

BYLAW NO. 1474 – 18

OF THE

TOWN OF BONNYVILLE

BEING A BYLAW OF THE TOWN OF BONNYVILLE TO ESTABLISH A CODE OF CONDUCT FOR MEMBERS OF COUNCIL

WHEREAS, pursuant to section 146.1(1) of the *Municipal Government Act*, a council must, by bylaw, establish a code of conduct governing the conduct of councillors;

AND WHEREAS, pursuant to section 153 of the *Municipal Government Act*, councillors have a duty to adhere to the code of conduct established by the council;

AND WHEREAS the public is entitled to expect the highest standards of conduct from the members that it elects to council for the Town of Bonnyville;

AND WHEREAS the establishment of a code of conduct for members of council is consistent with the principles of transparent and accountable government;

AND WHEREAS a code of conduct ensures that members of council share a common understanding of acceptable conduct extending beyond the legislative provisions governing the conduct of councillors;

NOW THEREFORE the Council of the Town of Bonnyville, in the Province of Alberta, duly assembled, enacts as follows:

1. Title

1.1. This Bylaw may be referred to as the "Council Code of Conduct Bylaw".

2. Definitions

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

- (a) "Act" means the Municipal Government Act, R.S.A. 2000, c. M-26, and associated regulations, as amended;
- (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, any associated regulations, and any amendments or successor legislation;
- (e) "Investigator" means Council or the individual or body established by Council to investigate and report on complaints;
- (f) "Member" means a member of Council and includes a Councillor or the Mayor;
- (f) "Municipality" means the municipal corporation of the Town of Bonnyville.

3. Purpose and Application

- 3.1. The purpose of this Bylaw is to establish standards for the ethical conduct of Members relating to their roles and obligations as representatives of the Municipality and a procedure for the investigation and enforcement of those standards.

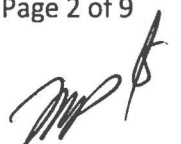
4. Representing the Municipality

- 4.1. 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;
- (c) conduct themselves in a professional manner 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; and
- (d) conduct themselves in a manner that promotes public confidence.

5. Communicating on Behalf of the Municipality

- 5.1. A Member must not claim to speak on behalf of Council unless authorized to do so by Council.
- 5.2. Unless Council directs otherwise, the Mayor is Council's official spokesperson and in the absence of the Mayor it is the Deputy Mayor. All inquiries from the media regarding the official Council position on an issue shall be referred to Council's official spokesperson.



- 5.3. A Member who is authorized to act as Council's official spokesperson must ensure that their comments accurately reflect the official position and will of Council as a whole, even if the Member personally disagrees with Council's position.
- 5.4. No Member shall make a statement when they know is false.
- 5.5. No Member shall make a statement with the intent to mislead Council or members of the public.

6. Respecting the Decision-Making Process

- 6.1. 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.
- 6.2. Members shall conduct and convey Council business and all their duties in an open and transparent manner other than for those matters which by law are authorized to be dealt with in a confidential manner in an in-camera session. In so doing, the rationale which was used to reach decisions will be transparent and public.
- 6.3. Members shall accurately communicate the decisions of Council, even if they disagree with Council's decision.

7. Adherence to Policies, Procedures and Bylaws

- 7.1. 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.
- 7.2. Members shall respect the Municipality and the Council as an institution, its bylaws, policies and procedures.
- 7.3. To avoid undermining public confidence in the Municipality and in the rule of law, a Member must not encourage disobedience of any bylaw, policy or procedure of the Municipality in responding to a member of the public,

8. Respectful Interactions with Council Members, Staff, the Public and Others

- 8.1. Members shall act in a manner that demonstrates fairness, respect for individual differences and opinions, and an intention to work together for the common good and in furtherance of the public interest.
- 8.2. Members shall treat one another, employees of the Municipality and members of the public with courtesy, dignity and respect as afforded under the Constitution of Canada, Federal and Provincial Law and the governing policies of the municipality.

8.3. No Member shall speak in a manner that is discriminatory to any individual based on the person's race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.

8.4. Members must not:

- (a) involve themselves in matters of Administration, which fall within the jurisdiction of the "CAO", as defined above;
- (b) use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any employee of the Municipality with the intent of interfering in the employee's duties; or
- (c) maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of employees of the Municipality.

9. Confidential Information

9.1. Members must keep in confidence matters discussed in private at a Council or Council committee meeting until the matter is discussed at a meeting held in public.

9.2. Members shall refrain from disclosing or releasing any confidential information acquired by virtue of their office except when required by law or authorized by Council to do so.

9.3. No Member shall use confidential information for personal benefit.

9.4. Confidential information includes information in the possession of, or received in confidence by, the Municipality that the Municipality is prohibited from disclosing pursuant to legislation, court order or by contract, or is required to refuse to disclose under FOIP or any other legislation, or any other information that pertains to the business of the Municipality, and is generally considered to be of a confidential nature, that have not been the subject matter of deliberation in a meeting open to the public or has not been firstly discussed in public by the Council. These may include but are not limited to information concerning:

- (a) the security of the property of the Municipality;
- (b) land or other property transactions, not discussed in public by the Council, specific to;
 - i) a proposed transaction or negotiation
 - ii) a pending acquisition
 - iii) the disposition or other property;
- (c) contract negotiations;

- (d) employment and labour relations;
- (e) draft documents and legal instruments, including reports, policies, bylaws and resolutions;
- (f) law enforcement matters;
- (g) litigation or potential litigation, including matters before administrative tribunals; and
- (h) advice that is subject to solicitor-client privilege.

