

**VILLAGE OF BOYLE
BYLAW #04-18**

BYLAW 04-18, BEING A BYLAW OF THE VILLAGE OF BOYLE, TO AUTHORIZE THE MUNICIPAL COUNCIL OF THE VILLAGE OF BOYLE TO ESTABLISH A CODE OF CONDUCT

WHEREAS Part 5, Division 1 of the Municipal Government Act, Revised Statutes of Alberta 2000 Chapter M26 and amendments thereto gives a Municipality authority to pass a bylaw to establish a code of conduct

NOW THEREFORE, The Council of the Village of Boyle in the Province of Alberta, duly assembled, hereby enacts as follows:

**Part I
Short Title**

1. This Bylaw may be cited as the Code of Conduct Bylaw.

**Part II
Code of Conduct for Members of Council**

Preamble

As members of Council, we recognize that our actions have an impact on the lives of all residents and property owners in the community. Fulfilling our obligations and discharging our duties responsibly requires a commitment to the highest ethical standards.

The quality of the public administration and governance of the Village of Boyle, as well as, its reputation and integrity, depends on the conduct as elected officials.

Purpose and interpretation

The purpose of this code is to outline basic ethical standards and values for members of council. It is to be used to ensure that members of council adhere to their obligations when fulfilling their duties and responsibilities as elected officials.

This code is to be interpreted in accordance with the statutory and other legal requirements applicable to the municipality and its councillors, including the policies and bylaws of the Municipality

Neither the law or this code is to be interpreted as expansive, and there will be occasions on which council will find it necessary to adopt additional rules of conduct in order to protect the public interest and to enhance the public confidence and trust in the local government.

It is the responsibility of each member of council to the standards and values set out in this code.

2. **Standard and Values**

- a) **Honesty**

- Members of council shall be truthful and open in their rolls as council members and as members of the community they serve

- b) **Objectivity**

- Members of council shall make decisions carefully, fairly and impartially.

Members of council recognize that their allegiance and loyalties are to the community as a whole and not to any individual(s) or group(s)

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c) Respect

Members of council shall treat every person, including other members of council, municipal employees and the public, with dignity, understanding and respect

Members of council shall respect the right of others to offer their opinion; tolerate viewpoints, which may be at odds with those of others; respect Views and opinions, which may be in the minority; respect the roll of the Chief Administrative Officer as the key employee of council and its chief policy advisor; respect the right of administration to present reports and advice which may not be that which is acceptable to council.

Members of council should respect the decisions of the majority of council. Even if they voted in opposition, a Councillor should be able to enunciate the reasoning behind the majority decision.

Members of council shall not engage in discrimination, bullying or harassment in their rolls as members of council. They shall not use derogatory language towards others, shall respect the rights of other people and groups, shall treat people with courtesy and shall recognize the importance of the different rolls others play in local government decision making.

Members of council shall extend fair treatment for those presenting to council by ensuring that presenters are treated fairly regardless of race, gender, religion, age, disability or occupation; dealt with in good faith; given an adequate amount of time in which to present their views; and, treated without bias and are accorded respect for their time and views.

Members of Council shall not engage in conversation with each other or be texting while individuals are presenting to council.

Members of council shall ensure that their behavior towards municipal employees, contractors, service providers, the public or their agents is cautious, professional, fair, and unbiased; contributes to the preservation of orderly decorum; avoids sarcasm, derogatory comments, or questions or comments designed to embarrass; is respectful of the rulings and reaction of the chair; and, where a member is in the chair, they shall be responsible to immediately rule such behavior out of order and require the offending member to offer an apology to all present.

d) Transparency & Accountability

Members of Council should endeavor to conduct and convey council business and all their duties in an open and transparent manner, other than those discussions that are authorized to be dealt with in a confidential manner in closed session, so that the stakeholders can view the process and rational used to reach decisions and the reasons for taking certain actions.

Members of council are responsible for the decisions they make. The responsibility includes acts of commission and acts of omission.

e) Confidentiality

Members of council shall refrain from disclosing or releasing information acquired by virtue of their office except when required by law or authorized by council to do so.

Members of council shall not take advantage of or obtain private benefit from information that is obtained in the course of or as a result of their official duties or position and that is not in the public domain. This includes complying with the *Municipal Government Act and the Freedom*

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of Information and Protection of Privacy Act in their capacity as members of council of a local authority.

f) Leadership and the Public Interest

Members of Council shall serve their constituents in a conscientious and diligent manner and act in the best interest of the municipality. A member shall strive, by focusing on issues important to the community and demonstrating leadership, to build and inspire the public's trust and confidence in local government.

