By-Law Number 1058
Town Of Castor

A BYLAW OF THE TOWN OF CASTOR IN THE PROVINCE OF ALBERTA TO REGULATE THE CONDUCT OF COUNCIL.

WHEREAS, Section 146.1 of the Municipal Government Act provides that a Council must, by bylaw, establish a code of conduct governing the conduct of Councillors;

WHEREAS, the Code of Conduct for Officials Regulation, AR provides that a Code of Conduct must contain certain provisions;

WHEREAS, the Town of Castor Council recognizes that the constituents of the Town of Castor elected Members of Council for the purpose of providing effective leadership for the Town of Castor and its residents;

WHEREAS, each individual Councillor of the Town of Castor Council hereby commits to upholding this Code of Conduct for the purpose of ensuring that Councillors of the Town of Castor maintain appropriate conduct when carrying out their roles as Councillors;

WHEREAS, THIS Code of Conduct must be reviewed every four years from date of passing;

NOW THEREFORE BE IT RESOLVED, the Council of the Town of Castor in the Province of Alberta duly assembled in Open Council hereby enacts as follows:

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

2. **Municipal Purposes**

   2.1 The purposes of the Municipality of Castor are to:
   - a) to provide good government;
   - b) to foster the well-being of the environment;
   - c) to provide services, facilities or other things that, in the opinion of Council, are necessary or desirable for all or a part of the municipality, and
   - d) to develop and maintain safe and viable communities and
   - e) to work collaboratively with neighbouring municipalities to plan, deliver, and fund intermunicipal services.

3. **Definitions**

   3.1 **"Chief Administrative Officer"** has the meaning prescribed under the Municipal Government Act, and may be referred to as the "CAO".

   3.2 **"Conflict of Interest"** means an occurrence where a Councillor's personal or private interest are, or may be perceived as, influencing the Councillor on a matter of public interest before Town Council, including occurrences which may result in common law bias, including direct or indirect pecuniary interest, prejudgment, close mindedness or undue influence.

   A Conflict of Interest occurrence also includes using the Councillor's position, confidential information or Town of Castor employees, materials, or facilities for personal or private gain or advancement or the expectation of personal or private gain or advancement. A Conflict of Interest may include advancing the interests of the Councillor's family, friends or business associates.

   3.3 **"Complained of Councillor"** means the Councillor against whom a complaint has been made under this code of conduct.

3.4 **"Councillor(s)"** has the meaning described under the Municipal Government Act, including an individual elected member of the Town of Castor Council and the Chief Elected Official (Mayor).

3.5 **"Council"** means the Town of Castor Council.

3.6 **"In Camera"** means "in private" meeting. It involves a confidential meeting, or a portion of a meeting, taking place with only Council members, the CAO, or any other person invited by Council, present.

3.7 **"Committee of the Whole"** refers collectively to those Members of Council present when Council moves to sit as a Committee;

3.8 **"MGA"** means the Municipal Government Act.

3.9 **"Pecuniary Interest"** means those occurrences as prescribed in the Municipal Government Act, R.S.A. 2000 Chapter M-26.

3.10 **"Town"** means the municipality of Castor.

4. Code of Conduct for Councillors

The Council has adopted the following principles to ensure that all Councillors act honestly, in good faith, and in the best interests of the Town. The purpose of this Bylaw is to establish effective governance through proper conduct.

The Town of Castor Councillors each agree and commit to the following rules of conduct:

4.1 To act honestly and in good faith at all times,

4.2 To engage in respectful, fulsome , and healthy debate on matters in Council meetings, and subsequently, to support the decision of Council.

4.3 To respect all opinions of other Councillors,

4.4 To publicly express personal opinions in such a manner that maintains respect for Council, other Councillors, and any decisions made by Council or a Council committee,

4.5 To ensure that any public statements are clearly stated to reflect the personal opinion of the Councillor, not the opinion or position of Council as a whole, unless given express authorization by Council to represent Council's position on an issue.

