



VILLAGE OF BITTERN LAKE

Bylaw #03/23

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

1. TITLE

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

2. DEFINITIONS

2.1 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, including all employees who operate under the leadership and supervision of the CAO;
- c) "CAO" means Chief Administrative Officer of the Municipality;
- d) "Closed Session" means a portion of the Council Meeting which is closed to the public in accordance with the *Municipal Government Act* and the *Freedom of Information and Protection of Privacy Act*;
- e) "Confidential Information" means any non-public information received while undertaking Council duties and includes, but is not limited to:
 - Any aspect of "closed session" deliberations.



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- Information identified as confidential within the provisions of the *Freedom of Information and Protection of Privacy Act* (FOIP).
 - Information subject to solicitor-client privilege.
- f) "Council" means the Mayor and Council Members duly elected in the Village of Bittern Lake and who continue to hold office;
 - g) "FOIP" means the *Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25*, and associated regulations, and any amendments or successor legislation;
 - h) "Investigator" means Council or the individual or body established by Council to investigate and report on complaints;
 - i) "Member" means a member of Council and includes a Councillor or the Mayor;
 - j) "Moderate Hospitality" means free or subsidized meals or beverages provided to Councillors infrequently (and/or reciprocally) by individuals or representatives of other agencies associated with meetings or visits in connection with official functions;
 - k) "Municipality" means the municipal corporation of the Village of Bittern Lake;
 - l) "Village" means the Village of Bittern Lake.

3. PURPOSE

3.1 The purpose of this Bylaw is to establish standards and provide guidelines for the ethical conduct of Members relating to their roles and obligations as representatives of the Municipality as defined in the *Municipal Government Act*, to provide information to the public as to the behavior they can expect from their Council, and to establish 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 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 to inform Council as a whole of the activities of that committee or board; and
- d) arrange their private affairs and conduct themselves in a manner that promotes public confidence and will bear close public scrutiny.



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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 Council's position.
- 5.4. No Member shall make a statement when they know that statement is false.
- 5.5. No Member shall make a statement with the intent to mislead Council or members of the public.

6. PREPARATION

- 6.1 Members shall inform themselves of the issues and listen attentively to public discussions before council and shall make decisions based on the merits and substance of the matter at hand:
 - a) Devote the time, thought and attention to the duties of Council to render effective, objective, and informed decisions;
 - b) Follow discussion guidelines consistent with Robert's Rules of Order, which include order, focus, equality, and decorum.

7. RESPECTING THE DECISION-MAKING PROCESS

- 7.1. 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.
- 7.2. 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 a closed 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.
- 7.3. 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.



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8. ADHERENCE TO POLICIES, PROCEDURES AND BYLAWS

- 8.1. 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.
- 8.2. 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.
- 8.3. 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.

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

- 9.1. 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.
- 9.2. 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.
- 9.3. No Member shall use indecent, abusive, or insulting words, expressions, or gestures toward another Member, any employee of the Municipality or any member of the public or demeaning or malicious attacks upon the motive or character of another elected official or public comment on staff performance.
- 9.4. No Member shall speak in a manner that is discriminatory to any individual based on the person's race, religious beliefs, colour, gender, physical or mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.
- 9.5. 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.
- 9.6. Members must not:
 - a) involve themselves in matters of Administration, which fall within the jurisdiction of the CAO;
 - b) give direction to any municipal employee or contracted resources, except where the direction is provided to the CAO and represents a position or decision of Council;
 - c) 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
 - d) maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of employees of the Municipality.



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10. CONFIDENTIAL INFORMATION

- 10.1. 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.
- 10.2. 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 organization.

11. CONFLICTS 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.

12. 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 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 after leaving office.

13. USE OF MUNICIPAL ASSETS AND SERVICES

- 13.1. Members shall use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Member, subject to the following limited exceptions:
 - a) municipal property, equipment, service, supplies, and staff resources that are available to the general public may be used by a Member for personal use upon the same terms and conditions as members of the public, including booking and payment of any applicable fees or charges.



