

BYLAW 1042/GEN/2018

A BYLAW 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 Fairview; 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 Fairview, in the Province of Alberta, duly assembled, enacts as follows:

1. Short Title

- 1.1. This Bylaw may be referred to as the “Council Code of Conduct Bylaw”.

2. Review and Update

- 2.1. This Bylaw shall be reviewed & updated as required, by council, at least once every four (4) years.

3. Definitions

- 3.1. *Administrative Staff*: Employees of the Town of Fairview. Councillors are not considered employees.
- 3.2. *CAO*: The Chief Administrative Officer of the Town of Fairview, as defined in the Municipal Government Act.
- 3.3. *Conflict of Interest*: Arises when a councillor’s personal interests conflict with their duties as a councillor.
- 3.4. *Council*: The Council for the Town of Fairview.
- 3.5. *Councillor*: A member of the Council, including the Mayor.
- 3.6. *FOIP*: Freedom of Information and Protection of Privacy Act, typically used in reference to Alberta’s FOIP Act, published by the Alberta Queen’s Printer.
- 3.7. *Gift*: Any real or personal property given.
- 3.8. *MGA*: Municipal Government Act, published by the Alberta Queen’s Printer.
- 3.9. *Pecuniary Interest*: If a matter before Council may financially benefit a councillor and or his or her family to the exclusion of benefitting others, that Councillor has a pecuniary interest in the matter (see Municipal Government Act S.170).

- 3.10. *Political Activity*: Includes but not limited to membership of a political party, participating in a political party's activities, soliciting donations and running for political office.

4. General Personal Conduct

- 4.1. Councillors shall carry out their duties with integrity and for the benefit of all residents and ratepayers in the Town.
- 4.2. Councillors shall carry out their duties with impartiality, putting the interests of the public above personal interests.
- 4.3. Councillors shall not show favouritism to any group or groups and shall deliberate and make decisions for the general benefit of all residents.
- 4.4. Councillors shall show respect and accountability to each other and understand the benefit of healthy debate and discussion.
- 4.5. Councillors shall show respect to all staff and the public.
- 4.6. Councillors shall carry out their duties in good faith and conduct themselves in public in a way that reflects positively on the Town council.
- 4.7. Council business shall take place in Council chambers. Councillor discussions and debates regarding public matters shall not take place outside chambers verbally, on social media or in print.
- 4.8. Council shall follow the procedural bylaw in all council and committee meetings.
- 4.9. If there is a conflict between councillors, they shall follow best practices in conflict resolution to resolve to maintain a professional working relationship.
- 4.10. Councillors shall adhere to all laws, legislation, regulations, bylaws and policies.
- 4.11. Councillors will strive to educate themselves and take mandatory and offered training to continuously improve their ability to carry out their Council duties.
- 4.12. Councillors will conduct themselves and carry out their duties in accordance with the MGA.
- 4.13. Councillors will generally only have access to municipal assets and services that are available to all residents of the Town, except as needed to perform official Council duties.

5. Conflict of Interest

- 5.1. Councillors shall remove themselves from Council proceedings where they or an immediate family member would have a pecuniary interest concerning an outside business interest.
- 5.2. If a councillor has a pecuniary interest, they will disclose the pecuniary interest to Council. The disclosure will be described and recorded in the Council minutes. The councillor will then abstain from the discussion and voting on the matter and leave Council chambers until the discussion and voting on the matter has concluded.
- 5.3. In the case that a councillor may have a perceived pecuniary interest, they may indicate their desire to remove themselves from discussion and voting on that matter. The councillor will disclose and describe the perceived pecuniary interest to council and Council will, by resolution, decide if that councillor will or will not vote on the matter under discussion.
- 5.4. Discussions or motions regarding a non-profit organisation that a councillor is affiliated to shall not be deemed a pecuniary interest.
- 5.5. Councillors shall not use any information gained in the execution of office that is not available to the public for any purpose other than for official duties.
- 5.6. Councillors shall not use any influence of office for any purpose other than official duties.

- 5.7. Councillors shall not make unreasonable or unintended use of municipal materials, equipment, facilities or employees for personal gain or any private purpose.

6. Confidentiality

- 6.1. Councillors shall protect confidential information in accordance with Alberta's FOIP Act. Any matters discussed during an in-camera portion of a council meeting shall be considered confidential.
- 6.2. No resolutions shall be made during the in-camera portion of a meeting, except for a resolution to leave the in-camera portion and resume the regular meeting.
- 6.3. Only information protected by FOIP or allowed by the MGA shall be discussed during the in-camera portion of a meeting.
- 6.4. Councillors are required to continue to keep confidential information confidential even after leaving office at risk of fines or prosecution as per FOIP.

