



## TOWN OF EDSON BYLAW NO. 2212

A Bylaw of the Town of Edson in the Province of Alberta, for the purpose of governing the conduct of Town Council, in accordance with section 146.1 of the *Municipal Government Act*, Chapter M-26 of the Statutes of Alberta 2000, as amended.

**WHEREAS** the Council of the Town of Edson wish to establish a code of conduct for its members of Council to ensure interactions with town staff, members of the public and members of council are conducted in a fair, equal and respectful manner; and

**WHEREAS** Council wishes to provide a guideline for the conduct of a member of Council while performing their duties of Council; and

**WHEREAS** the Town of Edson values fair, equal and respectful treatment of all persons, as well as, fair, transparent, accessible, and responsive municipal government; and

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

### 1. Conduct at Council and other Committee Meetings

- 1.1. All persons in attendance at a Council or Committee meeting shall be treated and shall treat others with respect, including interactions between Council members, town staff, and the public;
- 1.2. Any individual making a presentation to Council shall be treated fairly and be given the opportunity to state their case;
- 1.3. All individuals, including members of Council, town staff, and the public shall respect differing opinions and the right of others to express their opinion;
- 1.4. The Mayor or Chairperson of a meeting will not tolerate any behaviours contrary to sections 1.1 – 1.3 of this Bylaw and including rude, discourteous or disruptive comments or behaviours directed at another individual. Should an individual display any of these behaviours, the Mayor or Chairperson shall address the guilty party and request that they immediately stop such behaviour. If the behaviour persists, the Mayor or Chairperson may ask the guilty party to leave the meeting.

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### **2. Orientation and Attendance at Training**

- 2.1. Following a municipal election and within 90-days of being elected, it shall be mandatory for each member of Council to attend at least one orientation training session, either hosted in-house or by another municipally recognized organization.
- 2.2. Any training sessions provided throughout the remainder of a Council's term, shall be attended at the option of each Council member; however, attendance at such sessions is encouraged.

### **3. Town Policies and Bylaws**

- 3.1. All members of Council are required to observe the terms of all policies, procedures, and bylaws adopted by the Town of Edson.

### **4. Respect for the Decision Make Process**

- 4.1. Members of Council shall demonstrate integrity and respect of the decision-making process of Council by:
  - 4.1.1. Respecting differing opinions and the right of others to express those opinions;
  - 4.1.2. Communicating accurately and honestly the decisions of Town Council, even if they personally disagree with the majority decision made;
  - 4.1.3. Refraining from making disparaging comments about other members of Council or about Council's decision making process;
  - 4.1.4. Refraining from speculating or reflecting upon the motives of other members of Council in respect of their actions and decisions as a member of Council;
  - 4.1.5. Not criticising any decision of Council except for the purpose of introducing a motion to reconsider.

### **5. Release of Confidential Information**

- 5.1. All information deemed to be private and confidential under the *Municipal Government Act (MGA)*, *Freedom of Information and Protection of Privacy Act (FOIP Act)*, or solicitor-client privilege shall be kept in the strictest of confidence. No member of Council shall directly or indirectly release or make public any information deemed to be confidential.
- 5.2. Release of any private and confidential information must be authorized by Council or required under the Law.

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### **6. Release of Information to the Public and Media**

- 6.1. Any requests from the media or public for information should be directed to the Mayor or Chief Administrative Officer (CAO) (or his/her designate).
- 6.2. Any announcements of Council should be done by Council as a whole or by the Mayor as the head of Council.
- 6.3. In any event, should a member of Council make a public statement, they should ensure that:
  - 6.3.1. they are basing their statement on fact;
  - 6.3.2. they are supporting the role of Council; and
  - 6.3.3. they are supporting the current policies, bylaws and resolutions of the Town of Edson.
- 6.4. During the regular course of business, decisions and resolutions of Council relating to Council or Committee meetings will be communicated to the public and media by the Town's Communications Coordinator. Any press release done by the Town or any updates to the Town Social Media sites shall also be done by the Communications Coordinator.