4.6 To strictly follow the Pecuniary Interest requirements provisions of the MGA R.S.A. 2000 Chapter M-26,

4.7 To avoid occurrences which may result in a Conflict of Interest,

4.8 To avoid occurrences where it may be perceived that the Councillor is using their position on Council to gain a personal or pecuniary benefit.

4.9 To refrain from seeking the award of written service or supply contracts; to refrain applying for positions of employment with the Town, while holding the position of Councillor in order to avoid any public perception that the Councillor is using their position on Council to gain a personal or pecuniary benefit. It is acknowledged and agreed that the Town will not award any written service or supply contracts nor make offers of employment to any person who holds the position of Councillor,

4.10 To incur expenses in a responsible and reasonable manner,

4.11 To act with professionalism, and respect when interacting with other members of Council, administration, members of the public and other government officials,

4.12 To consider the welfare and interests of the Town as a whole, and to bring to Council's attention anything that would promote the welfare or interests of the Town,

4.13 To actively participate in all Council and Council committee meetings and meetings of other bodies to which they are appointed by the Council in good faith,

4.14 To obtain information about the operation or administration of the Town from the CAO,

4.15 To participate generally in developing and evaluating the policies and programs of the Town,

4.16 To keep in confidence all matters discussed in private at a Council committee meeting until that matter is discussed at a public meeting,

4.17 To demonstrate fairness, accountability and open mindedness on all matters,

4.18 To refrain from improper use of their position as a Councillor to:

4.18.1 gain, or attempt to gain or advance, directly or indirectly, a personal or private interest for him/herself or another person,

4.18.2 cause, or attempt to cause, detriment to the Town, the Town Council or any individual Councillor, cause, or attempt to cause, detriment to any member of the Town administration or staff, or

4.18.3 seek personal benefit or gain from any information obtained through their position as a Councillor.

4.19 A Council or a Councillor must not exercise a power or function or perform a duty that is by this, or other enactment or bylaw, specifically assigned to the CAO or a designated officer. (MGA Section 201 (2),

4.20 To perform any other duty or function imposed on Councillors by this or any other enactment or by the Council,

4.21 To promote an integrated and strategic approach to intermunicipal land use planning and service delivery with neighboring municipalities,

4.22 To participate in orientation training and other training opportunities with regard to the roles and responsibilities of Council,

4.23 To adhere to all Town bylaws, policies, and procedures,

4.24 Adhere to the code of conduct.

5. Code of Conduct in Practice

5.1 Council Decisions

5.1.1 Council meetings are the appropriate forum for healthy and fulsome debate and discussion of matters before Council,

5.1.2 All Councillors must be given a full opportunity to address issues before Council in a full, open, and professional manner, to encourage and promote healthy debate of issues,

5.1.3 Council decisions are made by majority vote by the Councillors. The decision of Council must be accepted and respected by all Councillors even if some individual Councillors do not agree with the majority decision,

5.1.4 While an individual Councillor may publicly state that they did not vote with the majority of Council on an issue, this must be made in a manner that respects Council, Council's decision, and other members of Council.

5.2 Councillor Expenditures

5.2.1 When incurring expenditures, Councillors shall act responsibly and respect that public monies must be used for the public good,

5.2.2 Councillors shall avoid waste, abuse, and inappropriate expenditure in the use of public monies and resources,

5.2.3 Councillor shall be open and accountable with respect to all expenditures,

5.2.4 Councillors shall strictly adhere to all Town Guidelines addressing expenditures and reimbursement.

5.3 Dealings with Town Administration, staff, and members of the Public

5.3.1 Councillors shall respect the professional opinion of Town administration and staff,

5.3.2 Councillors shall not abuse relationships or dealings with Town administration or staff by attempting to take advantage of their position as Councillors. Councillors must refrain from behavior which may be perceived to be bullying of staff,

5.3.3 All requests for information shall be directed through the CAO,

5.3.4 Councillors may meet with the CAO at any time. However, Councillors must not meet with any staff member(s), and must not discuss municipal business at any time, without the CAO present, unless authorized by the CAO.

