

**TOWN OF LEGAL
BY LAW # 03-2018
COUNCIL CODE OF CONDUCT BYLAW**

THE TOWN OF LEGAL IN THE PROVINCE OF ALBERTA, TO ESTABLISH THE CODE OF CONDUCT FOR MEMBERS OF COUNCIL.

WHEREAS, pursuant to Section 146.1(1) of the Municipal Government Act, a Council must, by Bylaw, establish a Code of Conduct governing the conduct of Councillors;

AND WHEREAS, pursuant to Section 153 of the Municipal Government Act, Councillors have a duty to adhere to the Code of Conduct established by the Council;

AND WHEREAS, the public is entitled to expect the highest standards of conduct from the Members that it elects to Council for the Town of Legal;

AND WHEREAS the establishment of a Code of Conduct for Members of Council is consistent with the principles of transparent and accountable government;

AND WHEREAS a Code of Conduct ensures that Members of Council share a common understanding for acceptable conduct extending beyond the legislative provisions governing the conduct of Councillors;

NOW, THEREFORE, the Council of the Town of Legal, in the Province of Alberta, duly assembled enacts as follows:

1.0 TITLE

1.1 This Bylaw may be cited as "COUNCIL CODE OF CONDUCT BYLAW."

2.0 DEFINITIONS

2.1 In this Bylaw, words have the meanings 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 Municipality, comprised of the various departments and business units and including all Town staff who operate under the leadership and supervision of the CAO;
- (c) "CAO" means the Chief Administrative Officer of the Town of Legal, or their designate;
- (d) "CLOSED SESSION (In Camera)" means a meeting or a portion of a meeting that is closed to the public.
- (e) "COUNCIL MEMBER" or "MEMBER" means a Member of Town Council, including a Councillor, the Mayor and Deputy 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) "INVESTIGATOR" means Council or the individual or body established by Council to investigate and report on complaints;
- (h) "MAYOR" means the Chief Elected Official of the Town;
- (i) "SOCIAL MEDIA" refers to freely accessible, third-party hosted, interactive web-based technologies used to produce, post and interact through text, images, video and audio to inform, share, promote, collaborate or network;
- (j) "TOWN" means the Municipal Corporation of the Town of Legal.



3.0 PURPOSE AND APPLICATION

- 3.1 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 investigation and enforcement of those standards. This 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.

4.0 FRAMEWORK AND INTERPRETATION

- 4.1 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.
- 4.2 Along with the Bylaws and Policies of Council, the following Provincial and Federal legislation governs the conduct of Members:
- a. The Municipal Government Act
 - b. The Freedom of Information and Protection of Privacy Act
 - c. The Local Authorities Election Act
 - d. The Alberta Human Rights Act
 - e. The Occupational Health and Safety Act
 - f. The Criminal Code of Canada
- 4.3 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.

5.0 STATEMENT OF PRINCIPLES AND VALUES

- 5.1 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.
- 5.2 Members have a duty to act honestly, in good faith, and in best interests of the Town.
- 5.3 Members shall
- a. uphold the law established by the Federal Parliament and the Alberta Legislature and the Bylaws and Policies 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.

6.0 CONFIDENTIAL INFORMATION

- 6.1 Council Members 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.
- 6.2 Council Members have a statutory duty to keep in confidence matters discussed in private at a Council or Council Committee meeting until discussed at a meeting held in public.
- 6.3 Members must return all closed session documents at the end of the closed session to

the CAO or if the closed session, is in regard to the CAO, the documents are returned to the Chair of the meeting.

- 6.4 In the course of their duties, Council Members may also become privy to confidential information received outside of a closed session meeting. Members must not:
- a. 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, as determined by the designated head of the Town for the purposes of FOIP;
 - b. access or attempt to gain access to confidential information in the custody or control of the Town unless it is necessary for the performance of the Member's duties and is not otherwise prohibited by Council, and only then if the information is acquired through appropriate channels in accordance with applicable Council Bylaws and Policies;
 - c. use confidential information for personal benefit or for the benefit of any other individual or organization.
- 6.5 Confidential information includes information in the possession of, or received in confidence by the Town that the Town is prohibited from disclosing pursuant to legislation, court order or by contract, or is required to refuse to disclose under FOIP or any other legislation, or any other information that pertains to the business of the Town, and is generally considered to be of a confidential nature, including but not limited to information concerning:
- a. the security of the property of the Town;
 - b. a proposed or pending acquisition or disposition of land or other property;
 - c. a tender that has or will be issued but has not been awarded;
 - d. contract negotiations;
 - e. employment and labour relations;
 - f. draft documents and legal instruments, including reports, Policies, Bylaws and resolutions, that have not been the subject matter of deliberation in a meeting open to the public;
 - g. law enforcement matters;
 - h. litigation or potential litigation, including matters before administrative tribunals; and
 - i. advice that is subject to solicitor-client privilege.

