

BYLAW

Bylaw Number: 890/19

Bylaw Name: **Council Code of Conduct**

A BYLAW IN THE MUNICIPALITY OF THE TOWN OF BASSANO IN THE PROVINCE OF ALBERTA TO PROVIDE FOR A COUNCIL CODE OF CONDUCT

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 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 Bassano,

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 Bassano, 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" of the Town of Bassano.

2. Definitions

- 2.1 "**Act**" means the Municipal Government Act, R.S.A 2000, c. M-26, and associated regulations, as amended;
- 2.2 "**Administration**" means the administration 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 Chief Administrative Officer;
- 2.3 "**Chief Administrative Officer**" means the CAO of the Municipality, or their delegate;
- 2.4 "**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;
- 2.5 "**Investigator**" means Council or the individual or body established by Council to investigate and report on complaints;

- 2.6 “Member” means a member of Council and includes a Councillor or the Mayor; and,
- 2.7 “Municipality” means the municipal corporation of the Town of Bassano.

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 function and duties in 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

- 5.1 A member must not claim to speak on behalf of Council unless authorized to do so.
- 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 the Council's position.
- 5.4 No Member shall make a statement when they know the statement 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 those matters which by law are authorized to be dealt with in a

confidential manner in a closed session, and in so doing, allow the public to view the process and a rationale which was used to reach decisions and the reason for taking certain actions.

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

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 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.

8. REPECTFUL 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 and without abuse, bullying or intimidation.
- 8.3 No Member shall use indecent, abusive, or insulting words or expression toward another Member, and employee of the Municipality, or any member of the public.
- 8.4 No Member shall speak in 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.
- 8.5 Members shall respect the fact that employees in Administration work for the Municipality as a corporation 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.
- 8.6 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.

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 In the course of their duties, Members may also become privy to confidential information received outside of a “closed session” meeting. Members must not:
- (a) 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;
 - (b) 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 Member’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;
 - (c) use confidential information for personal benefit or for the benefit of any other individual or organization.
- 9.3 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:
- (a) the security of the property of the Municipality;
 - (b) a proposed or pending acquisition or disposition of land or other property;
 - (c) a tender that has or will be issued but has not been awarded;
 - (d) contract negotiations;
 - (e) employment and labour relations;
 - (f) 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;
 - (g) law enforcement matters;
 - (h) litigation or potential litigation, including matters before administrative tribunals; and
 - (i) advice that is subject to solicitor-client privilege.

10. CONFLICT OF INTEREST

- 10.1 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.
- 10.2 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.
- 10.3 Members shall approach decision-making with an open mind that is capable of persuasion.

- 10.4 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.

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 No Member shall act as a paid agent to advocate on behalf of any individual, organization or corporate entity before Council or committee of Council or any other body established by Council.
- 11.3 Members shall not contact or otherwise attempt to influence members of any adjudicative body regarding any matter before it relating to the Municipality.
- 11.4 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 and for one year leaving office.

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.

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. Attendance at additional training sessions throughout the Council term is discretionary.
- 13.2 Members are stewards of public resources and shall avoid waste, abuse and extravagance in the use of public resources.
- 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.
- 13.4 Members shall not accept gifts, hospitality or other benefits that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved.
- 13.5 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.
- 13.6 No member shall use facilities, equipment, supplies, services, municipal logo or other resources of the Municipality for any election campaign or campaign-related activity.

