

Town of Olds Bylaw No. 2024-35

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(e.1) 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 Olds;

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;

AND WHEREAS the code of conduct or any sanctions imposed under a code of conduct must not prevent a Councillor from fulfilling the legislated duties of a Councillor;

NOW THEREFORE the Council of the Town of Olds, 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. 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, comprised of the various departments and business units and including all employees who operate under the leadership and supervision of the Chief Administrative Officer;
- (c) "CAO" means the chief administrative officer of the Municipality, or their delegate, who as per the *Municipal Government Act*, is the only employee of council;
- (d) "Closed Session" means a portion of the meeting at which only members of Council and other persons designated by Council may attend.

- (e) "Councillor(s)" includes the chief elected official;
- (f) "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;
- (g) "Investigator" means Council, an ad hoc committee of Council or the individual or body corporate appointed by Council to investigate and report on a complaint;
- (h) "Municipality" means the municipal corporation of the Town of Olds;
- (i) "Receiving Body" means the Mayor and Deputy Mayor or, if the complaint is against the Mayor and/or Deputy Mayor, the Deputy Mayor and subsequent Deputy Mayor as per the Deputy Mayor rotation schedule.

1. Purpose and Application

- 1.1. The purpose of this Bylaw is to establish standards for the ethical and professional 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.

2. Representing the Municipality

- 2.1. Councillors shall:
 - (a) serve the welfare and interests of the Municipality honestly and, in good faith;
 - (b) perform their functions and duties in a conscientious and diligent manner
 - (c) 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) ensure that conduct in their private affairs does not damage or have the potential to negatively impact the reputation of Council, Administration, and the community.

3. Communicating on Behalf of the Municipality

- 3.1. A Councillor must not speak on behalf of Council unless authorized to do so.
- 3.2. 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 the CAO or designate
- 3.3. A Councillor who is authorized to act as Council's official spokesperson must ensure that their comments accurately reflect the official position and will of Council, even if the Councillor personally disagrees with Council's position.
- 3.4. Councillors shall not make a statement when they know that statement is false.

3.5. Councillors shall not make a statement with the intent to mislead Council or members of the public.

3.6. This Bylaw applies to all forms of communication.

4. Respecting the Decision-Making Process

4.1. The appropriate forum for debate and discussion of matters before Council is, in a Council meeting.

4.2. 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. No Councillor shall give direction to employees in Administration, agents, contractors, consultants or other service providers or prospective vendors to the Municipality.

4.3. 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 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.

4.4. Elected Officials shall ensure that any public statement made by an Elected Official, stating that they did not vote with the majority of Council on an issue, is made in a manner that respects the decision of Council and of other Elected Officials.

5. Upholding the Law

5.1. Councillors shall uphold the law established by the Parliament of Canada and the Legislature of Alberta.

5.2. Councillors shall respect the Municipality as a corporation, its bylaws, policies and procedures and shall encourage public respect for the Municipality, its bylaws, policies and procedures.

5.3. 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.

6. Respectful Interactions with Council Members, Staff, the Public and Others

6.1. Councillors shall act in a manner that demonstrates fairness, respect for individual differences and opinions.,

6.2. 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.

6.3. Councillors shall not use indecent, abusive, or insulting words or expressions toward another Councillor, any employee of the Municipality or any member of the public.

6.4. Councillors will treat all people in good faith and without bias and shall not discriminate

against any person based on:

- (a) differences in personal opinions;
- (b) race, ancestry, place of origin, colour, ethnic origin, culture, citizenship, religion, creed, language, gender, sexual orientation, age, family status, disability or occupation.

6.5. Council has one employee; the Chief Administrative Officer.

6.6. Councillors must respect the fact that employees in Administration work for the Municipality as a corporate body.

6.7. Councillors 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.

7. Confidential Information

7.1. Councillors must keep in confidence matters discussed in closed session at a Council or Council committee meeting until the matter is discussed at a meeting held in public.

