



Town of Bowden
Box 338, 2101 20th Ave
Bowden, Alberta, T0M 0K0

Town of Bowden – Province of Alberta

COUNCILLORS CODE OF CONDUCT BYLAW

05 /2018

1 REQUIREMENT

a

A Bylaw of the Town of Bowden, in the Province of Alberta, pursuant to provisions of the Municipal Government Act, being Chapter M-26 of the revised statutes of Alberta 2000 (as revised: January 1st, 2018), for the purpose of establishing, a “Code of Conduct Governing the Conduct of Councillors”.

Section 146.1 inclusive to 146.5 of the Municipal Government Act applies.

Section 153 (a) to (f) inclusive of the Municipal Government Act applies.

Section 3 (a) to (c) inclusive of the Municipal Government Act applies.

b

This Councillor Code of Conduct Bylaw must meet the standards established by the Code of Conduct for Elected Officials Regulation 200/2017 as legislated in section 146.5(a) of the Municipal Government Act (as amended).

c

This Bylaw may be cited as “The Councillors Code of Conduct Bylaw”.

2 PURPOSE

a

The purpose of the Bylaw is to establish a set of rules governing the conduct of Town of Bowden Councillors, namely to;

- i. build and inspire public trust and confidence in local government by upholding high standards
- ii. maintain public confidence in the integrity of municipal government through the provision of clear expectations of Councillors in the performance of their duties and in the communication with the community on behalf of the Council
- iii. promote public trust by refraining from using information in a way that would be detrimental to the community interest
- iv. ensure that municipal interests take priority over the individual interests of Councillors and to prevent Councillors from seeking to influence decisions for personal reasons
- v. protect the individual rights of Councillors as normal citizens

- vi. ensure that municipal decisions and policy are made in the proper manner with outcomes that can withstand challenges
-

3 DEFINITIONS

In this Bylaw the following definitions apply;

CAO

Is the Chief Administrative Officer of the Town of Bowden (or designate) as duly appointed by Council.

Committee

Is either a Standing Committee or Task Force of Council. A Standing Committee is a committee established by the Procedure Bylaw without a time of dissolution. A Task Force is a committee established by resolution with a specific objective and a time of dissolution.

Conflict of Interest

Means a situation in which a Councillor is involved in multiple interests, financial or otherwise, one of which could possibly corrupt the motivation or decision-making of that Councillor. Alternatively, a situation in which a Councillor is in a position to derive personal benefit from actions or decisions made in their official capacity.

Council

Means the Municipal Council of the Town of Bowden elected pursuant to the provisions of the Municipal Government Act, acting at a duly assembled meeting thereof.

Councillor

Means the current Mayor and members of the Town Council elected pursuant to the provisions of the Municipal Government Act whose term is unexpired, who has not resigned and who continues to be eligible to hold office as such under the terms of the Municipal Government Act.

Discrimination

Means differential treatment of an individual or group of individuals based on cultural background, religious belief, gender, gender identification, marital status, position, physical characteristics, and age.

Harassment

Means any unwanted physical or verbal conduct that is based on, but not restricted to cultural background, age, religion, gender, marital status, position, mental or physical disability, pardoned conviction, gender identification, or any other conduct that a reasonable person ought to have deemed as being unwelcome.

Pecuniary Interest

An interest that a Councillor has that could monetarily affect the Councillor or an employer of the Councillor, or the Councillor knows or should know that the matter could monetarily affect the Councillor's family (ie; a matter of financial gain or loss to the Councillor,

another person with whom the Councillor is associated, or a business with which the Councillor is associated).

(As specifically defined in Division 6, sections 169 and 170 of the MGA)

MGA

Means the Municipal Government Act (Revised Statutes of Alberta 2000)

Municipality

Means the Town of Bowden

Respect

Means consideration for self and of others. This includes consideration for other people's privacy, their physical space, and belongings and respect for different viewpoints, philosophies, physical ability, beliefs and personality.

Whole Council / Council as a Whole

Means all the Councillors that comprise the Council.

4 APPLICABILITY

This Bylaw applies to all Councillors representing the Town of Bowden whilst in attendance at meetings of Council, Council Committees, "in camera meetings" and whilst on public duty.