7.0 CONFLICTS OF INTEREST

- 7.1 Council Members are expected to make decisions for Municipal purposes for the welfare or interests of the Town as a whole.
- 7.2 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.
- 7.3 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.
- 7.4 Council Members shall not use their positions to obtain employment with the Town for themselves, family members or close associates.
- 7.5 Members shall not, in the exercise of an official power, duty or function, give preferential treatment to any individual or organization if a reasonably well-informed person would conclude that the preferential treatment was advancing a private interest.
- 7.6 No Council Member shall use the influence of their office for any purpose other than for the exercise of the Member's official duties.
- 7.7 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.



7.8 Members shall not contact or otherwise attempt to influence members of any adjudicative body whose members have been appointed by Council regarding any matter before it.

8.0 RESPECT FOR THE TOWN AND ITS BYLAWS AND POLICIES

8.1 Members shall respect the Town as a Municipal institution, its Bylaws and Policies.

8.2 Members shall encourage public respect for the Town, its Bylaws and Policies.

8.3 A Member must not encourage disobedience of a Town Bylaw or Policy in responding to a member of the public, as this undermines confidence in the Town and in the rule of law.

8.4 Members shall conduct themselves with appropriate decorum at all times. As leaders in the community, Members are held to a higher standard of behaviour and conduct and must be mindful that as public figures the lines between public and private behaviour are not readily apparent, nor easily distinguishable by the public at large.

9.0 ATTENDANCE

9.1 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.

9.2 Members are responsible for participating in Council Committee meetings and meetings of other bodies to which they are appointed by Council and failure to attend as required may lead to Member's being removed from the Committee or body or being subject to other sanctions outlined in this Bylaw.

10.0 CONDUCT AT MEETINGS

10.1 Council Members shall conduct themselves with decorum and make every effort to participate diligently in the meetings of Council, Committees of Council and other bodies to which they are appointed by Council.

10.2 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.

10.3 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.

10.4 Members shall endeavour to conduct and convey Council business and all their duties in an open and transparent manner other than for those matters which by virtue of legislation are authorized to be dealt with in a confidential manner in a closed session, and in so doing, allow the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.

11.0 RESPECT FOR DECISION MAKING PROCESS

11.1 Decision-making authority lies with Council, and not with an 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, pursuant to Sections 180 and 181 of the Act.

11.2 A Member must not purport to bind Council, either by publicly expressing their personal views on behalf of Council when not authorized to do so or by giving direction to employees, agents, contractors, consultants or other service providers of the Town or prospective vendors.

11.3 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.

12.0 EXTERNAL COMMUNICATIONS

- 12.1 This part of this Code of Conduct is not meant to limit public comment solely to Council's official spokesperson, but rather to recognize that the Town requires a single point of contact to speak with authority on behalf of Council. Council acknowledges and respects that Members have the legal right to express their personal opinions, whether those opinions are complimentary or critical, subject to those limits prescribed by law.
- 12.2 A Member must not purport to speak on behalf of Council unless authorized to do so.
- 12.3 Unless Council directs otherwise, the Mayor is Council's official spokesperson and in the absence of the Mayor it is the Deputy Mayor.
- 12.4 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 disagrees with Council's position.
- 12.5 No Member shall make a statement when they know that the statement is false.
- 12.6 No Member shall make a statement with the intent to mislead Council or members of the public.
- 12.7 Media Communications:
 - a. all inquiries from the media regarding the official Council position on an issue shall be referred to Council's official spokesperson.

