one another, employees of the Municipality and members of the public with courtesy, dignity and respect without abuse, bullying or intimidation.
- 7.3 No Member shall speak in a manner that is discriminatory to any individual based on the person's race, religious beliefs, colour, gender, physical or mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.
- 7.4 The only employee of Council is the CAO. Members shall respect the CAO's authority to direct staff.
- 7.5 Council's point of communication access with the employees of the Municipality is the CAO. Members shall direct their questions and concerns regarding administrative matters to the CAO. Requests for information from the Public Work's Foreman shall be permitted.
- 7.6 Members shall refrain from making negative comments about staff to the public or media.
- 7.7 Members shall not advocate for the promotion, sanction or termination of any municipal employee other than the CAO.

8. CONFIDENTIAL INFORMATION

- 8.1 Members must keep in confidence all matters that are discussed in private at Council or Council committee meetings until the matter is discussed at a meeting held in public.
- 8.2 Members shall refrain from disclosing or releasing confidential information acquired by virtue of their office, except when required by law or authorized by Council to do so.
- 8.3 Only matters that are protected by FOIP or the MGA will be discussed 'in camera' at a Council or Council committee meeting.
- 8.4 No resolutions shall be made during the 'in-camera' portion of a meeting, except for the resolution to leave the 'in-camera' portion of the meeting and resume the regular meeting.
- 8.5 No Member shall use confidential information for personal benefit of any other individual or organization.

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9. CONFLICT OF INTEREST

- 9.1 Members have a statutory duty to comply with the pecuniary interest provisions set out in Part 5, Division 6 of the Act and a corresponding duty to vote unless required or permitted to abstain under the Act or another enactment.
- 9.2 Members are to be free from influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends or associates, business or otherwise.
- 9.3 Members shall approach decision-making with an open mind that is capable of persuasion.
- 9.5 Discussions or motions regarding a non-profit organization that a Member is affiliated with shall not be deemed as pecuniary interest.

10. IMPROPER USE OF INFLUENCE

- 10.1 Members shall not use any influence of office for any purpose other than official duties.
- 10.2 Members shall refrain from using their positions to obtain employment with the Municipality for themselves, family members or close associates. Members are ineligible to apply or be considered for any position within the Municipality while they hold their elected position, or for one year after leaving office.

11. USE OF MUNICIPAL ASSETS AND SERVICES

- 11.1 Members shall use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as Member and not for any personal gain or private purpose.

12. ORIENTATION AND OTHER TRAINING ATTENDANCE

- 12.1 Members have the responsibility to come prepared to Council meetings.
- 11.2 Members will strive to educate themselves and take mandatory and offered training in order to continuously improve their ability to carry out their Council duties.

13. INFORMAL COMPLAINT PROCESS

- 13.1 Any Person or Member who has identified or witnessed conduct by a Member that the Person or Member reasonably believes, in good faith, is in contravention of this Bylaw may address the prohibited conduct by:
 - (a) advising the Member that the conduct violates the Bylaw and encouraging the Member to stop;
 - (b) requesting the Mayor to assist in an informal discussion of the alleged complaint with the Member in an attempt to resolve the issue. In the event that the Mayor is the subject of, or is implicated in a complaint, the person may request the assistance of the Deputy Mayor.
- 13.2 Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying conduct that they believe violates this Bylaw. However, an individual is not required to complete this informal procedure prior to pursuing the formal complaint procedure outlined below.

14. FORMAL COMPLAINT PROCESS

- 14.1 Any Person or Member who has identified or witnessed conduct by a Member that the Person or Member reasonably believes, in good faith, is in contravention of this Bylaw may file a formal complaint in accordance with the following procedure:
 - (a) All complaints shall be made in writing and shall be dated and signed by an identifiable individual;
 - (b) Complaints may be received at the Village Office, however, all complaints shall be addressed to the Investigator;

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- (c) The complaint must set out reasonable and probable grounds for the allegation that the Member has contravened this Bylaw, including a detailed description of the facts, as they are known, giving rise to the allegation;
- (d) If the facts, as reported, including the name of one or more members who are alleged to be responsible for the breach of this Bylaw, the Member or members concerned shall receive a copy of the complaint submitted to the Investigator;
- (e) Upon receipt of a complaint under this Bylaw, the Investigator shall review the complaint and decide whether to proceed to investigate the complaint or not. If the Investigator is of the opinion that a complaint is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, the Investigator may choose not to investigate, or if already commenced, may terminate any investigation, or may dispose of the complaint in a summary manner. In that event, the complainant and Council, if Council is not the Investigator, shall be notified of the Investigator's decision.
- (f) If the Investigator decides to investigate the complaint, the Investigator shall take such steps as it may consider appropriate, which may include seeking legal advice. All proceedings of the Investigator regarding the investigation shall be confidential.
- (g) If the Investigator is not Council, the Investigator shall, upon conclusion of the investigation, provide to Council and the Member who is the subject of the complaint, the results of the Investigator's investigation.
- (h) A Member who is the subject of an investigation shall be afforded procedural fairness, including an opportunity to respond to all the allegations before Council deliberates and makes any decision or imposes any sanction;
- (i) A Member who is subject to an investigation is entitled to be represented by legal counsel, at the Member's sole expense.

15. COMPLIANCE AND ENFORCEMENT

- 15.1. Members shall uphold the letter and spirit and intent of this Bylaw.
- 15.2. Members are expected to co-operate in every way possible in securing compliance with the application and enforcement of this Bylaw.
- 15.3. No Member shall:
 - (a) undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to council or to any other Person;
 - (b) obstruct Council, or any other person, in carrying out the objectives or requirements of this Bylaw;
- 15.4. Sanctions may be imposed on a Member, by Council, upon finding that he Member has breached this Bylaw may include:
 - (a) A letter of reprimand addressed to the Member;
 - (b) A request that the Member issue a letter of apology;
 - (c) Publication of a letter, reprimand, or request for apology and the Member's response;
 - (d) A requirement to attend training;
 - (e) Suspension or removal of the appointment of the Member as the Chief Elected Officer under section 150(2) of the Act;
 - (f) Suspension or removal of the appointment of the Member as the Deputy Chief Elected Officer under section 152 of the Act.
 - (g) Reduction or suspension of remuneration as defined in Section 275.1 of the Act corresponding to a reduction in duties, excluding allowances for the attendance at council meetings.
 - (h) Any other sanction Council deems reasonable and appropriate in the circumstances provided that the sanction does not prevent a Member from fulfilling the legislated duties of a Member and the sanction is not contrary to the Act.

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16. REVIEW

- 16.1 This Bylaw shall be brought forward for review at the beginning of each term of Council, when relevant legislation is amended and at any other time that Council considers appropriate to ensure that it remains current and continues to accurately reflect the standards of ethical conduct expected for Members.

17. SEVERABILITY

- 17.1 If any clause in this Bylaw is found to be invalid, it shall be severed from the remainder of the Bylaw and shall not invalidate the whole Bylaw.

18. COMING INTO FORCE

- 18.1 Upon third reading of Bylaw 2018-03, Bylaw 2017-03 and all amendments thereto are hereby repealed.

Read a first time this 24th day of September, 2018
Read a second time this 24th day of September, 2018
Read a third and final time this 9th day of October, 2018

Mayor Wise

CAO Leslie