

BYLAW NO. 954-2017, “CODE OF CONDUCT FOR COUNCILLORS”

TOWN OF SEXSMITH

Municipal Government Act, RSA 2000 Chapter M-26

Part 1, Section 3; Part 2; Part 5, Section 146.1 and Section 153

Being a Bylaw in the Town of Sexsmith in the Province of Alberta for the purpose of establishing a Code of Conduct for Councillors.

WHEREAS, pursuant to Part 2 of the *Municipal Government Act* (MGA), S.A. 2000, M-26, a council may pass a bylaw for municipal purposes;

WHEREAS, pursuant to Part 5, Section 146.1 and 153 of the MGA a council must by bylaw establish a code of conduct governing the conduct of councillors and councillors have a duty to adhere to the code of conduct established by the council; and

WHEREAS, the citizens and the taxpayers of the Town have the right to be served by a Council committed to conducting its service in an ethical, impartial, businesslike, and professional manner;

WHEREAS, Sexsmith Town Council deems it necessary to establish a Council Code of Conduct to guide members of Council, reflecting the values of the Town of Sexsmith, its commitment to professional, accountable and lawful conduct, and its desire to provide strong local governance and leadership;

WHEREAS, the Council Code of Conduct is a supplement to the existing federal and provincial statutes, laws, and policies governing the conduct of municipal elected officials, and;

WHEREAS, Sexsmith Town Council has considered Sections 3 and 153 of the MGA in establishing this Council Code of Conduct;

NOW THEREFORE, the Council for the Town of Sexsmith, duly assembled, enact as follows:

1. TITLE

- a. This Bylaw will be cited as the “Council Code of Conduct”.

2. DEFINITIONS

- a. “CAO” means the Chief Administrative Officer for the Town;
- b. “Town” means the Town of Sexsmith;
- c. “Council” means all members of Council duly elected and holding office;
- d. “Councillor” means any member of Council including the Mayor and Deputy Mayor;
- e. “Town Property” means the Town’s financial and non-financial assets including but not limited to land, vehicles, equipment, electronic devices and documents;
- f. “Confidential” or “Confidential Information” includes:
 - i. information or records that are that are within one of the prohibitions against disclosure in Division 1 of Part 1 of the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c. M-26, as amended, and;
 - ii. information or matters discussed in private at a council or council committee meeting until discussed at a meeting held in public.
- g. “Director” mean an employee of the Town that reports directly to the CAO and may carry some delegated or designated duties of the CAO.

3. CODE OF CONDUCT

a. Representing the Town

- i. All councillors shall:
 1. work for the common good of the Town citizens and taxpayers while promoting the public interest and advancing the mandate and long-term interests of the Town;
 2. conduct Council business in an open and transparent manner that promotes public confidence and trust, recognizing that an individual councillor cannot exercise individual authority over the Town;

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3. exercise their duties with care, diligence and skills that a reasonably prudent person would exercise in comparable circumstances;
 4. exercise their duties by placing the interests of the Town ahead of their personal interests; and
 5. exercise their duties in an impartial manner, making decisions based on objective criteria, rather than on the basis of bias or prejudice.
- b. Communicating on behalf of the Town**
- i. The Mayor, or in his/her absence the Deputy Mayor, is the official spokesperson for the Town;
 - ii. All councillors acknowledge that official information related to the decisions of Council will be communicated to the community and the media by the Mayor, or in his/her absence the Deputy Mayor, on behalf of the Council as a whole.
 - iii. When using social media platforms in their official capacity as elected officials of the Town of Sexsmith, councillors shall:
 - a. Take reasonable measures to use social media for the greater good of their constituency and the Town.
 - b. Use social media as a platform to support the work of Council, administration, policies, programs, and decisions of the Town and not criticize the Council, town, municipal partners, other levels of government, or administration.
 - c. Maintain confidentiality by not posting any information discussed in closed sessions or private meetings. Information that would not normally be presented in a public forum shall not be shared.
 - d. Not post private or confidential information about fellow councillors, Town employees, or constituents. Councillors shall not discuss situations involving named, pictured, or otherwise identifiable individuals without their expressed permission.
 - e. Not act in place of Town administration by answering questions from constituents. Councillors shall refer questions on matters of operations to administration when unable to respond with accurate or timely information.
 - f. Endeavor to provide accurate and timely information to constituents in an accessible and professional manner.
 - g. Endeavour to maintain separate social media accounts for their personal and professional activities.
 - h. Ensure decisions and initiatives of Council have been made public by administration before being shared through social media.
- c. Respecting the decision-making process**
- i. All councillors shall:
 1. foster respect for the democratic decision-making process; and
 2. work towards effective and consistent implementation of the policies and/or decisions of Council.
- d. Adherence to policies, procedures and bylaws**
- i. As the Town's stewards and decision makers, all councillors shall respect and adhere to the established policies, procedures and bylaws of the Town, showing commitment to performing their duties and functions with care and diligence.
- e. Respectful interaction with councillors, staff, the public and other members of society**
- i. All councillors shall:
 1. treat fellow councillors, administration/staff and the public with respect, concern and courtesy;
 2. demonstrate the highest standards of personal integrity and honesty; and

