

VILLAGE OF CARMANGAY

BYLAW NO. 795

A BYLAW TO AUTHORIZE THE CONDUCT OF THE VILLAGE OF CARMANGAY COUNCIL

Whereas, the Municipality of the Village of Carmangay seeks to govern the conduct of its Council Members;

NOW THEREFORE under the authority of the Municipal Government Act, the Council of the Municipality of the Village of Carmangay, in the Province of Alberta, enacts as follows:

COUNCIL CODE OF CONDUCT

Policy Statement

This Code of Conduct is a public declaration of the principles of good conduct and ethics that members of the Council of The Village of Carmangay have decided its stakeholders could reasonably expect from the Members of Council to demonstrate in the performance and responsibilities as elected officials.

Attaining an elected position within the community is a privilege which carries significant responsibilities and obligations. Members of Council are held to a high standard as leader's municipal governance, administration, planning and operations.

Purpose

The Code of Conduct for Members of Council and related Village Policies identifies the Village's expectations of Council Members and establishes guidelines for appropriate conduct to ensure that

- The decision making process Village Council is transparent, accessible and equitable.
- Decisions are made through appropriate channels of government structure.
- Public office is not to be used for personal gain.
- The conduct Members of Council is of the highest standard.
- There is fairness and respect for the differences and a duty to work together for good will and common good.

Principles of the Code of Conduct

Although areas of ethical are generally consistent and understood in municipal governance, the following areas and guidelines have been specifically identified as being paramount to the municipal political process:

1. Roles and Obligations
2. Confidentiality
3. Communications and Media Relations
4. Relations with Staff
5. Gifts, Hospitality and Benefits
6. Conflict of Interest – Pecuniary Interest
7. Use of Property
8. Transparency and Openness in Decision Making
9. Professional Development
10. Conduct of Meetings
11. Harassment
12. Compliance with the Code – Complaint Protocol
13. Implementation

1. Roles and Obligations

- 1) As Chief Elected Official, Mayor is first among equals but one person, one vote.**
- 2) Mayor's authority to speak for or represent Council is derived from Council itself.**
- 3) Council acts as whole to set policy.**
- 4) Will of the majority of members is the will of Council.**

Council Members recognize their mandate incorporates tasks to:

- Fairly represent the diversity of community views in developing an overall strategy for the future of the Village.
- Set objectives and determine strategies to achieve the goals of the Village of Carmangay Integrated Community Sustainability Plan.
- Achieve sound financial management, planning and accountability.
- Be aware of and understand statutory obligations imposed on Council as a whole, as well as each individual Member of Council.

2. Confidentiality

In their decision making process, Members of Council will have access to information that may be confidential or controversial such as, but not limited to "Closed Session" meetings.

Confidential Information means any information that is of a personal nature to Village employees or clients or information that is not available to the public and that, if disclosed, could result in loss or damage to the Village or could give the person to whom it is disclosed an advantage. Confidential information includes, but is not limited to the following information:

- Disclosed or discussed at a Closed Session meeting of Council.
- That is circulated to Member of Council and marked 'Confidential'.
- That is given verbally in confidence in preparation of or following a meeting that is closed to the public and includes, but is not limited to the following types of information:
 - o Personal matters about an identifiable individual(s);
 - o Information about suppliers provided for evaluation which might be useful to other suppliers;
 - o Matters relating to legal affairs of the Village;
 - o Sources of complaints where the identity of the complainant is given in confidence;
 - o Items under negotiations; o Schedules of prices in contract tenders; o Personal information as defined in the *Freedom of Information and Protection of Privacy Act*.

Members of Council should not disclose or release by any means to any member of the public either in verbal or written form any confidential information acquired by virtue of their office except when required by law to do so.

All information, documentation or deliberations received, reviewed or taken in Closed Session of Council and its committees is confidential until the matter ceases to be confidential, as determined by Council.

Members shall not permit any person other than those who are entitled thereto to have access to information that is confidential.

Confidential information that is provided to Members of Council does not belong to them; it is the property of the Village.

The obligation to keep information confidential is a continuing obligation even if the Member ceases to be a Member of Council.

Members have the same access rights to municipal information as any other resident of the Village, unless the information related specifically to a matter before Council.

Requests for information should be referred to the appropriate staff to be addressed either as an informal request for access to municipal records, or as a formal request under the *Freedom of Information and Protection of Privacy Act*.

3. Communications and Media Relations

Members of Council will accurately and adequately communicate the attitudes and decisions of Council, even if they disagree with the majority decision of Council.

Members shall show respect for the decision making process of Council.

Information concerning adopted policies, procedures and decisions of the Council shall be conveyed openly and accurately.

Confidential information will be communicated only when and after determined by Council.

4. Relations With Staff

Members of Council shall acknowledge and respect the fact that staff work for the Village as a corporate body and are responsible for making recommendations that reflect their professional expertise and corporate objectives, without due influence from any individual member.

