

BYLAW NO. 1909

A BY-LAW OF THE MUNICIPAL DISTRICT OF TABER IN THE PROVINCE OF ALBERTA, RESPECTING THE CONDUCT OF THE COUNCILLORS OF THE MUNICIPAL DISTRICT OF TABER.

WHEREAS Section 146.1(1) of the Municipal Government Act, S.A. 2000, C M-26. as amended, (hereinafter referred to as "the Act") provides that a Municipal Council must by bylaw establish a Code of Conduct; and

WHEREAS it is understood that elected municipal Council members are to be held to a higher standard of behavior and conduct than the general public; and

WHEREAS Council members must act in a manner which is independent, impartial and responsible to the citizens of the municipality; and

WHEREAS Council members are expected to act with integrity and impartiality that will bear the closest scrutiny; and

WHEREAS the Act further provides that the Code of Conduct apply to all Councillors equally; and

WHEREAS this Code of Conduct shall govern the conduct of Councillors and the Conduct of members of Council Committees and other bodies established by the Council who are not Councillors; and

WHEREAS this Code of Conduct shall establish sanctions to be imposed for a breach of the Code;

NOW THEREFORE the Council of the Municipal District of Taber duly assembled, enacts as follows:

1. **Short Title**

1.1 This By-law may be referred to as the "Councillor Code of Conduct By-law".

2. **Definitions**

2.1 "Administrator" or "Municipal Administrator" shall mean the person appointed by the Council in accordance with the Act and the Municipal District of Taber Designated Officer Bylaw.

2.2 "Act" or "Municipal Government Act" means the Municipal Government Amendment Act RSA 2015 as amended or replaced from time to time.

2.3 "Code", "Code of Conduct" means the Councillor Code of Conduct bylaw established by the Municipal District of Taber in accordance with the Act.

2.4 "Confidential Information" means any information that is reviewed, developed, discussed or viewed in a closed session of the Municipal District of Taber Council or Council Committee.

2.4 "Council" shall mean the elected Council of the Municipal District of Taber;

2.5 "Councillors" means elected officials of the Municipal District of Taber as set out in the Act.

2.6 "Council Committee" means any committee established by bylaw or resolution by the Council.

2.7 "Council Committee Member" means any person appointed by Council by bylaw or resolution.

2.9 "Designated Officer" means the position of Municipal Administrator, Director of Corporate Services, Director of Assessment, Director of Planning and Infrastructure, Director of Hamlets and Utilities, Director of Public Works, Director of Municipal Lands and Leases, Director of GIS / IT and any other position so designated by Council by By-law, and shall mean a Designated Officer within the meaning of the Municipal Government Act.

2.10 "Local Authorities Election Act" means the Local Authorities Election Act Chapter L-21 as amended or replaced from time to time.

2.11 "Municipal District" or "MD of Taber" shall mean the Municipal District of Taber;

2.12 "Minister" means the Minister of Municipal Affairs

- 2.13 "Notice of Decision" means the written decision provided to a Council member or Council Committee member following a review by Council of a Request for Review submitted to them for review pertaining to any alleged breach of the Code of Conduct by a Council member or Council Committee member.
- 2.14 "Pecuniary Interest" is as defined within Section 170(1-4) of the Act and shall mean if a matter before Council may financially benefit a Councillor and or his or her family to the exclusion of providing a benefit available to any other citizen at large, that Councillor has a pecuniary interest in the matter under consideration before Council.
- 2.15 "Political Activity" includes but is not limited to being a member of a political party, participating in a political parties activities, soliciting donations for a political party or becoming a candidate for a provincial or federal office.
- 2.16 "Reeve" means the Chief Elected Official of the Municipal District of Taber.
- 2.17 "Request for Review" means a written request submitted by a member of Council for a code of conduct review of another member of Council or a Council Committee member which alleges a breach of the code and which requests a review by the Council in accordance with the procedures contained within this bylaw. The Request for Review must be submitted in the form prescribed in Appendix B of this bylaw.
- 2.18 "Sanction" means the penalties established by this Bylaw for breach of any provisions contained herein.
- 2.19 "Staff" shall means any person employed by the Municipal District of Taber.

3. **Acknowledgement of Council Code of Conduct**

- 3.1 A Returning Officer will not accept a nomination form from a candidate for office on Nomination Day unless the candidate has affixed their signature to the Code of Conduct Acknowledgement Form which is attached to this Bylaw.
 - 3.1.1 The Code of Conduct Acknowledgement Form completed by the Candidate as outlined in Section 3.1 of this Bylaw must fully completed and be signed by the Candidate and the signature witnessed by a commissioner of oaths.

