

Town of Mayerthorpe
Province of Alberta
Canada.

BYLAW NO. 1188

BEING A BYLAW OF THE TOWN OF MAYERTHORPE TO ESTABLISH A CODE OF CONDUCT FOR MEMBERS OF COUNCIL

WHEREAS, the Council of the Town of Mayerthorpe recognizes that the actions of members of Council have an impact on the lives of all residents and property owners in the community.

AND WHEREAS, the Council of the Town of Mayerthorpe is committed to the highest ethical standards in fulfilling their obligations and discharging their duties as members of Council.

AND WHEREAS, the quality of the public administration and governance of the Town of Mayerthorpe, as well as, its reputation and integrity, depends on the conduct of Council members.

AND WHEREAS, the *Municipal Government Act*, RSA 2000, c M-26, and amendments thereto, requires the Council of the Town of Mayerthorpe to pass a bylaw to establish a code of conduct governing the conduct of members of Council.

NOW THEREFORE, the Council of the Town of Mayerthorpe hereby enacts as follows:

PART I INTERPRETATION

Short Title

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

Purpose

2. The purpose of this Bylaw is to establish a code of conduct that Members of Council must adhere to in fulfilling their duties and responsibilities as elected officials.

Definitions

3. In this Bylaw:

- a. "**CAO**" means the Chief Administrative Officer for the Town of Mayerthorpe;
- b. "**Council**" means the council of the Town of Mayerthorpe;
- c. "**Extended Family**" means the children of the councillor's spouse or adult interdependent partner, the councillor's siblings, the siblings of the councillor's spouse or adult interdependent partner, the councillor's nieces and nephews, the nieces and nephews of the councillor's spouse or adult interdependent partner, the councillor's aunts or uncles, and the aunts and uncles of the councillor's spouse or adult interdependent partner;
- d. "**Freedom of Information and Protection of Privacy Act**" means *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25;
- e. "**Immediate Family**" means "councillor's family" as defined in the *Municipal Government Act*;
- f. "**Investigator**" means a person engaged by or on behalf of the CAO to conduct a formal investigation of a complaint as set out in this Bylaw;
- g. "**Member of Council**" or "**Member**" means all current elected officials on Council, including the "Chief Elected Official" as defined in the *Municipal Government Act*; but does not include past members of Council;
- h. "**Municipal Government Act**" means the *Municipal Government Act*, RSA 2000, c M-26;
- i. "**Town**" means the Town of Mayerthorpe, a municipal corporation in the province of Alberta;

Interpretation

4. This Bylaw is intended to supplement any other obligations imposed on a Member of Council by any statute or other legal enactment, bylaw, or Council approved policy or procedure, that may in force from time to time.

5. If any provision of this Bylaw conflicts with any provision in any other bylaw or Town policy, the provision of this Bylaw prevails.
6. This Bylaw is to be given a broad and liberal interpretation. Where commentary or examples have been provided, they are for illustrative purposes only and are not exhaustive.
7. This Bylaw applies to Members of Council in their capacity as elected officials. It applies to all interactions and communications that Members of Council have with one another, Town employees and the public.
8. It is the responsibility of each Member to uphold the code of conduct and standards set out in this Bylaw.

PART II CODE OF CONDUCT FOR MEMBERS OF COUNCIL

Representing the Town

9. Members of Council must approach their obligations under this Bylaw in good faith, considering all obligations imposed on the Member by statute or other legal enactment, and by the applicable Town bylaws, policies and procedures.
10. While carrying out their duties, Members of Council must:
 - a. act in the best interests of the Town as a whole rather than specific persons or organizations, and without regard to the Member's personal interests;
 - b. consider all decisions and issues carefully, fairly, impartially and consistently by considering all relevant facts, opinions and analyses of which the Member should be reasonably aware;
 - c. be truthful and open in their role as a Member of Council;
 - d. conduct and convey Council business and their duties as a Member of Council in an open and transparent manner, except those items that are authorized to be dealt with in a confidential manner in closed session;
 - e. serve their constituents in a conscientious, competent and diligent manner; and

- f. vote on any matter brought to a Council meeting attended by the Member unless the Member must abstain under the *Municipal Government Act*, another enactment or at law.
11. Members of Council must perform their duties in a manner that builds and inspires public confidence in Town governance and must respect and comply with the law and avoid conduct that undermines public confidence.