Members of council are expected to perform their duties in a manner that will bear close public scrutiny and shall not provide the potential or opportunity for personal benefit, wrongdoing or unethical conduct.

g) Responsibility and Conflict of Interest

Members of council shall act responsibly and in accordance with the acts of the parliament of Canada and the Legislature of Alberta, including the Municipal Government act.

Members of Council will respect the legislation that accord to council as a whole the authority to make decisions that guide the actions of the administration. The authority is vested in council when it is convened as a body at a duly constituted meeting. Individual members of council shall therefor refrain from attempting to guide or influence individual members of the administration.

This duty includes disclosing actual or potential conflicts of interest, either financial or otherwise relating to their responsibilities as members of council, following policies and procedures of the municipality, and exercising all conferred powers strictly for the purpose for which the powers have been conferred. Every member of council is individually responsible for preventing potential and actual conflicts of interest. Decisions on matters of pecuniary (either direct or indirect) which impact family members in a way not consistent with the official decision as a whole will be deferred pending the advice of the municipality's solicitor. In this, as in all matters, the legislation will prevail.

h) Bias

Members of council shall avoid any actual or reasonable apprehension of bias in the dealings with relatives and shall avoid any actual or reasonable apprehension of bias when acting as a member of council.

i) Partisan Politics

Members of council are entitled to serve as members of provincial or federal parties. Council members will not allow their party affiliation or responsibilities to interfere with the requirements and responsibilities of serving the Municipality as a member of council. Council members will not engage in political activities in municipal facilities or at any event sponsored by the municipality or by one of its commissions or committees.

j) Acceptance of Gifts

Members of council shall avoid any actual or reasonable apprehension of bias in the acceptance of gifts and shall accept only those gifts of protocol or social obligation that occur in normal business relationships and not accept a free, gift or other benefit that is connected directly or indirectly with the performance of the members in office.

k) Bribery

Members of council are to be alert to any attempt of bribery and shall reject bribery in any form and report any attempt or perceived attempt to bribe a member to the Chief Administrative Officer.

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l) Request for Information

Members of council shall direct their request for information or action to the office of the Chief Administrative Officer (unless delegated to a municipal employee by the Chief Administrative Officer). If the matter is subject to a current council policy, Administration will respond as quickly as possible in filling the request. If the request is not covered by the current policy, it will be forwarded to the Chief Administrative Officer who will place the matter before council to receive direction.

m) Orientation

Members of council shall attend orientation training offered by the municipality within 90 days after the election.

n) Communicating on Behalf of the Municipality

- i. A Councillor must not claim to speak on behalf of Council unless authorized to do so.
- ii. Unless Council directs otherwise, the Mayor is Council's official spokesperson and in the absence of the Mayor it is the Deputy Mayor. All inquiries from the media regarding the official Council position on an issue shall be referred to Council's official spokesperson.
- iii. 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 Councillor personally disagrees with Council's position.
- iv. No Councillor shall make a statement when they know that statement is false.
- v. No Councillor shall make a statement with the intent to mislead Council or members of the public.

o) Adherence to Policies, Procedures and Bylaws

- i. Councillors shall uphold the law established by the Parliament of Canada and the Legislature of Alberta and the bylaws, policies and procedures adopted by Council.
- ii. Councillors shall respect the Municipality as an institution, its bylaws, policies and procedures and shall encourage public respect for the Municipality, its bylaws, policies and procedures.
- iii. A Councillor must not encourage disobedience of any bylaw, policy or procedure of the Municipality in responding to a member of the public, as this undermines public confidence in the Municipality and in the rule of law.

p) Improper Use of Influence

No Councillor shall use the influence of the Councillors office for any purpose other than for the exercise of the Councillor's official duties.

No Councillor 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.

Councillors shall not contact or otherwise attempt to influence members of any adjudicative body regarding any matter before it relating to the Municipality.

Councillors shall refrain from using their positions to obtain employment with the Municipality for themselves, family members or close associates. Members are ineligible to apply or be considered for

any position with the Municipality while they hold their elected position and for one year after leaving office.

q) Use of Municipal Assets and Services

Councillors shall use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Councillor 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 Councillor for personal use upon the same terms and conditions as members of the general public, including booking and payment of any applicable fees and charges
- (b) electronic communication devices, including but not limited to desktop computers, laptops, tablets and smartphones, which are supplied by the Municipality to a Councillor, may be used by the Councillor for personal use, provided that the use is not for personal gain, offensive or inappropriate.

