

BYLAW NO. 939/COUNCIL/2017

**A BYLAW OF THE MUNICIPAL DISTRICT OF FAIRVIEW NO. 136, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING A COUNCIL PERSONAL CODE OF CONDUCT**

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**WHEREAS**, Section 145 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 authorizes a council to pass bylaws in relation to the conduct of councillors and the conduct of members of council committees and other bodies established by the council;

**WHEREAS**, Council of the Municipal District of Fairview No. 136 considers it prudent to ensure ethical, professional local governance by regulating conduct of Councillors and Council Committee, Board and Agency members including Members-At-Large appointed by the council in the Municipal District of Fairview No. 136;

**NOW THEREFORE**, Council of the Municipal District of Fairview No. 136 duly assembled, enacts as follows:

1. This Bylaw may be cited as the "Council Personal Code of Conduct Bylaw" and applies to all Councillors and Council Committee, Board and Agency members including Members-At-Large appointed by the council in the Municipal District of Fairview No. 136;
2. Personal Conduct and the enforcement thereof of Councillors and Council Committee, Board and Agency members including Members-At-Large appointed by the council in the Municipal District of Fairview No. 136 shall be in accordance to the attached Schedule A which forms a part of this Bylaw.

READ a first time this 10<sup>th</sup> day of October A.D., 2017.

READ a second time this 10<sup>th</sup> day of October A.D., 2017.

READ a third and final time and passed this 10<sup>th</sup> day of October A.D., 2017.

  
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Reeve, Ernie Newman

  
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CAO, Sandra Fox

**MUNICIPAL DISTRICT OF FAIRVIEW NO. 136**

**BYLAW NO. 939/COUNCIL/2017  
COUNCIL PERSONAL CODE OF CONDUCT**

**SCHEDULE A**

**Purpose:**

The residents of the Municipal District of Fairview No. 136 are entitled to have fair, ethical and accountable local government and to expect the highest standards of professional, dignified and courteous conduct from the members elected to Council, both in and out of the Council Chambers as well as members-at-large appointed by Council to represent the municipality.

Such a government requires that public officials comply with laws and policies affecting operations of the government; be independent, impartial and fair in their judgement and actions; use their public office for the public good and not for personal gain; and conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, Municipal District of Fairview No. 136 has adopted this Personal Code of Conduct to encourage public confidence in the integrity of local government and its fair and effective operation and governance. This Personal Code of Conduct shall be the guiding document of ethical and professional behavior of Councillors, Committee, Board and Agency members and Members-at-Large.

Council members shall be familiar with the roles and responsibilities of elected officials, conflict of interest provisions and definition of 'Councillor's family', Division 6, Sections 169 through 173, voting requirements, Section 183(1) and statutory rules of conduct in the Municipal Government Act (MGA) of Alberta, including Section 174 relating to absenteeism.

Council members shall sign this Personal Code of Conduct at each Organizational Meeting for the Municipal District of Fairview No. 136 as a symbol of each council members' continuing commitment to abide by the principles of this code. Members-at-Large shall sign this document upon appointment by Council.

**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 Municipal District of Fairview No.136 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:

- Give preferential treatment to any person or organization which might reasonably benefit from special consideration or may seek preferential treatment.
- Give preferential treatment to an organization in which a Member or Members of Council have a financial interest or where they have an organizational responsibility or a personal relationship that would present a pecuniary interest under the Municipal Government Act of Alberta.

**2. Comply with the Law**

Council members shall comply with the laws of the nation, the province and Municipal District of Fairview No. 136 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 of Alberta; Alberta Human Rights Act; Freedom of Information and Protection of Privacy Act (FOIP); Local Authorities Election Act; Criminal Code of Canada and Municipal District of Fairview No. 136 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 and 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 careful analysis of the facts;
- 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 of Process**

Council members duties shall be performed in accordance with the Procedural Bylaw # 937/COUNCIL/2017 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 all discussions before the body and focus on the business at hand.

Council members shall refrain from use of electronic devices during Council meetings for purposes other than meeting related duties.

Council members shall dress in a manner that is non-offensive, neat, clean and appropriate for the representation of Council.

### 6. **Conduct Outside of Council Chambers**

Councillors conduct while representing the municipality at outside functions shall be in a professional manner consistent with all provisions of this bylaw.

Councillors shall act in the best interest of the Municipal District of Fairview No. 136 in carrying out the functions and duties entrusted upon them as members of Council.

Council members shall not use their positions to secure special privileges, favors or exemptions for themselves or any other person or organization.

Councillor’s travel and education funds shall be used for the intended purpose. Without restricting the ability of Councillor’s to decide the best use of their time, it is expected that Councillors be in attendance at events where related registration fees and/or living expenses are covered by the municipality.

