

**BY-LAW NO. 4-2018  
OF THE  
TOWN OF VERMILION  
(Hereinafter referred to as the "Municipality")  
IN THE PROVINCE OF ALBERTA**

BEING A BY-LAW OF THE TOWN OF VERMILION  
TO ESTABLISH A CODE OF CONDUCT FOR MEMBERS OF COUNCIL.

WHEREAS, pursuant to section 146.1(1) of the Municipal Government Act, a Council must, by By-Law, establish a code of conduct governing the 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 Town of Vermilion;

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 that Members of Council share a common understanding of acceptable conduct extending beyond the legislative provisions governing the conduct of Councillors;

NOW THEREFORE pursuant to the provisions of the Municipal Government Act, it is hereby enacted by the Council of the Town of Vermilion as a By-Law that:

**PART I – ESTABLISHMENT OF BY-LAW**

**1. TITLE**

This By-Law shall be known as the “**Council Code of Conduct By-Law**” of the Town of Vermilion.

**2. DEFINITIONS AND INTERPRETATION**

In this By-Law, words have the meanings set out in the Act, except that:

“Act” means the Municipal Government Act, R.S.A. 2000, c. M-26, and associated regulations, as amended;

“Administration” means the administrative and operational arm of the Municipality, comprised of the various departments and business units and including all employees who operate under the leadership and supervision of the Chief Administrative Officer;

“Chief Administrative Officer” means the Chief Administrative Officer of the Municipality, or their delegate;

“Council” means the municipal Council of the Town of Vermilion elected pursuant to the provisions of the Act;

“Member” means an elected Member of Council;

“Municipality” means the municipal corporation of the Town of Vermilion.

### **3. PURPOSE AND APPLICATION**

- 3.1** The purpose of this By-Law is to maintain public confidence in the integrity of its local government by establishing standards for the ethical conduct of Members relating to their roles and obligations as representatives of the Municipality and a procedure for the investigation and enforcement of those standards.
- 3.2** This By-Law is one aspect of accountability and transparency both internally, among Members, between Council and Administration, as well as externally, with other orders of government, the media and the public at large.
- 3.3** The provisions of this By-Law shall apply to Members of Council.
- 3.4** Schedule “A” attached (Acknowledgement) forms a part of this By-Law.

### **4. FRAMEWORK AND INTERPRETATION**

- 4.1** This By-Law provides a framework to guide ethical conduct in a way that upholds the integrity of the Municipality and the high standards of professional conduct the public expects of its local government representatives. This By-Law is intended to supplement existing legislation governing the conduct of Members.
- 4.2** Along with the By-Laws and policies of Council, the following provincial and federal legislation governs the conduct of Members:
- a. The Municipal Government Act;
  - b. The Freedom of Information and Protection of Privacy Act;
  - c. The Local Authorities Election Act;
  - d. The Alberta Human Rights Act;
  - e. The Occupational Health and Safety Act; and
  - f. The Criminal Code of Canada.
- 4.3** This By-Law is to be given a broad and liberal interpretation in accordance with applicable legislation. It is not possible to prepare a code of conduct that covers every scenario and, accordingly, Members are to be guided by and conduct themselves in a manner that reflects the spirit and intent of this By-Law.

## **PART II – CODE OF CONDUCT**

### **5. REPRESENTING THE MUNICIPALITY**

- 5.1** Members shall:
- a. act honestly and, in good faith, serve the welfare and interests of the Municipality 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 appointed by Council; and
  - d. arrange their private affairs and conduct themselves in a manner that promotes public confidence and will bear close public scrutiny.