4. **General Standards of Conduct**

- 4.1 Council and Council Committee members shall adhere to the following General Standards of Conduct and shall:
 - 4.1.1 Commit to ethical, businesslike and lawful behavior.
 - 4.1.2 Represent, as a primary obligation superseding all other interests, the best interests of the Municipal District of Taber.
 - 4.1.3 Respect the views and opinions of their fellow Councillors and Committee members and act with decorum at all times.
 - 4.1.4 Avoid any situation which could cause any reasonable person to believe that a Councillor or Council Committee member is biased or partial to any question before the Council or a Committee.
 - 4.1.5 Avoid any conflict of interest by refraining from self-dealing which means to conduct private business or purchase of personal services which are not available to any other citizen of the Municipal District of Taber.
 - 4.1.6 Not use their positions to obtain employment with the Municipal District of Taber for themselves, their family members or close acquaintances.
 - 4.1.7 Disclose their affiliations or interest with an organization or business that may affect their decision making on matters before Council or the Council Committee.
 - 4.1.8 Participate in all orientation and training sessions as deemed necessary by Council.
 - 4.1.9 Not attempt to exercise individual authority over any aspect of Municipal District of Taber operations. Individual Council and Council Committee members must communicate with the Municipal Administrator with regards to operations.

- 4.1.9 Not represent themselves in any form of media as representing the Municipal District of Taber except to repeat stated Council or Council Committee decisions or when explicitly authorized by Council to do so.
- 4.2.0 Recognize when interacting with the Municipal Administrator the lack of authority vested in individual Councillors except when explicitly authorized by Council resolution.
- 4.2.1 Come prepared to Council and Council Committee meetings and listen respectfully to fellow Council member's points of view before responding.
- 4.2.2 Follow municipal policy with regards to Council and Council Committee meeting protocol.
- 4.2.3 Conduct themselves in Public in a way that reflects positively on the Municipal District of Taber and the Council.
- 4.2.4 Not allow their impartiality to be compromised by making deliberate decisions which provide benefit to all citizens of the M.D. of Taber and not any particular group or individual.
- 4.2.5 Conduct themselves with the highest degree of decorum showing respect for their fellow Council members by demonstrating best practices in conflict resolution in order to resolve the matter and to maintain working relationships with each other.
- 4.2.6 Not accept a fee, advance, gift or personal benefit from any person or group that is connected directly or indirectly with the performance of his or her duties of office.
- 4.2.7 Direct any comments on Staff performance to the Municipal Administrator.
- 4.2.8 Avoid any public comment on Staff performance.
- 4.2.9 Avoid the misappropriation for personal gain of any M.D. of Taber resource including materials, vehicles, equipment, tools or property.
- 4.2.10 Respect the ethical standards of conduct outlined within this Bylaw for a period of 12 months after ceasing to be a Council or Council Committee member.
- 4.2.11 Respect the confidentiality of information including but not limited to matters before Council which may be subject to Freedom of Information and Protection of Privacy Act legislation by not communicating any information to any person not entitled to receive it.

5. **Conflict of Interest**

- 5.1 Notwithstanding the provisions of the Municipal Government Act Section 170, no personal interest of a Council or Council Committee member shall influence or interfere with the decisions and actions of Council or a Council Committee. Examples of personal interest include but are not limited to the following:
 - 5.1.1 Taking part in a Council or Council Committee decision in the course of carrying out their duties with the knowledge that the decision might further a private interest of a Council or Council Committee member or an individual whom a Council or Council Committee member has a close personal relationship.
 - 5.1.2 Using their public role to influence or seek to influence a decision which could further a private interest of a Council or Council Committee member or an individual whom a Council or Council Committee member has a close personal relationship.
 - 5.1.3 Using or communicating information not available to the general public that was gained by a Council or a Council Committee member to further the private interest of a Council or Council Committee member or an individual whom a Council or Council Committee member has a close personal relationship.

6. **Handling of Information**

- 6.1 Council and Council Committee members receive information which is confidential in nature, the following guidelines shall direct how Council and Council Committee members use this information:

- 6.1.1 Council or Council Committee members shall protect confidential information in accordance with the Freedom of Information and Protection of Privacy Act (FOIPPA). This includes matters discussed at Council and Council Committee meetings that are closed to the public.
- 6.1.2 Councillors shall not use confidential information obtained through Council or Council Committee meetings for personal gain.
- 6.1.3 Councillors and Council Committee members shall continue to keep confidential information confidential after leaving office.

