



VILLAGE OF BITTERN LAKE

Bylaw #08/20

Code of Conduct for Members of Council

A BYLAW OF THE VILLAGE OF BITTERN LAKE IN THE PROVINCE OF ALBERTA TO ESTABLISH THE CODE OF CONDUCT FOR MEMBERS OF COUNCIL.

- WHEREAS pursuant to section 146.1(1) of the *Municipal Government Act*, a Council must, 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 Village of Bittern Lake;
- AND WHEREAS the establishment of a code of conduct for its 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 Bittern Lake duly assembled, hereby enacts as follow:

1. TITLE

This Bylaw may be cited as the "Council Code of Conduct Bylaw".

2. PURPOSE

The purpose of the Council Code of Conduct Bylaw is to set out the means by which Council Members interact with each other and conduct themselves in relation to:

- Integrity and respect;
- Leadership and Innovation;
- Accountability and Service Excellence
- Teamwork and Responsiveness;
- Partnership and Collaboration;



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Council members hold positions of privilege and public trust. Therefore, they must discharge their duties in a manner that recognizes a fundamental commitment to the well-being of the community, their fellow councillors and regard for the integrity of the Village.

3. DEFINITIONS

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

- 3.1 “Act” means the Municipal Government Act, R.S.A. 2000, c. M-26, and associated regulations, as amended;
- 3.2 “Administration” means the administrative and operational arm of the Municipality, employees who operate under the leadership and supervision of the CAO or their delegate.
- 3.3 “Investigator” means Council or the individual body established by Council to investigate and report complaints;
- 3.4 “Member” means a member of Council and includes a Councillor or the Mayor.
- 3.5 “Municipality” means the municipal corporation of the Village of Bittern Lake.
- 3.6 “Modern Hospitality: means free or subsidized means or beverages provided to councillors infrequently (and/or reciprocally) by individuals and representatives of other agencies associated with meetings or visits in connection with official functions.
- 3.7 “Relative” means current spouse, child, ward, sibling, parent, parent of spouse, grandchildren, grandparent, son-in-law, daughter-in-law or related dependent of the employee living in the household of the employee.
- 3.8 “Village” means the Village of Bittern Lake.
- 3.9 “Confidential Information” means any non-public information received while undertaking Council duties and includes, but is not limited to the following:
 - Any aspect of in camera deliberations;
 - Information identified as confidential within the provisions of the Freedom of Information and Protection of Privacy Act (FOIP);
 - Information subject to solicitor-client privilege.

RESPONSIBILITIES

4. LAWFUL CONDUCT

- 4.1. It is the responsibility of each member of Council to ensure that he/she is familiar with the roles of individual Councillors as defined in the Municipal Government Act dealing with the pecuniary



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interest, protection and privacy of confidential information and power of individual Councillors as well as the requirements set out in other provincial legislation, Village Bylaws and Policies:

4.1.1. Respect the confidentiality of issues and protect privileged information to which access is granted for the conduct of official duties, including but not limited to:

- a. Any aspect of in camera deliberations;
- b. Information identified as confidential within the provisions of the Freedom of Information and Protection of Privacy Act (FOIP);
- c. Information subject to solicitor-client privilege.

4.1.2. Avoid conflicts of interest, be refraining from self-dealing or any conduct of private business or personal services between Council members and the Village;

4.1.3. Refrain from exercising individual authority over the corporation or directing work of staff.

5. **PUBLIC INTEREST**

5.1. Council members must demonstrate through their interactions the lack of authority vested in them as an individual except when explicitly authorized by Council. Members of Council shall be impartial and fair in their judgement and actions; use their public office for public good and not personal gain; and conduct public deliberations and processes openly. Council recognizes that they are stewards of public assets and resources and are to act and make decisions solely in the best interest of the Village:

5.1.1. Disclose affiliations or interest with any organization that may affect their decision making on matters before Council;

5.1.2. Refrain from accepting gifts, fees, favors or promises of future benefits, either by themselves or a relative, beyond the scope of moderate hospitality, that might compromise their independence of judgement or action or give the appearance of being compromised;

5.1.3. Not use Village funds, property or information for personal benefit;

5.1.4. Council members shall not use their positions to obtain employment for themselves, family members or close associates.

