



BYLAW NO. 03-2018

TOWN OF VEGREVILLE

THIS BYLAW NO. 03-2018 OF THE TOWN OF VEGREVILLE, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING A CODE OF CONDUCT FOR MEMBERS OF COUNCIL AND COMMITTEE MEMBERS REPRESENTING THE TOWN OF VEGREVILLE

WHEREAS pursuant to Section 146.1 of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, and any amendments, Council must, by Bylaw, establish a Code of Conduct governing the conduct of Councillors;

AND WHEREAS, pursuant to section 146.1(3) of the *Municipal Government Act*, a council may, by bylaw, establish a code of conduct governing the conduct of members of council committees and other bodies established by the Council who are not 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 Council of the Town of Vegreville deems it advisable to establish a Code of Conduct for Members of Council and Committee Members that is consistent with the principles of transparent and accountable governance;

AND WHEREAS a Code of Conduct ensures the Councillors and Committee Members share a common basis and understanding for acceptable conduct extending beyond the legislative provisions governing the conduct of Councillors and Committee Members.

NOW THEREFORE the Council of the Town of Vegreville, in the Province of Alberta, duly assembled, enacts as follows:

1. TITLE

- 1.1. This Bylaw may be cited as the **Code of Conduct Bylaw**.

2. DEFINITIONS

- 2.1. **Act** means the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26 and any amendments thereto.
- 2.2. **Administration** is any staff member of the Senior Management Team including the Town Manager and Directors.
- 2.3. **Bias** means the action of supporting or opposing a particular person or thing in an unfair way or allowing, or being perceived to allow, personal opinions to influence a decision.
- 2.4. **Censure Motion** means a motion passed by Council prescribing consequences for non-compliance with the Code of Conduct Bylaw. [Sample Censure Motion is included as Schedule 'A' of this Bylaw].
- 2.5. **Council** means the municipal Council of the Town of Vegreville.
- 2.6. **Committee Member** means a non-elected person appointed by Council to a Council Board, Commission or Committee of Council.
- 2.7. **Councillor** is any member of Council duly elected pursuant to the *Local Authorities Election Act*, RSA 2000, Chapter L-21 and any amendments thereto.

- 2.8. **In Camera** means 'in private' meeting. It involves a confidential meeting, or a portion of a meeting, taking place with only Councillors, the Town Manager, or any other person invited by Council, present.
- 2.9. **Pecuniary Interest** means those situations as defined in the Act.
- 2.10. **Town** means the Municipal Corporation of the Town of Vegreville.
- 2.11. **Town Manager** means the Chief Administrative Officer (CAO) for the Town of Vegreville, or their designate, as appointed by Council, within the meaning of the Act.

3. **PURPOSE**

- 3.1. The purpose of this Code of Conduct is to provide standards for the conduct of Council and Committee Members related to their roles and obligations as elected and/or appointed representatives of the Town for the provision of ethical and effective leadership for the Town and its residents.

4. **STANDARDS**

4.1. **Representation**

- 4.1.1. All Councillors and Committee Members shall act with integrity, professionalism and respect when interacting with other Councillors or Committee Members, Administration, other government officials and members of the public.
- 4.1.2. All Councillors and Committee Members shall engage in respectful and relevant debate on matters of Council or Board meetings.
- 4.1.3. All Councillors and Committee Members shall actively participate in all meetings respectfully, responsibly and consistent with the approved procedures.
- 4.1.4. All Councillors and Committee Members shall support the decision of Council or the Board.
- 4.1.5. All Councillors and Committee Members shall act honestly and in good faith at all times.
- 4.1.6. All Councillors and Committee Members shall demonstrate fairness, accountability and impartiality on all matters.
- 4.1.7. All Councillors and Committee Members shall adhere to the law, Bylaws, policies and procedures of the Town.

4.2. **Communication**

- 4.2.1. The Mayor, or the Deputy Mayor in the absence of the Mayor, shall be the media spokesperson for Council.
- 4.2.2. When communicating with the public and media, all Councillors shall represent the official policies and positions of Council.
- 4.2.3. When communicating on social media, all Councillors and Committee Members shall follow the guidelines and restrictions set out in the Town's policies.
- 4.2.4. All Councillors shall ensure that unless authorized by Council to represent Council's position on an issue, that any public statements are the personal opinion of the Councillor, not the opinion or position of Council.
- 4.2.5. The Chair, or Vice Chair in the absence of the Chair, shall be the media spokesperson for the Board.
- 4.2.6. When communicating with the public and media, all Committee Members shall represent the official policies and positions of the Board.
- 4.2.7. All Committee Members shall ensure that unless authorized by the Board to represent the Board's position on an issue, that any public statements are the personal opinion of the Committee Member, not the opinion or position of the Board.

