

**Summer Village of Waiparous
Bylaw 138 - 18**

Being a Bylaw of the Summer Village of Waiparous in the Province of Alberta to establish a code of conduct governing the conduct of councillors

WHEREAS under the authority and subject to the provisions of Section 145 of the Municipal Government Act RSA 2000, Chapter M-26 and amendments thereto, Council may pass Bylaws establishing a code of conduct for council members

AND WHEREAS the Council of the Summer Village of Waiparous deems it necessary to establish a code of conduct to governing the conduct of councillors.

AND WHEREAS the public is entitled to expect the highest standards of conduct from the members that it elects to council for the Summer Village of Waiparous;

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 of acceptable conduct extending beyond the legislative provisions governing the conduct of councillors;

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

Bylaw Title:

This bylaw shall be referred to as the Summer Village of Waiparous Council Personal Code of Conduct.

Background:

The proper operation of a democratic municipal government requires that elected officials be independent, impartial and duly responsible to the public; and therefore, Council members must maintain high standards of professional conduct.

Purpose:

The purpose of this Code is to establish guidelines for the ethical and inter-personal conduct of members of Council ("members"). Council is answerable to the community through the democratic process and this Code will assist in providing for the good government of the Summer Village.

Code of Conduct:

The residents of the Summer Village are entitled to have fair, ethical and accountable local government.

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, Council members shall work for the common good of the people of the Summer Village and not for any private or personal interest, and they will endeavor to treat all persons, claims and transactions in a fair and equitable manner. Council members shall not:

- a) Give preferential treatment to any person or organization which might reasonably benefit from special consideration or may seek preferential treatment.
- b) Give preferential treatment to any organization in which a member or member of Council have a financial interest.

2. Comply with the Law

Council members shall comply with the laws of the nation, the province and the Summer Village of Waiparous in the performance of their public duties. These laws include, but are not limited to: The Canadian Charter of Rights and Freedoms; Municipal Government Act; Alberta Human Rights Act; Freedom of Information and Protection of Privacy Act (FOIP); Local Authorities Election Act; Criminal Code of Canada and the Summer Village of Waiparous bylaws.

3. Conduct of Members

Council members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Council, boards, commissions, committees, staff or the public. Members shall perform the functions of office truly, faithfully and impartially to the best of their knowledge and ability in accordance with the following core values:

- a) Integrity – giving the municipality’s interests absolute priority over private individual interests;
- b) Honesty – being truthful and open;
- c) Objectivity – making decisions based on a careful analysis of the facts. A willingness to listen to all sides, be receptive to all initiatives, while maintaining and respecting a non-partisan atmosphere for discussion
- d) Accountability – being accountable to each other and the public for decisions taken;
- e) Leadership – confronting challenges and providing direction on the issues of the day.

4. Respect for Process

Council member duties shall be performed in accordance with the Procedures Bylaw, processes and rules of order established by the Council.

5. Conduct of Public Meetings

Council members shall inform themselves of public issues, listen attentively to public discussions before the body and focus on the business at hand.

6. Decisions Based on Merit

Council decisions shall be based upon the merits and substance of the matter at hand.

7. Communication

It is the responsibility of Council members to publicly share substantive information that is relevant to a matter under consideration that they have received from sources outside of the public decision-making process with all other Council members.

When communicating on behalf of the municipality the following shall apply;

1. A Council member must not claim to speak on behalf of Council unless authorized to do so.
2. 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.
3. A Council 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 personally disagrees with Council's position.
4. No Council member shall make a statement when they know that statement is false.
5. No Council member shall make a statement with the intent to mislead Council or members of the public.

8. Social Media

In all forms of social media usage members of council should assume the same representative standards as in other public meetings and consultations. Even if not identified with an explicit municipal affiliation, members of council implicitly represent the corporation and will be held to the same expectations.

Members of Council must be particularly aware of their commentary surrounding issues currently before them in council so as to not prejudice the public process.

While common disclaimers such as "retweets don't imply endorsement" or "all views are my own" may help clarify the context of personal social media messages, they do not absolve the responsibility of the individual to uphold the code of conduct policy

Use of a Council Member's title in a social media profile provides legitimacy – from the perspective of social media providers and the public – and authority and influence similar to use of letterhead or other incidents of office. A Council Member's title can only be used for Municipal purposes and not for campaign purposes.

Council Members must not post the following content using any social media account that, at the time of posting, is identified as a member's social media account or uses publicly-funded

resources:

- a) content that promotes or appears to promote any third-party interest including events, products, services, or goods; or
- b) content that promotes or appears to promote any candidate or political party in any election at the municipal, federal or provincial level, including leadership campaigns.

9. Coordination with Summer Village Staff

Appropriate Summer Village staff should be involved when Council members meet with officials from other agencies and jurisdictions to ensure proper staff support is available if needed and to keep staff informed.

Council members shall acknowledge and respect that staff work for the Summer Village as a corporate body and are responsible for making recommendations that reflect their professional expertise and the municipality's corporate objectives without undue influence from any individual Councillor.

Members shall acknowledge and respect that staff carry out directions of Council as a whole and administer the policies of the Summer Village.