7.2. 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.

7.3. In the course of their duties, Councillors may also become privy to confidential information received outside of a "closed" session. Councillors 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 Councillors 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;

7.4 Information from a closed session within one agency or organization must not be shared with another agency or organization, even if that session is also closed, unless permission has been granted to share the information.

8. Conflicts of Interest

- 8.1. 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.
- 8.2. 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.
- 8.3. Councillors shall approach decision-making with an open mind that is capable of persuasion.
- 8.4. 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.

9. Improper Use of Influence

- 9.1. Councillors shall not excessively use the influence of the Councillors office for any purpose other than for the exercise of the Councillors official duties.
- 9.2. Councillors shall not 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.
- 9.3. Councillors shall not contact or otherwise attempt to influence members of any adjudicative body regarding any matter before it relating to the Municipality.
- 9.4. 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.

10. Use of Municipal Assets and Services

- 10.1. 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:

- (a) municipal property, equipment, service, supplies and staff resources that are available to the public may be used by a Councillor for personal use upon the same terms and conditions as members of the public, including booking and payment of any applicable fees or charges;
- (b) 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.

- 10.2. Councillors shall not use any facilities, equipment, supplies, services, municipal logo or other resources of the Municipality for any election campaign or campaign-related activity.

11. Orientation and Other Training Attendance

- 11.1. Every Councillor must attend the mandatory orientation training offered by the Municipality in accordance with the MGA.
- 11.2. Should an Authority, Board or Commission require orientation training, the appointed Councillors' attendance is mandatory. Attendance at additional training sessions throughout the Council term is discretionary.

12. Remuneration and Expense Claims

- 12.1. Councillors are stewards of public resources and shall avoid waste, abuse and extravagance in the use of public resources.
- 12.2. 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.

13. Gifts and Hospitality

- 13.1. Councillors 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.
- 13.2. Councillors may accept hospitality, gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation, provided that the value of the hospitality, gift or benefit does not exceed \$500.00. If the value of the hospitality, gift or benefit exceeds \$500.00, it must be reported to Council at the next Council meeting.
- 13.3. Gifts received by a Councillor on behalf of the Municipality as a matter of official protocol shall be left with the Municipality upon receipt of gift.

14. Complaint Process

- 14.1. Any person who has identified or witnessed conduct by a Councillor 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 must be filed within 90 days of the breach of the code of conduct bylaw occurring.
- (b) All Complaints filed will be accepted however will not be actioned within 90 days prior to a municipal general election.
- (c) All complaints shall be made in writing (see Appendix A: Council Code of Conduct Complaint Form) and shall be dated and signed by an identifiable individual;
- (d) All complaints shall be addressed to the Receiving Body;
- (d) The complaint must set out reasonable and probable grounds for the allegation that the Councillor has contravened this Bylaw, including a detailed description of the facts, as they are known, giving rise to the allegation;
- (e) Upon receipt of a complaint under this Bylaw, the Receiving Body will strive to conduct an initial assessment of the complaint within 30 days. If the Receiving Body is of the opinion that the complaint:
 - i. is not about a current Councillor;
 - ii. is frivolous or vexatious or is not made in good faith,
 - iii. does not allege a contravention of this Bylaw or otherwise does not comply with the requirements of this Section;
 - iv. alleges criminal activity; or
 - v. is covered by other applicable legislative appeal, complaint or court process,

the Receiving Body shall reject the complaint and advise the complainant in writing, with reasons for the rejection.

