

BEING A BY-LAW OF THE VILLAGE OF CLYDE
IN THE PROVINCE OF ALBERTA FOR
THE PURPOSE OF ESTABLISHING, BY
BYLAW, A CODE OF CONDUCT THAT
APPLIES TO EACH INDIVIDUAL
COUNCIL MEMBER

WHEREAS pursuant to section 146.1(1) of the *Municipal Government Act*, RSA 2000, c. M-26 (MGA), as amended, a council must, by bylaw, establish a code of conduct governing the conduct of councillors;

AND WHEREAS pursuant to section 153 of the MGA, councillors have a duty to adhere to the code of conduct established by council;

AND WHEREAS the citizens and the taxpayers of the Village of Clyde have the right to be served by Council committed to conducting its service in an ethical, impartial, business-like, and professional manner;

AND WHEREAS the Village of Clyde values professionalism, accountability and lawful conduct, and desires to provide a strong local leadership and to assist each Councillor in navigating the ethical implications of the decisions they face in the course of their duties;

NOW THEREFORE the Council of the Village of Clyde in the Province of Alberta, duly assembled, enacts as follows:

1. TITLE

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

2. DEFINITIONS

- a. "Administration" means the administrative and operational arm of the Village and includes all employees of the Village;
- b. "CAO" means the Chief Administrative Officer for the Village, or his/her delegate;
- c. "Council" means all Councillors;
- d. "Councillor" means a member of Council duly elected and holding office including the Mayor;
- e. "Confidential Information" includes any information discussed *in camera* which has not been discussed at a meeting held in public; information the Village is required to refuse to disclose pursuant to legislation, including



the *Freedom of Information and Protection of Privacy Act*, court order or contract; or other information that pertains to the business of the Village and is considered to be confidential, including but not limited to information about the security of Village property, proposed or pending land or property acquisition or disposal, un-awarded tenders, employment and labour relations, draft documents and legal instructions that have not been shared at a meeting held in public, law enforcement matters, litigation or potential litigation including matters before tribunals and advice that is subject to solicitor-client privilege;

- f. "Contracted Resource" means any individual or organization with whom the Village has a contract for services;
- g. "Director" means an employee of the Village that reports directly to the CAO and may carry some delegated or designated duties of the CAO;
- h. "MGA" means the *Municipal Government Act*, RSA 2000, c. M-26 as amended from time to time;
- i. "Village" means the Village of Clyde; and
- j. "Village Property" means the Village's financial and non-financial assets including but not limited to land, vehicles, equipment, electronic devices and platforms, documents and services.

3. REPRESENTING THE VILLAGE

Councillors shall:

- a. work for the common good of the Village citizens and taxpayers while promoting the public interest and advancing the mandate and long-term interests of the Village;
- b. consider the welfare and interests of the Village as a whole and bring to Council's attention anything that would promote the welfare or interest of the Village;
- c. 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 Village;
- d. exercise their duties with care, diligence and skills that a reasonably prudent person would exercise in comparable circumstances;
- e. exercise their duties by placing the interests of the Village ahead of personal interests or the interests of their business, family, or friends;

- f. exercise their duties in an impartial manner, making decisions based on objective criteria, rather than on the basis of bias or prejudice; and
- g. govern their public behaviour in accordance with the values of the Council Code of Conduct and govern their personal affairs with integrity in accordance with the law.

4. COMMUNICATING ON BEHALF OF THE VILLAGE

- a. The Mayor, or in his/her absence the Deputy Mayor, is the official spokesperson for the Village and will address communications with the media, third parties and other levels of government.
- b. Communications of a political nature shall be directed through the Mayor, or in his/her absence the Deputy Mayor, and communications of an administrative or operational nature shall be directed through the CAO.
- c. Councillors acknowledge that they must not claim to speak on behalf of Council unless specifically authorized to do so by Council.
- d. Councillors shall not make statements they know to be false, inaccurate or misleading.

