

BYLAW 18-1
COUNCIL, CODE OF CONDUCT BYLAW
SUMMER VILLAGE OF LARKSPUR

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 a high standard of conduct from Council members, consistent with the principles of a transparent and accountable government;

NOW THEREFORE the Council of the Summer Village of Larkspur, in the Province of Alberta, enacts as follows:

1. Short Title

1.1. This Bylaw shall be referred to as the “Council Code of Conduct Bylaw”.

2. 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, and associated regulations, as amended;
- (b) **“Administration”** means the administrative and operational arm of the Municipality, comprised of the various departments and business units and including all employees who operate under the leadership and supervision of the CAO;
- (c) **“CAO”** means the chief administrative officer of the Municipality, or their delegate;
- (d) **“FOIP”** means the Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25, any associated regulations, and any amendments or successor legislation;
- (e) **“Investigator”** means Council or the individual or body established by Council to investigate and report on complaints;
- (f) **“Member”** means a member of Council and includes a councillor, or the Mayor or the Deputy Mayor;
- (g) **“Municipality”** means the municipal corporation of the Summer Village of Larkspur

3. Purpose and Application

3.1. The purposes of this Bylaw are to establish a code of conduct for Members and for to outline procedures for the investigation and enforcement of the code,

4. General duties of Councillors

4.1. Councillors have the following duties:

- (a) To consider the welfare and interests of the municipality as a whole and to bring to council's attention anything that would promote the welfare or interests of the municipality;
 - (a.1) To promote an integrated and strategic approach to intermunicipal land use planning and service delivery with neighbouring municipalities;
- (b) to participate generally in developing and evaluating the policies and programs of the municipality;
- (c) to participate in council meetings and council committee meetings and meetings of other bodies to which they are appointed by the council;
- (d) to obtain information about the operation or administration of the municipality from the chief administrative officer or a person designated by the chief administrative officer;
- (e) to keep in confidence matters discussed in private at a council or council committee meeting until discussed at a meeting held in public;
 - (e.1) to adhere to the code of conduct established by the council under section 146.1(1);
- (f) to perform any other duty or function imposed on councillors by this or any other enactment or by the council.

4.2. Unless Council directs otherwise, the Mayor is Council's official spokesperson and in the absence of the Mayor, it is the Deputy Mayor or in the absence of the Mayor and Deputy Mayor, an appointed Councillor. All inquiries from the media regarding the official Council position on an issue must be referred to Council's official spokesperson.

4.3. Communications must be factual and correct

4.4. Members communicating with the public or media must be clear with respect to these communications being personal or representative of Council's official positions.

5. Decision Making Process

5.1. Municipal decisions are made by Council by resolution of motions passed at a Council meeting and/or by adherence to bylaws and policies. Individual Councillors must refrain from making such decisions on their own.

6. Adherence to Policies, Procedures, Bylaws and other Legislation

6.1. Members must adhere to all legislation, municipal, provincial and federal, and to relevant policies and procedures governing the municipality.

7. Respectful Interactions with Council Members, Staff, the Public and Others

7.1. Members must act in a manner that demonstrates fairness and respect for individual differences and opinions, and must intend to work collaboratively for

the public interest.

- 7.2. Members must treat one another, employees of the Municipality and members of the public with courtesy, dignity, respect and without abuse, discrimination, bullying or intimidation
- 7.3. Members must respect the roles of administration and operations of the CAO which are different from the governance role of the Councillors. Members should make every effort to empower the CAO to perform her/his duties efficiently and effectively.

8. Confidential Information

- 8.1. Members must make reasonable effort to ensure that confidential information remains confidential.
- 8.2. Members must refrain from disclosing or releasing any confidential information acquired by virtue of their office except when required to by law or authorized by Council to do so.
- 8.3. Members must refrain from using confidential information for personal benefit or for the benefit of any other individual, business or organization.
- 8.4. Members must not attempt to access confidential information except when necessary for the performance of the Member's duties; access to confidential information must then be with the approval of Council.
- 8.5. Confidential information includes a) information in the possession of, or received in confidence by the Municipality, b) information that the municipality is prohibited from disclosing pursuant to legislation, court order, contract or agreement, c) information the Municipality is required to refuse to disclose under FOIP or any other legislation, or d) any other information that pertains to the business of the Municipality, and is generally considered to be of a confidential nature.
- 8.6. Confidential information might include, but is not limited to, the following types;
 - (a) the security of the property of the Municipality;
 - (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.

9. Conflicts of Interest

- 9.1. Members have a statutory duty to comply with the pecuniary interest provisions set out in Part 5, Division 6 of the Municipal Government Act and a corresponding duty to vote unless required or permitted to abstain under the Act or another enactment.
- 9.2. Members must refrain from obtaining financial or other benefits for themselves, family, friends or associates, business or otherwise.

10. Use of Municipal Assets and Services

- 10.1. Members must not use municipal property, equipment, services, supplies and staff resources except for the performance of their duties as a Member.

11. Orientation and Other Training Attendance

- 11.1. Every Member must attend the orientation training offered by the Municipality within 90 days or as soon as possible after the Member takes the oath of office.

12. Gifts and Hospitality

- 12.1. 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 to go beyond the necessary and appropriate public functions involved.
- 12.2. 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.

13. Informal Complaint Process

- 13.1. Any person who has identified or witnessed conduct by a Member that the person reasonably believes 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.
- 13.2. 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.

14. Formal Complaint Process

- 14.1. Any person who has identified or witnessed conduct by a Member that the person reasonably believes is in contravention of this Bylaw may file a formal complaint in accordance with the following procedure:

- (a) All complaints must be made in writing and must be dated and signed by an identifiable individual;
- (b) All complaints must 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 must receive a copy of the complaint submitted to the Investigator;
- (e) Upon receipt of a complaint under this Bylaw, the Investigator must 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, and may dispose of the complaint. 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 it may consider appropriate, which may include seeking legal advice. All proceedings of the Investigator regarding the investigation must be confidential;
- (g) If the Investigator is not Council, the Investigator must, 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 before any sanctions are imposed;
- (i) If a Member chooses to be represented by legal counsel for this purpose, any costs of such representation will be the sole responsibility of the Member.

15. Compliance and Enforcement

15.1. Members must not

- (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.

15.2. 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;
- (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 councillor and the sanction is not contrary to the Act.

16. Review

- 16.1. 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.

READ a First time this 30th day of May 2018.

READ a Second time this 30th day of May 2018.

READ a Third time this 30th day of May 2018.

SIGNED AND PASSED this 30th day of May 2018.

Mayor

CHIEF ADMINISTRATIVE OFFICER