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3. communicate and work with fellow councillors in an open and honest manner promoting a spirit of cooperation by listening to and respecting those opinions that may differ from their own.

f. Confidential information

- i. All councillors shall hold and maintain in strict confidence all confidential information and shall not, either directly or indirectly, release, make public or in any way divulge or disclose any confidential information unless expressly authorized by Council and permitted by law to do so, or required by law to do so.

g. Conflict of interest

- i. No councillor shall engage in any activity which is incompatible or inconsistent with the ethical conduct of official duties in the public interest. Prohibited activities include but are not limited to:
 1. use of any influence of the office for any purpose other than official duties;
 2. use of any information gained in the execution of the office that is not available to the general public (including but not limited to confidential information) for any purpose other than for official duties;
 3. place themselves in a position of obligation to any person or organization who might reasonably benefit from special consideration or may seek preferential treatment; and
 4. influence any Council decision or decision-making process involving or affecting any person or organization in which a councillor or councillors have a financial interest.

h. Improper use of influence

- i. All councillors shall, at all times, conduct themselves in a manner that reflects the separation of roles and responsibilities between Council and Administration, and shall:
 1. refrain from giving direction to any municipal employee or contracted resource, except through the CAO;
 2. convey all concerns or requests for action or information directly to the CAO or, where appropriate and as agreed by the CAO, may communicate with a Director;
 3. not in any circumstances commit the Town to any specific course of action, expenditure, or use of municipal resources outside of the Town's established budget, policies, procedures, or as otherwise authorized by Council;
 4. not solicit, demand or accept the services of any municipal employee or contracted resource;
 5. avoid any situation in which a friendship, social relationship or social interaction with a member of staff may be seen to create undue influence, access to information, conflict of interest, or to undermine the authority of the CAO; and
 6. not express any opinion on the performance of any municipal employee with exception of the formal CAO performance evaluation as specifically required by MGA;
 7. not advocate for the promotion, sanction, or termination of any municipal employee.

i. Use of municipal assets and services

- i. No councillor shall use or attempt to use Town property, funds, services, or information for personal benefit or the benefit of any other individual.

j. Orientation and other training attendance

- i. All councillors:
 1. must attend the orientation training offered to councillors in accordance with Section 201.1 of the MGA, and;

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2. shall make their best efforts to attend all other applicable training offered to councillors.

4. COMPLAINTS

- a. Any person, in good faith, may report perceived wrongdoing by a councillor or make a complaint alleging a breach of the Council Code of Conduct by a councillor. All reasonable attempts shall be made to keep these reports and complaints confidential until a full investigation is completed in order to protect the complainant and the councillor.
- b. The report or complaint shall be:
 - i. in writing and shall outline the nature and specifics of the perceived wrongdoing or alleged breach;
 - ii. include the name of the complainant;
 - iii. signed and dated by the complainant;
 - iv. addressed to the Mayor (or in the case of perceived wrongdoing of the Mayor, to the Deputy Mayor);
 - v. marked "confidential", and;
 - vi. mailed, emailed, or hand-delivered to the Town's office.
- c. An anonymous report or complaint shall not be considered valid.
- d. All received reports and complaints shall be included in the in-camera session of a regular council meeting for Council's consideration.
- e. Depending on the nature of the report or complaint, Council may do any one or more of the following:
 - i. dismiss the report or complaint as invalid;
 - ii. authorize the Mayor and Deputy Mayor (or in the case of perceived wrongdoing or an alleged breach by the Mayor, the Deputy Mayor and one councillor; or in the case of perceived wrongdoing or alleged breach by the Deputy Mayor, the Mayor and one councillor), to investigate the report or complaint and report to Council;
 - iii. request a legal opinion regarding the report or complaint, or;
 - iv. request the Town's legal counsel to investigate the report or complaint and report to Council through the Mayor (or in the case of perceived wrongdoing or an alleged breach by the Mayor, through the Deputy Mayor),
- f. The results of any investigation arising from a report or a complaint, and Council's decision regarding the report or complaint, shall be communicated to the public and may be subject to the exceptions to disclosure in Division 1 of Part 1 of the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c. M-26, as amended
- g. If a report or complaint is determined to be valid by the majority of Council, Council may in its discretion impose sanctions, defining the specific action to be taken by Council resolution.

5. SANCTIONS

- a. Council may impose sanctions on a councillor who contravenes the Council Code of Conduct in the following forms:
 - i. a letter of reprimand;
 - ii. requesting a letter of apology;
 - iii. requesting to attend training;
 - iv. suspension or removal from the Deputy Mayor position;
 - v. suspension or removal from some or all council committees and bodies to which council has the right to appoint members;
 - vi. restricting the privileges of attending conferences and workshops at the Town's expense;
 - vii. reduction or suspension of remuneration as council may deem appropriate and in accordance with MGA.

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6. REVIEW

- a. The Council Code of Conduct Bylaw must at a minimum be reviewed at least once every four (4) years starting from the date this Bylaw comes into effect.

7. This Bylaw shall come into effect upon the date of the final passage thereof.

Read a first time and passed this 20th day of November, 2017.

Read a second time and passed this 4th day of December, 2017.

Read a third time and finally passed this 18th day of December, 2017.

Claude Lagace
Mayor

Rachel Wueschner
Chief Administrative Officer