10. Conflicts of Interest and/or Pecuniary Interest

- 10.1 Members shall rigorously avoid situations which may result in claims of conflict of interest or bias.
- 10.2 Members shall not exploit the position for private reasons or any reason that would bring discredit to Council.
- 10.3 In respect of pecuniary interests, it is each Members responsibility to:
 - (a) Decide whether or not the Member has a pecuniary interest, however, the Member may discuss their decision with Council and/or seek the advice of the Mayor and/or CAO;
 - (b) Notify the Mayor or Chair of the meeting prior to the matter being considered, if a Member believes s/he may have a pecuniary interest in the matter.
- 10.4 If a Member believes they may have or may reasonably be perceived to have a conflict of interest; it is that Members responsibility to leave the meeting room if the matter is discussed and not return until discussion has ended or voting on the matter has been concluded.

11. Improper Use of Influence

- 11.1. No Member shall use the influence of the Member's office for any purpose other than for the exercise of the Member's official duties.
- 11.2. 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 with the Municipality while they hold their elected position.

12. Use of Municipal Assets and Services

- 12.1. Members shall use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Member, subject to the following limited exceptions:



- (a) municipal property, equipment, service, supplies and staff resources that may be available to the general public by a resolution of Council, may be used by a Member for personal use upon the same terms and conditions as members of the general public, including booking and payment of any applicable fees or charges;
- (b) electronic communication devices, including but not limited to desktop computers, laptops, tablets and smartphones, which are supplied by the Municipality to a Member, may be used by the Member for personal use, provided that the use is not offensive or inappropriate in the opinion of Council.

13. Orientation and Other Training Attendance


- 13.1. Every Member must attend the orientation training offered by the Municipality within 90 days after the Member takes the oath of office.
- 13.2. Unless excused by Council, every Member must attend any other training organized at the direction of Council for the benefit of Members throughout the Council term.
- 13.3. Members shall be transparent and accountable with respect to all expenditures and strictly comply with all municipal bylaws, policies and procedures regarding claims for remuneration and expenses.

14. Informal Complaint Process

- 14.1 Any Member who has identified or witnessed conduct by a Member that the 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 this Bylaw and encouraging the Member to stop,
 - (b) requesting the Mayor to assist in 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.
- 14.2 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 complaint procedure prior to pursuing the formal complaint procedure outlined below.

15. Formal Complaint Process

- 15.1 Any Member who has identified or witnessed conduct by a Member that the Member reasonably believes, in good faith, is in contravention of this Bylaw may file a formal complaint in accordance

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with the following procedure:

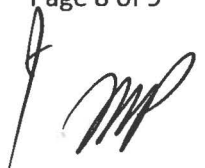
- (a) All complaints shall be made in writing within fourteen (14) days from the date on which the complainant knew, or ought to have known, that the breach of the code of conduct occurred; complaints that the code of conduct was breached more than fourteen (14) days prior, will not be considered.
- (b) All complaints shall be addressed to Council as the Investigator;
- (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, include 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 the 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 the allegations before Council deliberates and makes any decision or any sanction is imposed;
- (i) A Member who is the subject of an investigation is entitled to be represented by legal counsel, at the Member's sole expense.
- (j) The decision of the Investigator in the matter of complaint is to be considered as final insofar as within the context of this Bylaw.

16. Compliance and Enforcement

- a. Members shall uphold the letter and the spirit and intent of this Bylaw.
- b. Members are expected to co-operate in every way possible in securing compliance with the application and enforcement of this Bylaw.
- c. 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.
- d. Sanctions that may be imposed on a Member, by Council, upon a finding that the Member has breached this Bylaw may include:
 - (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 appointment of a Member as the chief elected official under section 150(2) of the Act;
 - (e) suspension or removal of the appointment of a Member as the deputy chief elected official or acting chief elected official under section 152 of the Act;
 - (f) suspension or removal of the chief elected official's presiding duties under section 154 of the Act;
 - (g) suspension or removal from some or all Council committees and bodies to which council has the right to appoint members;
 - (h) 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;
 - (i) 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 Councillor and the sanction is not contrary to the Act.

17. Review

- 17.1. 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 of Members.

INTRODUCED AND GIVEN FIRST READING this 12th day of June, 2018.



MAYOR



CHIEF ADMINISTRATIVE OFFICER

GIVEN SECOND READING this 26th day of June, 2018.



MAYOR



CHIEF ADMINISTRATIVE OFFICER

GIVEN THIRD AND FINAL READING this 26th day of June, 2018.



MAYOR



CHIEF ADMINISTRATIVE OFFICER