### 7. **Decisions Based on Merit**

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

Council members shall support the decision-making role of Council by adhering to and demonstrating respect for current policies, bylaws and motions of the municipality. This does not in any way limit an individual Councillor’s right to have and articulate a different opinion than the majority while debating matters.

Once Council makes a decision, as a Council member, it becomes your decision. If a Council member is asked about the issue and a Council member does not wish to defend it, that Council member shall simply explain why the Council made the decision it did.

## **8. Communications**

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. No information shall be shared privately by two or more Council members. All information and communication relating to a matter must be available and shared to all Councillors.

The Reeve, or designated appointee of the Reeve, shall be the official spokesperson to the media. No councillor shall represent the municipality to the media without consent from the Reeve and/or designate.

The Reeve shall not purport to speak for the Council or the municipality unless he or she has reason to believe that a consensus exists among a majority of Council.

Councillors using social media sites must ensure postings do not speak on behalf of Council. Councillors may present facts and information about Council that are in the public domain, i.e. motions of Council, comments made in public meetings, facts and recommendations in reports to Council. Opinions or positions must be clearly identified as those of the Councillor posting the comments and not those of Council.

## **9. Coordination with Municipal Staff**

Appropriate municipal 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 municipality 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.

Council members must demonstrate respect for the role of the Chief Administrative Officer as the principle employee of Council and its chief policy advisor. Members shall acknowledge and respect that staff carry out directions of Council as a whole and administer the policies of the municipality through the Chief Administrative Officer.

Council members will direct their enquiries and requests for assistance through the CAO.

## **10. 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 matter and refrain from participating in that discussion and decision.

## **11. 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.

**12. Confidential Information**

Council members shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the municipality or any board, commission, or committee as appointed as a representative of the Municipal District of Fairview No. 136. They shall neither disclose confidential information without legal authorization nor use such information to advance their or any other person or organizations personal, financial or private interests. Councillors shall maintain the confidentiality of information in perpetuity.

**13. Use of Public Resources**

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

**14. Representation of Private Interests**

In keeping with their role as stewards of the public trust, Council members shall not present on behalf of the private interests of a third party before the municipal Council or board, commission, committee or proceeding of the municipality other than in support of, or opposition to, the motion made.

**15. Advocacy**

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

**16. Improper Influence**

Council members shall refrain from using their position to improperly influence the deliberations or decisions of municipal staff, boards, commissions, committees or any community organization they are a part of as an individual public citizen.

**17. Policy Role of Members**

Each member of Council will respect the legislation which accords to Council as a whole, the authority to make decisions and guide the actions of administration. Council members shall respect and adhere to the Council-Administration structure of the Municipal District of Fairview No. 136 as provided in municipal Bylaws and Provincial legislation.

**18. Positive Work Environment**

Council shall support the maintenance of a positive and constructive environment for residents, businesses and municipal employees. Council members acknowledge that Council has established a Violence and Harassment Policy and shall abide by the spirit and intent of this policy. Any infractions of the Violence and Harassment Policy by a council member shall be dealt with in accordance with this Code of Conduct.

**19. Implementation**

Council Personal Code of Conduct shall be included in the regular orientations for municipal Council candidates. Council members entering office shall sign a statement affirming they read, understood and agree to adhere to the Municipal District of Fairview No. 136 Council Personal Code of Conduct.

**20. Compliance and Enforcement**

Council members themselves have 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 our municipal government.

Council members have a duty to help create a responsive, accessible, transparent and fair municipal government. Accordingly, Council members have a duty to question whether another Council member is violating legislation, ethics or respectful behavior relating to Municipal District of Fairview No. 136 government, as set forth in this Code of Conduct.

A member of Council who believes a member is in violation of this bylaw may report their concerns to the Reeve, or in the case of an allegations against the Reeve, the Deputy Reeve.

All discussions surrounding the alleged violations of this bylaw shall be conducted in a Council conversation in 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.

Council delegates the authority for administering the compliance and enforcement section of this bylaw to the Reeve, or in a case of allegation against the Reeve, the Deputy Reeve.

Should a member of Council breach any of the principles as outlined in this bylaw, 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 Reeve or Deputy Reeve.
- d) Educational training on ethical and respectful conduct provided by a third party.

Any action taken pursuant to this bylaw should include a time frame and what remedial action is required.

The municipal administrator shall be consulted in all matters concerning alleged violations of this bylaw between members of Council and municipal employees.

The Municipal District of Fairview No. 136 Council Personal Code of Conduct Bylaw shall be the definitive document relating to ethical and professional conduct by Municipal District of Fairview No. 136 Council members, committee members, board and agencies and public members-at-large.

I affirm that I have read, understand and agree to adhere to the Municipal District of Fairview No. 136 Council Personal Code of Conduct Bylaw No. 939/COUNCIL/2017.

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Councillor

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Date

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Councillor

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Councillor

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Date

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Councillor

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Date

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Member-at-Large

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Date

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Public Committee, Board or Agency  
Member

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Date