7. **Public Statements**

- 7.1 Council and Council Committee members shall adhere to the Municipal District of Taber media guidelines which include the following:
 - 7.1.1 The Reeve shall be the point of contact for media enquiries and shall be the Municipal District of Taber's main spokesperson.
 - 7.1.2 When speaking to the public or the media Council or Council Committee members shall represent the official policies and positions of the Council.
 - 7.1.4 When making statements on their opinions or positions Councillors or Council Committee members shall explicitly state that those statements are their own and not Council's official position or policy.
 - 7.1.5 Council and Council Committee members shall adhere to the Municipal District of Taber "IT internet email and digital policy" as amended and replaced from time to time.

8. **Relationship with Staff**

- 8.1 Council and Council Committee Members shall respect the role of municipal staff.
 - 8.1.1 Councillors and Council Committee members shall direct their questions and concerns pertaining to operational matters to the Municipal Administrator;
 - 8.1.2 Councillors and Council Committee members shall avoid making any public statements about any Municipal District of Taber staff member:
 - 8.1.3 Operational reporting to the Council shall be through the Municipal Administrator on a monthly basis as provided by Designated Officers of the Municipal District of Taber.

9. **Political Activity**

- 9.1 Council and Council Committee members have the right to participate and take part in political activities, be a member of any political party and support any candidate for political office.
- 9.2 Council and Council Committee members shall not divulge confidential information to any person or group.
- 9.3 A Council or Council Committee member shall take a leave of absence from their duties as a Municipal District of Taber Council or Council Committee member during any Provincial or Federal campaign to which they have been nominated as a Candidate.

10. **Meetings**

- 10.1 When participating in a Municipal District of Taber sanctioned meeting Councillors and Council Committee members shall follow the Municipal District of Taber Procedural Bylaw and any applicable policies pertaining to meetings and meeting conduct as adopted and amended from time to time.
- 10.2 Council members and Committee Council members shall participate in all Council sanctioned training and orientation sessions as scheduled from time to time.

11. **Accountability**

- 11.1 The spirit and intent of this Code of Conduct shall be recognized and observed by Council and Council Committee members at all times.

- 11.2 Council and Council Committee members shall not assume that any unethical activities not specifically outlined within this Code are condoned.
- 11.3 A Nomination Form shall not be accepted by the Returning Officer on Nomination Day unless the person being nominated for office has reviewed the Council Code of Conduct and provided a signed and commissioned Council Code of Conduct Acknowledgement Form as provided by Appendix A of this Bylaw.

10. **Breach of the Code of Conduct**

- 10.1 A member of Council may initiate a review pertaining to an alleged breach of a code of conduct bylaw by a member of the Council or a Council Committee member.
- 10.2 Council as a whole is solely responsible for investigating any complaint or initiating a hearing to determine the validity of a complaint pertaining to an alleged breach of the code by a Council or Council Committee member.
 - 10.2.1 In accordance with Section 10.1 any review of a Councillor or Council Committee member conduct with respect to an alleged breach of the Code shall be conducted at an In Camera meeting of Council with all information being kept in confidence under the appropriate sections of the Municipal Government Act and FOIPPA.
 - 10.2.2 To initiate a review of any breach of this Code a Council member must complete a Request for Review and submit it to the Council in the format prescribed in Appendix "B" of this bylaw.
 - 10.2.3 A Council member or Council Committee Member who is alleged to have breached the code of conduct will be notified upon receipt of the Request for Review that a complaint has been received and that a review by Council of the complaint will be undertaken.
 - 10.2.4 Any Request for Review that is forwarded to Council will be placed on the agenda of the closed session portion of the next scheduled council meeting.
- 10.3 The Council shall review a Request for Review which is submitted to them.
 - 10.3.1 The Council shall review a Request for Review that has been submitted to them during the closed session of the next scheduled Council meeting.
 - 10.3.2 Pursuant to Section 10 a Council may request information from any Council member or Council Committee member with regards to a complaint to which they are subject.
 - 10.3.3 A Council deems the review of the alleged breach of the code complete when a motion is made by a Council member to uphold or deny the complaint described within the Request for Review.
 - 10.2.3.1 The Council shall make a motion in Open Session for the purpose of authorizing any action by Council to address a breach of this Code.
 - 10.2.3.2 All Council members may vote on the motion referred to in Section 10.2.3.1.
 - 10.2.3.3 Following the vote on the motion the Council shall issue a Notice of Decision in writing to a Council member or Council Committee member who is subject to a complaint with respect to the decision rendered by the Council.
 - 10.3.4 If a majority of the members of Council vote to uphold a complaint of a breach of the Code of Conduct by a Council member or Council Committee member the Council is authorized to undertake any action that may include but are not limited to the following:
 - 10.3.4.1 Require the Councillor or Council Committee member to provide a verbal apology to the impacted individual, organization or Council as a whole; and/or
 - 10.3.4.2 Require the Councillor or Council Committee member to provide a written apology to the impacted individual, organization, or Council as a whole; and/or

