

Town of Mayerthorpe  
Province of Alberta  
Canada.

## **BYLAW NO. 1062**

### **BEING A BYLAW OF THE TOWN OF MAYERTHORPE TO AUTHORIZE THE MUNICIPAL COUNCIL OF THE TOWN OF MAYERTHORPE TO ESTABLISH A CODE OF CONDUCT**

**WHEREAS**, Part 5, Division 1 of the Municipal Government Act, Revised Statutes of Alberta 2000 Chapter M-26 and amendments thereto gives a Municipality authority to pass a bylaw to establish a code of conduct.

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

#### **PART I SHORT TITLE**

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

#### **PART II CODE OF CONDUCT FOR MEMBERS OF COUNCIL**

##### **Preamble**

As members of council, we recognize that our actions have an impact on the lives of all residents and property owners in the community. Fulfilling our obligations and discharging our duties responsibly requires a commitment to the highest ethical standards.

The quality of the public administration and governance of the Town of Mayerthorpe, as well as, its reputation and integrity, depends on our conduct as elected officials.

##### **Purpose and Interpretation**

The purpose of this code is to outline basic ethical standards and values for members of council. It is to be used to ensure that members of council adhere to their obligations when fulfilling their duties and responsibilities as elected officials.

This code is to be interpreted in accordance with the statutory and other legal requirements applicable to the municipality and its councillors, including the policies and bylaws of the municipality.

Neither the law nor this code is to be interpreted as exhaustive, and there will be occasions on which a council will find it necessary to adopt additional rules of conduct in order to protect the public interest and to enhance the public confidence and trust in local government.

It is the responsibility of each member of council to uphold the standards and values set out in this code.

## **2. Standards and Values**

(a) Honesty

Members of council shall be truthful and open in their roles as council members and as members of the community they serve.

(b) Objectivity

Members of council shall make decisions carefully, fairly and impartially.

Members of council recognize that their allegiance and loyalties are to the community as a whole and not to any individual(s) or group(s).

(c) Respect

Members of council shall treat every person, including other members of council, municipal employees and the public, with dignity, understanding and respect.

Members of council shall respect the right of others to offer their opinion; tolerate viewpoints, which may be at odds with those of others; respect view and opinions, which may be in the minority; respect the role of the Chief Administrative Officer as the key employee of Council and its chief policy advisor; and, respect the right of the administration to present reports and advice which may not be that which is acceptable to Council.

Members of council shall not engage in discrimination, bullying or harassment in their roles as members of council. They shall not use derogatory language towards others, shall respect the rights of other people and groups, shall treat people with courtesy and shall recognize the importance of the different roles others play in local government decision making.

Members of council shall extend fair treatment for those presenting to council by ensuring that presenters are treated fairly regardless of race, gender, religion, age, disability or occupation; dealt with in good faith; given an adequate amount of time in which to present their views; and, treated without bias and are accorded respect for their time and views.

Members of council shall ensure that their behavior towards municipal employees, contractors, service providers, the public or their agents is courteous, professional, fair, and unbiased; contributes to the preservation of orderly decorum; avoids sarcasm,

derogatory comments, or questions or comments designed to embarrass; is respectful of the rulings and reaction of the chair; and, where a member is the chair, they shall be responsible to immediately rule such behavior out of order and require the offending member to offer an apology to all present.

(d) Transparency and Accountability

Members of council shall endeavour to conduct and convey council business and all their duties in an open and transparent manner, other than those discussions that are authorized to be dealt with in a confidential manner in closed session, so that stakeholders can view the process and rationale used to reach decisions and the reasons for taking certain actions.

Members of council are responsible for the decisions that they make. This responsibility includes acts of commission and acts of omission.

(e) Confidentiality

Members of council 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.

Members of Council shall not take advantage of or obtain private benefit from information that is obtained in the course of or as a result of their official duties or position and that is not in the public domain. This includes complying with the *Municipal Government Act* and the *Freedom of Information and Protection of Privacy Act* in their capacity as members of council of a local authority.

(f) Leadership and the Public Interest

Members of council shall serve their constituents in a conscientious and diligent manner and act in the best interests of the municipality. A member shall strive, by focussing on issues important to the community and demonstrating leadership, to build and inspire the public's trust and confidence in local government.

Members of council are expected to perform their duties in a manner that will bear close public scrutiny and shall not provide the potential or opportunity for personal benefit, wrongdoing or unethical conduct.

(g) Responsibility and Conflict of Interest

Members of council shall act responsibly and in accordance with the Acts of the Parliament of Canada and the Legislature of Alberta, including the *Municipal Government Act*.

Members of Council will respect the legislation that accords to council as a whole the authority to make decisions that guide the actions of the administration. This authority is vested in council when it is convened as a body at a duly constituted meeting. Individual members of council shall therefore refrain from attempting to guide or influence individual members of the administration.

This duty includes disclosing actual or potential conflicts of interest, either financial or otherwise relating to their responsibilities as members of council, following policies and procedures of the municipality, and exercising all conferred powers strictly for the purpose for which the powers have been conferred. Every member of council is individually responsible for preventing potential and actual conflicts of interest. Decisions on matters of pecuniary (either direct or indirect) which impact family members in a way not consistent with the official position as a whole will be deferred pending the advice of the municipality's solicitor. In this, as in all matters, the legislation will prevail.

(h) Bias

Members of council shall avoid any actual or reasonable apprehension of bias in the dealing with relatives and shall avoid any actual or reasonable apprehension of bias when acting as a member of council.