- (f) Unless a complaint is rejected by the Receiving Body, the complaint shall be added as a confidential (closed session) item to the agenda of the next regular meeting of Council or a special meeting of Council called to consider the complaint. A copy of the complaint shall be provided to all members of Council, including the Councillor(s) who is the subject of the complaint, as part of the confidential agenda package. Depending on the nature of the complaint, and after considering any recommendation from the Receiving Body, Council shall take such steps as it may consider appropriate in the circumstances, which may include:
 - i. proceeding to investigate the complaint;
 - ii. authorizing an ad hoc committee of Council to investigate the complaint and report to Council;
 - iii. retaining a third-party investigator to investigate the complaint and report to Council; or
 - iv. if the material facts are not in dispute or misconduct is admitted, deciding on the complaint without further investigation;

- (g) All complaint investigations shall be conducted in a fair, timely, and confidential manner that respects the principles of procedural fairness and natural justice;
- (h) The complainant and the Councillor(s) who is the subject of the complaint will receive written notice of the investigation process. During an investigation a complainant or witness may be asked to provide additional information. The respondent Councillor(s) is entitled to disclosure of all relevant information gathered during an investigation;
- (i) Once all relevant information has been provided to the respondent Councillor(s), the respondent Councillor(s) will be given a reasonable opportunity to respond to the complaint and provide any further information in support of their response prior to the Investigator completing their investigation;
- (j) If the Investigator is not Council, the Investigator shall, upon conclusion of the investigation, provide Council and the Councillor(s) who is the subject of the complaint, a written report outlining the Investigator's findings and conclusions;
- (k) All proceedings of the Investigator regarding the investigation shall be confidential;
- (l) The Investigator shall strive to complete an investigation within 90 days of the date the complaint is referred to the Investigator;
- (m) A Councillor 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.

14.2 A Councillor who is the subject of an investigation is entitled to be represented by legal counsel, at the Councillor's sole expense.

14.3 Public Release of Report

On completion of the complaint process, the report of the findings of the Investigator, if applicable, shall be released to the public, to the extent possible subject to FOIP, at the next regular council meeting and posted to the Town's website.

15. Compliance and Enforcement

15.1. Councillors shall uphold the provisions of this Bylaw.

15.2. Councillors are expected to co-operate in every way possible in securing compliance with the application and enforcement of this Bylaw, including the complaint investigation process.

15.3. Councillors shall not:

- (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 Council may impose, by resolution passed in public, on a Councillor who is found to have breached this Bylaw may include:
- (a) a letter of reprimand addressed to the Councillor;
 - (b) requesting the Councillor to issue a letter of apology;
 - (c) requesting the Councillor to issue a verbal apology with all parties in the Mayor's Office;
 - (d) requesting the Councillor to issue a public apology during a regular Council meeting;
 - (e) publication of a letter of reprimand or a request for apology and the Councillor's response;
 - (f) requiring the Councillor to attend specified training;
 - (g) suspension of attendance at conferences, conventions, and special events;
 - (h) suspension or removal of the appointment of the Councillor as the chief elected official under section 150(2) of the Act;
 - (i) suspension or removal of the appointment of the Councillor as the deputy chief elected official or acting chief elected official under section 152 of the Act;
 - (j) suspension or removal of the chief elected official's presiding duties under section 154 of the Act;
 - (k) suspension or removal from some or all Council committees and bodies to which council has the right to appoint Councillors, followed by subsequent notification to those Authorities, Boards and Commissions;
 - (l) 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;
 - (m) reporting the misconduct to Municipal Affairs;
 - (n) any other sanction Council deems reasonable and appropriate in the circumstances provided that the sanction does not prevent a Councillor from fulfilling the legislated duties of a councillor and the sanction is not contrary to the Act.

16. Review

- 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 Councillors.

17. Repeal

17.1. Bylaw 2021-13 and all amendments thereto are hereby repealed.

This bylaw shall come into effect at such time as it has received third reading and has been signed in accordance with the Municipal Government Act, as amended from time to time.

READ a First time this 9th day of September 2024.

READ a Second time this 23rd day of September 2024.

Received Unanimous Consent for presentation of third reading this 23rd day of September 2024.

READ a Third time this 23rd day of September 2024.

Judy Dahl,
Mayor

Brent Williams
Chief Administrative Officer

SIGNED by the Chief Elected Official and the Chief Administrative Officer this 23rd day of September 2024.