5. RESPECTING THE DECISION MAKING PROCESS

Councillors shall:

- a. foster respect for the democratic decision making process by doing the following:
 - i. preparing for and fully participating in Council meetings;
 - ii. bringing issues, questions and concerns for discussion to Council;
 - iii. respecting that Council may only make decisions by bylaw or resolution at a meeting held in public at which there is a quorum;
 - iv. recognizing that once Council has made a decision, that even if an individual Councillor disagrees with the decision, the decision is the decision of Council and shall not be undermined; and
 - v. acknowledging that individual Councillors cannot bind Council;

and

- b. work towards effective and consistent implementation of the positions and/or decisions of Council.

6. ADHERENCE TO POLICIES, PROCEDURES AND BYLAWS

- a. As the Village's stewards and decision-makers, Councillors shall respect, and adhere to, the established policies, procedures and bylaws of the Village, showing commitment to performing their duties and functions with care and diligence.
- b. Councillors shall abide by all federal and provincial laws.
- c. Councillors shall encourage citizens and taxpayers to respect the Village, its bylaws, policies and procedures and shall not encourage disobedience with any Village bylaw, policy or procedure or any other law.

7. RESPECTFUL INTERACTION WITH COUNCILLORS, STAFF, THE PUBLIC AND OTHER MEMBERS OF SOCIETY

Councillors shall:

- a. treat fellow Councillors, the CAO, Administration and the public with respect, concern and courtesy;
- b. refrain from using indecent, abusive, insulting or discriminatory language, words or expressions;
- c. demonstrate the highest standards of personal integrity and honesty;
- d. 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; and
- e. communicate and work with the CAO and Administration in a manner that respects the jurisdiction of the CAO and Administration to deal with administrative and operational matters.

8. CONFIDENTIAL INFORMATION

- a. Councillors must keep in confidence all Confidential Information until the matter is discussed at a meeting held in public or unless disclosure is authorized by Council or required by law.

- b. Councillors shall not use Confidential Information for personal benefit or for the benefit of others.

9. CONFLICT OF INTEREST

- a. Councillors have a statutory duty to comply with the pecuniary interest provisions in Part 5, Division 6 of the MGA and a duty to vote unless required or permitted to abstain under the MGA or another enactment.
- b. Councillors shall not engage in any activity which is incompatible or inconsistent with the ethical execution of their office.
- c. Councillors shall remain free of undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends or business associates.
- d. Councillors shall not place or appear to place themselves in a position of obligation to any individual or organization who might reasonably benefit from special consideration or may seek preferential treatment.
- e. Councillors shall not use or appear to use any information gained in the execution of their office that is not available to the general public for any purpose other than for official duties.
- f. Councillors shall approach all decision making with an open mind capable or persuasion.

10. IMPROPER USE OF INFLUENCE

- a. Councillors shall not use the influence of their office for any purpose other than for the exercise of the Councillor's official duties.
- b. Specifically, Councillors shall not use the influence of their office to obtain a personal or business advantage, including employment, for themselves, family, friends or close associates.
- c. Councillors shall not contact or otherwise attempt to influence members of an administrative tribunal regarding any matter before it that relates to the Village.
- d. Councillors shall acknowledge and respect the separation of the roles and responsibilities between Council and Administration. As such, Councillors shall:
 - i. not give direction to any member of Administration or any Contracted Resource, except through the CAO;

- ii. convey all concerns or requests for action or information directly to the CAO or, where appropriate, and as agreed by the CAO, communicate with a Director without committing the Village to any specific course of action, expenditure, or use of municipal resources outside of the Village's established policies, procedures, or budget, or otherwise;
- iii. not solicit, demand or accept the services of any member of Administration or any Contracted Resource;
- iv. avoid any situation in which a friendship, social relationship or social interaction with a member of Administration may be seen to create undue influence, access to information, conflict of interest, or to undermine the authority of the CAO;
- v. not use, or attempt to use, their authority or influence for the purpose of threatening, commanding or influencing a member of Administration with the intent of interfering with the member's duties; and
- vi. not maliciously or falsely injure the professional or ethical reputation, or the prospects or practice, of members of Administration.