(i) Partisan Politics

Members of council are entitled to serve as members of provincial or federal parties. Council members will not allow their party affiliation or responsibilities interfere with the requirements and responsibilities of serving the municipality as a member of council. Council members will not engage in political activities in municipal facilities or at any event sponsored by the municipality or by one of its commissions or committees.

(j) Acceptance of Gifts

Members of council shall avoid any actual or reasonable apprehension of bias in the acceptance of gifts and shall accept only those gifts of protocol or social obligation that occur in normal business relationships and not accept a fee, gift or other benefit that is connected directly or indirectly with the performance of the member's office.

(k) Bribery

Members of council are to be alert to any attempt of bribery and shall reject bribery in any form and report any attempt or perceived attempt to bribe a member to the Chief Administrative Officer.

(l) Requests for Information

Members of council shall direct their requests for information or action to the office of the Chief Administrative Officer (unless delegated to a municipal employee by the Chief Administrative Officer). If the matter is subject to a current council policy, 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 Chief Administrative Officer who will place the matter before council to receive direction.

(m) Orientation

Members of council shall attend orientation training offered by the municipality within 90 days after a general election.

## **PART III**

### **CONTRAVENTION OF THE CODE OF CONDUCT**

#### **Complaint Procedure**

1. The following section details the procedure for handling contraventions of the code of conduct:
  - (a) To report an alleged contravention of the code of conduct, an individual/organization/member of council may submit the form found in Schedule A, by sending the form directly to the Chief Administrative Officer, by mail, e-mail, fax or courier. The complaint will then be presented to council at the next regular meeting of council in an *in camera* session.
  - (b) Upon receipt of a complaint, Council shall discuss the complaint and take all necessary steps to ensure the complaint is valid.
  - (c) All discussions surrounding alleged and substantiated contraventions of this policy shall be conducted in an *in camera* session at a meeting of council.
  - (d) If the claim is found to be substantiated, Council may, by resolution, impose an appropriate penalty detailed in 3. (a) to (m) based on the severity of the contravention of the code.
    - (i) Any action taken by Council should include a time frame to complete the expected remedial action.
    - (ii) Council shall inform the claimant, member of council, and any other relevant party of councils' decision, which includes:
    - (iii) Informing the claimant and member of council that the complaint is dismissed, or
    - (iv) Informing the complainant and member of council of the corrective action and/or the measures taken to ensure the behavior or activity does not continue.

#### **Contravention During a Council Meeting**

2. If council is of the opinion that a member has/is being disruptive and refuses to stop when asked, that member may be excluded from the remainder of the meeting. Council may apply additional penalties based on the severity of the contravention.

#### **Remedial Action if Contravention Occurs**

3. Should a Member of a Council breach any of the principles outlined in this code, the possible courses of action that are available to Council include but are not limited to:
  - (a) An apology, either written and/or verbal, by the member of council to the impacted individual(s), council, and/or the general public.
  - (b) Educational training on ethical and respectful conduct.
  - (c) Repayment/return of moneys/gifts/property.
  - (d) Removal of the member from council committees and/or bodies or suspension of a defined duration.
  - (e) Dismissal of the member from a position of chairperson of a committee or suspension of a defined duration.
  - (f) Reprimand (verbal and/or written).

- (g) Pass a motion of censure.
- (h) Restrict access to municipal facilities except Council or committee meetings.
- (i) Limit contact with administration to written communication.
- (j) Limit travel/representation on behalf of council.
- (k) Request an inquiry under Part 14 of the Municipal Government Act.
- (l) Initiate legal action under Part 5 Division 8 of the *Municipal Government Act*.
- (m) Other measures as determined by Council in order to restore the accountability of Council.

#### **PART IV COMING INTO FORCE**

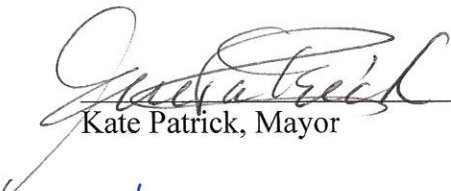
**4.** This Bylaw becomes effective upon its final passing.


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 27<sup>th</sup> day of March, A.D. 2017.

Read a second time this 8<sup>th</sup> day of August, A.D. 2017.

Read a third time and duly passed this 11th day of September, A.D. 2017.

  
\_\_\_\_\_  
Kate Patrick, Mayor

  
\_\_\_\_\_  
Karen St. Martin, CAO



Schedule A  
**CODE OF CONDUCT  
FORMAL COMPLAINT FORM**

***Please note that knowingly signing a false affidavit may expose you to prosecution under the Criminal Code of Canada.***

I \_\_\_\_\_ of  
(First and Last Name)

\_\_\_\_\_,  
(Full mailing address)

do solemnly swear/(affirm and declare) that the following contents of this statement are true and correct and hereby request the council of the Town of Mayerthorpe to *(look into/ conduct an investigation/ inquiry/ follow-up on)* whether or not the following member(s) of the Town Council has (have) contravened the Code of Conduct:

\_\_\_\_\_  
*Member(s) of council name(s)*

I have reasonable and probable grounds to believe that the above member(s) has (have) contravened the Code of Conduct by reason of the following:

1. Insert date(s), time and location of conduct;
2. Include the sections of this bylaw that have been contravened;
3. Provide the particulars and names of all persons involved, and of all witnesses;
4. Provide contact information for all people listed;
5. Any exhibits can be attached; and
6. If more space is required, please attach additional pages as needed.

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(Signature of Complainant)

\_\_\_\_\_  
(Date signed)

**For Office Use Only**

\_\_\_\_\_  
***Date Filed***

\_\_\_\_\_  
***Signature of CAO***

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.