### **7. Social Media**

- 7.1. When using Social media, all members of Council shall adhere to any and all Town of Edson Policies with respect to the use of Social media.

### **8. Respectful Workplace**

- 8.1. All members of Council shall be committed to fostering an environment of dignity, respect and equality in all interactions between stakeholders, Town staff and amongst other members of Council. This shall be accomplished by:
  - 8.1.1. maintaining a polite, courteous and respectful manner at all times;
  - 8.1.2. recognizing and respecting diversity and differing opinions;
  - 8.1.3. respecting the right of Administration to present information and advice that may not align with Council's views.

### **9. Respecting the Separation of Roles of Council and Administration**

- 9.1. All members of Council shall respect and acknowledge the separation of roles between Town Council and Town staff. Council shall demonstrate such acknowledgment by:
  - 9.1.1. Refraining from giving direction or instruction to any municipal employee or contractor of the Town, except where this direction is being given to the CAO and is representative of a recommendation or decision of Council;

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- 9.1.2. Directing all questions and/or concerns to the CAO directly, and where appropriate and directed by the CAO, may include a Director;
- 9.1.3. Not requesting, demanding or accepting services of any municipal employees or contractors for personal gain;
- 9.1.4. Ensuring situations do not occur where a friendship or social relationship with a municipal employee could be interpreted as creating undue influence, access to information, conflict of interest, or to undermine the authority of the CAO;
- 9.1.5. Not providing any opinion with respect to performance of a municipal employee, with the exception of the CAO, including not expressing opinions with respect to a municipal employee's promotion, termination or sanction.

### **10. Discrimination**

- 10.1. Members of Council shall not discriminate against anyone on the basis of their race, ancestry, place of origin, colour, citizenship, religion or faith, gender, sexual orientation, age, record of offences, marital status, family status, disability, or source of income.

### **11. Conflicts of Interest**

- 11.1. No member of Council shall put themselves in a situation or engage in any activity, financial or otherwise, which would put them in conflict of interest with the performance of their official duties as a Councillor. This includes, but is not limited to:
  - 11.1.1. use of their influence of office for any reason other than the execution of official duties;
  - 11.1.2. use information gained through their execution of official duties not available to the public for any reason other than in their role as a Councillor;
  - 11.1.3. seek or obtain preferential treatment because of their official position or give preferential treatment to an individual or organization in the capacity of Councillor;
  - 11.1.4. influence any decision or decision-making process of municipal employees or Council that pertains to or includes any individual or organization which a member or members of Council have a pecuniary interest;
  - 11.1.5. make unreasonable or excessive use of Town materials, equipment, facilities or employees for personal gain or purpose.
- 11.2. Should a member of Council have a pecuniary interest (as defined in the *MGA*), it must be disclosed in accordance with the *MGA*.

### **12. Acceptance of Gifts**

- 12.1. No member of Council shall accept or solicit any gift or benefit of any kind, personally or through a family member or friend, which is connected directly or indirectly with the performance of duties of office. Members of Council are not precluded from

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accepting:

- 12.1.1. rewards, gifts, or benefits not connected with the performance of duties of office;
  - 12.1.2. political contributions that are accepted in accordance with applicable law(s);
  - 12.1.3. reasonable quantities of food and beverages at banquets, receptions, ceremonies or similar events.
  - 12.1.4. food, lodging, transportation, and/or entertainment provided by other levels of government or by other local governments, boards or commissions;
  - 12.1.5. a reimbursement of reasonable expenses incurred in performance of duties of office;
  - 12.1.6. token gifts such as souvenirs, mementoes, and commemorative gifts that are given in recognition of service or for attending an event;
  - 12.1.7. gifts that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of office.
- 12.2. Members of Council shall refrain from accepting gifts, favours, or promises of future benefits that may compromise their independence or impartiality.
- 12.3. Members of Council shall not accept invitations from municipal contractors or potential contractors to attend special events that may be viewed as creating an unreasonable level of access or indebtedness.

### **13. Bribery**

- 13.1. A member of Council shall be conscious of and never accept any form of bribery. Should an attempt at or perceived attempt at bribery occur, it shall be reported immediately to the CAO.