6. **RESPECT**

6.1. Members of Council must conduct themselves in a way that promotes open, direct and timely communication. Council members must support the maintenance of a positive and constructive environment for residents, stakeholders, staff and fellow Council members. In this way, Councillors will foster respect for the democratic process:



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- 6.1.1. Adhere to professional standards when preparing any correspondence on behalf of the Village;
- 6.1.2. Refrain from abusive conduct, verbal attacks upon motive or character of other elected officials or public comment on staff performance;
- 6.1.3. Work with colleagues in the spirit of cooperation in spite of differences of opinion and listen to and respect those opinions which may be different from their own;
- 6.1.4. Strive for meaningful, open and honest communication.
- 6.2. Members of Council shall not discriminate against anyone on the basis of their ethnicity, gender, sexual orientation, age, record of offences, disability, religious beliefs or source of income or any other situation described in the Alberta Humans Rights Act as amended from time to time.

7. RELEASE OF PUBLIC INFORMATION (INCLUDING THROUGH SOCIAL MEDIA)

- 7.1. Members of Council acknowledge that official information related to the decisions and resolutions of Council will normally be communicated to the community and the media by Council as a whole or the Mayor as Head of Council or by his or her designate.

8. ORIENTATION AND OTHER TRAINING ATTENDANCE

- 8.1. Every member must attend the orientation training offered by the Municipality within 90 days after the member takes the oath of office.
- 8.2. Unless excused by Council, every member must attend any other training organized at the direction of Council for the benefit of members through the Council term.

9. PREPARATION

- 9.1. Members of Council shall inform themselves of the issues, listen attentively to public discussions before council and shall make decisions based on the merits and substance of the matter at hand:
 - 9.1.1. Devote the time, thought and attention to the duties of Council to render effective, objective and informed decisions;
 - 9.1.2. Consider all available information in making decisions and abide by and uphold the decisions of Council;
 - 9.1.3. Follow discussion guidelines, consistent with Robert Rules of Order, which include order, focus, equality and decorum.



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10. SEPARATION OF ROLES OF COUNCIL AND ADMINISTRATION

- 10.1. Members of Council shall at all times conduct themselves in a manner that reflects the separation of roles and responsibilities between Council and Administration. In order to effectively demonstrate respect for the separation of roles, members of Council shall:
- 10.1.1. Refrain from giving direction to any municipal employee or contracted resources, except where the direction is provided to the Chief Administrative Officer (CAO) and represents a position or decision of Council;
 - 10.1.2. Convey all concerns or requests for action or information directly to the CAO;
 - 10.1.3. Not solicit, demand, or accept the services of any municipal employee or contracted resource;
 - 10.1.4. Not express opinion on the performance of any municipal employee with the exception of the CAO, nor advocate for the promotion, sanction or termination of any municipal employee;
 - 10.1.5. Ensure that any situations of friendship, social relationship or social interaction with any employee is not perceived to have given the Council member an undue influence over that employee, including but not limited to:
 - 10.1.5.1. Access to information;
 - 10.1.5.2. Conflict of interest;
 - 10.1.5.3. Undermining the authority of the CAO.