5 SEVERABILITY

If any part of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid part will be severed, however the remainder of the Bylaw is deemed valid.

6 COUNCILLORS CODE OF CONDUCT

6.1 Representing the Municipality

Intent: to build and inspire public trust and confidence in local government by upholding high standards & ideals

- i. Councillors should consider the welfare and interests of the Municipality as a whole and bring to the Councils attention anything that would promote the welfare or interests of the Municipality
- ii. Councillors should participate generally in developing and evaluating the policies and programs of the Municipality
- iii. Councillors should participate in council meetings and council committee meetings and meetings of other bodies to which they are appointed to by Council

- iv. Councillors should obtain information about the operation or administration of the Municipality from the Chief Administrative Officer (or designated person)
- v. Councillors should keep in confidence matters discussed in camera at a Council or Council Committee Meeting until discussed at a meeting held in public
- vi. Councillors should exercise their duties in an impartial manner making decisions based on objective criteria rather than on the basis of bias, misinformation or prejudice
- vii. Councillors should act in good faith with any impunity from acts of discrimination, harassment, or disrespect

6.2 Communicating on behalf of the Municipality

Intent: To promote public confidence by respecting the process established by Council for communicating with the public on behalf of the Council or the Municipality.

- i. Council shall safeguard all confidential information which comes before them and respect the requirements of the Freedom of Information and Protection of Privacy Act
- ii. The Mayor (or designated appointee) shall be the official spokesperson for the Municipality. No Councillor shall represent the Town or communicate its affairs to the media or the community without consent from the Mayor (or designated appointee)
- iii. The Mayor (or designated appointee) shall not speak on behalf of the Council or the Municipality unless there is a demonstrable understanding that a consensus exists among the majority of Council (ie; Council as a whole)
- iv. All Councillors acknowledge that official information relating to the decisions of Council will be communicated to the media and / or the community on behalf of the Council as a Whole
- v. Councillors using social media sites must ensure that postings and comments made are personal in nature and do not therefore represent the Council as a Whole
- vi. Councillors who choose to use social media sites shall post a disclaimer as follows: "The postings on this site are my own and do not necessarily represent the Town of Bowden, or its position or opinions"
- vii. Councillors may present facts and information concerning Council proceedings that are in the public domain, e.g. motions of Council, comments made in public meetings, facts and recommendations in reports to open Council. Opinions however must be clearly identified as being those of the individual Councillor concerned when stating or posting any comment

6.3 Respecting the Decision-Making Process

Intent: To support effective decision-making through the processes set out in legislation and local bylaws for making decisions.

- i. Councillors shall foster respect for the democratic decision-making process and work towards effective and consistent implementation of the positions and / or decisions of Council

- ii. Councillors shall adhere to all current policies, bylaws, and resolutions of the Town of Bowden. This does not in any way limit an individual Councillor's right to have and articulate a different opinion than the majority during any debate.
- iii. Once a decision is reached and voted on, each Councillor is expected to honour & respect the decision made and support the Council as a Whole on that decision (or resolution)

6.4 Adherence to Policies, Procedures and Bylaws

Intent: To promote service of the public interest and show leadership by upholding legislation, local bylaws, and policies adopted by council.

- i. Councillors should perform any duty or function imposed on a Councillor by Act, Regulation, Bylaw or Policy of the Council
- ii. Councillors should respect and adhere to the established policies, procedures and rules made by Council as a Whole and the Town Administration
- iii. Councillors who have been appointed to chair, attend or represent the Town at Special Council Committee Meetings / Council Standing Committees / Task Force must ensure that these meetings are conducted in accordance with any established rules and regulations (including any current Policies or Bylaws) relating to the procedures of meetings and in accordance with the requirements of sections 192 to 200 inclusive of the MGA.
Councillors must submit to the Regular Council Meeting the minutes and/or written report of such meetings within one (1) month of the meeting having been conducted including any expenses incurred as a result of attending such meetings
- iv. Any work-related questions or requests pertaining to the Town Administration shall be directed through the CAO.

