



**VILLAGE OF RYCROFT**  
**BYLAW 195-18**  
**"COUNCIL CODE OF CONDUCT"**

**BEING A BYLAW OF THE VILLAGE OF RYCROFT IN THE PROVINCE OF ALBERTA  
TO REGULATE THE CONDUCT OF COUNCIL.**

**WHEREAS** Section 146.1 of the *Municipal Government Act* provides that a council must by bylaw establish a code of conduct governing the conduct of Council members;

**WHEREAS** the *Code of Conduct for Officials Regulation* provides that a Code of Conduct must contain certain provisions;

**WHEREAS** the Village of Rycroft Council recognizes that the constituents of the Village of Rycroft elected the members of Council for the purpose of providing effective leadership for the Village of Rycroft and its residents;

**WHEREAS** each individual Council member of the Village of Rycroft hereby commits to upholding this Code of Conduct for the purpose of ensuring that Council members of the Village of Rycroft maintain appropriate conduct when carrying out their roles as Council members;

**NOW, THEREFORE, THE COUNCIL OF THE VILLAGE OF RYCROFT DULY  
ASSEMBLED ENACTS AS FOLLOWS:**

**1.0 GUIDING PRINCIPLES**

**1.1** Council must review this Code of Conduct annually at the Organizational Meeting to ensure that the Bylaw is current and remains relevant to the day to day conduct of Council and individual Council members.

**1.2** Council members are expected to formally and informally review this Code of Conduct and their adherence thereto on a regular and ongoing basis.

**2.0 MUNICIPAL PURPOSES**

**2.1** The purposes of the Municipality of Rycroft are to:

- a) to provide good government;
- b) to foster the well-being of the environment;
- c) to provide services, facilities or other things that in the opinion of council are necessary or desirable for all or a part of the municipality;
- d) to develop and maintain safe and viable communities;
- e) to work collaboratively with neighbouring municipalities to plan, deliver, and fund inter-municipal services.

**3.0 DEFINITIONS**

**3.1 "Chief Administrative Officer" (CAO)** has the meaning prescribed under the *Municipal Government Act*.

**3.2 "Conflict of Interest"** means an occurrence where a Council member's personal or private interests are or may be perceived as influencing the Council member on a matter of public interest before Village Council, including occurrences which may result in common law bias, including direct or indirect pecuniary interest, prejudgment, close mindedness, or undue influence.

A Conflict of Interest occurrence also includes using the Council member's position, confidential information, or Village of Rycroft employees, materials, or facilities for personal or private gain or advancement or the expectation of personal or private

gain or advancement. A Conflict of Interest may include advancing the interests of the Council member's family, friends, or business associates.

**3.3 "Complained of Council member"** means the Council member against whom a complaint has been made under this code of conduct.

**3.4 "Council member(s)"** has the meaning described under the *Municipal Government Act*, including an individual elected member of the Village of Rycroft Council and the chief elected official (Mayor).

**3.5 "Council"** means the Village of Rycroft Council.

**3.6 "In Camera"** means "in private" meeting. It involves a confidential meeting or a portion of a meeting taking place with only Council members, the CAO, or any other person invited by Council present.

**3.7 "Committee of the Whole"** refers collectively to those Members of Council present when Council moves to sit as a Committee.

**3.7 "MGA"** means the *Municipal Government Act*.

**3.8 "Pecuniary Interest"** means those occurrences as prescribed in the *Municipal Government Act*, R.S.A. 2000 Chapter M-26.

**3.9** The **"Village"** means the Village of Rycroft.

#### **4.0 CODE OF CONDUCT FOR COUNCIL MEMBERS**

The Council has adopted the following principles to ensure that all Council members act honestly, in good faith and in the best interests of the Village. The purpose of this bylaw is to establish effective governance through proper conduct.

**The Village of Rycroft Council members each agree and commit to the following rules of conduct:**

**4.1** To act honestly and in good faith at all times.

**4.2** To engage in respectful, fulsome, and healthy debate on matters in Council meetings, and subsequently to support the decision of Council.

**4.3** To respect all opinions of other Council members.

**4.4** To publicly express personal opinions in such a manner that maintains respect for Council, other Council members, and any decisions made by Council or a Council committee.

