

# COUNCIL CODE OF CONDUCT

Final – April 23, 2018



## Council Code of Conduct

### 1. Guiding Principles

**The overarching purpose of the Council Code of Conduct is to ensure Council, as it carries out its powers, duties and functions to serve the community and the public, that it does so in a manner that is objective and with dignity.**

- 1.1. The Council Code of Conduct applies to all Councillors equally.
- 1.2. The Council Code of Conduct governs the conduct of members of Council committees and other boards established by the Council who are not Councillors.
- 1.3. The Council Code of Conduct will be reviewed and updated at least once every four (4) years starting from the date when the Council Code of Conduct is passed and preferably the Council Code of Conduct is reviewed following each municipal election.
- 1.4. Councillors and others to whom this Council Code of Conduct applies are expected to formally and informally review this Council Code of Conduct and their adherence thereto on a regular and ongoing basis.

### 2. Definitions

- 2.1. **“Committee of the Whole”** refers collectively to those Members of Council present when Council moves to sit as a Committee.
- 2.2. **“Conflict of Interest”** means an occurrence where a Councillor’s personal or private interests are, or may be perceived as, influencing the Councillor on a matter of public interest before Town Council, including occurrences which may result in common law bias, including direct or indirect pecuniary interest, pre-judgment, close mindedness or undue influence.

A Conflict of Interest occurrence also includes using the Councillor’s position, confidential information or Town of Fort Macleod 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 Councillor’s family, friends, or business associations.

- 2.3. **“Council”** means the Town of Fort Macleod Council.
- 2.4. **“Councillor”** has the meaning described under the *Municipal Government Act*, including an individual currently elected and sworn in as member of the Town of Fort Macleod Council and the chief elected official (Mayor).

2.5. **“In Camera”** means “in private” meeting. It involves a confidential meeting, or a portion of a meeting, taking place with only Councillors, the Chief Administrative Officer, or any other person invited by Council, present.

2.6. **“MGA”** means the *Municipal Government Act*, R.S.A. 2000 Chapter M-26.

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

2.8. The **“Town”** means the municipality of Fort Macleod.

### **3. Code of Conduct**

The Town of Fort Macleod Council has adopted the following principles to ensure that all Councillors act honestly, in good faith, with proper conduct and in the best interests of the Town.

3.1. ***Representing the Municipality – Build and inspire public trust and confidence in local government by upholding high standards and ideals.***

3.1.1. By demonstrating the highest standards of personal integrity and honesty in order to foster the public trust and confidence in the Town.

3.1.2. By considering the welfare and interests of the Town as a whole, and to bring to Council’s attention anything that would promote the welfare or interests of the Town.

3.1.3. By presenting oneself in a manner that upholds the dignity and decorum of the Municipal Office during all Council meetings.

3.1.4. By adhering to all Town bylaws, policies and procedures, including this Council Code of Conduct.

3.2. ***Communicating on behalf of the municipality – Promote public confidence by respecting the process established by council for communicating with the public on behalf of council or the municipality.***

3.2.1. By engaging in respectful, fulsome and healthy debate on matters in Council meetings, and subsequently, to support the decision of Council.

3.2.2. By recognizing that when interacting with the public and media, individual Councillors do not speak for the Town except where explicitly authorized by a Council resolution, bylaw or policy.

3.2.3. By endeavoring that messages to the public and media will be respectful, clear, consistent, honest, and timely.

3.2.4. By working with fellow Councillors to attempt to reach agreement on the common themes to be communicated.

**3.3. *Respecting the decision-making process*** - Support effective decision-making through the processes set out in legislation and local bylaws for making decisions, including respect for the role of the Chair.

3.3.1. By devoting time, thought, and attention to the duties of a Councillor so effective and knowledgeable decisions can be made on behalf of the citizens and taxpayers.

3.3.2. By actively participating in all Council and associated meetings in good faith and with professionalism.

3.3.3. By using rational, objective decision-making processes take into account administrative recommendations, appropriate consultation with stakeholders and research of options.