### **14. Breaches**

- 14.1. Members of Council have a duty to help create a responsive, accessible, transparent, and fair municipal government. Accordingly, members of Council have a duty to question whether another Council member is violating legislation, ethics, or respectful behaviours as set out in this Bylaw.
- 14.2. Should a member of Council or any person suspect a breach of this Bylaw, they must, in good faith, make a written report. Such report shall be brought to the attention of the CAO and shall be brought to the next available Council meeting, in-camera. Such report must:
- 14.2.1. be in writing, dated and signed by the submitting member of Council or individual;
  - 14.2.2. submitted to the Mayor or his/her designate;
  - 14.2.3. submitted to the Deputy Mayor in the event the Mayor is implicated in the complaint; and
  - 14.2.4. include any supporting documentation or information, including any additional witnesses.

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Any report submitted not meeting the above criteria shall be returned to the submitting individual and will not be added to a Council meeting agenda.

- 14.3. The CAO shall be consulted on and remain informed of all suspected or substantiated breaches of this Bylaw.
- 14.4. All discussions and deliberations with respect to alleged or substantiated reports of violations of this Bylaw must be conducted in an in-camera meeting of Council, and all discussions shall remain confidential under the applicable section(s) of the *FOIP Act*.
- 14.5. After review and consideration of all materials submitted, Council may decide:
  - 14.5.1. the materials submitted were not sufficient to demonstrate a breach of this Bylaw;
  - 14.5.2. the materials submitted demonstrate only a small, insignificant breach of this Bylaw and thus no sanctions shall be administered;
  - 14.5.3. the materials submitted demonstrate a breach of this Bylaw and thus sanctions shall be administered; or
  - 14.5.4. the materials submitted demonstrate a substantial breach of this Bylaw, beyond the mediating capabilities of Council, and a professional third party is required to help arbitrate and make recommendations to Council as to how to proceed with sanctions and resolution.
- 14.6. In the event that Council does find that a breach of this Bylaw has occurred, Council may by resolution take any of the following action(s);
  - 14.6.1. request a letter of apology from the member of Council to the impacted individual(s);
  - 14.6.2. issue a written reprimand to the member of Council;
  - 14.6.3. publication of item 14.6.1 and/or 14.6.2 in the local newspaper(s);
  - 14.6.4. suspension or removal from some or all Council committees and boards to which such member of Council has been appointed;
  - 14.6.5. suspension or dismissal of the member of Council from the position of Deputy Mayor or Chairperson of a Committee;
  - 14.6.6. reduction or suspension of remuneration as defined in section 275.1 of the *MGA*, corresponding to a reduction in duties (excluding the allowance to attend Council meetings);
  - 14.6.7. suspension or removal of the chief elected official's presiding duties as described under section 154 of the *MGA*; and/or
  - 14.6.8. mandatory training on ethical and respectful conduct to be provided by a third party.
- 14.7. All of Council must be present at the in-camera meeting during discussion of the suspected or substantiated breach of this Bylaw and when reaching a decision on such

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matter a Council vote of 5 to 7 is required.

14.8. Any action taken by Council should include a time frame and what remedial action is required.

14.9. At an in-camera meeting of Council, the CAO shall inform Council when the remedial action(s) have been satisfied.

**15. Review**

15.1. This Bylaw shall be reviewed every four (4) years, commencing from the date of third reading of this Bylaw, and such review shall be noted by a resolution of Council.

READ a first time this 20<sup>th</sup> day of March, 2018



Mayor, Kevin Zahara



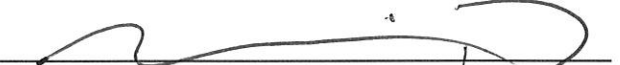
Chief Administrative Officer, Michael Derricott

READ a second time this 3<sup>rd</sup> day of April, 2018

READ a third and finally passed this 3<sup>rd</sup> day of April, 2018



Mayor, Kevin Zahara



Chief Administrative Officer, Michael Derricott