5.3.5 Councillors will treat all people with professionalism, courtesy, and respect,

5.3.6 Councillors will treat all people in good faith and without bias and shall not discriminate against any person on the basis of:

5.3.6.1 differences in personal opinions, or

5.3.6.2 race, ancestry, place of origin, colour, ethnic origin, culture, citizenship, religion, creed, language, gender, sexual orientation, age, family status, disability, or occupation.

5.3.7 It is the sole responsibility of the CAO to hire, discipline, and terminate staff, and that all information pertaining to staff employment matters is confidential. No member of Council, either as an individual or as a group, shall interfere with the CAO role in the hiring, disciplinary action, or termination of any staff member, by way of coercion, persuasion, threats, intimidation, bullying, or any other form of influence. The CAO shall immediately report any incident of this nature to Council as a whole.

5.4 Pecuniary Interest

5.4.1 It is the individual responsibility of each Councillor to be aware of the Pecuniary Interest provisions and the disclosure and procedure requirements as established in MGA.

5.4.2 It is the individual responsibility of each Councillor to seek independent legal advice with respect to any occurrence which may result in Pecuniary Interest, at their own expense,

5.4.3 If a Councillor believes that they may have or may reasonably be perceived to have a Pecuniary Interest in a matter before Council or a Council Committee, they shall follow the Pecuniary Interest disclosure and procedure requirements as established in the MGA including:

5.4.3.1 Stating the general nature of their Pecuniary Interest at the meeting prior to any discussion of the matter. This will be done on every occasion that the matter arises before Council or Council committee,

5.4.3.2 Refraining from discussing the matter with Council,

5.4.3.3 Subject to 5.4.3, leaving the room in which the meeting is held prior to the matter being discussed until discussion and voting on the matter has concluded, MGA, section 172(1)(d),

5.4.3.4 The decision with respect to whether or not the Councillor may have a Pecuniary Interest is the individual Councillor's decision to make, in accordance with the MGA.

5.4.4 Where a Councillor believes that they may have a Pecuniary Interest in a matter before Council or a Council committee, they should notify the

Mayor or Chair of the meeting before the matter is considered that the Councillor has a Pecuniary Interest in the matter.

5.5 Conflict of Interest

5.5.1 Receipt and giving of gifts can result in a perceived Conflict of Interest. While token and minor gifts can be accepted by Councillors, substantial or material gifts, (over $50.00), should either be rejected by Councillors or accepted on the condition that the gift is accepted on behalf of Council and donated to a local charity,

5.5.2 Councillors shall not engage in any activity, which is incompatible or inconsistent with the discharge of a Councillor's duties and obligations as an elected official in the Town,

5.5.3 The decision with respect to whether or not the Councillor may have a Conflict of Interest is the individual Councillor's decision to make,

5.5.4 A Councillor may seek the advice of the CAO respecting a potential conflict prior to the matter coming before Council.

5.5.5 It is the individual responsibility of each Councillor to seek independent legal advice with respect to any situation that may result in a Conflict of Interest.

5.6 Use and Disclosure of Information

5.6.1 Councillors must not use information gained through their position on Council for any private or personal benefit or gain,

5.6.2 Councillors shall inform themselves of and strictly adhere to the provisions of the Freedom of Information and Protection of Privacy Act, R.S.A. 2000, Chapter F-25 with respect to the access to, gathering, use and disclosure of information,

5.6.3 Councillors must not release, disclose, publish, or comment on confidential information including any information received during an "in camera" meeting until such information is disclosed at a public meeting. This obligation continues in perpetuity,

5.6.4 Councillors must not release information that is subject to solicitor-client privilege unless expressly authorized by Council or required by law to do so,

5.6.5 Councillors must not misuse confidential information gained by virtue of their position as Councillor that is not in the public domain, including e-mails and correspondence from other Councillors or third parties, such that it may cause harm, detriment or embarrassment to the Town, Council, other Councillors, Town of Castor administration or staff, members of the public or third parties, or such that It may create a benefit to themselves, the Town, Council, other Councillors, Town administration or staff, members of the public or third parties.