Communicating on Behalf of the Town

12. The Chief Elected Official as defined in the *Municipal Government Act* is the main spokesperson for the Town, unless that duty is delegated to a Member of Council on a case by case basis only.
13. A statement or communication made by a Member is presumed to be made on the Member's own behalf, not the Town's behalf.
14. Where a Member communicates on behalf of the Town the Member must make reasonable efforts to ensure the communication is fair and accurate.

Respecting the Decision-Making Process

15. A Member must respect the decision-making process of Council and all of its boards, commissions and committees.
16. A Member must respect and comply with the decision-making process outlined in *Procedural Bylaw*, Bylaw No. 1187.
17. Democratic process includes the right to debate, question, and discuss, but once a decision is made, that is the recognized decision of Council.
18. Members of Council and committee members should remember that advocacy and information for ratepayers are part of their responsibilities, but always within parameters set by Council decisions.
19. No individual or special interests shall be promoted over the common interest established by Council decisions.

Adherence to Policies, Procedures and Bylaws

20. A Member of Council must respect and comply with all obligations imposed on the Member by statute or other legal enactment, bylaw, and by the Town's policies and procedures, including but not limited to the:
 - a. *Alberta Human Rights Act*; RSA 2000, c A-25.5;
 - b. *Freedom of Information and Protection of Privacy Act*;
 - c. *Local Authorities Election Act*, RSA 2000, c L-21;
 - d. *Municipal Government Act*;
 - e. *Occupational Health and Safety Act*, SA 2017, c O-2.1; and
 - f. *Procedure Bylaw*, Bylaw No. 1187.
21. Members of Council or committee members have no authority to act outside established bylaws and policy.
22. Bylaws and policy can only be initiated and must be approved by Council.

Respectful Interactions

23. Members of Council shall treat every person, including other Members of Council, Town employees and the public, with dignity, courtesy, understanding and respect.
24. Members of Council shall not use any discriminatory, bullying, harassing, or derogatory language in their interactions with one another, Town employees or the public.
25. Members of Council shall respect the right of others to offer opinions which may be different than their own or the minority opinion.
26. Members of Council must respect the role of the CAO and the decision of Town administration to present reports and advice to Council which ultimately may not be accepted by Council.

27. Members of Council shall direct their requests for information or action to the office of the CAO, unless delegated to a Town employee by the CAO. If the matter is subject to a current Council policy, Town administration will respond as quickly as possible in filling the request. If the request is not covered by a current policy, it will be forwarded to the CAO who will place the matter before Council to receive direction.
28. Members of Council shall treat individuals presenting to Council fairly, in good faith and without bias or discrimination, and ensure that they are given adequate time to present their views.
29. Members of Council who act as chair of a meeting must set the expectations for appropriate decorum and conduct of all in attendance and must enforce those expectations. Members must be respectful of the chair and comply with any rulings or direction given.

Confidential Information

30. Members of Council shall refrain from disclosing any confidential information acquired by virtue of their office except when required by law or authorized by Council to do so. This includes complying with the provisions of the *Municipal Government Act* and the *Freedom of Information and Protection of Privacy Act*.
31. Members of Council must use confidential information only for the purpose for which the information is intended and to fulfill the duties of their office and must not seek to access confidential information for any other purpose.
32. Members of Council shall not take advantage of or obtain private benefit from confidential information that is obtained in the course of their official duties and that is not in the public domain.
33. Members of Council must not use confidential information with the intention to cause harm or detriment to any person.
34. Members of Council must respond in good faith to all requests for information made pursuant to the *Freedom of Information and Protection of Privacy Act*. Members must also comply with the provisions protecting privacy and personal information.