## **6. COMMUNICATING ON BEHALF OF THE MUNICIPALITY**

- 6.1** A Member must not claim to speak on behalf of Council unless authorized to do so.
- 6.2** Unless Council directs otherwise, the Mayor is Council's official spokesperson and in the absence of the Mayor it is the Deputy Mayor. All inquiries from the media regarding the official Council position on an issue shall be referred to Council's official spokesperson.
- 6.3** 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.
- 6.4** All Members may present facts and information about Council that are in the public domain, including motions of Council, comments made in public meetings, facts and recommendations in reports to Council. Opinions or positions held by a Member must be clearly identified as those of the Member making the statement.
- 6.5** No Member shall make a statement when they know that statement is false.
- 6.6** No Member shall make a statement with the intent to mislead Council or members of the public.
- 6.7** A Member shall ensure that any social networking account where it can be reasonably assumed that an association exists with the town or council: includes the following disclaimer prominently displayed: "The postings on this site are my own and don't necessarily represent the Town's position or opinions."
- 6.8** During campaigns for re-election, Members must be clear in differentiating their personal opinions, if those opinions or statements are inconsistent with adopted Council policy.

## **7. RESPECTING THE DECISION MAKING PROCESS**

- 7.1** Decision making authority lies with Council, and not with any individual Member. Council may only act by By-Law or resolution passed at a Council meeting held in public at which there is a quorum present. No Member shall, unless authorized by Council, attempt to bind the Municipality or give direction to employees in Administration, agents, contractors, consultants or other service providers or prospective vendors to the Municipality. This does not preclude any individual Member from having "Casual" or "Exploratory" conversations, with members of the public or individuals representing entities that may wish to do business or have other interactions with the town. These types of discussions would be considered as normal "Engagement" that any Member of Council would have with members of the public in the normal course of their work as a Member of Council. Any follow up action, would be channeled through the established mechanism towards a Council resolution, or directed to the Chief Administrative Officer, as appropriate.
- 7.2** Members shall conduct and convey Council business and all their duties in an open and transparent manner other than for those matters which by law are authorized to be dealt with in 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.
- 7.3** 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.

**8. ADHERENCE TO POLICIES, PROCEDURES AND BY-LAWS**

- 8.1** Members shall uphold the law established by the Parliament of Canada and the Legislature of Alberta and the By-Laws, policies and procedures adopted by Council.
- 8.2** Members shall respect the Municipality as an institution, its By-Laws, policies and procedures and shall encourage public respect for the Municipality, its By-Laws, policies and procedures.
- 8.3** A Member must not encourage disobedience of any By-Law, policy or procedure of the Municipality in responding to a member of the public, as this undermines public confidence in the Municipality and in the rule of law.

**9. RESPECTFUL AND SAFE INTERACTIONS WITH COUNCIL MEMBERS, STAFF, THE PUBLIC AND OTHERS**

- 9.1** Members shall act in a manner that demonstrates fairness, dignity, respect for individual differences and opinions, and an intention to work together for the common good and in furtherance of the public interest.
- 9.2** Members shall treat one another, employees of the Municipality and members of the public with courtesy, dignity and respect and without abuse, bullying or intimidation, verbally, via e-mail or through other forms of communication. This includes fostering healthy relationships with colleagues and others.
- 9.3** No Member shall use indecent, profane or abusive, or insulting words or expressions, verbally, via e-mail or through other forms of communication toward another Member, any employee of the Municipality or any Member of the public. These actions may be worthy of sanction under the provisions of this by-law.
- 9.4** No Member shall speak in a manner that is discriminatory to any individual, including but not limited to the person's race or ethnicity, religious beliefs, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, and source of income, family status or sexual orientation.
- 9.5** Members shall respect the fact that employees in Administration work for the Municipality as a body corporate 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.
- 9.6** Members shall take responsibility for their own actions and expect the same of others.
- 9.7** Members must not:
- a. involve themselves in matters of Administration, which fall within the jurisdiction of the Chief Administrative Officer;
  - b. use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any employee of the Municipality with the intent of interfering in the employee's duties; or
  - c. maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of employees of the Municipality, or other Members of Council;
- 9.8** Members owe a duty to each other to be transparent, respectful and collaborative, when working together as Members of Council.
- 9.9** Members should acknowledge receipt of information, where decisions are warranted.