3.3.4. By engaging in healthy and constructive debate on an issue and being open and respectful of diverse views.

3.3.5. By staying focused on the issue being debated and coming to meetings prepared.

3.3.6. By focusing energy on issues that have strategic, organization-wide impacts.

3.3.7. By making decisions in a timely fashion; and documenting and communicating the decisions clearly.

3.3.8. By recognizing that decision-making authority resides with the Council “as a whole” – not individual Councillors.

3.3.9. By understanding that the decision of the Council must be accepted and respected by all Councillors even if individual Councillors do not agree with the majority decision.

**3.4. *Adherence to policies, procedures and bylaws*** - Promote service of the public interest and show leadership by upholding legislation, local bylaws and policies adopted by Council.

3.4.1. By not surrendering the responsibilities and obligations of a Councillor to any other person, group or organization.

3.4.2. By participating generally in developing and evaluating policies and programs of the Town.

**3.5. *Respectful interactions with Councillors, staff, the public and others* - Promote treatment of Councillors, municipal employees and others with dignity, understanding and respect.**

3.5.1. With Councillors:

3.5.1.1. By attempting to reach agreement on the common themes to be communicated for major issues.

3.5.1.2. By communicating a sense of Council Team, share credit of successes and position Council and the corporation positively.

3.5.1.3. By being respectful of each other and administration in communications with the public and the media.

3.5.1.4. By publicly supporting decisions made by Council; and recognizing that Councillors will be free to indicate why they may not have voted for a decision in a council meeting, however, once the decision has been made, respecting the legitimacy of the democratic process and the decision.

3.5.1.5. Presenting positions held by Council as a whole when attending board or committee meeting or having discussions with the public at large.

3.5.1.6. By sharing equal and timely access to relevant information to support decision-making.

3.5.1.7. By first attempting to resolve serious conflicts with other Councillors directly (one-on-one); that failing, seeking external mediation and/or support.

3.5.1.8. By reviewing its performance periodically with a view to continuously improving its effectiveness.

3.5.1.9. By acknowledging the delegated responsibility of the Mayor and Chief Administrative Officer as designated spokespersons for the Town.

3.5.2. With Municipal Employees:

3.5.2.1. By upholding the CAO Council Covenant.

- 3.5.2.2. By maintaining high standards of professionalism, integrity and ethical conduct in interactions with colleagues, the executive and staff.
  - 3.5.2.3. By respecting the authority of the Chief Administrative Officer, as delegated by the Chief Administrative Officer Bylaw and Council governance policies, to direct staff and the work of the organization.
  - 3.5.2.4. By not attempting to seek information or direct the activities of staff or departments except through established channels of authority.
  - 3.5.2.5. By directing any criticisms of staff through the Chief Administrative Officer and refraining from criticizing staff in public or the media.
  - 3.5.2.6. By recognizing that the Chief Administrative Officer and/or Mayor will convey both staff concerns to Councillors and Council concerns to staff stemming from council/staff interaction and/or role clarity issues.
  - 3.5.2.7. By being diligent in adherence to conflict of interest regulations when approaching staff directly or at the council table as they work to advance projects in the local interest.
  - 3.5.2.8. By ensuring that the roles of Council in their lives as private citizens and their roles as Councillors always remain separate.
- 3.5.3. With All Constituents and Stakeholders:
- 3.5.3.1. By treating all constituents and stakeholders, including fellow Councillors, administration, and the public with respect, concern and courtesy.
  - 3.5.3.2. By treating all people in good faith and without bias and not discriminating against any person, for example, on the basis of differences in personal opinions, race, ancestry, place of origin, colour, ethnic origin, culture, citizenship, religion, creed, language, gender, sexual orientation, age, family status, disability or occupation.
  - 3.5.3.3. By listening actively, respecting diverse opinions and viewing constructive disagreement and discussion as positive and necessary to effective decision-making.
  - 3.5.3.4. By dealing with conflicts in a timely and issues focused manner; i.e., significant conflicts and problems cannot be ignored.

**3.6. Confidential Information** - Promote public trust by refraining from using information in a way that would be detrimental to the public interest.