Conflicts of Interest

35. Members of Council must comply with the requirements of the *Municipal Government Act* with respect to pecuniary interests. For the purposes of this Bylaw, the provisions in the *Municipal Government Act* respecting pecuniary interests apply to a Member's Immediate Family and Extended Family.
36. Where a potential pecuniary interest may exist, decisions of Council will be deferred pending advice from the Town's legal counsel.
37. Members of Council shall refrain from advancing their own private interests or attempting to obtain a personal benefit in the exercise of their duties as an elected official. For example, this includes, but is not limited to:
 - a. attempting to influence other Members, the CAO or Town employees with the intent of advancing the Member's private interests or obtaining a personal benefit.
 - b. giving preferential treatment to any person or organization with the intent of advancing the Member's private interests or obtaining a personal benefit; and
 - c. promoting the Member's private or personal interests while carrying out their duties as a Member of Council.
38. Members of Council shall not accept a gift or other benefit, including those received by a Member's Immediate Family or Extended Family, that is connected directly or indirectly to the performance of the Member's duties or any particular transaction or activity of the Town or decision of Council, except compensation authorized by law or Council resolution.
39. Members of Council may only accept gifts or other benefits, including those received by a Member's Immediate Family or Extended Family, which are received as an incident of protocol or social obligation or as a normal or necessary incident to fulfilling the Member's duties.
40. A Member must disclose all gifts or other benefits received with a value in excess of \$200.

41. Members of Council shall reject bribery in any form and report any attempt or perceived attempt to bribe a Member to the CAO.
42. Members of Council shall avoid any actual or reasonable apprehension of bias when carrying out their duties as a Member of Council, and, without limiting the generality of the foregoing, in the dealing with matters that involves a Member's Immediate Family or Extended Family.

Improper Use of Influence

43. A Member must only use the influence of their office for the exercise of their official duties.
44. A Member must not directly or indirectly demand, request, induce or aid, Town employees, Members' staff, members of any boards, commissions, associations, and committees to do something which, if done by the Member, would be a breach of this Bylaw.
45. A Member must not use or attempt to use their authority for the purpose of intimidating, coercing, or influencing Town employees or Members' staff with the intent of interfering with such staff's duties.
46. A Member must be independent and impartial and must not provide preferential treatment to any person or organization except as warranted by the ordinary and lawful discharge of the Member's duties.
47. Members of Council must not contact or attempt in any way to influence any member of a judicial, quasi-judicial, or regulatory body before which the Town may be a party regarding a matter before that body.

Use of Town Assets and Services

48. A Member must not use, or permit the use of, Town land, facilities, equipment, supplies, services, employees, or other resources for activities other than the business of the Town.
49. A Member may use Town communication facilities, such as computers, telephones, electronic mail, and mobile devices for personal use provided that such use complies with any applicable Town policy or procedure, is not offensive or inappropriate, or would not cause harm to any person.

50. A Member must not attempt to obtain financial gain from any of the Town's intellectual property, and all Members acknowledge that the Town's intellectual property is owned by the municipal corporation.
51. No Member shall use information gained in the execution of their duties that is not available to the general public, for any purposes other than the Member's official duties.
52. Immediately prior to the end of their term of office, Members of Council will return Town assets, including Town records, to the CAO.

Orientation and Training

53. Members of Council shall attend orientation training offered by the Town as required by the *Municipal Government Act* and must attend any additional training directed by Council.

Partisan Politics

54. Members of Council are entitled to run for a provincial or federal political party.
55. Members of Council must not allow their provincial or federal party affiliation or responsibilities to interfere with the requirements and responsibilities of serving the Town as a Member of Council.
56. Members of Council will not engage in political activities at Town facilities or at any event sponsored by the Town or by one of its commissions or committees.
57. If a member of Council is elected as a member of the Senate or House of Commons of Canada or of the Legislative Assembly of Alberta, they are disqualified from Council as per the *Municipal Government Act*.

PART III
CONTRAVENTION OF THE CODE OF CONDUCT

Complaint Submissions

58. If any person believes that a Member of Council has contravened the code of conduct in this Bylaw, that person may make a written complaint to the CAO. A sample complaint form is provided as Schedule A to this Bylaw.