14. FORMAL COMPLAINT PROCESS

- 14.1 Organizations or individuals who have identified or witnessed any prohibited activity by a Councillor under this Bylaw may make complaint to any member of Council, the CAO, or a Community Peace officer.
- 14.2 If the complaint involves activity which may be in breach of the Criminal Code, organizations or individuals should make a complaint with the Royal Canadian Mounted Police.
- 14.3 If any member of Council becomes aware of misconduct by a Councillor or receives an allegation of misconduct against any other Councillor, or against an employee of the Town of Bassano, it is the responsibility of that Councillor to report the misconduct or allegation.
- 14.4 An allegation must be made in writing, dated, and signed by the person making it. Anonymous allegations shall not be accepted.
- 14.5 An allegation must include all of the facts available at the time the allegation is made, including how the individual became aware of the misconduct, the nature of the misconduct, names of any witnesses, as well as the date, time, and location of the alleged misconduct.
- 14.6 The written allegation must be delivered or directed to the Mayor of the Town of Bassano in a confidential manner. If the allegation involved the Mayor, the allegation is to be delivered to the Deputy Mayor. In the unlikely event that the allegation involves both the Mayor and Deputy Mayor, the complaint is to be delivered to the CAO in a sealed envelope.
- 14.7 In the event of the CAO receiving a sealed complaint in accordance with Section 14.6, he/she shall select a member of Council at their discretion to handle the complaint.
- 14.8 Within thirty (30) days of receipt, the Mayor, Deputy Mayor, or selected Councillor shall review the information in the complaint and deal with the matter at their discretion. The complainant shall be provided with a written report, containing the outcome of the investigation and any action(s) taken.
- 14.9 If the individual is unsatisfied with the action(s) taken, they may request Town of Bassano Council to discuss the allegation(s) during a closed-session of Council. Council may accept the action(s) taken, or by resolution of Council decide on alternate action(s).
- 14.10 Notwithstanding this process, any complainant may make application directly to Alberta Municipal Affairs, the Municipal Ombudsman, or to Court of Queen's Bench.
- 14.11 As a result of the complaint review and/or mediation, the consequences for a Councillor who has breached this Bylaw will vary depending on the severity, frequency, or any other factor which Council, in their sole discretion, deems relevant. Consequences may include any or all of the following:
 - (a) A verbal or written warning from the Mayor, Deputy Mayor, selected Councillor, or Council;
 - (b) The formal censure of the Councillor by Council;
 - (c) Require the Councillor to issue a verbal or written public apology;
 - (d) Require the Councillor to attend training relating to the complaint;
 - (e) Suspend or revoke any or all of the Committee appointments of the Councillor;

- (f) Suspend or revoke the appointment of a Councillor as the Deputy Mayor under Section 152 of the Municipal Government Act;
- (g) Refuse attendance of the Councillor to any conference or convention;
- (h) Report the misconduct to Alberta Municipal Affairs;
- (i) Report the misconduct to the appropriate authority if potentially criminal in nature, or violating any other Provincial or Federal statute;
- (j) reduction or suspension of remuneration corresponding to a reduction in duties, excluding allowances for attendance at Council meetings.

14.12 Any retaliatory action taken by the offending Councillor against the complainant shall not be tolerated and is in fact another serious violation of this Bylaw.

14.13 If the Councillor is believed, following investigation, to have performed a misconduct that may be considered a reason for disqualification in accordance with Section 174 of the Municipal Government Act, Council may, at their discretion, consider making an application to Court of Queen's Bench to determine if the eligibility of the Councillor has been breached.

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 an apology and the Member's response;
- (d) 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;
- (e) suspension or removal of the chief elected officials presiding duties under section 154 of the Act;
- (f) suspension or removal from some or all Council committees and bodies to which council has the right to appoint members;
- (g) 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;
- (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 councillor and the sanction is not contrary to the Act.

15. RESCIND

15.1 The following Bylaw is hereby rescinded:

15.1.1 Bylaw 875/18.

16. EFFECTIVE DATE AND READINGS

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.

16.2 This Bylaw shall take effect on the date of 3rd and final reading.

16.3 Read a first time this 12 day of November 2019.

16.4 Read a second time this 12 day of November 2019.

16.5 Read a third and final time this 12 day of November 2019.

TOWN OF BASSANO

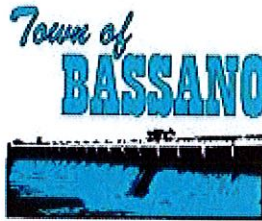


MAYOR



CHIEF ADMINISTRATIVE OFFICER

Schedule "A"



STATEMENT OF CODE OF ETHICS AND CONDUCT

I, Councillor _____, do solemnly swear to uphold the Town of Bassano Council Code of Conduct Bylaw at all times while serving as a municipally elected official representing the Town of Bassano. I have read and understand the Council Code of Conduct Bylaw and further agree to ALL the terms and conditions as specified in the Bylaw.

DATED at Bassano, Alberta this ____ day of _____, 20__

Councillor

Chief Administrative Officer