Part III

Contravention of the code of conduct

Complaint Procedure

- 1) The following section details the procedure for handling contravention of the code of conduct:
 - a) To report an alleged contravention of the code of conduct, an individual/organization/member of council may submit the form found in schedule A, by sending the form directly to the Chief Administrative Officer, by mail, email, fax or courier. The complaint will then be presented to council at the next regular meeting of Council in an in camera session.
 - b) Upon receipt of a complaint, council shall discuss the complaint and take all necessary steps to ensure the complaint is valid.
 - c) All discussions surrounding alleged and substantiated contraventions of this bylaw shall be conducted in an in-camera session at a meeting of council.
 - d) If the claim is found to be substantiated, Council may, by resolution, impose an appropriate penalty detailed in 3. (a) to (m) based on the severity of the contravention of the code.
 - i. Any action taken by council should include a time frame to complete the expected remedial action.
 - ii. Council shall inform the claimant, member of council, and any other relevant party of councils' decision, which includes
 - iii. Informing the claimant and member of council that the complaint is dismissed, or
 - iv. Informing the complainant and member of council of the corrective action and/or the measures taken to ensure the behavior or activity does not continue.

Contravention During a Council Meeting

- 2) If council is in the opinion that a member has/is being disruptive and refuses to stop when asked, that member may be excluded from the remainder of the meeting. Council may apply additional penalties based on the severity of the contravention.

Remedial Action if Contravention Occurs

- 3) Should a member of council breach any of the principals outlined in this code, the possible courses of action that are available to Council include but are not limited to:
 - a) An apology, either written and/or verbal, by the council of the impacted individual(s), council, and/or the general public.
 - b) Educational training on ethical and respectful conduct.
 - c) Repayment/return of monies/gifts/property.

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- d) Removal of the member from council committees and/or bodies or suspension of a defined duration.
- e) Dismissal of the member from a position of chairperson of a committee or suspension of a defined duration.
- f) Reprimand (verbal and/or written).
- g) Pass a motion of censure
- h) Restrict access to municipal facilities except council or committee meetings.
- i) Limit contact with administration to written communication.
- j) Limit travel/representation on behalf of council.
- k) Request an inquiry under Part 14 of the Municipal Government Act.
- l) Initiated legal action under Part 5 Division 8 of the Municipal Government Act.
- m) Other measures as determined by council in order to restore the accountability of council.

**Part IV
Coming Into Force**

4. Upon its final passing this Bylaw becomes effective and Bylaw 01-18 shall be rescinded.

Should any provisions of this bylaw be found to be invalid then such invalid provision shall be severed and the remaining bylaw shall be maintained.

READ FOR A FIRST TIME THIS 15TH DAY OF August, A.D. 2018



COLIN DERKO - MAYOR



CHARLIE ASHBEY - CAO

READ FOR A SECOND TIME THIS 15TH DAY OF AUGUST, A.D. 2018



COLIN DERKO - MAYOR



CHARLIE ASHBEY - CAO

READ FOR A THIRD AND FINAL TIME BY UNANIMIOUS CONCENT THIS 15TH DAY OF AUGUST 2018 A.D.



COLIN DERKO - MAYOR



CHARLIE ASHBEY - CAO

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SCHEDULE "A"
CODE OF CONDUCT
FORMAL COMPLAINT FORM

Please note that knowingly signing a false affidavit may expose you to prosecution under the criminal code of Canada.

I _____ of
(First & Last Name)

(Full Mailing Address)

Do solemnly swear/ (affirm and declare) that the following contents of this statement are true and correct and hereby request the Council of the Village of Boyle to (look into/ conduct an investigation/ Inquiry/follow-up on) whether or not the following member (s) of council has (have) contravened the Code of Conduct:

Member(s) of Council names(s)

I have reasonable and probable grounds to believe that the above member (s) has (have) contravened the Code of Conduct by reason of the following:

- 1) Insert date(s), time and location of conduct
- 2) Include the sections of this bylaw that have been contravened
- 3) Provide the particulars and names of all persons involved, and of all witnesses;
- 4) Provide contact information for all people listed;
- 5) Any exhibits can be attached; and
- 6) If more space is required, please attach additional pages as needed.

(Signature of Complainant)

(Date Signed)

FOR OFFICE USE ONLY
_____ Date Filed
_____ Signature CAO

Personal information is collected pursuant to sections 33© of the freedom of information and protection act (FOIP) for the purpose of operating the Village's code of conduct bylaw. Please note certain information including, but not limited to, the nature of the

application, as well as the applicant's name, business address and business telephone number may not be disclosed in accordance with sections 20 of FOIPP. If you require additional information contact the Village's FOIPP Coordinator at 780-689-3643.

Handwritten initials/signature