59. Written complaints must include the following:

- a. the complainant's full name and contact information.
- b. the name of the Member(s) of Council alleged to have contravened the code of conduct; and
- c. the provisions of the code of conduct allegedly contravened and the facts surrounding the allegation, including any witnesses.

and may be submitted to the attention of the CAO, by email, fax, regular mail, or by courier

Email: cao@mayerthorpe.ca

Fax: 780-786-4590

Mail: Chief Administrative Officer, Box 420 Mayerthorpe, AB T0E 1N0

Courier: 4911 – 52 Street Mayerthorpe, AB T0E 1N0

60. A complaint must be received by the CAO, not later than 90 days after the date the person became aware of the conduct giving rise to the complaint. The CAO may use their discretion to grant extensions if:

- a. the delay occurred in good faith.
- b. it is in the public interest to consider an investigation; and
- c. no substantial prejudice will result to any person because of the delay.

61. On receipt of a complaint, an initial assessment will be completed by the CAO to determine if the complaint should be dismissed or if an informal resolution is possible.

62. After an initial assessment, the CAO will immediately refuse complaints that:
- a. are not about a current Member of Council.
 - b. are about the conduct of a Member's staff or Town employee.
 - c. are about conduct which occurred during the period of a municipal election and is election conduct and not related to the official duties of a Member of Council.
 - d. allege criminal activity.
 - e. allege a violation of the *Municipal Government Act* or the *Freedom of Information and Protection of Privacy Act*.
 - f. are covered by other applicable legislative appeal, complaint, or court processes; or
 - g. are determined by the CAO to be frivolous, vexatious, or made in bad faith.

The complainant will be advised in writing of the refusal, with reasons, and provided with information regarding other options, if applicable, and the CAO will close the complaint file.

63. After an initial assessment, the CAO may attempt to resolve the complaint informally if the CAO determines that an informal resolution is possible. The CAO must obtain the written consent of both the complainant and the respondent Member to engage in an informal resolution process. Where a complaint has been resolved informally, the complainant will be advised in writing of the resolution and the CAO will close the complaint file.
64. The CAO may request additional information from the complainant for the purposes of conducting an initial assessment to determine if a complaint should be dismissed or if an informal resolution is possible.
65. A complainant who does not provide the CAO with their full name and contact information will not receive any notice or other communication from the CAO notwithstanding any contrary requirement in this Bylaw. In such circumstances,

the CAO may exercise their discretion to dismiss such complaints or refer them for investigation.

66. A complaint may be withdrawn at any time by notice in writing to the CAO by email, fax, regular mail, or courier. In such circumstances, the CAO may use their discretion to refer the matter to an investigation without further participation of the complainant.

Investigation

67. Where a complaint has not been dismissed or resolved informally, the CAO will engage a third-party Investigator to conduct a formal investigation.
68. Upon commencing the formal investigation, the Investigator shall provide written notice of the investigation to the complainant and the respondent Member.
69. The notice of investigation to the respondent Member must include a copy of the complaint and any supporting material and must state the timeframe within which the Member may respond in writing to the Investigator. Names of complainants and witnesses may be provided to the respondent Member(s) if:
 - a. the investigation cannot be completed without releasing the complainant's name; or
 - b. the respondent Member(s) require the name(s) to properly respond to the allegations.
70. The respondent Member will have until the time stated in the notice of investigation to deliver to the Investigator a written response to the complaint together with any submissions that the Member chooses to make.
71. The Investigator may request any person whose evidence is necessary to the investigation to provide it in a statutory declaration sworn or affirmed and declared before a lawyer, notary public or commissioner of oaths.
72. The Investigator may review all books, financial records, electronic data, processing records, reports, files and any other papers, things or property belonging to or used by the Town and enter any relevant Town work location which the Investigator deems necessary for the purpose of the investigation.

73. Upon the notice of investigation being sent to the respondent Member, evidence in the possession of the Member and/or their staff, including any records, must be preserved pending the outcome of the investigation.
74. The obstruction of an investigation by a respondent Member is presumed to be a violation of this Bylaw.

