

**TOWN OF BON ACCORD
CODE OF CONDUCT BYLAW
BYLAW 2019-06**

A BYLAW OF THE TOWN OF BON ACCORD, IN THE PROVINCE OF ALBERTA, TO ESTABLISH THE CODE OF CONDUCT OF COUNCIL

WHEREAS, the Council of the Town of Bon Accord pursuant to section 145 of the Municipal Government Act, a council may pass bylaws for municipal purposes regarding the conduct of council and the conduct of councilors;

AND WHEREAS, the establishment of a code of conduct for members of Council is consistent with the principles of transparent and accountable government

NOW THEREFORE, the Council of the Town of Bon Accord, in the Province of Alberta, duly enacts as follows:

CITATION

This Bylaw shall be cited as the “**Code of Conduct Bylaw**” of the Town of Bon Accord

DEFINITIONS

1. In this bylaw, words have the meanings as set out in the Act, except that:
 - a) “Act” means the Municipal Government Act, R.S.A. 2000, c. M-26, any regulations thereunder, and any amendments or successor legislation thereto;
 - b) “Administration” means the administrative and operational arm of the Town, comprised of the various departments including all Town staff who operate under the leadership and supervision of the Town Manager;
 - c) “Town Manager” means the Chief Administrative Officer of the Town or their designate;
 - d) “Town” means the municipal corporation of the Town of Bon Accord;
 - e) “Council Member” means a member of Town Council, including a Councilor and the Mayor;
 - f) “FOIP” means the Freedom of Information and Protection of Privacy Act. R.S.A. 2000, c. F-25, any regulations thereunder, and any amendments or successor legislation thereto;
 - g) “Mayor” means the chief elected official of the Town.
 - h) “Social Media” refers to freely accessible, third-party hosted, interactive web-based technologies used to produce, post and interact through text, images, videos and audio to inform, share, promote, collaborate or network.

PURPOSE AND APPLICATION

The purpose of this Code of Conduct is to provide standards for the conduct of Council Members relating to their roles and obligations as elected representatives of the Town and a procedure for the enforcement of those standards. The Code of Conduct is one aspect of accountability and transparency both internally, as among Members and as between Council and Administration, as well as externally, with other orders of government, the media and the public at large.

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FRAMEWORK AND INTERPRETATION

This Code of Conduct provides a framework to guide ethical conduct in a way that upholds the integrity of the Town and the high standards of professional conduct the public expects of its local government elected representatives. This Code of Conduct is intended to supplement existing legislation governing the conduct of Council Members.

The Code of Conduct is to be given a broad and liberal interpretation in accordance with applicable legislation. It is not possible to write a Code of Conduct that covers every scenario and, accordingly, Council Members are to be guided by and conduct themselves in a manner that reflects the spirit and intent of this Code. Along with the bylaws and policies of Council, the following provincial and federal legislation governs the conduct of Members:

- a. *Municipal Government Act*
- b. *Freedom of Information and Protection of Privacy Act*
- c. *Local Authorities Act*
- d. *Alberta Human Rights Act*
- e. *Occupational Health and Safety Act*
- f. *Criminal Code of Canada*

STATEMENT OF PRINCIPLES AND VALUES

Council members are expected to perform their functions of office with integrity, accountability and transparency and conduct themselves in a professional manner at all times.

Members have a duty to act honestly, in good faith, and in best interests of the Town.

Members shall:

- a. uphold the law established by the Parliament of Canada and the Legislature of Alberta and the bylaws, policies and procedures adopted by Council;
- b. carry out their duties in accordance with all applicable legislation, bylaws and policies pertaining to their position as an elected official;
- c. observe the highest standard of ethical conduct and perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny; and
- d. serve and be seen to serve the welfare and interests of the Town as a whole and the community at large in a conscientious and diligent manner and shall approach decision making with an open mind.

COMMUNICATING ON BEHALF OF THE MUNICIPALITY

A Member must not claim to speak on behalf of Council unless authorized to do so.

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.

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.

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No Member shall make a statement when they know that statement is false.

No Member shall make a statement with the intent to mislead Council or members of the public.

RESPECTING THE DECISION MAKING PROCESS

Decision making authority lies with Council, and not with any individual Member. Council may only act by bylaw 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.

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 a closed session, and in doing so, allow the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.

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.

ADHERENCE TO POLICIES, PROCEDURES AND BYLAWS

Members shall respect the Municipality as an institution, its bylaws, policies and procedures and shall encourage public respect for the Municipality, its bylaws, policies and procedures.

A Member must not encourage disobedience of any bylaw, 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.

RESPECTFUL INTERACTIONS WITH COUNCIL MEMBERS, STAFF, THE PUBLIC AND OTHERS

Members shall act in a manner that demonstrates fairness, respect for individual differences and opinions, and an intention to work together for the common good and in furtherance of the public interest.

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.

No Member shall use indecent, abusive, or insulting words or expressions toward another Member, any employee of the Municipality or any member of the public.

No Member shall speak in a manner that is discriminatory to any individual based on the person's race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.

Members shall respect the fact that employees in Administration work for the Municipality as a corporate body 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.

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Members must not:

- a. involve themselves in matters of Administration, which fall within the jurisdiction of the CAO;
- 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.

ATTENDANCE

Members have a statutory duty to participate in Council meetings and failure to attend as required may lead to a Member's disqualification under the Act.