- 4.2.8. No Councillor or Committee Member shall make a statement when they know that statement is false.
- 4.2.9. No Councillor or Committee Member shall make a statement with the intent to mislead Council or members of the public.

4.3. Conduct

- 4.3.1. All Councillors and Committee Members shall respect the personal opinions of other Councillor and Committee Members
- 4.3.2. All Councillors and Committee Members shall publicly express their personal opinions in such a manner that maintains respect for Council or the Board, other Councillors or Committee Members and any decisions made by Council or the Board.
- 4.3.3. All Councillors and Committee Members shall avoid situations where it may be perceived that the Councillor or Committee Member is using their position on a Board to gain a personal benefit including, but not limited to, seeking the award of service or supply contracts, or influencing the hiring of Town Administration.
- 4.3.4. All Councillors and Committee Members shall consider the welfare and interests of the Town as a whole

4.4. Confidentiality

- 4.4.1. All Councillors and Committee Members shall keep in confidence all matters discussed In Camera at a Council or Board meeting until that matter is discussed at a public meeting.
- 4.4.2. In the course of their duties, Councillors and Committee Members may also become privy to confidential information received outside of an "In Camera" meeting. This information shall be treated in the same manner as In Camera information.
- 4.4.3. No Councillor or Committee Member shall use confidential information for personal benefit or for the benefit of any other individual or organization.

4.5. Pecuniary Interest

- 4.5.1. All Councillors and Committee Members shall adhere to the Pecuniary Interest requirements as established in the Act.
- 4.5.2. The decision with respect to whether or not the Elected Official or Committee Member may have a Pecuniary Interest is the individual Councillor or Committee Member's decision.
- 4.5.3. All Councillors and Committee Members shall not make improper use of their position as an Elected Official or Committee Member to seek personal benefit or gain from any information obtained as an Elected Official or Committee Member.

4.6. Training

- 4.6.1. All Councillors and Committee Members shall complete the necessary orientation and/or training for Elected Officials or Committee Members offered by the Town within Ninety (90) days of taking the Oath of Office.
- 4.6.2. All Councillors are encouraged to complete additional courses and/or attend workshops that may be deemed beneficial in carrying out their responsibilities as Elected Officials.

5. CONFLICTS OF INTEREST

- 5.1. All Councillors and Committee Members shall avoid the occurrence (or a situation) where a Councillor or Committee Member's personal or private interests actually may be, or may be perceived as being, influencing the Councillor on a matter of public interest before Town Council, including occurrences which may result in common law Bias, including direct or indirect Pecuniary Interest, prejudgement, close mindedness or undue influence.

- 5.2. A conflict of interest situation also includes using the Councillor's position, confidential information or Town employees, materials, or facilities for personal or private gain or advancement or the expectation of personal or private gain or advancement.
- 5.3. A Conflict of Interest may include advancing the interests of the Councillor's family, friends, neighbours, or business associates to the detriment of the municipality.

6. USE OF MUNICIPAL ASSETS AND SERVICES

- 6.1. All Councillors and Committee Members shall use municipal assets and services relevant to their role as Councillors and Committee Members.
- 6.2. All Councillors and Committee Members shall use municipal computers or other related technology devices or systems including email and internet in accordance with the Town's policies and procedures.
- 6.3. Councillors and Committee Members shall not use the property, land facilities, equipment, supplies, or services or other resources of the Town for any election campaign or campaign-related activities, unless authorized by Bylaw or policy. No Councillors and/or Committee Members shall use the services of persons for election-related purposes during the hours in which those persons are receiving compensation from the Town.
- 6.4. No Councillors and/or Committee Members shall obtain personal or financial gain or advantage through the use of municipal assets, or services, or from municipally developed intellectual property.