- 3.6.1. By protecting privileged information learned during the course of the duties of a Councillor and preserve the confidentiality of information provided to them, concerning confidential matters of the Town;
- 3.6.2. By not using confidential information to advance the personal, financial or private interests of one's self or any other individual.
- 3.6.3. By being informed of and strictly adhering 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.
- 3.6.4. By not releasing, disclosing, publishing or commenting 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.
- 3.6.5. By not releasing information that is subject to solicitor-client privilege unless expressly authorized by Council or required to do so by law.
- 3.6.6. By not mis-using confidential information gained by virtue of position as Councillor that is not in the public domain, including emails and correspondence from other Councillors or third parties, such that it may cause harm, detriment or embarrassment to the Town, Council, other Councillors, Town of Fort Macleod administration or staff, members of the public or third parties, or such that it may create a benefit to themselves, the Town, Council other Councillors, Town administration or staff, members of the public or third parties.

**3.7. Conflicts of Interest** - Promote public trust by refraining from exploiting the position of Councillor for private reasons or that would bring discredit to the office.

- 3.7.1. By strictly following the Pecuniary Interest requirements provisions of the *MGA R.S.A. 2000 Chapter M-26* and by being aware of the disclosure and procedure requirements as established in *MGA*.
- 3.7.2. By avoiding occurrences where it may be perceived that the Councillor is using his or her position on Council to gain personal or pecuniary benefits.
- 3.7.3. By refraining from seeking the award of written service or supply contracts; by refraining from applying for positions of employment with the Town, while holding the position of Councillor in order to avoid any public perception that the Councillor is using the position on Council to gain personal or pecuniary benefit.

3.7.4. By acknowledging that the Town will not award any written service or supply contracts nor make offers of employment to any person who holds the position of Councillor.

3.7.5. By understanding that receiving and giving of gifts can result in a perceived conflict of interest.

3.7.5.1. Gifts:

3.7.5.1.1. With the exception of token, minor and other gifts (having an estimated value under \$500.00), Councillors shall provide a written declaration to the Chief Administrative Officer and Council as a whole detailing the acceptance of any gifts including estimated value and the donor of the gift.

3.7.5.1.2. While token, minor and other gifts can be accepted by Councillors, substantial or material gifts (over \$500.00), should either be rejected by Councillors or accepted on the condition that the gift is accepted on behalf of Council and donated to a local charity.

3.7.5.1.3. This does not apply to gifts donated to the Town, nor to gifts of hospitality that are normally received as a matter of protocol, in building relationships or social obligations that normally accompany the position of Councillor.

3.7.6. By not engaging in any activity, which is incompatible or inconsistent with the discharge of a Councillor's duties and obligations as an elected official of the Town.

3.7.7. By making the decisions independently and in accordance with the *MGA*.

3.7.8. By following the process below if a Councillor believes that they may have or may reasonably be perceived to have a pecuniary interest or conflict of interest in a matter before Council or a Council Committee:

3.7.8.1. Inform the Mayor or Chair of the meeting before the matter is considered that the Councillor may have a pecuniary interest or conflict of interest in the matter.

3.7.8.2. Complete the "Disclosure of Pecuniary Interest" form attached as Schedule "A" prior to consideration of the matter at the meeting. The "Disclosure of Pecuniary Interest" form shall be received by the Mayor or Chair of the meeting, be read into the meeting minutes and delivered by the Mayor or the Chair to the Chief Administrative Officer or designate. The Chief

Administrative Officer shall file and maintain the “Disclosure of Pecuniary Interest” forms.

- 3.7.8.3. State the general nature of the pecuniary interest or conflict of interest at the meeting prior to discussion of the matter. This must be done on every occasion that the matter arises before Council or Council committee.
- 3.7.8.4. Refrain from discussing the matter with Council.
- 3.7.8.5. Leave the room in which the meeting is held prior to the matter being discussed until discussion and voting on the matter has concluded.