**4.5** To ensure that any public statements are clearly stated to reflect the personal opinion of the Council member, not the opinion or position of Council as a whole, unless given authorization by Council to represent Council's position on an issue.

**4.6** To strictly follow the Pecuniary Interest requirements provisions of the *MGA* R.S.A. 2000 Chapter M-26.

**4.7** To avoid occurrences which may result in a Conflict of Interest.

**4.8** To avoid occurrences where it may be perceived that the Council member is using their position on Council to gain a personal or pecuniary benefit.

**4.9** To refrain from seeking the award of written service or supply contracts, and to refrain applying for positions of employment with the Village while holding the position of Council member, in order to avoid any public perception that the Council member is using their position on Council to gain a personal or pecuniary benefit. It is acknowledged and agreed that the Village will not award any written service or supply contracts nor make offers of employment to any person who holds the position of Council member.

**4.10** To incur expenses in a responsible and reasonable manner.

**4.11** To act with professionalism and respect when interacting with other members of Council, administration, members of the public, and other government officials.

**4.12** To consider the welfare and interests of the Village as a whole, and to bring to Council's attention anything that would promote the welfare or interests of the Village.

**4.13** To actively participate in all Council and Council committee meetings and meetings of other bodies to which they are appointed by the council in good faith.

**4.14** To obtain information about the operation or administration of the Village from the CAO.

**4.15** To participate generally in developing and evaluating the policies and programs of the Village.

**4.16** To keep in confidence all matters discussed in private at a Council committee meeting until that matter is discussed at a public meeting.

**4.17** To demonstrate fairness, accountability, and open mindedness on all matters.

**4.18** To refrain from improper use of their position as a Council member to:

**4.18.1** gain or attempt to gain or advance, directly or indirectly, a personal or private interest for him/herself or another person;

**4.18.2** cause, or attempt to cause, detriment to the Village, the Village Council, any individual Council member, or any member of the Village administration;

**4.18.3** seek personal benefit or gain from any information obtained through their position as a Council member.

**4.19** A Council or a Council member must not exercise a power or function or perform a duty that is by this or other enactment or bylaw specifically assigned to the CAO or a designated officer (*MGA Section 201 (2)*).

**4.20** To perform any other duty or function imposed on Council members by this or any other enactment or by the council.

**4.21** To promote an integrated and strategic approach to inter-municipal land use planning and service delivery with neighboring municipalities.

**4.22** To participate in orientation training and other training opportunities with regard to the roles and responsibilities of Council.

**4.23** Council members shall dress in a manner that upholds the dignity and decorum of the Municipal Office during all council meetings.

**4.24** To adhere to all Village bylaws, policies, and procedures.

**4.25** Adhere to the code of conduct.

## **5.0 CODE OF CONDUCT IN PRACTICE**

### **5.1 Council Decisions**

**5.1.1** Council meetings are the appropriate forum for healthy and fulsome debate and discussion of matters before Council.

**5.1.2** All Council members must be given a full opportunity to address issues before Council in a full, open, and professional manner to encourage and promote healthy debate of issues.

**5.1.3** Council decisions are made by majority vote by the Council members. The decision of Council must be accepted and respected by all Council members even if some individual Council members do not agree with the majority decision.

**5.1.4** While an individual Council member may publicly state that they did not vote with the majority of Council on an issue, this must be made in a manner that respects Council and Council's decision.

## **5.2 Council member Expenditures**

**5.2.1** When incurring expenditures, Council members shall act responsibly and respect that public money must be used for the public good.

**5.2.2** Council members shall avoid waste, abuse, and inappropriate expenditure in the use of public money and resources.

**5.2.3** Council members shall be open and accountable with respect to all expenditures.

**5.2.4** Council members shall strictly adhere to all Village guidelines addressing expenditures and reimbursement.

## **5.3 Dealings with Village administration, staff, and members of the public**

**5.3.1** Council members shall respect the professional opinion of Village administration and staff.

**5.3.2** Council members shall not abuse relationships or dealings with Village administration or staff by attempting to take advantage of their position as Council members. Council members must refrain from behaviour which may be perceived to be bullying of staff.

**5.3.3** All requests for information shall be directed through the CAO.

**5.3.4** Council members may meet with the CAO at any time. However, Council members must not meet with any staff member(s), and must not discuss municipal business at any time without the CAO present unless authorized by the CAO.