11. USE OF MUNICIPAL ASSETS AND SERVICES

- a. Councillors shall not use or attempt to use the Village Property for personal benefit or the benefit of any other individual or organization.
- b. Councillors shall only use the Village Property to enhance the performance of their official duties as a Councillor.

12. ORIENTATION AND OTHER TRAINING ATTENDANCE

- a. Councillors must attend the orientation session(s) offered by the Village within 90 days after the Councillor takes the oath of office.
- b. Unless excused by Council, Councillors must attend all other training opportunities that are approved by Council.

13. GIFTS

- a. Councillors may only accept gifts, hospitality and other benefits that normally accompany the duties of office provided the value of the gift, hospitality or benefit does not exceed \$300.00.

14. COMPLAINTS

- a. Any person, in good faith, may report perceived wrongdoing or make a complaint alleging a breach of the Council Code of Conduct by a Councillor. All reasonable attempts shall be made to keep the reports and complaints confidential until full investigation is completed in order to protect a Councillor and the complainant.
- b. Complaints must be in writing. Complaints must outline the nature and specifics of the complaint, be dated, include a name of the complainant, and be signed. Complaints should be addressed to the Mayor (or in the case of perceived wrongdoing of the Mayor, to the Deputy Mayor), and be marked "Confidential". Complaints may be mailed, emailed, or hand-delivered to the Village's office. All received complaints shall be initially reviewed by the Mayor, or Deputy Mayor as the case may be, and shall be shared with Council at an *in camera* session of a Council meeting.
- c. Anonymous complaints shall not be accepted.
- d. Any Councillor who is the subject of the complaint shall not participate in deciding whether or not to investigate the complaint nor shall the Councillor participate in determining the sanction(s), if any.
- e. Any Councillor who is the subject of a complaint which Council decides to investigate shall be afforded procedural fairness, including provision of the investigative report, if any, and the opportunity to respond to the complaint before Council deliberates and makes any decision or imposes any sanction.
- f. Depending on the nature of the complaint, Council may do the following:
 - i. dismiss the complaint as invalid (because it is frivolous, vexatious, not made in good faith, or lacks grounds); or
 - ii. authorize the Mayor and one Councillor (or the Deputy Mayor and one Councillor if the complaint is about the Mayor) to investigate the complaint and report to Council.
- g. If Council decides to investigate, the investigating Councillors may:
 - i. request a legal opinion regarding the complaint; and
 - ii. request the Village's legal counsel or a third party investigate and provide a written report to Council through the Mayor (or the Deputy Mayor, as the case may be).

- h. The results of the investigation and Council's decision shall be publicly communicated.
- i. If the complaint is determined to be valid by Council, Council may impose one or more sanctions by resolution.

15. SANCTIONS

Council may impose one or more of the following sanctions on any Councillor who is found to have contravened the Council Code of Conduct:

- a. a letter of reprimand addressed to the Councillor;
- b. a request for a letter of apology from the Councillor;
- c. the publication of a letter of reprimand or a request for apology and the Councillor's response;
- d. a requirement the Councillor attend training;
- e. suspension or removal from the Mayor or Deputy Mayor position;
- f. suspension or removal of the Mayor's presiding duties under section 154 of the MGA;
- g. suspension or removal from some or all council committees and bodies to which Council has the right to appoint members;
- h. restricting the privileges of attending conferences and workshops at the Village's expense;
- i. reduction or suspension of remuneration as Council may deem appropriate and in accordance with MGA;
- j. or any other sanction Council deems reasonable and appropriate in the circumstances.

Any sanction imposed by Council must not prevent the Councillor who is the subject of the sanction from performing his or her legislated duties under the MGA.

16. REVIEW

- a. The Council Code of Conduct Bylaw must be at a minimum be reviewed every four years, following the general municipal election.

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

READ A FIRST TIME THIS 14th DAY OF May , A.D. 2018.

READ A SECOND TIME THIS 11th DAY OF June , A.D. 2018.

READ A THIRD TIME THIS 11th DAY OF June , A.D. 2018.



MAYOR, Nat Dvernichuk



ACTING CAO, Kim Hale

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