

Town of Olds
Bylaw No. 2018-01

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 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) "Councillor(s)" includes the chief elected official;
- (e) "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;



- (f) "Investigator" means an impartial third party established by Council to investigate and report on complaints, who has quasi-judicial experience (or a background in natural justice and procedural fairness);
- (g) "Municipality" means the municipal corporation of the Town of Olds;
- (h) "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, will be the Receiving Body.

1. Purpose and Application

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

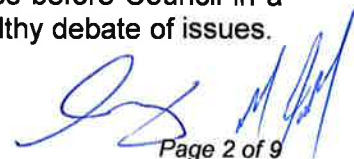
- 2.1. Councillors shall:
 - (a) act honestly and, in good faith, serve the welfare and interests of the Municipality as a whole;
 - (b) perform their functions and duties in a conscientious and diligent manner with integrity, accountability and transparency;
 - (c) conduct themselves in a professional 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
 - (d) arrange their private affairs and conduct themselves in a manner that promotes public confidence and will bear close public scrutiny.

3. Communicating on Behalf of the Municipality

- 3.1. A Councillor must not claim to 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 Council's official spokesperson.
- 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 as a whole, 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.

4. Respecting the Decision-Making Process

- 4.1. The appropriate forum for healthy and fulsome debate and discussion of matters before Council is in a Council meeting.
- 4.2. All Councillors should be given a full opportunity to address issues before Council in a full, open and professional manner to encourage and promote healthy debate of issues.



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- 4.3. Decision making authority lies with Council, and not with any individual Councillor. 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 or give direction to employees in Administration, agents, contractors, consultants or other service providers or prospective vendors to the Municipality.
- 4.4. 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.
- 4.5. Councillors 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.
- 4.6. While an individual Councillor may publicly state that they did not vote with the majority of Council on an issue, this type of statement must be made in a manner that respects Council, Council's decision and other elected officials.

5. Adherence to Policies, Procedures and Bylaws

- 5.1. Councillors shall uphold the law established by the Parliament of Canada and the Legislature of Alberta and the bylaws, policies and procedures adopted by Council.
- 5.2. Councillors 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.
- 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, and an intention to work together for the common good and in furtherance of the public interest.
- 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 on the basis of:
 - (a) differences in personal opinions; or
 - (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. Councillors 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 Councillor or group of Councillors.
- 6.6. 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 private 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.



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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 unduly 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 and for one year after leaving office.

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 general public may be used by a Councillor for personal use upon the same terms and conditions as members of the general 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 orientation training offered by the Municipality within



90 days after the Councillor takes the oath of office.

- 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.
- 11.3. Councillors are stewards of public resources and shall avoid waste, abuse and extravagance in the use of public resources.
- 11.4. 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.
- 11.5. 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.
- 11.6. 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. In the event that the value of the hospitality, gift or benefit exceeds \$500.00, it must be reported to Council at the next Council meeting.
- 11.7. 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.

12. Complaint Process

- 12.1. Any person or any Councillor who has identified or witnessed conduct by a Councillor that the person or Councillor 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 (Appendix A: Council Code of Conduct Complaint Form) and shall be dated and signed by an identifiable individual;
 - (b) All complaints shall be addressed to the Receiving Body;
 - (c) Complaints will not be received 6 months prior to an election;
 - (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) If the facts, as reported, include the name of one or more Councillors who are alleged to be responsible for the breach of this Bylaw, the Councillor or Councillors concerned shall receive a copy of the complaint submitted to the Receiving Body;
 - (f) Upon receipt of a complaint under this Bylaw, the Receiving Body shall accept the complaint and decide whether to review the complaint. All proceedings regarding the review shall be confidential. A meeting with the Receiving Body, Councillor and complainant may occur. If the Receiving Body 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 a review, the Receiving Body may choose not to proceed further. Or, if the review has already commenced, the Receiving Body may terminate any review, or may dispose of the complaint in a summary manner. In that event, the complainant and Council, shall be notified of the Receiving Body's decision;



- (g) The Councillor or Councillors who are alleged in the breach of this Bylaw, can respond in writing, addressed to the Receiving Body;
- (h) A determination on the validity of the complaint will be completed within thirty (30) days of receipt of the complaint.
- (i) If either the Councillor or complainant do not agree with the findings of the Receiving Body, both the Councillor and the complainant have the ability to request that their file be elevated to the Investigator;
- (j) If the Receiving Body decides to elevate the complaint, the review shall become the responsibility of an Investigator. The Receiving Body shall take such steps as it may consider appropriate, which may include seeking legal advice;
- (k) The Investigator shall conduct a closed hearing with affected parties involved. The Investigator shall, upon conclusion of the investigation, provide the Council and the Councillor who is the subject of the complaint, the results of the Investigator's investigation during a closed session. All proceedings of the Investigator regarding the investigation shall be confidential;
- (l) 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;
- (m) A Councillor who is the subject of an investigation is entitled to be represented by legal counsel, at the Councillors' sole expense.
- (n) In instances reporting the misconduct to the appropriate authority if potentially criminal or against Human Rights.

13. Compliance and Enforcement

- 13.1. Councillors shall uphold the letter and the spirit and intent of this Bylaw.
- 13.2. Councillors are expected to co-operate in every way possible in securing compliance with the application and enforcement of this Bylaw.
- 13.3. 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.
- 13.4. Sanctions that may be imposed on a Councillor, by Council, upon a finding that the Councillor has breached this Bylaw may include:
 - a letter of reprimand addressed to the Councillor, from the Office of the Mayor;
 - requesting the Councillor to issue a letter of apology;
 - verbal apology with all parties in the Mayor's Office;
 - public apology during a regular Council meeting;
 - requiring additional sensitivity training;
 - suspension of attendance at conferences, conventions, and special events;
 - suspension or removal of the appointment of a Councillor as the chief elected official under section 150(2) of the Act;
 - suspension or removal of the appointment of a Councillor as the deputy chief elected official or acting chief elected official under section 152 of the Act;
 - suspension or removal of the chief elected official's presiding duties under section 154 of the Act;



- 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;
- 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;
- reporting the misconduct to Municipal Affairs;
- 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;
- any retaliation against the complainant will not be tolerated and will be treated as a serious breach of the Bylaw.

- 13.4.1 The length of the aforementioned suspensions will be determined by the majority of council and shall be based on the number of times a Councillor has been considered in breach of this Bylaw as follows:
- (a) First Breach: One (1) to three (3) month suspension
 - (b) Second Breach: Three (3) to six (6) month suspension
 - (c) Third Breach: Six (6) months plus suspension

14. Review

- 14.1. 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.

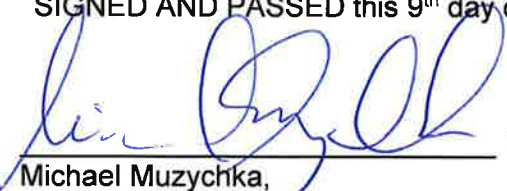
READ a First time this 9th day of July 2018.

READ a Second time this 9th day of July 2018.

READ a Third time this 9th day of July 2018.

Received Unanimous Consent for presentation of third reading this 9th day of July, 2018

SIGNED AND PASSED this 9th day of July 9 2018.



Michael Muzychka,
Mayor



Michael Merritt,
Chief Administrative Officer

SIGNED by the Chief Elected Official and the Chief Administrative Officer this
, 2018.

day of