CONDUCT AT MEETINGS

Members shall comply with the provisions of the Procedure Bylaw, or any other rules of meeting procedure applicable to the body to which they have been appointed by Council.

Members shall act in a manner that demonstrates fairness, respect for individual differences, and an intention to work together for the common good and in furtherance of the public interest.

CONFIDENTIAL INFORMATION

Members must keep in confidence matters discussed in private at a Council or Council committee meeting until the matter is discussed at a meeting held in public.

Council as a whole must be able to access information that is necessary to fulfill its decision-making duties and oversight responsibilities; however, individual Members must also recognize that the information they receive in their capacity as elected officials is subject to confidentiality and disclosure rules contained in federal and provincial legislation and Town bylaws and policies.

Members may also become privy to confidential information received outside of a closed session. Members must not disclose or release by any means to any member of the public, including the media, any confidential information acquired by virtue of their office, unless the disclosure is permitted or required by law or authorized by Council to do so.

No Member shall use confidential information for personal benefit or for the benefit of any other individual or organization.

CONFLICTS OF INTEREST

Council members are expected to make decisions for municipal purposes for the welfare of interests of the Town as a whole.

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.

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Members have a statutory duty to comply with the pecuniary interest provisions set out in Part 5, Division 6 of the Act and a corresponding duty to vote unless required or permitted to abstain under the Act or another enactment.

Members shall approach decision-making with an open mind that is capable of persuasion.

No Council Member shall use the influence of their office for any purpose other than for the exercise of the Member's official duties.

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.

IMPROPER USE OF INFLUENCE

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.

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.

Members shall not contact or otherwise attempt to influence members of any adjudicative body regarding any matter before relating it to the Municipality.

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.

USE OF MUNICIPAL ASSETS AND SERVICES

Members shall use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Member.

Members are stewards of public resources and shall avoid waste, abuse and extravagance in the use of public resources.

ORIENTATION AND OTHER TRAINING ATTENDANCE

Every Member must attend the orientation training offered by the Municipality within 90 days after the Member takes oath of office.

Unless excused by Council, every Member must attend any other training organized at the direction of Council for the benefit of Members throughout the Council term.

GIFTS AND HOSPITALITY

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.

ELECTION CAMPAIGNS

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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.

INFORMAL COMPLAINT PROCESS

Any person or any Member who has identified or witnessed conduct by a Member that the person or member reasonably believes, in good faith, is in contravention of this Bylaw may address the prohibited conduct by:

- a. advising the Member that the conduct violates this Bylaw and encouraging the Member to stop;
- 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.

Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying conduct that they believe violates this Bylaw. However, an individual is not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure outlined below.

FORMAL COMPLAINT PROCESS

Any person or any Member who has identified or witnessed conduct by a Member that the person or Member believes, in good faith, is in contravention of this Bylaw 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 an identifiable individual;
- b. All complaints shall be addressed to Council;
- c. The complaint must set out reasonable and probable grounds for the allegation that the Member has contravened this Bylaw, 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 Bylaw, the Member or Members concerned shall receive a copy of the complaint submitted to Council;
- e. Upon receipt of a complaint under this Bylaw, Council shall review the complaint 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, Council shall take such steps as it may consider appropriate, which may include seeking legal advice. All proceedings of Council regarding the investigation shall be confidential;
- 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.

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COMPLIANCE AND ENFORCEMENT

Members shall uphold the letter and the spirit and intent of this Bylaw.

Members are expected to co-operate in every way possible in securing compliance with the application and enforcement of this Bylaw.

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;
- b. Obstruct Council, or any other person, in carrying out the objectives or requirements of this Bylaw.

Sanctions that may be imposed on by a Member, by Council, upon a finding that the Member has breached this Bylaw 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. Suspension or removal of the appointment of a Member as the chief elected official under Section 150 (2) of the Act;
- e. Suspension or removals of the appointment of a Member as the deputy chief elected official or acting chief elected official under Section 152 of the Act;
- f. Suspension or removal of the chief elected official's presiding duties under Section 154 of the Act;
- g. Suspension or removal from some or all Council committees and bodies to which Council has the right to appoint members;
- h. 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;
- i. Any other sanctions Council deems reasonable and appropriate in the circumstances provided that the sanction does not prevent a Member from fulfilling the legislated duties of a councillor and the sanction is not contrary to the Act.

COMPLIANCE WITH THE CODE OF CONDUCT

Council members are accountable to the public through the four-year election process cycle. Between elections, Members may become disqualified and required to resign if the Member commits a disqualifying action pursuant to section 174 of the Act.

Members are expected to adhere to the provisions of this Code of Conduct. Council does not have the authority to disqualify or remove a Member from office; only a court of competent jurisdiction can do so. Council does, however have the right to sanction a Member provided that the Member continues to have sufficient access to information and services so as to be able to carry out their duties as a Member.

REVIEW

This Bylaw 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.

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SEVERABILITY

Should any provision of this Bylaw be invalid, then the invalid provision shall be severed, and the remainder of this Bylaw shall remain in effect.

MISCELLANEOUS

Bylaw # 2018-06 is hereby repealed.

This Bylaw comes into effect upon third and final reading of this Bylaw.

READ a first time on this 18 Day of June 2019.

READ a second time on this 2nd Day of July 2019.

READ a third and final time on this 2nd Day of July 2019.

MAYOR DAVID HUTTON

CHIEF ADMINISTRATIVE OFFICER
JOYCE PIERCE