Decision and Reporting

75. The Investigator must make a decision within 90 days from the date that the CAO requested the Investigator to conduct a formal investigation. The Investigator may request an extension from Council of up to 45 days, if required.
76. Following the investigation, if the Investigator determines that a respondent Member did not violate the code of conduct in this Bylaw, the Investigator must advise the complainant and the respondent Member of this decision in writing with reasons. The reasons must contain:
 - a. a summary for the complaint received,
 - b. a summary of the information gathered, and findings made, and
 - c. an explanation of why a breach was not found.
77. Following the investigation, if the Investigator determines that a respondent Member did violate the code of conduct in this Bylaw, the Investigator shall prepare a written report to Council and provide a copy to the complainant and the respondent Member. The report must contain:
 - a. a summary for the complaint received,
 - b. a summary of the information gathered, and findings made,
 - c. identified contraventions of the code of conduct, and
 - d. a recommended resolution, include any recommended remedial actions in accordance with section 81 of this Bylaw.
78. Upon receiving the Investigator's written report, Council will review the written report at the next regular meeting of Council, or at a special meeting called for

this purpose. Discussions regarding the written report shall be conducted in closed session if permitted the *Municipal Government Act* and the *Freedom of Information and Protection of Privacy Act*.

79. The respondent Member will have regard to the public perception and appropriateness of participating in the meeting where the written report is discussed by Council but cannot be prevented from participating in debate and voting on the resolution should they wish to.
80. The Investigator's decision that the respondent Member violated the code of conduct in this Bylaw is final and may not be reviewed or reconsidered by Council.
81. Council must decide whether to adopt the Investigator's recommendation as to remedial actions or whether to substitute a different, lesser or greater sanction.

Remedial Action

82. If a Member of Council violated the code of conduct in this Bylaw, sanctions may be imposed by Council including any of the following:
 - a. a letter of reprimand addressed to the Member.
 - b. requesting the Member to issue a letter of apology.
 - c. publication of a letter of reprimand or request for apology and the Member's response.
 - d. a requirement to attend training.
 - e. suspension or removal of the appointment of a Member as the chief elected official under section 150(2) of the *Municipal Government Act*.
 - f. suspension or removal of the appointment of a Member as the deputy chief elected official or acting chief elected official under section 152 of the *Municipal Government Act*.
 - g. suspension or removal of the chief elected official's presiding duties under section 154 of the *Municipal Government Act*.

- h. suspension or removal from some or all Council committees and bodies to which Council has the right to appoint members.
- i. reduction or suspension of remuneration as defined in section 275.1 of the *Municipal Government Act* corresponding to a reduction in duties, excluding allowances for attendance at Council meetings.

**PART IV
RESCINDING & COMING INTO FORCE**

- 83. Town of Mayerthorpe Bylaw No. 1174 is hereby rescinded.
- 84. This Bylaw becomes effective upon its final passing.
- 85. Should any provision of this bylaw be found to be invalid then such invalid provision shall be severed, and the remaining bylaw shall be maintained.

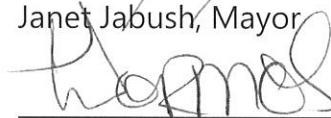
Read a first time this 23rd day of October A.D. 2023.

Read a second time this 14th day of November, A.D. 2023.

Read a third time and duly passed this 14th day of November, A.D. 2023.



Janet Jabush, Mayor



Louise Kormos, ACAO

(Signature of Complainant)

(Date signed)

<p><u>For Office Use Only</u></p> <hr/> <p><i>Date Filed</i></p> <hr/> <p><i>Signature of CAO</i></p> <hr/>
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Personal information is collected pursuant to Sections 33(c) of the Freedom of Information and Protection of Privacy Act (FOIP) for the purpose of operating the Town's Code of Conduct Bylaw. Please note certain information including, but not limited to, the nature of the application, as well as, the applicant's name, business address and business telephone number may not be disclosed in accordance with Sections 20 of FOIPP. If you require additional information contact the Town's FOIPP Coordinator at 780-786-2416.