7. COMPLAINTS AGAINST A COUNCILLOR

- 7.1. Any person may report perceived wrongdoing or make a complaint alleging a breach of the Code of Conduct by a Councillor. All reasonable attempts shall be made to keep the reports and complaints confidential until a full investigation is completed.
- 7.2. All reports and/or complaints must be in writing and include:
 - 7.2.1. The complainant's name and contact information;
 - 7.2.2. The complainant's signature;
 - 7.2.3. The name of the Councillor to whom the complaint is related;
 - 7.2.4. The nature of the alleged contravention;
 - 7.2.5. The specific provision(s) of the Code allegedly contravened;
 - 7.2.6. Names of witnesses to the alleged contravention;
 - 7.2.7. Any other supporting documentation relevant to the complaint.
- 7.3. All reports and complaints must be addressed to the Mayor (or in the case of the perceived wrongdoing of the Mayor, to the Deputy Mayor), and marked 'Confidential'. The complaint may be mailed, emailed, or hand-delivered to the Town Office. All complaints received will be included in the In Camera session of a Legislative Committee Meeting.
- 7.4. An anonymous report or complaint shall not be considered valid.
- 7.5. Depending on the nature of the complaint, Council may:
 - 7.5.1. Authorize the Mayor and Deputy Mayor (or in the case of perceived wrongdoing by the Mayor, the Deputy Mayor and one Councillor) to investigate the complaint and report to Council.
 - 7.5.2. Dismiss the report or complaint as invalid.
 - 7.5.3. Request the CAO to obtain a legal opinion regarding the report or complaint.
 - 7.5.4. Request legal counsel to investigate the complaint and report to Council through the Mayor (or in the case of perceived wrongdoing by the Mayor, the Deputy Mayor).
- 7.6. The results of the investigation and Council's decision shall be publicly communicated.

- 7.7. If the complaint is determined to be valid by the majority of Council or through independent legal advice, Council may impose sanctions, defining the specific action to be taken by a motion.

8. SANCTIONS AGAINST A MEMBER OF COUNCIL

- 8.1. Council may impose sanctions on a Councillor who contravenes the Code of Conduct as follows:

- 8.1.1. A letter of reprimand
- 8.1.2. Request a letter of apology
- 8.1.3. Request to attend training
- 8.1.4. Suspension or removal from the Mayor or Deputy Mayor position
- 8.1.5. Suspension or removal from some or all Council Committees
- 8.1.6. Restrict the privileges of attending conferences and workshops at the Town's expense
- 8.1.7. Reduction or suspension of remuneration as Council may deem appropriate and in accordance with the Act.

9. COMPLAINTS AGAINST A COMMITTEE MEMBER

- 9.1. Any person may report perceived wrongdoing or make a complaint alleging a breach of the Code of Conduct by a Committee Member. All reasonable attempts shall be made to keep the reports and complaints confidential until a full investigation is completed.

- 9.2. All reports and/or complaints must be in writing and include:

- 9.2.1. The complainant's name and contact information;
- 9.2.2. The complainant's signature;
- 9.2.3. The name of the Committee Member to whom the complaint is related;
- 9.2.4. The nature of the alleged contravention;
- 9.2.5. The specific provision(s) of the Code allegedly contravened;
- 9.2.6. Names of witnesses to the alleged contravention;
- 9.2.7. Any other supporting documentation relevant to the complaint.

- 9.3. All reports and/or complaints must be addressed to the Board Chair (or in the case of the perceived wrongdoing of the Chair, to the Vice Chair), and marked 'Confidential'. The complaint may be mailed, emailed, or hand-delivered to the Town Office. All complaints received will be included in the In Camera session of a Board Meeting.

- 9.4. An anonymous report or complaint shall not be considered valid.

- 9.5. Depending on the nature of the complaint, the Board may:

- 9.5.1. Authorize the Chair and Vice Chair (or in the case of perceived wrongdoing by the Chair, the Vice Chair and one member) to investigate the complaint and report to the Board.
- 9.5.2. Dismiss the report or complaint as invalid.
- 9.5.3. Request the CAO to obtain a legal opinion regarding the report or complaint.
- 9.5.4. Request legal counsel to investigate the complaint and report to the Board through the Chair (or in the case of perceived wrongdoing by the Chair, the Vice Chair).

- 9.6. The results of the investigation and the Board's decision shall be publicly communicated.