**10. CONFIDENTIAL INFORMATION**

- 10.1 Members must keep in confidence matters discussed in private at a Council or Council committee meeting (or in-camera) until the matter is discussed at a meeting held in public.
- 10.2 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.
- 10.3 No Member shall use confidential information for personal benefit or for the benefit of any other individual or organization.
- 10.4 No Member shall access or attempt to gain access to confidential information in the custody or control of the Municipality unless it is necessary for the performance of the Member's duties and is not otherwise prohibited by Council, and only then if the information is acquired through appropriate channels in accordance with applicable Council By-Laws and policies.

**11. CONFLICTS OF INTEREST**

- 11.1 Members have a statutory duty to comply with the pecuniary interest provisions set out in Part 5, Division 6 of the Municipal Government Act, and a corresponding duty to vote unless required or permitted to abstain under the Act or another enactment.
- 11.2 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.
- 11.3 Members shall approach decision-making with an open mind that is capable of persuasion.
- 11.4 It is the individual responsibility of each Member to seek independent legal advice, at the Member's sole expense, with respect to any situation that may result in a pecuniary or other conflict of interest.

**12. IMPROPER USE OF INFLUENCE**

- 12.1 No Member shall use the influence of the Member's office for any purpose other than for the exercise of the Member's official duties.
- 12.2 No Member shall act as a paid agent to advocate on behalf of any individual, organization or corporate entity before Council or a committee of Council or any other body established by Council.
- 12.3 Members shall not contact or otherwise attempt to influence Members of any adjudicative body regarding any matter before it relating to the Municipality.
- 12.4 Members shall refrain from using their positions to obtain employment with the Municipality for themselves, family Members or close associates. Members are ineligible to apply or be considered for any position with the Municipality while they hold their elected position and for one year after leaving office.

**13. USE OF MUNICIPAL ASSETS AND SERVICES**

- 13.1 Members shall have full access to Council Chambers, Council meeting rooms and common areas in the Town Office.
- 13.2 Members shall not access file rooms, the safe, and staff work space or secure storage areas unless they are required to do so by direction of Council or with the approval of the Chief Administrative Officer.
- 13.3 Members will respect the work space and schedule of staff in Administration and will not disrupt the day to day work of Administration.

- 13.4** Members shall show proper regard for the assets of the Town at their disposal and shall use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Member, subject to the following limited exceptions:
- a. municipal property, equipment, service, supplies and staff resources that are available to the general public may be used by a Member for personal use upon the same terms and conditions as Members of the general public, including booking and payment of any applicable fees or charges;
  - b. electronic communication devices, including but not limited to desktop computers, laptops, tablets and smartphones, which are supplied by the Municipality to a Member, may be used by the Member for personal use, provided that the use is not for monetary gain, offensive or inappropriate.
- 13.5** Members shall report any damage to or loss of municipal property immediately to the Chief Administrative Officer.
- 13.6** No Member shall use any facilities, equipment, supplies, services, municipal logo or other resources of the Municipality for any election campaign or campaign-related activity.

