VILLAGE OF GLENWOOD
BYLAW # 244-2018

Council Code of Conduct Bylaw

BEING A BYLAW OF THE VILLAGE OF GLENWOOD, IN THE PROVINCE OF ALBERTA, 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 146.1(3) of the *Municipal Government Act*, a council may, by bylaw, establish a code of conduct governing the conduct of members of council committees and other bodies established by the council who are not 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 Village of Glenwood;

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 Village of Glenwood, in the Province of Alberta, duly assembled, enacts as follows:

1. TITLE AND DEFINITIONS:

1.1 **Title** – This bylaw may be cited as the "Council Code of Conduct Bylaw".

1.2 **Definitions** – 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) "**Investigation Team**" means the Mayor and Deputy Mayor when investigating a complaint in keeping with this Bylaw.
Council to investigate and report on complaints;
(f) "**Member**" means a member of Council and includes a councillor or the Mayor and includes members of council committees or other bodies established by Council who are not councillors or the Mayor;
(g) "**Municipality**" means the municipal corporation of the Village of Glenwood.

2. PURPOSE AND APPLICATION:

2.1 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.

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;
(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; and
(d) Arrange their private affairs and conduct themselves in a manner that promotes public confidence and will bear close public scrutiny.

4. COMMUNICATING ON BEHALF OF THE MUNICIPALITY:

4.1 A Member must not claim to speak on behalf of Council unless authorized to do so.
4.2 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.

4.3 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.

4.4 No Member shall make a statement when they know that statement is false.

4.5 No Member shall make a statement with the intent to mislead Council or members of the public.

5. RESPECTING THE DECISION-MAKING PROCESS:

5.1 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.

5.2 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, and in so doing, allow the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.

5.3 Members shall accurately communicate the decisions of Council, even if they disagree with Council's decision, such that respect for the decision-making processes of Council is fostered.

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.

6.3 A Member must not encourage disobedience of any bylaw, policy or procedure of the Municipality in responding to a member of the public, as this undermines public confidence in the Municipality and in the rule of law.

7. RESPECTFUL INTERACTIONS WITH COUNCIL MEMBERS, STAFF, THE PUBLIC AND OTHERS:

7.1 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.

7.2 Members shall treat one another, employees of the Municipality and members of the public with courtesy, dignity and respect and without abuse, bullying or intimidation.

7.3 No Member shall use indecent, abusive, or insulting words or expressions toward another Member, any employee of the Municipality or any member of the public.

7.4 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.

7.5 Members shall respect the fact that employees in Administration work for the Municipality as a corporate body and are charged with making recommendations that reflect their professional expertise and a corporate perspective and that employees are required to do so without undue influence from any Member or group of Members.

7.6 Members must not:

(a) Involve themselves in matters of Administration, which fall within the jurisdiction of the CAO;

(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.

8. CONFIDENTIAL INFORMATION:

8.1 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.

8.2 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.

8.3 No Member shall use confidential information for personal benefit or for the benefit of any other individual organization.

9. CONFLICTS 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 undue 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.

9.4 It is the individual responsibility of each Member to seek independent legal advice, at the Member's sole expense, with respect to any situation that may result in a pecuniary or other conflict of interest.

10. IMPROPER USE OF INFLUENCE:

10.1 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. 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 a Member.

12. ORIENTATION AND OTHER TRAINING ATTENDANCE:

12.1 Every Member must attend the orientation training offered by the Municipality within 90 days after the Member takes the oath of office.

12.2 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.

12.3 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.

12.4 Members may accept hospitality, gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation, provided that the value of the hospitality, gift or benefit does not exceed $200.

12.5 Gifts received by a Member on behalf of the Municipality as a matter of official protocol which have significance or historical value for the Municipality shall be left with the Municipality when the Member ceases to hold office.

13. INFORMAL COMPLAINT PROCESS:

13.1 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.

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 complaint procedure prior to pursuing the formal complaint procedure outlined below.

14. FORMAL 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 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) All complaints shall be addressed to the Investigation team;

(i) The investigation team shall consist of the Mayor and Deputy Mayor.

(ii) Notwithstanding section 14.1.b.i, if the Mayor or Deputy Mayor are the subject of the complaint, Council shall appoint a member or members of Council to replace the Mayor or Deputy Mayor on the Investigation Team.

(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 investigation team;

(e) Upon receipt of a complaint under this Bylaw, the Investigation Team shall review the complaint and decide whether to proceed to investigate the complaint or not. If the Investigation Team 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 Investigation Team 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 Investigation Team, shall be notified of the Investigation Team's decision;

(f) If the Investigation Team decides to investigate the complaint, the Investigation Team shall take such steps as it may consider appropriate, which may include seeking legal advice. All proceedings of the Investigation Team regarding the investigation shall be confidential;

(g) If the Investigation Team is not Council, the Investigation Team shall, upon conclusion of the investigation, provide the Council and the Member who is the subject of the complaint, the results of the Investigation Team'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.

15. COMPLIANCE AND ENFORCEMENT:

15.1 Members shall uphold the letter and the 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 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.

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 of Members.

17. DATE OF COMMENCEMENT:

17.1 This bylaw shall come into effect upon third and final reading.

Read a FIRST time this 19th day of March, 2018.
Read a SECOND time this 14th day of June, 2018.
Read a THIRD time and finally passed this 14th day of June, 2018.

Albert Elias
Mayor

Chad Parsons
Chief Administrative Officer