



A Bylaw of the Town of Fox Creek, in the Province of Alberta, to establish a code of conduct for members of Council

WHEREAS, pursuant to Section 146.1(1) of the *Municipal Government Act*, Council must, by bylaw, establish a code of conduct governing the conduct of Councillors;

AND WHEREAS, pursuant to section 146.1(3) of the *Municipal Government Act*, Council may, by bylaw, establish a code governing the conduct of members of Council committees and other bodies established by Council, who are not Councillors;

AND WHEREAS, pursuant to section 153 of the *Municipal Government Act*, Councillors have a duty to adhere to the code established by Council;

AND WHEREAS, the public is entitled to expect the highest standards of conduct from the members that it elects to the Council of the Town of Fox Creek;

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

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

THEREFORE, the Council of the Town of Fox Creek, in the Province of Alberta, duly assembled, enacts as follows:

1. Short Title

1.1. This *Bylaw* may 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

- a. **Acting Mayor** means the Member, selected by Council, to preside at a meeting in the absence or incapacity of both the Mayor and Deputy Mayor.
- b. **"Act"** means the *Municipal Government Act*, R.S.A 2000, c. M-26, and associated regulations as amended;
- c. **"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 Chief Administrative Officer;
- d. **"CAO"** means the Chief Administrative Officer of Fox Creek, or their delegate;
- e. **"Deputy Mayor"** means the Councillor appointed by Council to fulfill the duties of the Mayor when the Mayor is unable to perform the duties of Chief Elected Official or if the office of the Mayor is vacant;
- f. **"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;

- g. "Fox Creek" means the municipal corporation of the Town of Fox Creek;
- h. "Investigator" means Council or the individual or body established by Council to investigate and report on complaints;
- i. "Member" means a member of Council which includes a Councillor or the Mayor. It also includes Members on Council committees or other bodies established by Council who are not Councillors or the Mayor;
- j. "Municipality" means the municipal corporation of the Town of Fox Creek
- k. "Mayor" means the Chief Elected Official who leads the municipality and acts as the public spokesperson for Council and the municipality;
- l. "SLT" means the Senior Leadership Team consisting of the General Managers of Fox Creek Administration.

3. Purpose and Application

- 3.1 The purpose of this *Bylaw* is to establish standards for the ethical conduct of Members relating to their roles and obligations as representatives of the municipality and a procedure for the investigation and enforcement of those standards. Every Member will be provided with a copy of this *Bylaw* and will sign the *Statement of Commitment* attached as Schedule "A".

4. General Principles

- 4.1 Members shall govern their conduct in accordance with the requirements and obligations set out in the *Act*.
- 4.2 Members shall demonstrate fairness, accountability, and impartiality in all Council matters.
- 4.3 Members shall not discriminate against anyone on the basis of their race, ancestry, place of origin, color, ethnic origin, citizenship, creed, gender, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, mental disability, physical disability or source of income.
- 4.4 Members appointed to committees or boards, serve in a liaison role, not necessarily as an advocate for the committee or board.

5. Representing the Municipality

- 5.1 Members will observe high standards of professionalism when representing Fox Creek in their dealings with members of the public, other elected officials, government officials, and Fox Creek Administration. Members shall hold themselves to the highest standard when engaging in public activities.
- 5.2 Members will consider the welfare and interests of Fox Creek as a whole. The interests of Fox Creek as a whole supersede the interests of any individual ward. Members shall bring to Council's attention anything that would promote the welfare or interest of Fox Creek.
- 5.3 Members will think independently and refrain from forming allegiances or factions within Council.

6. Communicating on Behalf of the Municipality

- 6.1 A Member must not claim to speak on behalf of Council unless authorized to do so.
- 6.2 Unless Council directs otherwise, the Mayor is Council's official spokesperson. In the absence of the Mayor, it is the Deputy Mayor. All inquiries from the media regarding an official Council position on an issue, shall be referred to Council's official spokesperson.
- 6.3 A Member who is authorized to act as Council's official spokesperson must ensure that their comments accurately reflect

Council's official position and the will of Council as a whole, even if the spokesperson disagrees with Council's position.