In addition, Members shall acknowledge and respect the fact that staff carry out directions of Council as a whole and administer the policies of the Village. A Member of

Council shall refrain from using their position to improperly influence members of staff in their duties or functions of to gain an advantage for themselves or others.

Members of Council shall refrain from publicly criticizing individual members of staff in a way that casts aspersions on their professional competence and credibility.

5. Gifts, Hospitality, and Benefits

Members may only receive gifts, hospitality or entertainment that are received as an incident of protocol or social obligation that normally accompanies the responsibilities of elected office. Any gifts, benefits, or hospitality that exceeds these guidelines shall be returned with an explanation of this Code of Conduct. Gifts, souvenirs or mementoes with a value greater than a nominal value, if accepted shall be the property of the Village.

Members may accept hospitality or entertainment if the offer is infrequent and appropriate to the occasion.

Nothing in this section prevents the receipt of personal gifts, benefits, rewards, commissions or compensation from any person or organization not connected directly or indirectly with the performance or duties of office. (i.e. full time employment with another organization)

Members may also accept the following:

- Political contributions that are otherwise offered accepted and reported in accordance with applicable law.
- Food and beverages at banquets, receptions, ceremonies or similar events.
- Services provided by a person volunteering their time.
- Food, lodging transportation and entertainment provided by other levels of government or boards or commissions.
- A reimbursement of reasonable expenses incurred and honorariums received in the performance of activities connected with municipal associations or agencies.

6. Conflict of Interest – Pecuniary Interest

Members of Council will recognize their obligations to follow and respect the provisions of the *Municipal Government Act* (Section 170)

7. Use of Village Property

Members may only use Village property or services for activities connected with the discharge of official duties or associated community activities having the sanction of Council or permitted by Village policies.

8. Transparency and Openness in Decision Making

Members of Council will endeavor to conduct and convey Council business in an open and public manner, other than those issues that may be discussed in Closed Session permitted by the *Municipal Government Act*, so that stakeholders can understand the process, logic and rationale which was used to reach conclusions or decisions.

9. Professional Development

Members have the opportunity to promote, support, pursue and partake in opportunities for professional development, including but not limited to Federal, Provincial and Municipal conferences, seminars and workshops. Council Members are encouraged to stay updated on issues and trends so that they can be as efficient and effective as possible in carrying out their duties and responsibilities.

10. Conduct at Meetings

During Council, General Committee or any other advisory committee meetings, or working group meetings, Members shall conduct themselves with decorum. Respect for delegations and for fellow Council Members and staff requires that all Members show courtesy and not distract from the business of Council during presentations and when other members have the floor.

11. Harassment

Harassment of another Council Member, staff or any member of the public is prohibited under the *Alberta Human Rights Act*. It is the policy of the Village that all persons be treated with dignity and respect in the workplace in an environment free of discrimination and of personal and/ or sexual harassment.

Harassment; whether it occurs inside or outside the workplace but is related to the work environment or activities of elected office, is considered to be harassment and is inappropriate behavior for the purpose of this Code of Conduct.

Harassment includes, but is not limited to any behavior, conduct or comment by any person that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status and any other grounds under the provisions of the *Alberta Human Rights Act*.

Any complaints of harassment will be investigated by the Village and in the event that a resolution of the complaint is not achieved, any Member may request the complaint be dealt with in accordance with Section 12 of this Code.

12. Compliance with the Code – Complaint Protocol

Where an alleged contravention of any provision of this Code of Conduct occurs, the following procedures will be adhered to:

Part A: Informal Complaint Procedure

Individuals (i.e. Village employees, members of the public or Members of Council) or organizations who have identified or witnessed behavior or an activity by a Member of Council that they believe is in contravention of the Code of Conduct for Members of Council, may wish to address the prohibited behavior or activity themselves as follows:

- a) Advise the Member of Council that the behavior or activity contravenes the Code of Conduct;

- b) Encourage the Member of Council to stop the prohibited behavior or activity;
- c) Keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;
- d) Advise someone else (i.e. another Member of Council or a senior staff member of the Village) about their concern, their comments to the Member of Council and the response of the Member of Council;
- e) If applicable, confirm to the Member of Council their satisfaction with the response of the Member of Council; or, if applicable, advise the Member of Council of their dissatisfaction with the response; and,
- f) Consider the need to pursue the matter in accordance with the formal complaint procedure outlined in Part B, or in accordance with an applicable judicial or quasijudicial process.

Individuals and organizations are encouraged to initially pursue this informal complaint procedure as a means of stopping and remedying a behavior or activity that is prohibited by the Code of Conduct. However, it is not a precondition or a prerequisite that they pursue the informal complaint procedure prior to pursuing the formal complaint procedure in Part B.