**3.8. Improper use of influence** - *Promote the priority of municipal interests over the individual interests of Councillors, and to refrain from seeking to influence decisions for personal reasons.*

- 3.8.1.1. By demonstrating fairness, accountability and open mindedness on all matters.
- 3.8.1.2. By refraining from improper use of position as Councillor to:
  - 3.8.1.2.1. Gain, or attempt to gain or advance, directly or indirectly, a personal or private interest for oneself or another person.
  - 3.8.1.2.2. Cause, or attempt to cause, detriment to the Town, the Town Council or any individual Councillor, cause or attempt to cause, detriment to any member of the Town administration or staff, or
  - 3.8.1.2.3. Seek personal benefit or gain from any information obtained through position as Councillor.
- 3.8.1.3. By not exercising a power or function or performing a duty that is by this, or other enactment or bylaw, specifically assigned to the Chief Administrative Officer or a designated officer.
- 3.8.1.4. By not using the position of Councillor to benefit one’s self or any other individual apart from the interest of the Town, and avoid placing one’s self in a position where there may be a real or perceived conflict of interest or apprehension of bias.

**3.9. Use of Municipal Assets and Services** - *Promote stewardship and public trust by refraining from the use of municipal assets or resources for personal reasons.*

3.9.1. By incurring expenses in a responsible and reasonable manner that respects that public monies must be used for public good.

3.9.2. By avoiding waste, abuse and inappropriate expenditures in the use of public monies and resources.

3.9.3. By being open and accountable with respect to all expenditures.

3.9.4. By strictly adhering to the Town's guidelines addressing expenditures and reimbursement.

**3.10. *Orientation and other training attendance - Promote effective leadership and personal development by accessing training opportunities.***

3.10.1. By participating in orientation training within the first six months after election and when possible, other training opportunities with regard to the roles and responsibilities of Council.

**4. Complaint Process for Breach of Council Code of Conduct**

4.1. Any current serving Councillor of the Town of Fort Macleod may make a complaint alleging a breach of the Council Code of Conduct. Complaints regarding a Councillor's conduct must be submitted in writing to Council through the Chief Administrative Officer.

4.2. Any other individual wanting to make a complaint pertaining to the breach of Council Code of Conduct may do so by contacting the Alberta Ombudsman.

4.3. Where a contravention of any provision in this Code of Conduct is alleged, and informal attempts to resolve the complaint have failed, Council shall, upon request to the Mayor, 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. Evidence presented by both the complainant and the Councillor who is the subject of the complaint, and questions asked arising from the evidence, shall be presented in open session. All discussions surrounding- the alleged violations of this code, the evidence presented, the determination of whether a violation has occurred, and whether sanctions will be made 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*.

4.4. The Councillor who is the subject of the complaint shall be given sufficient opportunity to address Council at the meeting referred to in Section 4.3, . Such Councillor shall be permitted to introduce evidence, including witnesses to support their position, and

may be accompanied by legal counsel, or other person. The complainant enjoys the same privilege. To the extent possible, principles of fundamental justice will be followed. Council will not rely upon affidavit evidence, but rather oral evidence only. Any documents relating to the alleged breach are admissible.

4.5 Should Council determine that a member has breached the Code of Conduct, Council shall report to the Councillor in question that such a determination has been made, and shall, immediately following at an open Council session, pass a resolution detailing the decision of Council.

4.6 The Sanction shall be ratified by Resolution at a Regular Meeting of Council.

4.7 All Sanctions under this By-Law shall be fair and in keeping with the severity of the infraction, giving due regard to the Councillor's previous conduct.

4.8 Nothing in this Section restricts or attempts to countermand a Councillor's legal right to challenge a decision by Council through established legal channels.

## **5. Sanctions for Breaching the Code of Conduct**

5.1. If a Councillor fails to adhere to the Code of Conduct, any or all of the following sanctions may be imposed:

5.1.1. Letter of reprimand addressed to the Councillor.

5.1.2. A request to the Councillor to issue a letter of apology.

5.1.3. Publication of the letter of reprimand or request for apology or both and the Councillor's response.

5.1.4. Request the Councillor to attend training.

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

5.1.6. Suspension or removal of the appointment of a Councillor as the deputy chief elected official or acting chief elected official under section 152 of the *MGA*.

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

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

5.1.9. 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 and any sanctions imposed under this Code of Conduct cannot remove a councillor from council and must not prevent any Councillor from fulfilling the legislated duties of a Councillor, including the general duties of Councillors outlined in section 153 of the Act.

## **6. Severability**

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