- 6.4 No Member shall make a statement when they know that statement is false.
- 6.5 No Member shall make a statement with the intent to mislead Council or members of the public.

7. Respecting the Decision-Making Process

- 7.1 Council decisions, resolutions or direction, are made by a majority vote of Councillors. The decisions of Council must be accepted and respected by all Councillors, regardless of any personal view of the decision made.
- 7.2 Decision making authority lies with Council, and not with any individual Councillor. Council may only act by bylaw or resolution passed at a Council meeting held in public at which there is a quorum present. No Member shall, unless authorized by Council, attempt to bind Fox Creek to a course of action, or give direction to employees in Administration, agents, contractors, consultants or other service providers or prospective vendors to the municipality.
- 7.3 All members shall communicate and work toward the effective implementation of the positions and decisions of Council, even if they disagree with Council decisions. In this way Council will foster respect for the democratic decision-making process.
- 7.4 Members will conduct and convey Council business and all their duties in an open and transparent manner, other than those matters which by law are authorized to be dealt with in a confidential manner in an "in-camera" session, and in doing so, allow the public to view the process and rationale which was used to make decisions and the reasons for taking certain actions.

8. Adherence to Policies, Procedures and Bylaws

- 8.1 Members shall uphold the law established by the Parliament of Canada and the Legislature of Alberta.
- 8.2 As Fox Creek's stewards and decision makers, all Members shall respect, and adhere to, the established policies, procedures and bylaws of Fox Creek, showing commitment to performing their duties and functions with care and diligence.
- 8.3 Members shall respect Fox Creek as an institution, its policies, procedures and bylaws and shall encourage public respect for Fox Creek and Fox Creek's policies, procedures and bylaws. Members must not encourage disobedience of any policy, procedure or bylaw of Fox Creek in responding to a member of the public, as this undermines public confidence in Fox Creek and in the rule of law.

9. Respectful Interactions with Council Members, Public and Staff

- 9.1 Council is committed to creating and sustaining a vibrant, healthy, safe and caring work environment in all interactions with internal and external stakeholders and Council members. Key requirements to support a respectful workplace include, but are not limited to, the following:
 - 9.1.1 Be polite, courteous and respectful of others at all times;
 - 9.1.2 Treat others equitably and fairly, and
 - 9.1.3 Recognize value and diversity.
- 9.2 Councillors
 - 9.2.1 Members will be given an in-depth opportunity to address matters before Council, in a full, open, transparent, and professional manner with the goal of good governance, through healthy debate

- 9.2.2 Members will take all points of view into account when making decisions.
- 9.2.3 Members shall feel confident to express their views in any sessions, without fear of interruption and shall feel confident in the Chair's impartiality in controlling the meeting.

9.3 Public

- 9.3.1 Members will treat ratepayers and members of the public with respect, professionalism, and dignity
- 9.3.2 Members may publicly express their opinions on Council matters, but not so as to undermine the standing of Council in the public and the community

9.4 Staff

- 9.4.1 Members shall at all times conduct themselves in a manner that reflects the separation of roles and responsibilities between Council and Administration.
- 9.4.2 Members will respect the professional opinions of Fox Creek's Administration and be mindful that the CAO is exclusively responsible under the *Act* for directing staff
- 9.4.3 Members shall not give direction; directly or implied, to any municipal employee or contracted resource, other than to, or through the CAO or their designate.
- 9.4.4 Internal requests for information and questions relative to Administration will be directed through the offices of CAO and SLT.
- 9.4.5 All personnel matters shall be dealt with strictly in "closed session" with the CAO present.
- 9.4.6 Members will not comment in public regarding the performance of any member of Administration but will instead refer any question on the performance of Fox Creek staff to the CAO.