Part B: Formal Complaint Procedure – Investigating Councilor

- a) Complaint and Review Request
 1. A Member of Council, Village staff or member of the public who has reasonable and probable grounds to believe that a Member of Council has contravened the Code of Conduct for Members of Council, may request that the matter, or complaint be reviewed.
 2. The complaint shall be in writing and shall be signed by the complainant(s).
 3. A complaint shall set out the grounds for the belief and the contravention alleged and include a supporting affidavit that sets out the evidence in support of the complaint.

For example, facts should include the name of the alleged violator, the provision allegedly contravened, facts constituting the alleged contravention, the names and contact information of witnesses, and contact information respecting the complainant during normal business hours.

b) Initial Classification by Village Administrator

1. The complaint shall be filed with the Village Administrator who shall determine if the matter is, on its face, a complaint with respect to non-compliance with the Code of Conduct and not covered by other legislation or other Council policies as described in subsection 3.
2. If the complaint does not include a supporting affidavit, the Administrator may defer the classification until an affidavit is received.
3. If the complaint, including any supporting affidavit, is not, on its face, a complaint with respect to non-compliance with the Code of Conduct or the complaint is covered by other legislation or a complaint procedure under another Council policy, the Administrator shall advise the complainant in writing as follows:
 - i) If the complaint on its face is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the complainant shall be advised that if the complainant wishes to pursue it with the RCMP;
 - ii) If the complaint on its face is with respect to non-compliance with the *Municipal Government Act*, the complainant shall be advised to review the matter with the complainant's own legal counsel;
 - iii) If the complaint on its face is with respect to non-compliance with the *Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter will be referred to the Privacy Commissioner for review;
 - iv) If the complaint on its face is with respect to non-compliance of a more specific Council policy with a separate complaint procedure, the complainant shall be advised that the matter will be processed under the procedure; and,
 - v) In other cases, the complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the Village Administrator to process, with any additional reasons or referrals as the Administrator considers appropriate.

c) Investigating Councilor Investigation

1. If a complaint has been classified as being within the jurisdiction of this Code of Conduct, the Administrator shall bring the complaint forward to Council, at which time one (1) unrelated Member of Council shall be appointed by Council to investigate and attempt to settle the complaint.

2. The investigating Councilor will proceed as follows:
 - i) Instruct administration to serve the complaint and supporting material upon the Member whose conduct is in question with a request that a written response to the allegation be filed within ten days; and,
 - ii) Instruct administration to serve a copy of the response provided upon the complaint with a request for a written reply within ten days of receiving the reply from the Member.
3. If necessary, after reviewing the written materials, the Investigating Councilor may speak to anyone relevant to the complaint, examine any other documents relevant to the complaint and may enter any Village office relevant to the complaint for the purposes of investigation and settlement.
4. The Investigating Councilor may make interim reports to Council as required to address any instances of interference, obstruction or retaliation encountered during the investigation.
5. The Investigating Councilor shall submit a final report on the complaint to Council, no later than 90 days after the making of the complaint, outlining the findings, the terms of any settlement, or recommended corrective action.
6. Any recommended corrective action must be permitted in law and shall be designed to ensure that the in appropriate behavior or activity does not continue.

d) Refusal to conduct inquiry

1. In the Investigating Councilor is of the opinion that the referral of a matter to him or her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an inquiry, the Investigating Councilor shall not conduct an inquiry and shall state the reasons for not doing so in the report.
2. If the Investigating Councilor determines that there has been no contravention of the Code of Conduct or that a contravention occurred although the Member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgment made in good faith, the Investigating Councilor shall so state in the report and shall recommend that no penalty be imposed.

e) Copy of the Report

1. The Investigating Officer shall file a copy of the final report with the Village Administrator who will then provide a copy of the report to the complainant and the Member of Council whose conduct is concerned.

f) Report to Council

1. The Village Administrator shall process the report to the next meeting of Council.

g) Duty of Council

1. Council shall consider and respond to the report within 90 days after the day the report is laid before it.

13. Implementation

Upon adoption of this Code of Conduct and thereafter at the beginning of each term, Council Members will be executed to sign two (2) copies of the Code of Conduct (one for the Member and one for filing in the administration office) to convey to each other and all stakeholders that they have read, understood and accept it.

A copy of the code of Conduct will be included as part of the orientation workshop for all Council Members. Members are expected to formally and informally review their adherence to the provisions of this code on a regular basis or when so requested by Council.

1. That Council may by motion consolidate any number of bylaws into a single bylaw.
2. That this bylaw shall take effect on the date of the third and final reading.

Read a first time on this 16th day of June, 2020.

Read a second time on this 16th day of June, 2020.

Read a third time and passed on this 16th day of June, 2020.

Municipality of the Village of Carmangay

Mayor Stacey Hovde

Chief Administrative Officer