6. Sanctions for Breaching the Code of Conduct

6.1 If a Councillor fails to adhere to the Code of Conduct, any or all of the following sanctions may be imposed:

6.1.1 Letter of reprimand addressed to the Councillor,

6.1.2 A request to the Councillor to issue a letter of apology,

6.1.3 Publication of the letter of reprimand or request for apology and the Councillor's response,

6.1.4 Require the Councillor to attend training,

6.1.5 Suspension or removal of the appointment of a Councillor as the chief elected official under section 150(2) of the MGA,

6.1.6 Suspension or removal of the appointment of a Councillor as the deputy chief elected official or acting chief elected official under section 152 of the MGA,

6.1.7 Suspension or removal of the chief elected official's presiding duties under section 154 of the MGA,

6.1.8 Suspension or removal from some or all of Council committees and bodies to which Council has the right to appoint members,

6.1.9 Reduction or suspension of remuneration as defined in section 275.1 of the MGA corresponding to a reduction in duties, excluding allowances for attendance at Council meetings.

This code of conduct, or sanctions imposed under this code of conduct shall not prevent any Councillor from fulfilling the legislated duties of a Councillor.

7. Complaint Process for Breaching Code of Conduct

7.1 Any elector of the Town of Castor may make a complaint alleging a breach of the code of conduct. Complaints regarding a Councillor's conduct may be submitted in writing to Council through the CAO,

7.2 Where a contravention of any provision in this Code of Conduct is alleged, Council shall, upon request of any member of Council, hold a special meeting of Committee of the Whole within 30 days of the complaint, to determine if the Council member has breached this bylaw. All discussions surrounding both alleged and substantiated violations of this code shall be conducted during an In-Camera meeting of Council, with the intent that the discussion shall remain confidential under the appropriate sections of the Freedom of Information and Protection of Privacy (FOIP) Act,

7.3 The Complained of Councillor shall be given opportunity to address Council at the meeting referred to in section 7.2, and will be provided with sufficient time to address the alleged breach of confidentiality. The Complained of Councillor shall be permitted to introduce evidence, including witnesses to support their position, and may be represented by legal counsel. Should the Complained of Councillor have legal counsel, then the Town shall have the right to legal representation. Should Council determine that a member has potentially breached the Code of Conduct, Council shall rise and report that such a determination has been made, and shall, at a special open Council session called for that purpose, pass a Resolution that shall require the member to appear before an In-camera Committee of the Whole meeting to be sanctioned,

7.4 The Sanction shall be ratified by Resolution at a Regular Meeting of Council,

7.5 All Sanctions under this By-Law shall be fair and in keeping with the severity of the infraction, giving due regard to the Councillor's previous conduct,

7.6 Nothing in this Section restricts or attempts to countermand a Councillor's legal right to challenge a decision by Council through established legal channels.

8. Severability

8.1 Should any section, subsection, clause or provision of this Bylaw be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this bylaw as a whole or any part thereof, other than the part so declared to be invalid.

9. **This Bylaw shall come into effect upon the passing of the third reading of this Bylaw.**

10. **The Town of Castor "Code of Conduct Policy" is hereby repealed.**

Introduced and Read a First and Second Time and Thereafter, with the Unanimous Consent and Vote of All Councillor Present, Read a Third Time and Finally Passed this 28th Day of May, 2018.

R. H. Ellard
MAYOR

Chief Administrative Officer