10. Confidential Information

- 10.1. Members shall not, either directly or indirectly release, make public, or in any way divulge any information which is deemed to be confidential, unless expressly authorized by Council or required by law to do so. This includes keeping confidential any aspect of a "closed session" deliberation, any information required to be kept in confidence as prescribed by Privacy legislation and information subject to solicitor-client privilege.
- 10.2. Members shall not misuse confidential information which they have knowledge of by virtue of their position as Councillor that is not in the public domain. This includes emails and correspondence from other Councillors or third parties, such that it may cause harm, detriment, or embarrassment to Fox Creek Council, other Councillors, Administration, and members of the public or third parties.
- 10.3. Councillors shall not use confidential information that may create a benefit for themselves or any other individual.

11. Conflicts of Interest

- 11.1. Members will disclose their affiliations or interest within an organization that may affect their decision-making on matters before Council regarding that organization, and its disclosure shall be documented in the meeting minutes.
- 11.2. The decision with respect to whether any Member may have, or may be perceived to have, a pecuniary interest or conflict of interest, is the individual Member's decision to make. The Member may discuss this with Council and seek the advice of the Mayor or the CAO.
- 11.3. When a Member believes they have a pecuniary interest or conflict of interest in a matter before Council, or Council Committee, they shall notify the Mayor or Chair of the meeting prior to the matter being considered, that they have a pecuniary or conflict of interest in the matter.
- 11.4. Members have a statutory duty to comply with the pecuniary interest provisions set out in Part 5, Division 6 of the *Act* or another enactment.
- 11.5. Members shall approach decision-making with an open mind that is capable of persuasion.
- 11.6. Members are to be free from undue influence and not act, or appear to act, in

order to gain financial or other benefit for themselves, family, friends or associates, business or otherwise.

- 11.7. It is the individual responsibility of each Member to seek independent legal advice, at the Member's sole expense, with respect to any situation that may result in pecuniary or other conflict of interest.

12. Improper Use of Influence

- 12.1. No member shall use the influence of the Member's office for any purpose other than for the exercise of the Member's official duties.
- 12.2. Members shall not abuse relationships or interactions with Administration by attempting to take advantage of their position as Councillors. Members will at all times refrain from any behavior which is, or may be perceived to be, bullying or harassment of other Councillors, ratepayers, members of the public or Fox Creek's staff.
- 12.3. Members shall refrain from using their positions to obtain employment with the municipality for themselves, family members or close associates.
- 12.4. No Member shall act as a paid agent to advocate on behalf of any individual, organization or corporate entity before Council or committee of Council or any other body established by Council.

13. Use of Municipal Assets and Services

- 13.1. No Member shall use or attempt to use Fox Creek's property, funds, services, or information for personal benefit or the benefit of any other individual.
- 13.2. Members will abide by all of Fox Creek's policies, procedures and bylaws in the use of Fox Creek property, services, equipment, and vehicles.
- 13.3. Equipment, facilities and any other Fox Creek resources provided to Councillors as part of the regular delivery of their duties, will not be used for campaign purposes during Municipal elections.

14. Orientation, Training and Attendance at Meetings

- 14.1. Unless excused by Council, every Member must attend training organized at the direction of Council for the benefit of Members throughout their appointed term.
- 14.2. Councillors will attend regular Council meetings as required under the *Act*. Councillors will participate in these meetings to represent, to the best of their abilities, the interests of Fox Creek as a whole, and act as advocates of their respective wards.
- 14.3. Members will participate when appointed to Committees or Boards and inform Council as a whole, of the activities of that Committee or Board.

