

Village of Donalda
In the Province of Alberta
Bylaw #706
"Code of Conduct Bylaw"

A Bylaw of the Village of Donalda, in the Province of Alberta, to establish a code of conduct for members of Council;

WHEREAS pursuant to the Municipal Government Act, Section 146.1, Chapter M.26 Revised Statutes of Alberta, 2000, and regulation as amended time to time, Council must establish by Bylaw, a code of conduct governing 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 Village of Donalda;
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 members of a Council share a common understanding of acceptable conduct extending beyond the legislative provisions governing the conduct of councillors;

NOW THEREFORE, the Council of Village of Donalda, in the Province of Alberta, hereby enacts as follows:

1. Title

1.1 This Bylaw may be cited as the "Council Code of Conduct Bylaw";

2. Interpretation

- 2.1 "Act" means the Municipal Government Act RSA 2000, c-M.26 and regulations as amended from time to time;
- 2.2 "Bylaw" means the Village of Donalda Bylaw #706;
- 2.3 "Chief Administrative Officer (CAO)" means the person appointed to the position of Chief Administrative Officer by the Council of the Village of Donalda and includes any person that the Chief Administrative Officer may appoint as his/her designate for the purposes of carrying out his/her responsibilities and further, includes any person that may be appointed to act in the absence of the Chief Administrative Officer;
- 2.4 "Council" is the members of Council of Village of Donalda elected pursuant to the Local Authorities Election Act;
- 2.5 "FOIP" means the Freedom of Information and Protection of Privacy Act, RSA, 2000, c. F-25, any associated regulations, and any amendments or successor legislation;
- 2.6 "Investigator" means Council or the individual or body established by Council to investigate and report on complaints;
- 2.7 "Member" means a member of Council and includes a councillor or the Chief Elected Official;
- 2.8 "Village" is the Village of Donalda;

3. Purpose and Application

- 3.1 The purpose of this bylaw is to establish standards for the ethical conduct of Members relating to their roles and obligations as representatives of the Village and a procedure for the investigation and enforcement of those standards;

4. Representing the Village of Donaldda

4.1 Members shall:

- a. Act honestly and in good faith, serve the welfare and interests of the Village 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 supposed by Council; and
- d. Arrange their private affairs and conduct themselves in a manner that promotes public confidence and will bear close public scrutiny.

5. Communicating on behalf of the Village

- 5.1 A member must not claim to speak on behalf of Council unless authorized to do so;
- 5.2 Unless Council directs otherwise, the Mayor is Council's official spokesperson, all inquiries from the media regarding the official Council position on an issue shall be referred to Council's official spokesperson;
- 5.3 A member 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 member personally disagrees with Council's position;
- 5.4 No member shall make a statement with the intent to mislead Council or members of the public;
- 5.5 No member shall make a statement when they know that the statement is false.

6. Respecting the Decision-Making Process

- 6.1 Decision making authority lies with Council and not with any individual member. Council may only act by bylaw or resolution passed at a Council meeting held in public at which there is a quorum present. No member shall, be authorized by Council, attempt to bind the Village or give direction to employees in Administration, agents, contractors, consultants or other service providers or prospective vendors to the Village.
- 6.2 Members shall conduct and convey Council business and all their duties in an open transparent manner other than for those matters which by law are authorized to be dealt with a confidential manner in an in-camera 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.

6.3 Members 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.

7. Adherence to Policies, Procedures, and Bylaws

7.1 Members shall uphold the law established by the Parliament of Canada and the Legislature of Alberta and the bylaws, policies, and procedures adopted by Council;

7.2 Members shall respect the Village as an institution, its bylaws, policies, and procedures and shall encourage public respect for the Village, its bylaws, policies and procedures;

7.3 A member must not encourage disobedience of any bylaw, policy, or procedure of the Village in responding to a member of the public, as this undermines public confidence in the Village and in the role of the law;

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

8.1 Members shall act in a manner that demonstrates fairness, respect for the individual differences and opinions, and an intention to work together for the common good and in furtherance of the public interest;

8.2 Members shall treat one another, employees of the Village and members of the public with courtesy, dignity, and respect and without abuse, bullying or intimidation;

8.3 No member shall use indecent, abusive, or insulting words or expressions toward another member, any employee of the Village or any member of the public;

8.4 No member shall speak in a manner that is discriminatory to any individual based on the persons' race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, or sexual orientation.

8.5 Members 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 Member or group of Members.

8.6 Members shall not:

1. involve themselves in matter of Administration, which falls within the jurisdiction of the Chief Administrative Officer;
2. use or attempt to use their authority of influence for the purposes of intimidating, threatening, coercing, commanding, or influencing, any employee of the Municipality with the intent of interfering in the employees' duties or;
3. maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of employees of the Municipality.

9. Confidential Information

9.1 Members 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;

9.2 Members shall refrain from disclosing or releasing any confidential information acquired by virtue of their office except when required by law or authorized by Council to do so.

9.3 No member shall use confidential information for personal benefit or for the benefit of any other individual organization.