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14. ORIENTATION AND OTHER TRAINING ATTENDANCE

14.1. 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.

15. REMUNERATION AND EXPENSE

15.1. Members are stewards of public resources and shall avoid waste, abuse, and extravagance in the use of public resources.

15.2. 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.

16. GIFTS AND HOSPITALITY

16.1. Members shall not accept gifts, hospitality, fees, favors or other benefits or promise of future benefits beyond the scope of moderate hospitality 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 or that might compromise their independence of judgment or action or give the appearance of being compromised.

16.2. Members may accept moderate hospitality, gifts, or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation.

17. ELECTION CAMPAIGNS

17.1 No Member shall use any facilities, equipment, supplies, services, municipal logo, or other resources of the Municipality for any election campaign or campaign-related activity except where these stated items are equally available for use by all nominees for municipal office.

18. INFORMAL COMPLAINT PROCESS

18.1 Any person who has identified or witnessed conduct by a Member that the person reasonably believed, 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.

18.2 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 outline below.



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19. FORMAL COMPLAINT PROCESS

- 19.1. 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:
- 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 Investigator;
 - 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 Investigator;
 - e) Upon receipt of a complaint under this Bylaw, the Investigator shall review the complaint and decide whether to proceed to investigate the complaint or not. If the Investigator 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 Investigator 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 Investigator, shall be notified of the Investigator's decision;
 - f) If the Investigator decides to investigate the complaint, the Investigator shall take such steps as it may consider appropriate, which may include seeking legal advice. All proceedings of the Investigator regarding the investigation shall be confidential;
 - g) A Member who is the subject of an investigation shall be afforded procedural fairness and provided an opportunity to respond to the allegations before Council deliberates and makes any decision or any sanction is imposed;
 - h) If the Investigator is not Council, the Investigator shall, upon conclusion of the investigation, provide the Council and the Member who is the subject of the complaint, the results of the Investigator's investigation;
 - i) A Member who is the subject of an investigation is entitled to be represented by legal counsel, at the Member's sole expense.

20. COMPLIANCE AND ENFORCEMENT

- 20.1. Members shall uphold the letter and the spirit and intent of this Bylaw.
- 20.2. Members are expected to co-operate in every way possible in securing compliance with the application and enforcement of this Bylaw.
- 20.3. No Member shall:



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- 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;
- 19.4 Sanctions that may be imposed on a Member, by Council, upon 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) educational training on ethical and respectful conduct provided by a third party;
 - d) suspension or removal of the appointment of a Member under section 150(2), section 152, or section 154 of the Act;
 - e) suspension or removal from some or all Council committees and bodies to which Council has the right to appoint Members;
 - f) 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.
 - g) the *Municipal Government Act* provides that a Member who is disqualified must resign immediately.

21. ACKNOWLEDGEMENT OF RECEIPT

- 21.1 Every Member of Council shall be provided with a copy of this Bylaw and will sign "Schedule A" Statement of commitment annually as an acknowledgement that they have read and agree to these terms.

22. REVIEW

- 22.1. 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.



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23. COME INTO FORCE


22.1 Bylaw #03/23 shall come into full force and effect upon the date of the final reading and passing thereof. Bylaw #08/20 is hereby repealed.

READ a First time this 18 day of January, ~~2023~~ 2024 ✓

READ a Second time this 21 day of FEB, ~~2023~~ 2024 ✓

READ a Third time this 21 day of FEB, ~~2023~~ 2024 ✓

SIGNED AND PASSED this 21 day of FEB, ~~2023~~ 2024 ✓.



Mayor



Chief Administrative Officer



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SCHEDULE - A

Annual Statement of Commitment to the Council Code of Conduct Policy for Members of Council

I, _____, declare that as an elected Member of the Village of Bittern Lake acknowledge and support the Code of Conduct for Members of Council Bylaw #03/23.

Declared this _____ day of _____, 20_____.

Signed: _____

Witnessed by:

Chief Administrative Officer