11. INTEGRITY

- 11.1. Ultimately, ethical behaviour relies on the diligence of the individual. However, since a breach of ethics impacts not only on the individual but also the Village, a code of conduct is the means by which the municipality acknowledges their responsibility in this area, as well as their responsibility to provide clarity to the elected official on what would be considered inappropriate behaviour.
- 11.2. Without restricting the scope of this rule, the following shall be considered breaches of the Code of Conduct:
- 11.2.1. Conduct in a Councillor's private life or employment activities which may harm the Village's reputation or render the Councillor unable to perform his or her duties satisfactorily;
 - 11.2.2. To solicit patronage from administration, employees, contractors or other outside parties to further his or her personal interests or the interests of others, to the extent that any other citizen could not receive;
 - 11.2.3. To knowingly breach the law or any government regulation or to requests others to do so.



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12. ACKNOWLEDGEMENT OF RECEIPT

12.1. Every member of Council shall be provided with a copy of this policy and will sign the statement of commitment annually as an acknowledgement that he or she read and supports it.

13. LIMITATIONS

- 13.1. Council Members should not assume that any unethical activities not covered by the Code of Conduct are permissible.
- 13.2. Members of Council agree to uphold the intent of this policy and to govern their actions accordingly.

14. COMPLAINT PROCESS

- 14.1. Any person who has identified or witnessed conduct by a Member that the person reasonably believes, in good faith, is in contravention of this Bylaw may file a formal complaint in accordance with the following procedure:
- 14.1.1. All complaints shall be made in writing and shall be dated and signed by an identifiable individual;
- 14.1.2. All complaints shall be addressed to the Village Office.
- 14.1.3. The complaint must set out All complaints shall be made in writing and shall be dated and signed by an identifiable individual;
- 14.1.4. 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 Village Office;
- 14.1.5. Upon receipt of a complaint under this Bylaw, the CAO shall review the complaint and decide whether to proceed to investigate the complaint or not. If the CAO 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 CAO 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 shall be notified of the CAO's decision;
- 14.1.6. If the CAO decides to investigate the complaint, the CAO shall take such steps as it may consider appropriate, which may include seeking legal advice. All proceedings of the CAO regarding the investigation shall be confidential;
- 14.1.7. The CAO shall, upon conclusion of the investigation, provide the Council and the Member who is the subject of the complaint, the results of the CAO's investigation;



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- 14.1.8. 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;
- 14.1.9. A Member who is the subject of an investigation is entitled to be represented by legal counsel, at the Member's sole expense.

15. POLICY BREACHES

- 15.1. Members of Council have a duty to help create a responsive, accessible, transparent and fair municipal government. Accordingly, members have a duty to question whether another member is violating legislation, ethics or respectful behavior as set forth in this policy.
- 15.2. Should a member of Council breach any of the principles outlined in this policy, the possible courses of action that are available to Council include but are not limited to:
- 15.2.1. A letter of reprimand addressed to the Council member.
- 15.2.2. Apology by the member of Council to the impacted individual(s);
- 15.2.3. Publication of a letter of reprimand or request of an apology and the Member's response.
- 15.2.4. Removal of the member from Council Committees;
- 15.2.5. Dismissal of the member from a position of Deputy Mayor or Chairperson of a Committee;
- 15.2.6. Educational training on ethical and respectful conduct provided by a third party;
- 15.2.7. 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.
- 15.3. Any action taken by Council should include a time frame and what remedial action is expected.
- 15.4. A decision to apply one or more of the actions detailed above requires a Council resolution.
- 15.5. All discussions surrounding alleged or substantiated violations of this policy shall be conducted in an In Camera meeting of Council with the intent that the discussion shall remain confidential under the appropriate sections of the *Freedom of Information and Protection of Privacy Act* (FOIP).



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16. COME INTO FORCE

- 16.1. Bylaw # 08/20 is to replace Bylaw #02/19 in order to correct Bylaw numbering, Bylaw # 02/19 Code of Conduct Bylaw is hereby rescinded.
- 16.2. This Bylaw shall come into force and effect upon the date of the final passing thereof.

Received first reading 14 day of October, 2020

Mayor

CAO

Received second reading 14 day of October, 2020

Mayor

CAO

Received third and final reading 14 day of October, 2020

Mayor

CAO