10. Disclose of Corruption

All Summer Village officials shall take an oath upon assuming office, pledging to uphold the Summer Village, Provincial and Federal government laws. As part of this oath, officials commit to disclosing to the appropriate authorities and/or to the Summer Village Council any behavior or activity that may qualify as corruption, abuse, fraud, bribery or other violation of the laws.

11. Conflict of Interest

In order to assure their independence and impartiality on behalf of the public good, Council members shall not use their official positions to influence government decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a pecuniary interest under applicable legislation.

In accordance with the legislation, members shall declare if they have a pecuniary interest regarding a particular decision, refrain from participating in that decision unless otherwise permitted by legislation.

12. Gifts and Favors

Council members shall not take advantage of services or opportunities for personal gain by virtue of their public office that are not available to the public in general. They shall refrain from accepting gifts, favors or promises of future benefits that might compromise their independence of judgement or action or give the appearance of being compromised.

13. Confidential Information

Council members shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the Summer Village. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their personal, financial or private interests.

14. Use of Public Resources

Public resources not available to the general public (e.g. Summer Village staff time, equipment, supplies or facilities) shall not be used by Council members for private gain or personal purposes.

15. Representation of Private Interests

In keeping with their role as stewards of the public trust, Council members shall not appear on behalf of the private interests of a third-party before the Summer Village Council of any board, commission or committee or proceeding of the Summer Village.

16. Advocacy

To the best of their ability, Council members shall represent the official policies and positions of the Summer Village Council. When presenting their personal opinions or positions, members shall explicitly state that they do not represent the Council or the Summer Village.

17. Improper Influence

Council members shall refrain from using their position to improperly influence the deliberations or decisions of the Summer Village staff, boards, commissions or committees.

18. Policy Role of Members

Each member of Council will respect the legislation which accords to Council as a whole the authority to make decisions which guide the actions of administration. Council members shall respect and adhere to the Council structure of the Summer Village government as provided in the Summer Village Bylaws.

19. Orientation Training

Each member of Council will attend the orientation training that is offered by the Summer Village within 90 days after being elected.

20. Positive Work Environment

Council members shall support the maintenance of a positive and constructive environment for residents, businesses and village employees.

21. Implementation

Council Personal Code of Conduct shall be included in the regular orientations for Summer Village Council candidates. Council members entering office shall sign a statement affirming they read and understood the Summer Village of Waiparous Council Code of Conduct.

22. Compliance, Complaints, and Enforcement

Council members themselves has the primary responsibility to assure that ethical standards are understood and met and that the public can continue to have full confidence in the integrity of Summer Village government.

Council members have a duty of help create a responsive, accessible, transparent and fair municipal government. Accordingly, Members have a duty to question whether another member is violating legislation, ethics or respectful behavior relating to the Summer Village of Waiparous government, as set forth in this Code of Conduct.

Council members have a responsibility and duty to participate in alternative remediation (individual conversation, information meetings with third party) prior to the formal filing of concern.

Council delegates the authority for administering the compliance and enforcement section of this policy to the Mayor, or in a case of an allegation against the Mayor, the Deputy Mayor. At the discretion of the Mayor all substantiated violations and reports shall be reported to Council in an In-Camera Meeting of Council.

All discussions surrounding the alleged and substantiated violations of this policy shall remain confidential under the appropriate sections of the Freedom of Information and Privacy (FOIP) Act.

Any person or Any Member who has identified or witnessed conduct by a Member that the person or 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.
- c) 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.

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.

Formal Complaint Process

Any person or Council member who has identified or witnessed conduct by a Council member that the person or Council member reasonably believes, 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 Mayor; or in a case of an allegation against the Mayor, the Deputy Mayor.
- c) The complaint must set out reasonable and probable grounds for the allegation that the Council 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 Council members who are alleged to be responsible for the breach of this Bylaw, the Council member or members concerned shall receive a copy of the complaint submitted to the Mayor.
- e) Upon receipt of a complaint under this Bylaw, the Mayor, shall review the complaint and decide whether to proceed to investigate the complaint or not.

If the Mayor 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 Mayor 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 shall be notified of the Mayor's decision;

- f) If the Mayor decides to investigate the complaint, the Mayor shall take such steps as it may consider appropriate, which may include seeking legal advice. All proceedings of the investigation shall be confidential;
- g) A Council 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;
- h) A Council member who is the subject of an investigation is entitled to be represented by legal counsel, at the Council member's sole expense.

Enforcement

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

No Council 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.

Should a member of Council breach any of the principles as outlined in this policy, the possible courses of action that are available to Council include but are not limited to:

- a) Apology by the member of Council to the impacted individual(s).
- b) Removal of the member from Council Committees or representative bodies.
- c) Dismissal of the member from a position of Mayor or Deputy Mayor.
- d) Educational training on ethical and respectful conduct provided by a third party. Any action taken pursuant to this policy should include a time frame and what

remedial action is required.

23. Appeal Process

Appeals will be referred to Council at an In-Camera session for final municipal adjudication.

24. General Provisions

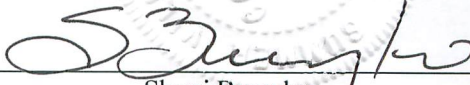
Bylaw 133-18 is hereby repealed.

This bylaw will come into effect upon final reading thereof.

Read a first, second and third time this 27th day of November, AD 2018



Matthew Sundal
Mayor



Sherri Bureyko
Chief Administrative Officer