**5.3.5** Council members will treat all people with professionalism, courtesy, and respect.

**5.3.6** Council members will treat all people in good faith and without bias and shall not discriminate against any person on the basis of:

**5.3.6.1** differences in personal opinions, or

**5.3.6.2** race, ancestry, place of origin, colour, ethnic origin, culture, citizenship, religion, creed, language, gender, sexual orientation, age, family status, disability, or occupation.

**5.3.7** It is the sole responsibility of the CAO to hire, discipline, and terminate staff, and that all information pertaining to staff employment matters is confidential. No member of Council, either as an individual or as a group shall interfere with the CAO role in the hiring, disciplinary action, or termination of any staff member by way of coercion, persuasion, threats, intimidation, bullying, or any other form of influence. The CAO shall immediately report any incident of this nature to Council as a whole.

## **5.4 Pecuniary Interest**

**5.4.1** It is the individual responsibility of each Council member to be aware of the Pecuniary Interest provisions and the disclosure and procedure requirements as established in *MGA*.

**5.4.2** It is the individual responsibility of each Council member to seek independent legal advice with respect to any occurrence which may result in Pecuniary Interest, at their own expense.

**5.4.3** If a Council member believes that they may have or may reasonably be perceived to have a Pecuniary Interest in a matter before Council or a Council Committee, they shall follow the Pecuniary Interest disclosure and procedure requirements as established in the *MGA* including:

**5.4.3.1** Stating the general nature of their Pecuniary Interest at the meeting prior to any discussion of the matter. This will be done on every occasion that the matter arises before Council or Council committee.

**5.4.3.2** Refraining from discussing the matter with Council.

**5.4.3.3** Subject to 5.4.3, leaving the room in which the meeting is held prior to the matter being discussed until discussion and voting on the matter has concluded. *MGA* section 172(1)(d).

**5.4.3.4** The decision with respect to whether or not the Council member may have a Pecuniary Interest is the individual Council member's decision to make in accordance with the *MGA*.

**5.4.4** Where a Council member believes that they may have a Pecuniary Interest in a matter before Council or a Council committee, they should notify the Mayor or Chair of the meeting before the matter is considered that the Council member has a Pecuniary Interest in the matter.

## **5.5 Conflict of Interest**

**5.5.1** Receipt and giving of gifts can result in a perceived Conflict of Interest. With the exception of token and minor gifts (having an estimated value under \$50.00), Council members shall declare to the CAO detailing the acceptance of any gifts including estimated value and the donor of the gift.

**5.5.2** While token and minor gifts can be accepted by Council members, substantial or material gifts (over \$50.00) should either be rejected by Council members or accepted on the condition that the gift is accepted on behalf of Council and donated to a local charity.

**5.5.3** This bylaw does not apply to gifts donated to the Village, nor to gifts or hospitality that are normally received as a matter of protocol or social obligations that normally accompany the position of Council member and which are not related to any particular transaction or activity of the Rycroft or decision by Council.

**5.5.4** Council members shall not engage in any activity which is incompatible or inconsistent with the discharge of a Council member's duties and obligations as an elected official in the Village.

**5.5.5** The decision with respect to whether or not the Council member may have a Conflict of Interest is the individual Council member's decision to make.

**5.5.6** A Council member may seek the advice of the CAO respecting a potential conflict prior to the matter coming before council.

**5.5.7** It is the individual responsibility of each Council member to seek independent legal advice with respect to any situation that may result in a Conflict of Interest.

## **5.6 Use and Disclosure of Information**

**5.6.1** Council members must not use information gained through their position on Council for any private or personal benefit or gain.

**5.6.2** Council members shall inform themselves of and strictly adhere to the provisions of the *Freedom of Information and Protection of Privacy Act, R.S.A. 2000, Chapter F-25* with respect to the access to, gathering, use and disclosure of information.

**5.6.3** Council members must not release, disclose, publish or comment on confidential information including any information received during an "in camera" meeting until such information is disclosed at a public meeting. This obligation continues in perpetuity.

**5.6.4** Council members must not release information that is subject to solicitor-client privilege unless expressly authorized by Council or required by law to do so.