10.3.4.3 Remove the Councillor or Council Committee member from Council Committees or any function to which they have been appointed by Council; and/or

10.3.4.4 Require the Councillor or Council Committee member to make appropriate financial reparations for any costs incurred by the MD of Taber as a result of a breach of the Code of Conduct; and/or

10.3.4.5 Dismiss the Councillor from any position which they hold by virtue of appointment by Council; and/or

10.3.4.6 Issue a directive to the Councillor to attend third party educational training at the expense of the MD of Taber.

10.4 No elected official may be removed from office for any breach of this code.

11.0 **Severability**

11.1 Should any provision of this Bylaw be invalid then such invalid provision shall be severed and the remaining Bylaw shall be maintained.

This Bylaw shall come into effect upon third and final reading thereof.

Read a first time this 27 day of June, 2017

Read a second time this 11 day of July, 2017

Read a third time and finally passed this 11 day of July, 2017



Reeve



Municipal Administrator

Appendix "A"
Municipal District of Taber
Council Code of Conduct Bylaw No. XXXX

Council Code of Conduct Acknowledgement Form
For Members of the Municipal District of Taber Council

The purpose of the Code of Conduct is to outline certain rules governing personal conduct for Council members so they may carry out their entrusted duties with impartiality and dignity, recognizing that the function of Council is, at all times service to the community and to the public.

This Code meets the requirements of the Municipal Government Act.

The following principles govern the behavior of the members of the Municipal District of Taber Council in order that they shall maintain the highest standards while in public office and faithfully discharge the duties of the office.

As a Member of the Municipal District of Taber Council I shall abide by the Code of Conduct as outlined within the Council Code of Conduct Bylaw and shall:

1. Abide by, in all respects, the Municipal District of Taber Council Code of Conduct as prescribed in Bylaw No. XXXX
2. Govern my behavior in accordance with the requirements and obligations set out in all Municipal District of Taber bylaws and policies and the legislation of the Province of Alberta and the Government of Canada.
3. Abide by the Code of Conduct for a period of 12 months after leaving office, except for matters related to confidential information, which shall apply in perpetuity.
4. Be accountable by ensuring that I am ethical in my actions and activities, and will conduct myself on the assumption that any unethical practices not specifically outlined in the Code of Conduct are not condoned.

As a Candidate for the Office of Councillor for the Municipal District of Taber I acknowledge that I have reviewed the Municipal District of Taber Council Code of Conduct and if elected to the office of Councillor for the Municipal District of Taber I understand and agree that I will abide by the Code of Conduct and will uphold the intent and principles of the Code and will govern my actions accordingly.

(Print Name)

(Signature)

(Date)

AFFIDAVIT OF EXECUTION

C A N A D A)
PROVINCE OF ALBERTA)
TO WIT:)

I, _____, of _____, in the Province of
Alberta, MAKE OATH AND SAY:

1. I was personally present and did see _____ named in the within (or annexed) instrument, who is personally known to me to be the person named therein, duly sign and execute the instrument for the purposes named therein.
2. That the same was executed at _____, in the Province of Alberta, and that I am the subscribing witness thereto.
3. That I know _____ and he is in my belief of the full age of 18 years.

SWORN BEFORE ME at the City of _____)
_____, in the Province _____)
of Alberta, this _____ day of _____)
_____, 2017 _____)

A Commissioner for Oaths in and
for the Province of Alberta

Appendix "B"
Municipal District of Taber
Council Code of Conduct Bylaw No. XXXX

REQUEST FOR REVIEW

The purpose of the Code of Conduct is to outline certain rules governing personal conduct for Council members so they may carry out their entrusted duties with impartiality and dignity, recognizing that the function of Council is, at all times service to the community and to the public.

In accordance with the Code of Conduct Bylaw a Council member may request a review of the actions of another Council member or Council Committee member.

The Request for Review must be submitted in writing and reasons for the review listed.

A Councillor submitting the Request for Review is solely responsible for submitting the Request for Review and supporting information to the Council for consideration.

REASON(s) FOR REVIEW:

List of Evidence Submitted:

Signature of individual requesting review _____

Printed Name of individual requesting review _____

Date Request for Review Submitted _____, 20__