6.5 Respectful Interactions with Councillors, Staff, the Public and Others

Intent: To promote treatment of council members, municipal employees, and others with dignity, understanding and respect

6.5(1) Conduct of Councillors within Chamber & Council Committee Meetings;

Councillors shall conduct themselves in a professional manner by observing the following code of conduct;

- i. Offensive language or rude gestures is not permitted
- ii. Shouting or rising out of the chair during debate is not permitted
- iii. Physical or verbal personal attacks on fellow Councillors, Administration Staff, members of the public or the media is not permitted
- iv. Defamation (ie; an act of communication that causes someone to be shamed, ridiculed, held in contempt, or disrespected within the community or media) is not permitted
- v. Behavior that will limit the right of others to express their opinion is not allowed
- vi. A business casual dress manner that is non-offensive, neat, clean, and appropriate for the representation of Council should be adopted
- vii. Respect for the role of the meeting Chair particularly with regard to the Chair's right to restore order and limit debate should be observed

- viii. Objections should only be raised through the appropriate process and motions
- ix. Respect for the CAO as the principle employee of the Municipality and the responsibilities of the CAO (as defined in section 207 of the MGA) should be observed

6.5(2) Conduct of Councillors out of Chamber & Council Committee Meetings;

- i. Councillors demeanor while representing the Municipality at outside functions shall be in a professional manner consistent with all provisions of this Bylaw
- ii. Council shall act in the best interest of the Municipality in carrying out the functions and duties entrusted upon them as members of Council

6.6 Confidential Information

Intent: To promote public trust by refraining from using information in a way that would be detrimental to the public interest.

- i. All Councillors will hold in strict confidence all information concerning matters deemed confidential and shall not, either directly or indirectly, release, make public, or in any way divulge any information which is deemed to be confidential unless expressly authorized by Council as a Whole or required by law to do so
- ii. Councillors shall not use confidential information for the personal profit of themselves or any other person
- iii. Councillors shall not communicate confidential information to anyone not entitled to receive it
- iv. Councillors shall exercise care in the handling of confidential information to ensure it remains secure and further that the Town meets its obligations and retains its rights under the Freedom of Information and Protection of Privacy Act, Revised Statutes of Alberta 2000, Chapter F-25, (as amended). If a Councillor has reason to believe that this confidentiality is breached, the Councillor should immediately report the breach to the CAO
- v. Councillors shall maintain the confidentiality of information in perpetuity

6.7 Conflict of Interest

Intent: To promote public trust by refraining from exploiting the position of Councillor for private reasons or that would bring discredit to the office.

Councillors should not engage in any activity which is incompatible with the ethical conduct of official duties in the public interest. These activities include;

- i. Use of the position of office to secure special privileges, gifts, favours or exemptions for themselves or any other person
- ii. Use any information gained in the execution of the office that is not available to the community for any purpose other than for official duties
- iii. Place themselves in a position of obligation to any person or organization who might reasonably benefit from special consideration or special treatment

- iv. Influence any Council decision involving or affecting any person or organization in which a Councillor or Councillors have a financial interest (sections 170 to 173 of the MGA, Pecuniary Interest of Councillors applies)

6.8 Improper Use of Influence

Intent: To promote the priority of municipal interests over the individual interests of Councillors and to refrain from seeking to influence decisions for personal reasons

Councillors should conduct themselves in a manner that reflects the separation of roles and responsibilities between Council and Administration. Councillors should;

- i. Refrain from giving direct instructions to any Municipal employee or contracted resource except through the CAO
- ii. Not solicit, demand or accept the services of any Municipal employee or contracted resource
- iii. Avoid any situation in which a friendship or social relationship or social interaction with a member of the Town Administrative staff may be seen to create undue influence, access to information, conflict of interest or that which undermines the authority of the CAO.
- iv. Channel all requests for action or information from Administration directly through the CAO

6.9 Use of Municipal Assets and Services

Intent: To promote stewardship and public trust by refraining from the use of Municipal assets or resources for personal reasons

- i. Councillors should refrain from unauthorized or improper use of Municipal property, including telephones, computers, copiers, and equipment
- ii. No Councillor shall use or attempt to use the Municipality's property, funds, services or information for personal benefit or for the benefit of any other individual
- iii. Councillors, as individuals, do not have the authority to make any contractual, financial or legal commitments on behalf of the Municipality
- iv. Councillors cannot commit Municipal resources outside of established policies, procedures or budgetary constraints

6.10 Orientation and Other Training Attendance

Intent: To promote effective leadership and personal development.