**5.6.5** Council members must not misuse confidential information gained by virtue of their position as Council member that is not in the public domain, including e-mails and correspondence from other Council members or third parties, such that it may cause harm, detriment or embarrassment to the Village, Council, other Council members, administration or staff, members of the public, or third parties; or such that it may create a benefit to themselves, the Village, Council, other Council members, administration or staff, members of the public, or third parties.

## **6.0 SANCTIONS FOR BREACHING THE CODE OF CONDUCT**

**6.1** If a Council member fails to adhere to the Code of Conduct, any or all of the following sanctions may be imposed:

**6.1.1** Letter of reprimand addressed to the Council member.

**6.1.2** A request to the Council member to issue a letter of apology.

**6.1.3** Publication of the letter of reprimand or request for apology and the Council member's response.

**6.1.4** Require the Council member to attend training.

**6.1.5** Suspension or removal of the appointment of a Council member as the chief elected official under section 150(2) of the *MGA*.

**6.1.6** Suspension or removal of the appointment of a Council member as the deputy chief elected official or acting chief elected official under section 152 of the *MGA*.

**6.1.7** Suspension or removal of the chief elected official's presiding duties under section 154 of the *MGA*.

**6.1.8** Suspension or removal from some or all of council committees and bodies to which council has the right to appoint members.

**6.1.9** Reduction or suspension of remuneration as defined in section 275.1 of the *MGA* corresponding to a reduction in duties, excluding allowances for attendance at council meetings.

This code of conduct, or sanctions imposed under this code of conduct shall not prevent any Council member from fulfilling the legislated duties of a Council member.



## **7.0 COMPLAINT PROCESS FOR BREACHING CODE OF CONDUCT**

- 7.1** Any elector of the Village of Rycroft may make a complaint alleging a breach of the code of conduct. Complaints regarding a Council member's conduct must be submitted in writing to Council through the CAO.
- 7.2** Where a contravention of any provision in this Code of Conduct is alleged, Council shall upon request of any member of Council hold a special meeting of Committee of the Whole within 30 days of the complaint to determine if the Council member has breached this bylaw. All discussions surrounding both alleged and substantiated violations of this code shall be conducted during an In-Camera meeting of Council, with the intent that the discussion shall remain confidential under the appropriate sections of the *Freedom of Information and Protection of Privacy (FOIP) Act*.
- 7.3** The Complained of Council member shall be given opportunity to address Council at the meeting referred to in section 7.2, and will be provided with sufficient time to address the alleged breach of confidentiality. The Complained of Council member shall be permitted to introduce evidence, including witnesses to support their position, and may be represented by legal counsel. Should the Complained of Council member have legal counsel, then the Village shall have the right to legal representation. Should Council determine that a member has potentially breached the Code of Conduct, Council shall rise and report that such a determination has been made, and shall, at a special open Council session called for that purpose, pass a Resolution that shall require the member to appear before an In-camera Committee of the Whole meeting to be sanctioned.
- 7.4** The Sanction shall be ratified by Resolution at a Regular Meeting of Council.
- 7.5** All Sanctions under this Bylaw shall be fair and in keeping with the severity of the infraction, giving due regard to the Council member's previous conduct.
- 7.6** Nothing in this Section restricts or attempts to countermand a Council member's legal right to challenge a decision by Council through established legal channels.

## **8.0 SEVERABILITY**

- 8.1** Should any section, subsection, clause, or provision of this Bylaw be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this bylaw as a whole or any part thereof, other than the part so declared to be invalid.

**9.0** Village of Rycroft Bylaw 100-09 "Council Code of Conduct" is hereby repealed.

**10.0** This bylaw shall come into effect on the date of the third and final reading.

Read a first time on this 6<sup>th</sup> day of June, 2018.

Read a second time on this 6<sup>th</sup> day of June, 2018.

Read for the third time on this 6<sup>th</sup> day of June, 2018.

  
Mayor

  
Chief Administrative Officer

**SIGNATURE PAGE**

The undersigned member of Council hereby acknowledges receipt of a copy of Bylaw 195-18, being the Mayor and Council member's "Code of Conduct Bylaw".

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PRINTED NAME

\_\_\_\_\_  
Signature of Member of Council

NOTE: The member of Council acknowledges that a copy of the Bylaw was retained by the member of Council.