- 9.7. If the complaint is determined to be valid by the majority of the Board or through independent legal advice, the Board may impose sanctions, defining the specific action to be taken by a motion.

10. SANCTIONS AGAINST A COMMITTEE MEMBER

- 10.1. The Board may impose sanctions on a Committee Member who contravenes the Code of Conduct as follows:

- 10.1.1. A letter of reprimand
- 10.1.2. Request a letter of apology
- 10.1.3. Request to attend training
- 10.1.4. Suspension or removal from the Chair or Vice Chair position
- 10.1.5. Suspension or removal from some or all Board committees
- 10.1.6. Restrict the privileges of attending conferences and workshops at the Board's expense
- 10.1.7. Retraction of the Committee Member to the Board by Council

11. REVIEW

11.1. The Code of Conduct Bylaw must be reviewed following a general municipal election, or at a minimum of every four (4) years.

12. EFFECTIVE DATE

12.1. This Bylaw shall come into effect upon the date of the final reading.

Read for a first time this 26 Day of March , 2018 A.D.

Read for a second time this 26 Day of March , 2018 A.D.

UNANIMOUS CONSENT RECEIVED FOR THIRD AND FINAL READING

Read for a third time this 26 Day of March , 2018 A.D.



TIM MACPHEE,
Mayor



CLIFF CRAIG, CLGM
Town Manager

SCHEDULE 'A'

Censure Motion Examples

In determining an appropriate Censure Motion, Council should have some practical rationale for doing so in the interest of proportionality and fairness. Once a Censure Motion has been passed, only a motion of Council can rescind the Censure Motion unless the Motion was date specific.

Censure Motions by position are as follows:

Mayor:

1. Restrict or limit the Mayor's power such as presiding over Council meetings and/or being a member of all Council committees.
2. Direct the Deputy Mayor to assume the Mayor's official obligations and responsibilities including chairing meetings, calling special meetings, signing bylaws and cheques.
3. Redirect the Mayor's additional compensation for performing the above duties to the Deputy Mayor.
4. Restrict the Mayor from attending meetings as the Town's representative and acting as the Town's spokesperson.
5. Restrict the Mayor in his/her communications with Administration and third parties such as the Provincial or Federal governments and other municipalities.
6. Direct the Mayor to adhere to the statutory obligations under the Municipal Government Act and the Town's Code of Conduct Bylaw.
7. Restrict the Mayor from attending FCM, AUMA and/or other conferences.
8. Any other sanction or requirement Council may decide upon.

Deputy Mayor:

1. Restrict or limit the Deputy Mayor's power such as chairing Council meetings when the Mayor is absent or chairing any Committees of Council and/or being a member of all Council committees.
2. Direct one of the Councillors to assume the Deputy Mayor's official obligations and responsibilities in the absence of the Mayor, including chairing meetings, calling special meetings, signing bylaws and cheques.
3. Restrict the Deputy Mayor from attending meetings as the Town's representative and acting as the Town's spokesperson.
4. Restrict the Deputy Mayor in his/her communications with Administration and third parties such as the Provincial or Federal governments and other municipalities.
5. Direct the Deputy Mayor to adhere to the statutory obligations under the Municipal Government Act and the Town's Code of Conduct Bylaw.
6. Restrict the Deputy Mayor from attending FCM, AUMA and/or other conferences.
7. Any other sanction or requirement Council may decide upon.

Councillors:

1. Restrict or limit the Councillor's power such as chairing Council Committee meetings and/or being a member of all Council committees.
2. Restrict the Councillor in his/her communications with Administration and third parties such as the Provincial or Federal governments and other municipalities.
3. Direct the Councillor to adhere to the statutory obligations under the Municipal Government Act and the Town's Code of Conduct Bylaw.
4. Restrict the Councillor from attending FCM, AUMA and/or other conferences.
5. Any other sanction or requirement Council may decide upon.

Board Members:

1. Restrict or limit the Board Member's power such as chairing Board meetings.
2. Restrict the Board Member in his/her communications with Administration and third parties such as the Provincial or Federal governments and other municipalities.
3. Direct the Board Member to adhere to the statutory obligations under the Municipal Government Act and the Town's Code of Conduct Bylaw.
4. Restrict the Board Member from attending conferences.
5. Repeal the appointment of the Board Member to a Board.
6. Any other sanction or requirement Council may decide upon.