Councillors should attend approved education programs & training opportunities that assist them in the fulfillment of their duties.

7 COMPLAINTS

- i. Any person in good faith may report a perceived wrong doing or make a complaint against a Councillor alleging a breach of the Councillors Code of Conduct Bylaw
- ii. All complaints must be kept confidential until the investigation is completed in order to protect a Councillor and the complainant
- iii. The complaint must be made in writing and must contain the complainant name, contact details, date and signature. The document must be addressed to the Mayor and marked as “confidential”. The complaint may be mailed, or hand delivered to the Town Administration Office or emailed to the Mayor
- iv. Anonymous complaints are not considered valid
- v. All complaints must be included in the next “in camera” meeting of a regular council meeting immediately following the date of receipt of the complaint
- vi. Council must decide on an appropriate course of action depending of the nature / seriousness of the complaint and may;
 - Authorize the Mayor* to investigate the complaint and report back to Council
 - Dismiss the complaint as invalid or unsubstantiated
 - Request legal opinion & advice regarding the complaint
 - Request professional legal services to investigate and act on behalf of Council to deal with the complaint

* If the complaint is made against the Mayor then the Deputy Mayor must investigate the complaint and report back to Council
- vii. The results of the investigation and Council's decision must be made public
- viii. If the complaint is deemed to be valid (by the majority of Council or through independent legal advice) then sanctions must be imposed by Council

8 SANCTIONS

Sanctions may be imposed for breaching the Councillors Code of Conduct Bylaw.

Any sanction imposed on a Councillor will be in accordance with the standards established in section 5 of the Code of Conduct for Elected Officials Regulation 200/2017, namely;

- i. A letter of reprimand addressed to the Councillor
- ii. A request that the Councillor issues a letter of apology
- iii. Publication of a letter of reprimand or request for apology and the Councillors response
- iv. A requirement to attend training
- v. Suspension or removal of the appointment of a Councillor as the chief elected official (Mayor)
- vi. Suspension or removal of the appointment of a Councillor as the deputy chief elected official (Deputy Mayor)
- vii. Suspension or removal of the Mayors' official presiding duties
- viii. Suspension or removal from some or all of council committees and bodies to which council has the right to appoint members
- ix. Reduction or suspension of remuneration corresponding to a reduction in duties. Note; this excludes honorariums for attendance at council meetings

This Code of Conduct and any sanctions imposed cannot remove a Councillor from Council (section 146.1(4) of the MGA applies).

Any sanction imposed under a code of conduct must not prevent a Councillor from fulfilling the legislated duties of a Councillor.

(this rule is in accordance with the standards established in section 6 of the Code of Conduct for Elected Officials Regulation 200/2017).

Note: Section 174 of the MGA applies for the Disqualification of Councillors.

9 REVIEW

This Bylaw must as a minimum be reviewed every four (4) years.

(this rule is in accordance with the standards established in section 7 of the Code of Conduct for Elected Officials Regulation 200/2017).

10 BYLAW PRECEDENCE

This Bylaw has no precedence. It is a new requirement under the Municipal Government Act of Alberta, RSA 2000 Chapter M-26 (as revised: January 1, 2018).

This Bylaw will come into effect on the final day of passing and signature thereof.

Read a first time in open council this _____ day of _____,

Read a second time in open council this _____ day of _____,
2018

and finally passed by unanimous consent of the councillor's present.

Read a third time in open council this _____ day of _____,
2018




Robb Stuart, Mayor



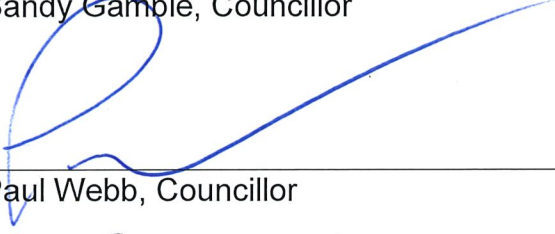
Jacquie Molyneux, Acting Chief Administrative Officer




Wayne Milaney, Councillor




Sandy Gamble, Councillor




Paul Webb, Councillor



Carol Pion, Councillor



Randy Brown, Councillor



Kerry Keim, Councillor