13.0 USE OF SOCIAL MEDIA

- 13.1 As public figures and representatives of the Town, Council Members should act with discretion and be judicious in what material they post on social media. As with any other communications, Members are accountable for content and confidentiality.
- 13.2 No Member shall attempt to disguise or mislead as to their identity or status as an elected representative of the Town when using social media.
- 13.3 No Member shall use social media to publish anything that is dishonest, untrue, unsubstantiated, offensive, disrespectful, constitutes harassment, is defamatory or misleading in any way.

14.0 DISCRIMINATION AND HARASSMENT

- 14.1 Council Members have a duty to treat members of the public, one another and Town staff with dignity and respect and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment.
- 14.2 No Member shall use indecent, abusive, or insulting words or expressions toward any other Member, any staff member or any member of the public.
- 14.3 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.

15.0 CONDUCT RESPECTING ADMINISTRATION

- 15.1 Council is the source of all governance authority and will make decisions on whether and to what extent to delegate Council's authority to others, including the Mayor, Committees of Council and to the CAO or designated officer. Under the direction of the CAO, staff in Administration serves Council as a whole. No individual Member has executive authority over Town staff.
- 15.2 Council Members shall respect the fact that staff work for the Town as a body corporate and are charged with making recommendations that reflect their professional expertise and a corporate perspective and carrying out directions of Council and administering the policies and programs of the Town, and that staff are required to do so without undue

influence from any Member or group of Members.

15.3 A Member must not:

- a. involve themselves in matters of Administration, which fall within the jurisdiction of the CAO in accordance with Section 201(2) of the Act;
- b. use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering in staff's duties; or
- c. maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff.

15.4 Council Members shall obtain information about the operation or administration of the Town from the CAO or a person designated by the CAO, in accordance with Section 153(d) of the Act.

16.0 USE OF MUNICIPAL PROPERTY AND RESOURCES

16.1 Council Members shall use Municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Member, subject to the following limited exceptions:

- a. Municipal property, equipment, service, supplies and staff resources that are available to the general public may be used by a Member for personal use upon the same terms and conditions as members of the general public, including booking and payment of any applicable fees or charges;
- b. electronic communication devices, included but not limited to, desktop computers, laptops, tablets and smartphones, which are supplied by the Town to a Member, may be used by the Member for personal use, subject to the terms and conditions described below.

16.2 Electronic communication devices provided by the Town are the property of the Town, and shall, at all times, be treated as the Town's property. Council Members are hereby notified that they are to have no expectation of privacy in the use of these devices and further that:

- a. all emails or messages sent or received on Town devices are subject to FOIP;
- b. all files stored on Municipal devices, all use of internal email and all use of the Internet through the Town's firewall may be inspected, traced or logged by the Town;
- c. in the event of a complaint pursuant to this Code of Conduct, the Investigator may require that any or all of the electronic communication devices provided by the Town to Members may be confiscated and inspected as part of the investigation including downloading information which is considered relevant to the investigation.

16.3 No Member shall use any property, equipment, services or supplies of the Town, including email, Internet services, or any other electronic communication device, if the use could be offensive or inappropriate.

17.0 ORIENTATION AND OTHER TRAINING ATTENDANCE

17.1 Every Member must attend the orientation training offered by the Municipality within 90 days after the Member takes the Oath of Office. Attendance at additional training sessions throughout the Council term is discretionary. Members may access additional training for the purposes of expanding their Municipal governance knowledge at the expense of the Municipality as budgeted.

18.0 REMUNERATION AND EXPENSES

18.1 Council Members shall comply with the provisions of all Council Policies and related procedures and guidelines with respect to claims for remuneration and expenses, including but not limited to, claims for per diems, mileage, travel, meals, lodging, event tickets, hosting and attendance at conferences, conventions, seminars, training courses and workshops.



- 18.2 Falsifying of claims, including receipts or signatures, by a Member is a breach of this Code of Conduct.
- 18.3 Members shall be transparent and accountable with respect to all expenditures.