**14. CONDUCT OF COUNCILLORS IN MEETINGS**

- 14.1** A Councillor wishing to speak at a Meeting shall obtain the approval of the Chairperson before speaking.
- 14.2** When a Councillor is addressing the Chairperson, every other Councillor shall:
- a. remain quiet and seated;
  - b. not interrupt the speaker, except to raise a Point of Order;
  - c. not carry on a private conversation;
  - d. not cross between the speaker and Chairperson; and
  - e. actively listen to and consider ideas and concerns of others.
- 14.3** A Council Member addressing the Meeting shall:
- a. not use offensive words in referring to a Councillor, or to an official of the Town or Member of the public;
  - b. not reflect on the motives of the Councillors who voted on a motion or the mover of the motion;
  - c. not shout, use an immoderate tone of voice, profane, vulgar or offensive language, break the rules of Council as contained in the Procedure Bylaw 29-2010, nor disturb the proceedings; and; follow Roberts Rules of order.
  - d. assume personal responsibility for a statement quoted, and upon request of another Member shall give the source of the information;
  - e. be subject to expulsion by the chair, if they refuse to abide by sub sections (a) to (d); and only be allowed to rejoin the deliberations after an apology, and
  - f. should the Chair be found to have committed an egregious act or in violation of (a) to (d) above; the Chair may be challenged by a Member, and if the chair refuses to apologize; may be subject to expulsion from the meeting by a vote of 5 of the 7 Members, and be subject to the terms of (e) above. The Deputy Mayor would assume the chair for the remainder of the meeting.

- 14.4 Members should refrain from using electronic devices for the purpose of communicating with others outside the meeting. If absolutely necessary, devices should be kept on Vibrate only, and be in “Receive”, and not “Transmit” mode. If necessary, a Member should ask to be excused, leave the room, and not disturb the proceedings.

15. **MEETING ATTENDANCE**

- 15.1 Members have a statutory duty to attend Council meetings, and failure to attend as required by the Act may lead to a Member’s disqualification from Council.
- 15.2 Members are expected to exceed the minimum meeting attendance standards required to avoid disqualification under the Act. No Member shall be absent from three consecutive regular meetings of Council or Committee of the Whole meetings without the prior approval of Council. Attendance shall include video conferencing where possible.

16. **ORIENTATION AND OTHER TRAINING ATTENDANCE**

- 16.1 The Municipality must offer orientation training within 90 days after Members take the oath of office. Municipal Government Act 201.1(1):

- a. attendance for orientation training is not mandatory but is strongly encouraged; and

Members who have other commitments and are unable to attend the training as provided by the Municipality are encouraged to attend this training elsewhere.

17. **REMUNERATION AND EXPENSES**

- 17.1 Members are stewards of scarce public resources and shall avoid waste, abuse and extravagance in the use of public resources.
- 17.2 Members shall be transparent and accountable with respect to all expenditures and strictly comply with all municipal By-Laws, policies and procedures regarding claims for remuneration and expenses. All requests for remuneration and reimbursement by Councillors will be reviewed by the Mayor for consistency with policy or policies, Adjusted and approved prior to payment, and the member advised. The mayor’s expenses will be reviewed by the Deputy Mayor.
- 17.3 Members’ travel and education funds shall be used for their intended purpose. Without restricting the ability of Members to decide the best use of their time, it is expected that Members be in attendance at events including evening functions, where related registration fees and/or living expenses are covered by the Municipality. Members are expected to operate within their own budget allocations. Members are expected to report back to a council meeting, regarding their attendance at events

18. **GIFTS AND HOSPITALITY**

- 18.1 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.
- 18.2 Members may accept hospitality, gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation, provided that the value of

the hospitality, gift or benefit does not exceed five hundred dollars. Items obtained through draws or chance are exempt. The member should advise council at their earliest opportunity

- 18.3** Gifts received by a Member on behalf of the Municipality as a matter of official protocol which have significance or historical value for the Municipality shall be left with the Municipality when the Member ceases to hold office.

### **PART III – COMPLAINTS AND ENFORCEMENT**

#### **19. INFORMAL COMPLAINT PROCESS**

- 19.1** Any person who has identified or witnessed conduct by a Member that the person reasonably believes, in good faith, is in contravention of this By-Law may address the prohibited conduct by:
- a. advising the Member that the conduct violates this By-Law and encouraging the Member to stop; or
  - b. requesting the Mayor to assist in informal discussion of the alleged complaint with the Member in an attempt to resolve the issue. In the event that the Mayor is the subject of, or is implicated in a complaint, the person may request the assistance of the Deputy Mayor.
- 19.2** Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying conduct that they believe violates this By-Law. However, an individual is not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure outlined below.