7. Communication to Public and Media

- 7.1. When speaking to the public or the media, councillors shall represent the official policies and positions of Council.
- 7.2. Councillors shall explicitly state that their opinion is not that of the Council when making a statement on their own opinion or position.
- 7.3. Official statements to the public and/or media on behalf of Council will be made by the Mayor or the designate.

8. Respect for Separation of Roles of Council and Administration

- 8.1. The only employee of Council is the Chief Administrative Officer (CAO). Councillors shall respect the CAO's authority to direct staff.
- 8.2. Council's point of communication access with the employees is the CAO. Councillors shall direct their questions and concerns regarding administrative matters to the CAO. Requests for information from directors shall be permitted.
- 8.3. Councillors shall refrain from making negative comments about staff to the public or media.
- 8.4. Council shall not advocate for the promotion, sanction or termination of any municipal employee other than the CAO.

9. Council Meetings

- 9.1. Councillors have the responsibility to come prepared to Council meetings.
- 9.2. Councillors shall listen respectfully to other councillors' views and opinions before responding.
- 9.3. All councillors must speak through the meeting Chair and will speak once permission has been granted by the Chair.
- 9.4. Councillors shall act by resolution, policy and bylaw.
- 9.5. Councillors are legally obligated to vote on all motions unless it has been determined that there is pecuniary interest.
- 9.6. Councillors comments, questions and discussions will stay on topic with the agenda.

10. Gifts

- 10.1. Councillors shall not accept or give gifts other than the normal exchange of gifts between business colleagues and friends. Acceptable gifts will include:

- 10.1.1. Rewards, gifts and benefits not connected with the performance or duties of the office,
- 10.1.2. Food and beverages at banquets, receptions, ceremonies or similar events,
- 10.1.3. Food, lodging, transportation and entertainment provided by other levels of governments, boards or commissions,
- 10.1.4. A reimbursement of reasonable expenses in the performance of council duties,
- 10.1.5. Token gifts such as souvenirs, mementoes and commemorative gifts that are given in recognition of service or attendance, OR
- 10.1.6. Gifts that are received as an incident of protocol or social obligation from the responsibility of office.
- 10.2. Councillors shall refrain from accepting gifts, favours or promises of future benefits that may compromise their independence.
- 10.3. 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.

11. Political Activity

- 11.1. Councillors have the right to be a member of a Provincial or Federal political party, take part in political activities and support a candidate for political office.
- 11.2. Councillors who wish to take part in political activities must clearly separate that activity from their duty as a councillor. Federal or Provincial political activities shall not be undertaken while carrying out the work of Council.
- 11.3. If a councillor wishes to run for a Provincial or Federal office, that councillor must take an unpaid leave of absence.
- 11.4. A Councillor that is elected to the House of Commons, the Legislative Assembly of Alberta or the senate will be required to resign from Council.

12. Breach of Policy

- 12.1. Members of council have a duty to help create a responsive, accessible, transparent and fair municipal government. Members have a duty to question whether another councillor is violating the legislation, ethics or respectful behaviour as set forth in this policy.
- 12.2. If a councillor suspects a breach of this policy by a fellow councillor, that councillor shall bring it to the attention of the Mayor.
- 12.3. If a councillor suspects a breach of this policy involves the mayor, it shall be taken up with the Deputy Mayor. If that councillor is not satisfied with the outcome of that discussion the councillor can table the matter in Council which may be discussed during an in-camera portion of the meeting.
- 12.4. Breaches of this policy may result in disciplinary action which may include but not limited to:
 - 12.4.1. Apology to affected individual or party,
 - 12.4.2. Removal of councillor from council committees,
 - 12.4.3. Dismissal from a position of Deputy Mayor or Chairperson of a committee,
 - 12.4.4. Mandatory training and education AND
 - 12.4.5. Disqualification if a breach of the MGA S.174(1).

13. Acknowledgment

13.1. It will be the requirement of each councillor upon accepting the oath of office, and every year thereafter, to sign Schedule A indicating they have read, understand and accept the terms of this and other related policies.

Read a first time in Council assembled this 15th day of May 2018
Read a second time in Council assembled this 15th day of May 2018
Council unanimously resolved to proceed to third reading this 15th day of May 2018
Read a third time in Council assembled this 15th day of May 2018

Signatures on original

Gordon MacLeod, Mayor

Signatures on original

Daryl Greenhill, Chief Administrative Officer

Schedule A – Policy Declaration

I, _____ (*print name*), have read, understand and accept the terms of the following bylaws, policies and procedures.

- 1) Town of Fairview Bylaw – Council Code of Conduct
- 2) Town of Fairview Bylaw – Council Procedure
- 3) Online FOIP Training - <http://www.servicealberta.gov.ab.ca/foip/training/online-training.cfm>

Signature

Date