10. Conflicts of Interest

10.1 Members have a statutory duty to comply with the pecuniary interest provisions set out in Part 5, Division 6 of the Act and corresponding duty to vote unless required or permitted to abstain under the Act or another enactment.

10.2 Members 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.

10.3 Members shall approach decision-making with an open mind that is capable of persuasion.

10.4 It is the individual responsibility of each member to seek independent legal advice, at a members' sole expense, with respect to any situation that may result in a pecuniary or other conflict of interest.

11. Improper Use of Influence

11.1 No Member shall use influence of the Members' office for any purpose other than for the exercise of the Members' official duties.

12. Use of Municipal Assets

12.1 Members' shall use municipal property, equipment, services, supplies, and staff resources only for the performance of their duties as a Member

13. Orientation and Other Training Attendance

13.1 Every Member must attend the orientation training offered by the Municipality within 90 days after the Member takes oath of office.

13.2 Unless excused by Council, every Member must attend any other training organized at the direction of Council for the benefit of Members throughout the Council term.

13.3 Members are stewards of public resources and shall avoid waste, abuse and extravagance in the use of public resources.

13.4 Members shall be transparent and accountable with respect to all expenditures and strictly comply with all municipal bylaws, policies and procedures regarding claims for renumeration and expenses.

13.5 Members 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.

14. Internal Complaint Process

14.1 Any person or Member who has identified or witnessed conduct by a member that the person or member reasonably believes, in good faith, is in contravention of this Bylaw may address the prohibited conduct by;

1. advising the Member that the conduct violates this Bylaw and encouraging the member to cease;

2. requesting the Chief Elected Official to assist in informal discussion of the alleged complaint with the Member is an attempt to resolve the issue. In the event that the Chief Elected Official is the subject of or implicated in a complaint, the person may request the assistance of the Deputy Chief Elected Official.

14.2 Individuals are encouraged to pursue this informal complaint process as the first means of remedying conduct that they believe violates this Bylaw. However, an individual is not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure outlined below

15. Formal Complaint Process

15.1 Any person or Member who has identified or witnessed conduct by a member or person who reasonably believes, in good faith, is in contravention of this Bylaw may file a formal complaint in accordance with the following procedure:

1. all complaints shall be made in writing and shall be dated and signed by an identifiable individual;
2. all complaints shall be addressed to the investigator;
3. If the facts, as reported, include the name of one or more Members who are alleged to be responsible for the breach of this Bylaw, the Member or Members concerned shall receive a copy of the complaint submitted to the investigator;
4. The complaint must set out reasonable and probable grounds for the allegation that the Member has contravened this Bylaw, including a detailed description of the facts, as they are known given rise to the allegation;
5. Upon receipt of a complaint under this Bylaw, the investigator shall review the complaint and decide whether to proceed to investigate the complaint or not. If the investigator is of the opinion that a complaint is frivolous or vexatious or is not made in good faith, or there are no grounds or insufficient grounds for conducting an investigation, the investigator may choose not to investigate or if already commenced, may terminate any investigation or may dispose of the complaint in a summary manner,
- in that event, the complainant and Council, if Council is not the investigator, shall be notified of the investigators' decision.
6. If the investigator decides to investigate the complaint, the investigator shall take such steps as it may consider appropriate, which may include seeking legal advice. All proceedings of the investigator regarding the investigations shall be confidential.
7. If the investigator is not Council, the investigator shall upon conclusion of the investigation provide the Council and the Member who is the subject of the complaint, the results of the investigator's investigation.

8. A member 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.
9. A member who is the subject of an investigation is entitled to be represented by legal counsel, at the Members' sole expense.

16. Compliance and Enforcement

16.1 Members shall uphold the letter and the spirit and intent of this Bylaw.

16.2. Members are expected to cooperate in every way possible in securing compliance with the application and enforcement of this Bylaw.

16.3. No Member shall:

1. 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;
2. obstruct Council, or any other person in carrying out objectives or requirements of this Bylaw.

16.4 Sanctions that may be imposed on a Member by Council upon finding that the Member has breached this Bylaw may include:

1. a letter of reprimand to the Member;
2. requesting the Member to issue an apology;
3. publication of a letter of reprimand or request for apology and the Members' response;
4. Suspension or removal of the appointment of a Member as the Chief Elected Official under Section 150 (2) of the Act;
5. Suspension or removal of the appointment of a Member as the Deputy Chief Elected Official under section 152 of the Act;
6. Suspension or removal from some or all Council committees and bodies to which Council has the right to appoint members;
7. 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;
8. Any other sanction Council deems reasonable and appropriate in the circumstances provided that the sanction does not prevent a Member from fulfilling the legislated duties of a Councillor and the sanction is not contrary to the Act.

17. Review

17.1 This Bylaw shall be brought forward to 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 Members.

This Bylaw shall come into effect on the date of third and final reading.

READ a first time in open Council this 17th day of July 2018.

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Chief Elected Official



Chief Administrative Officer