19.0 ACCEPTANCE OF GIFTS AND HOSPITALITY

- 19.1 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 go beyond the necessary and appropriate public functions involved.
- 19.2 Members of Council are not precluded from accepting:
- a. rewards, gifts or benefits not connected with the performance or duties of office;
 - b. political contributions that are accepted in accordance with applicable law;
 - c. reasonable quantities of food and beverages at banquets, receptions, ceremonies or similar events;
 - d. services provided without compensation by persons volunteering their time;
 - e. food, lodging, transportation and entertainment provided by other levels of governments or by other local governments, boards or commissions;
 - f. a reimbursement of reasonable expenses incurred in the performance of duties of office;
 - g. token gifts such as souvenirs, mementoes and commemorative gifts that are given in recognition of service or for attending an event;
 - h. gifts that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of office.
- 19.3 Gifts received by a Member on behalf of the Municipality as a matter of official protocol which have significance or historical value for the Municipality shall be left with the Municipality when the Member ceases to hold office.
- 19.4 Members of Council shall not accept invitations from contractors, or potential contractors to the Municipality to attend special events that may be viewed as creating an unreasonable level of access or indebtedness:
- a. access may be defined as prolonged period of contact with the Member(s) individually;
 - b. indebtedness is based on the value of the event.

20.0 ELECTION CAMPAIGNS

- 20.1 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.

21.0 COMPLAINT PROCEDURES

21.1 Informal Complaint Procedure:

- 21.1.1 Any Member who has identified or witnessed conduct by a Member that the 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.
- 21.1.2 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.



21.2 Formal Complaint Procedure

21.2.1 Any individual who identifies or witnesses behaviour or activity by a Council Member that they reasonably believe, 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 the Investigator;
- 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 the Investigator;
- e. upon receipt of complaint under this Bylaw, the Investigator shall review the complaint and decide whether to proceed to investigate the complaint or not. If the Investigator 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, the Investigator 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 and Council, if Council is not the Investigator, shall be notified of the Investigator's decision;
- f. if the Investigator decides to investigate the complaint, the Investigator shall take such steps as they may consider appropriate, which may include seeking legal advice. All proceedings of the Investigator regarding the investigation shall be confidential;
- g. if the Investigator is not Council, the Investigator shall, upon conclusion of the investigation, provide the Council and the Member who is the subject of the complaint, the results of the Investigator's investigation;
- h. 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;
- i. a Member who is the subject of an investigation is entitled to be represented by legal counsel, at the Member's sole expense.

22.0 COMPLIANCE AND ENFORCEMENT

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

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

22.3 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.

22.4 Sanctions that may be imposed on 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 removal 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 in accordance with Policy or Bylaw referencing Council remuneration;
 - i. Any other sanction Council deems reasonable and appropriate in the circumstances provided that the sanction does not prevent a Member from fulfilling the legislated duties of a Member and the sanction is not contrary to the Act.

23.0 REVIEW

23.1 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.

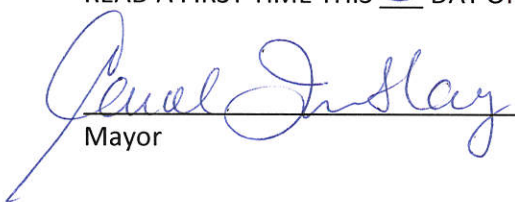
24.0 GENERAL

24.1 If any Section or parts of the Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Section or parts of the Bylaw shall be deemed to be separate and independent from and to be enacted as such.

24.2 Bylaw #03-2017 is hereby rescinded.

24.3 This Bylaw shall come into force and effect upon 3rd reading.

READ A FIRST TIME THIS 3 DAY OF July, 2018.

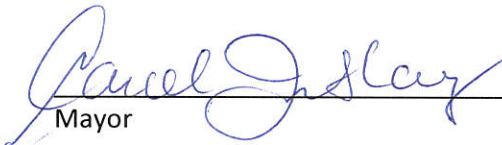


Mayor



Chief Administrative Officer

READ A SECOND TIME THIS 3 DAY OF July, 2018.

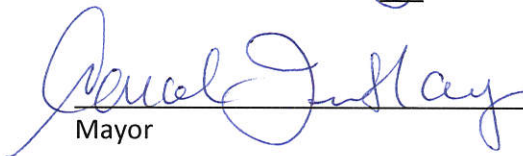


Mayor



Chief Administrative Officer

READ A THIRD TIME THIS 3 DAY OF July, 2018.



Mayor



Chief Administrative Officer