#### **20. FORMAL COMPLAINT PROCESS**

- 20.1** Any person who has identified or witnessed conduct by a Member that the person reasonably believes, in good faith, is in contravention of this By-Law may file a formal complaint in accordance with the following procedure:
- a. all complaints shall be made in writing and shall be dated and signed by the complainant;
  - b. all complaints shall be addressed to Council, attention of the Mayor, or, if the Mayor is the subject of, or is implicated in a complaint, to the attention of the Deputy Mayor;
  - c. the complaint must set out reasonable and probable grounds for the allegation that a Member has contravened this By-Law, including a detailed description of the facts, as they are known, giving rise to the allegation;
  - d. if the facts, as reported, include the name of one or more Members who are alleged to be responsible for the breach of this By-Law, the Member or Members concerned shall receive a copy of the complaint submitted to Council;
  - e. upon receipt of a complaint under this By-Law, Council shall meet, in camera, excluding the Member concerned, and decide whether to proceed to investigate the complaint or not. If Council is of the opinion that a complaint is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, Council 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 shall be notified of Council's decision;



- f. If Council decides to investigate the complaint, it shall take such steps as it may consider appropriate, which may include hiring a third party investigator and seeking legal advice. All proceedings of Council regarding the investigation shall be in-camera;
- g. 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;
- h. a Member who is the subject of an investigation is entitled to be represented by legal counsel, at the Member's sole expense.

## **21. COMPLIANCE AND ENFORCEMENT**

- 21.1** Members shall uphold the letter and the spirit and intent of this By-Law.
- 21.2** Members are expected to co-operate in every way possible in securing compliance with the application and enforcement of this By-Law.
- 21.3** No Member shall:
  - a. 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; or
  - b. Obstruct Council, or any other person, in carrying out the objectives or requirements of this By-Law.
- 21.4** Sanctions that may be imposed on a Member, by Council, upon a finding that the Member has breached this By-Law may include:
  - 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 a form of correctional and/or educational training;
  - e. suspension or removal of the appointment of a Member as the chief elected official under section 150(2) of the 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 Act;
  - g. suspension or removal of the chief elected official's presiding duties under section 154 of the 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 Act corresponding to a reduction in duties, excluding allowances for attendance at Council meetings;
  - j. any other sanction Council deems reasonable and appropriate in the circumstances provided that the sanction must not prevent a Member from fulfilling the legislated duties of a Councillor.

21.5 Any ruling on a breach can be appealed in writing to the Mayor, Deputy Mayor, or majority of Council within 30 days of the individual being notified. If there is an appeal an independent arbitrator will be hired to give ruling on the item in question. The costs will be incurred by the Municipality. If there was a reduction in remuneration for the Member, meetings will be tracked and if the applicant is successful in their appeal, all meetings will be retroactively paid at the appropriate remuneration rate.

**PART IV – GENERAL**

**22. REVIEW AND ACKNOWLEDGMENT**

22.1 This By-Law shall be brought forward for 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. Upon review, Councillors will be required to sign a statement of acknowledgement as set out in Schedule A.

**23. SEVERABILITY**

23.1 Should any provision of this By-Law be invalid, then the invalid provision shall be severed and the remainder of this By-Law shall remain in force.

**24. EFFECTIVE DATE**

24.1 This By-Law shall come into full force and effect upon passing of the third reading.

READ A FIRST TIME IN COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2018

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

READ A SECOND TIME IN COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2018

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

READ A THIRD TIME IN COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2018

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

**SCHEDULE A**

I, \_\_\_\_\_, have read and acknowledged the Council Code of Conduct By-Law 4-2018 as written.

I agree to respect and abide by the rules of the By-Law for the duration of my term as an elected member of the Town of Vermilion Council.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness