

Bylaw 600-20

A BYLAW OF THE VILLAGE OF HINES CREEK, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING 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 establishment of a code of conduct for members of council is consistent with the principles of transparent and accountable government;

NOW THEREFORE, the Council of the Village of Hines Creek duly enacts as follows:

1. Title

- a) This Bylaw may be referred to as the "Council Code of Conduct Bylaw".

2. Definitions

- a) 2.1 In this Bylaw, words have the meanings set out in the Act, except that:
 - (i) "Act" means the Municipal Government Act, R.S.A. 2000, c. M-26, and associated regulations, as amended;
 - (ii) "Administration" means the administrative and operational arm of the Municipality, which is comprised of the C.A.O.;
 - (iii) "C.A.O." means the chief administrative officer of the Village of Hines Creek;
 - (iv) "Councillor" means a member of Council and includes a councillor and the Mayor;
 - (v) "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;
 - (vi) "Municipality" means the municipal corporation of the Village of Hines Creek.

3. PURPOSE and APPLICATION

The purpose of this Bylaw is to establish standards for the ethical conduct of Councillors 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

Councillors 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.

5. COMMUNICATING ON BEHALF OF THE MUNICIPALITY

- a) A Councillor must not claim to speak on behalf of Council unless authorized to do so.

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- b) 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.
- c) No Councillor shall make a statement when they know that statement is false.
- d) No Councillor shall make a statement with the intent to mislead Council or members of the public.

6. RESPECTING THE DECISION MAKING PROCESS

- a) Decision making authority lies with Council, and not with any individual Councillor. Council may only act by bylaw or resolution passed at a Council meeting held in public at which there is a quorum present. No Councillor 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.
- b) Councillors 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.
- c) Councillors 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.

7. ADHERENCE TO POLICIES, PROCEDURES AND BYLAWS

- a) Councillors shall uphold the law established by the Parliament of Canada and the Legislature of Alberta and the bylaws, policies and procedures adopted by Council
- b) Councillors 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.
- c) A Councillor 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.

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

- a) Councillors 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.
- b) Councillors shall treat one another, employees of the Municipality and members of the public with courtesy, dignity and respect and without abuse, bullying or intimidation.
- c) No Councillors shall use indecent, abusive, or insulting words or expressions toward another Councillors, any employee of the Municipality or any member of the public.
- d) No Councillors shall speak in a manner that is discriminatory to any individual based on the person's race, religious beliefs, color, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.

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- e) Councillors 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 Councillor or group of Councillors.
- f) Councillors must not:
 - i. involve themselves in matters of Administration, which fall within the jurisdiction of the "CAO";
 - ii. 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
 - iii. maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of employees of the Municipality.

9. CONFIDENTIAL INFORMATION

- a) Councillors 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.
- b) In the course of their duties, Councillors may also become privy to confidential information received outside of an "in-camera" meeting. Councillors must not:
 - i. disclose or release by any means to any member of the public, including the media, any confidential information acquired by virtue of their office, unless the disclosure is required by law or authorized by Council to do so;
 - ii. access or attempt to gain access to confidential information in the custody or control of the Municipality unless it is necessary for the performance of the Councillor's duties and is not otherwise prohibited by Council, and only then if the information is acquired through appropriate channels in accordance with applicable Council bylaws and policies;
 - iii. use confidential information for personal benefit or for the benefit of any other individual or organization.
- c) 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, including but not limited to information concerning:
 - i. The security of the property of the Municipality;
 - ii. A proposed or pending acquisition or disposition of land or other property;
 - iii. A tender that has or will be issued but has not been awarded;
 - iv. Contract negotiations
 - v. Employment and labor relations
 - vi. Draft documents and legal instruments, including reports, policies, bylaws and resolutions, that have not been the subject matter of deliberation in a meeting open to the public;
 - vii. Law enforcement matters;
 - viii. Litigation or potential litigations, including matters before administrative tribunals; and
 - ix. Advice that is subject to solicitor-client privilege.

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10. CONFLICTS OF INTEREST

- a) Councillors 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
- b) Councillors 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.
- c) Councillors shall approach decision-making with an open mind that is capable of persuasion.
- d) It is the individual responsibility of each Councillor to seek independent legal advice, at the Councillors sole expense, with respect to any situation that may result in a pecuniary or other conflict of interest.

11. IMPROPER USE OF INFLUENCE

- a) No Councillor shall use the influence of the Councillor's office for any purpose other than for the exercise of the Councillor's official duties.
- b) No Councillor shall act as a paid agent to advocate on behalf of any individual, organization or corporate entity before Council or a committee of Council or any other body established by Council.
- c) Councillors shall not contract or otherwise attempt to influence members of any adjudicative body regarding any matter relating to the Municipality.
- d) Councillors shall refrain from using their positions to obtain employment with the Municipality for themselves, family members, or close associates. Councillors are ineligible to apply or be considered for any position with the Municipality while they hold their elected position, unless no other suitable or qualified applicants applied.

12. USE OF MUNICIPAL ASSETS AND SERVICES

- a) Councillors shall use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Councillor, subject to the following limited exceptions:
 - i. municipal property, equipment, service, supplies and staff resources that are available to the general public may be used by a Councillor 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;
 - ii. electronic communication devices, including but not limited to desktop computers, laptops, tablets and smartphones, which are supplied by the Municipality to a Councillor, may be used by the Councillor for personal use, provided that the use is not for personal gain, offensive or inappropriate.

13. ORIENTATION AND OTHER TRAINING ATTENDANCE

- a) A municipality must, in accordance with the regulations, offer orientation training to each councillor, to be held within 90 days after the councillor takes the oath of office. Attendance at additional training sessions throughout the Council term is discretionary.

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14. REMUNERATION AND EXPENSES

- a) Councillors are stewards of public resources and shall avoid waste, abuse and extravagance in the use of public resources.
- b) Councillors 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.

15. GIFTS AND HOSPITALITY

- a) Councillors shall not accept gifts, hospitality or other benefits other than the normal exchange of gifts between business colleagues and friends. Acceptable gifts will include:
 - i. Rewards, gifts and benefits not connected with the performance or duties of the office;
 - ii. Food and beverages at banquets, receptions, ceremonies or similar events,
 - iii. Food, lodging, transportation and entertainment provided by other levels of governments, boards or commissions,
 - iv. A reimbursement of reasonable expenses in the performance of council duties,
 - v. Token gifts such as souvenirs, mementoes and commemorative gifts that are given in recognition of service or attendance, OR
 - vi. Gifts that are received as an incident of protocol or social obligation from the responsibility of office.
- b) Councillors shall refrain from accepting gifts, favors or promises of future benefits that may compromise their independence.
- c) Councillors shall not accept invitations from municipal contractors or potential contractors to attend special events that may be viewed as creating an unreasonable level of access or indebtedness.

16. ELECTION CAMPAIGNS

- a) No Councillor shall use any facilities, equipment, supplies, services, municipal logo or other resources of the Municipality for any election campaign or campaign-related activity.

17. INFORMAL COMPLAINT PROCESS

- a) Any person or who has identified or witnessed conduct by a Councillor that they reasonably believe, in good faith, is in contravention of this Bylaw may address the prohibited conduct by:
 - i. advising the Councillor that the conduct violates this Bylaw and encouraging the Councillor to stop;
 - ii. requesting the Mayor to assist in informal discussion of the alleged complaint with the Councillor to resolve the issue. If the Mayor is the subject of, or is implicated in a complaint, the person may request the assistance of the Deputy Mayor.

18. FORMAL COMPLAINT PROCESS

- 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 Council with a copy to the C.A.O;
- c) The complaint must set out reasonable and probable grounds for the allegation that the Councillor has contravened this Bylaw, including a

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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 Councillors who are alleged to be responsible for the breach of this Bylaw, the Councillor or Councillors concerned shall receive a copy of the complaint submitted to the C.A.O.;
- e) Upon receipt of a complaint under this Bylaw, Council shall meet, in a closed session, excluding the Councillor(s) concerned.

19. COMPLIANCE AND ENFORCEMENT

- a) Councillors shall uphold the letter and the spirit and intent of this Bylaw.
- b) Councillors are expected to co-operate in every way possible in securing compliance with the application and enforcement of this Bylaw.
- c) No Councillors shall:
 - i. 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;
 - ii. obstruct Council, or any other person, in carrying out the objectives or requirements of this Bylaw.
- d) Sanctions that may be imposed on a Councillor, by Council, upon a finding that the Councillor has breached this Bylaw may include:
 - i. a letter of reprimand addressed to the Councillor;
 - ii. requesting the Councillors to issue a letter of apology;
 - iii. publication of a letter of reprimand or request for apology and the Councillor response;
 - iv. suspension or removal of the appointment of a Councillor as the chief elected official under section 150(2) of the Act;
 - v. suspension or removal of the appointment of a Councillor as the deputy chief elected official or acting chief elected official under section 152 of the Act;
 - vi. suspension or removal of the chief elected official's presiding duties under section 154 of the Act;
 - vii. suspension or removal from some or all Council committees and bodies to which council has the right to appoint members;
 - viii. 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;
 - ix. any other sanction Council deems reasonable and appropriate in the circumstances provided that the sanction does not prevent a Councillors from fulfilling the legislated duties of a councillor and the sanction is not contrary to the Act.

20. REVIEW

- a) This Bylaw shall be brought forward for review at the organizational meeting preceding the election every 4 years.

21. REPEAL OF BYLAW

- a) Bylaw 576-18, and all related amendments, shall be repealed up the Third and Final Reading of this Bylaw.

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SEVERABILITY If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed.

EFFECTIVE DATE: That this Bylaw shall come into force and effect on the date of final reading and signing hereof.

READ a first time this _____ day of _____, 2020.

READ a second time this _____ day of _____, 2020.

Given UNANIMOUS consent to go to third reading on this _____ day of _____, 2020.

READ, a third time and finally passed this _____ day of _____, 2020.

Hazel Reintjes
Mayor

Leanne Walmsley
Chief Administrative Officer