15. Complaint Process

- 15.1. Any person, in a good faith, may report perceived wrongdoing or make a complaint alleging a breach of the *Council Code of Conduct* by a Member. All reasonable attempts shall be made to keep the reports and complaints confidential until full investigation is completed, in order to protect the Member and complainant.
- 15.2. The report or complaint shall be in writing addressed to the Mayor, or the Deputy Mayor if the Mayor is the subject of the complaint, and include:
- 15.2.1. The date and be signed by an identifiable individual; and
 - 15.2.2. 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.
- 15.3. The Council Member or Members who are the subject of the complaint will be provided a copy of the complaint and are to provide a written response to the allegations, which will be provided to all of Council.
- 15.4. Upon receipt of a complaint, Council shall meet in "closed session," excluding the Member or Members of Council concerned, review the complaint and written response or responses of the Council Member or Members and decide whether to proceed to investigate the complaint or not. Council, in its sole discretion, may decide to take no action on the complaint. The Council

- Member or Members concerned shall be notified of the Council decision.
- 15.5. If Council concludes that the Council Member or Members concerned have breached the statutory regulations, it may, in its sole discretion, decide to advise the Council Member or Members of its conclusion and approve moving forward with the appropriate proceedings pursuant to the *Act*.
- 15.6. At its sole discretion, Council may elect to conduct the investigation into the allegations or select a third party to investigate.

16. Sanctions

- 16.1. In the events that a Member has been determined to have violated any of these terms of Fox Creek's *Council Code of Conduct* or any provision of the *Act*, then Council may consider disciplinary action on the offending Member.
- 16.2. If Council determines that a complaint made under this *Bylaw* is valid, then Council, by resolution, may impose one or more of the following sanctions against the offending Member or Members;
- 16.2.1. Verbal reprimand provided by the Mayor or Deputy Mayor;
 - 16.2.2. A letter of reprimand addressed to the Member or Members;
 - 16.2.3. Requesting the Member or Members to issue a letter of apology;
 - 16.2.4. Publication of a letter of reprimand or request for an apology and that Member's or Members' response;
 - 16.2.5. Suspension or removal of the appointment of a Member as the Mayor under Section 150(2) of the *Act* or as Deputy Mayor under Section 152 of the *Act*;
 - 16.2.6. Suspension or removal of the Mayor's presiding duties under Section 154 of the *Act*;
 - 16.2.7. Suspension or removal of the Member or Members from some or all Council committees or bodies to which Council has the right to appoint members;
 - 16.2.8. Request for an inquiry under Section 572 of the *Act*;
 - 16.2.9. Initiation of legal action under Section 175 of the *Act*;
 - 16.2.10. Reduction or suspension of remuneration as defined in Section 275.1 of the *Act* corresponding to a reduction in duties, including, but not limited to, limiting travel or expenses, and excluding allowances for attendance at Council meetings;
 - 16.2.11. Limiting access to Fox Creek buildings, aside from entering or leaving meeting rooms utilized for Council meetings;
 - 16.2.12. Return of Fox Creek's property, including laptops, tablets, cellular boosters;
 - 16.2.13. Any other sanction Council deems reasonable and appropriate in the circumstances, provided that the sanction does not prevent the Member or Members from fulfilling their legislated duties of a Councillor and the sanction is not contrary to the *Act*.
- 16.3. Any action taken by Council should include a timeframe and what remedial action is expected.
- 16.4. A decision to apply one or more of the sanctions detailed above requires a Council resolution.

17. Requirements to Fulfill Duties

- 17.1. This *Council Code of Conduct*, or any provision herein, and any sanctions imposed must not prevent a Councillor from fulfilling their legislated duties as a Councillor, as outlined in the *Municipal Government Act*.
- 17.2. Any provision deemed to prevent a Councillor from fulfilling their legislated duties, shall be declared invalid, however the rest of the *Council Code of Conduct* shall remain in effect.

18. Review

- 18.1. This *Bylaw* shall be brought 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.

19. Coming into Force

This Bylaw shall come into force and effect upon the day of final passing.

Read a first time this 15 day of July, 2019

by Councillor Chaychuk - Rieger.

Read a second time this 15 day of July, 2019

by Councillor Gilmour.

Read a third time and passed this 15 day of July, 2019

by Councillor McMullen Bainton.



Jim Hailes, Mayor



~~Ray Bell, Chief Administrative Officer~~
Kristen Milne, Acting Chief Administrative Officer

