

**TOWN OF OYEN
BYLAW NUMBER # 853-16**

A BYLAW TO PROVIDE FOR CERTAIN BASIC RULES FOR ELECTED OFFICIALS WITHIN THE TOWN OF OYEN SO THAT THEY MAY CARRY OUT THEIR ENTRUSTED DUTIES WITH IMPARTIALITY AND DIGNITY, RECOGNIZING THAT THE FUNCTION OF COUNCIL MEMBERS IS, AT ALL TIMES, SERVICE TO THE COMMUNITY AND THE PUBLIC.

WHEREAS under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta, Chapter M-26 and amendments thereto, Council may pass bylaws respecting the conduct of Council, Council Committees and other bodies established by the Council, the conduct of Councillors and the conduct of members of Council Committees and other bodies established by the Council;

AND WHEREAS the proper operation of democratic local government requires that elected officials be independent, impartial and duly responsible to the people and it is imperative that:

1. government decisions and policy be made through proper channels of government structure;
2. public office not be used for personal gain; and
3. the public have confidence in the integrity of its government;

AND WHEREAS certain ethical principles should govern the conduct of Members of Council in the Town of Oyen in order that they shall maintain the highest standards in public office and faithfully discharge the duties of office;

NOW THEREFORE the Municipal Council of the Town of Oyen duly assembled enacts as follows

1. TITLE

1.1 This Bylaw may be referred to as the “Code of Conduct for Members of Council” bylaw.

2. INTERPRETATION

2.1 Council shall use this Bylaw as a guide to conduct themselves in a manner that reflects the spirit and intent of the position they hold.

2.2 This Bylaw is to be given a broad, liberal interpretation in accordance with applicable legislation.

2.3 This Bylaw shall be brought forward for review at the beginning of each term of Council, to meet legislative requirements, or as required.

2.4 References to provisions of statutes, rules or regulations shall be deemed to include all references to such provisions as amended, modified, or re-acted from time to time.

Initials: _____
Mayor

CAO

2.5 Nothing in this Bylaw relieves any person from compliance with any other bylaw or applicable federal or provincial law, regulation, or enactment.

2.6 Council shall be defined as the Mayor and all elected or acclaimed Members of Council.

3. SCHEDULE

3.1 Policy 11-001 Code of Conduct for Members of Council attached as Schedule "A" to this Bylaw represents the Code of Conduct that is applicable to Members of Council for the Town of Oyen.

4. SEVERABILITY

4.1 If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed and the remainder of the Bylaw shall be deemed valid.

5. MEMBER AND GENDER REFERENCE

5.1 As appropriate, references shall be read as a corporation or partnership and pronouns shall be deemed to not be gender specific.

6. EFFECTIVE DATE

6.1 This Bylaw comes into force and effect upon third and final reading.

Read a first time this 12th day of October, 2016.

Read a second time this 14th day of December, 2016.

Read a third time and passed this 14th day of December, 2016.

*Original Signed by
Doug Jones*

MAYOR

*Original Signed by
Charmain Snell*

CHIEF ADMINISTRATIVE OFFICER

Initials: _____
Mayor

CAO

CORPORATION OF THE TOWN OF OYEN

SCHEDULE "A"

TO

BYLAW 853-16

**POLICY 11-001 CODE OF CONDUCT FOR MEMBERS OF
COUNCIL**

Initials: _____
Mayor

CAO



Town of Oyen

Effective Date: December 14, 2016	Policy Number: 11-001
Title: CODE OF CONDUCT FOR MEMBERS OF COUNCIL	

1) Policy Statement

- a) The residents of the Town of Oyen are entitled to have fair, ethical and accountable local government and to expect the highest standards of conduct from the members that it elects to Council. Such a government requires that public officials comply with both the letter and the spirit of the 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.

Improving the quality of public administration and governance can be achieved by encouraging high standards of conduct on the part of all government officials. The Council of the Town of Oyen commits itself and its members to conduct that meets the highest ethical standards. In turn, adherence to these standards will protect and maintain the Town of Oyen's reputation and integrity.

2) Purpose

- a) Citizens have a right to expect from its local Municipal Government, actions that are conducted with integrity and in a professional manner. Therefore it is imperative that there not be, nor appear to be, any conflict between the private interests of elected officials and appointed board members and their duty to the public. This document will serve to notify both members of the public and those who hold municipal office, of the standards and expectations for their conduct. Council will govern in accordance with the requirements and obligations set out in the municipal legislation of Province of Alberta (*Municipal Government Act*).

3) Responsibilities

- a) Respect for Decision-making Process
- i) All Members shall accurately and adequately communicate the attitudes and decisions of the Council or Committee, even if they disagree with the decision, such that respect for the democratic decision-making process is fostered.

- b) Release of Confidential Information
- i) Members of Council shall hold in strict confidence all information concerning matters deemed confidential. A Member of Council 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. Confidential information includes:
 - Any aspect of in camera deliberations;
 - Information identified as confidential within the provisions of the *Freedom of Information and Protection of Privacy Act* (FOIP);
 - Information subject to solicitor-client privilege.
 - ii) Members of Council shall for a period of 12 months after leaving office, abide by the guidelines listed above, except those related to confidential information, which shall apply in perpetuity.
- c) Release of Information to Public and Media (including through Social Media)
- i) Members of Council acknowledge that official information related to the decisions and resolutions of Council will normally be communicated to the community and the media by the Chief Elected Official or by his or her designate.
- d) Acceptance of Gifts
- i) No Member of Council shall solicit or accept a reward, gift or benefit of any kind, personally or through a family member or friend, which is connected directly or indirectly with the performance or duties of office. Members of Council are not precluded from accepting:
 - Rewards, gifts or benefits not connected with the performance or duties of office;
 - Political contributions that are accepted in accordance with applicable law;
 - Reasonable quantities of food and beverages at banquets, receptions, ceremonies or similar events;
 - Services provided without compensation by persons volunteering their time;
 - Food, lodging, transportation, and entertainment provide by other levels of governments or by other local governments, boards or commissions;
 - A reimbursement of reasonable expenses incurred in the performance of duties or office;
 - Token gifts such as souvenirs, mementoes and commemorative gifts that are given in recognition of service or for attending an event;
 - Gifts that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of office.
 - ii) Members of Council shall not accept invitations from contractors, or potential contractors to the municipality to attend special events that may be viewed as creating an unreasonable level of access or indebtedness.

- Access may be defined as a prolonged period of contact with the Councillor(s) individually.
 - Indebtedness is based on the value of the event.
- e) Discrimination and Harassment
- i) Members of Council shall not discriminate against anyone on the basis of their race, ancestry, place of origin, colour, citizenship, creed, gender, sexual orientation, age, record of offenses, marital status, family status, disability, religious beliefs, or source of income (*Alberta Human Rights Act* as amended from time to time).
- f) Avoidance of Waste
- i) Members of Council shall avoid waste, abuse and extravagance in the provision or use of public resources, and shall expose fraud and corruption of which the Member is aware.
- g) Respectful Workplace
- i) Council is committed to creating and sustaining a vibrant, healthy, safe and caring work environment in all interactions with the internal and external stakeholders and Members of Council. Key requirements to support a respectful workplace include but are not limited to the following:
- Be polite, courteous and respectful of others at all times;
 - Treat others equitably and fairly
 - Recognize and value diversity
- h) Conflict of Interest
- i) Members of Council shall not engage in any activity, financial or otherwise, which is incompatible or inconsistent with the ethical discharge of official duties in the public interest. These activities include, but are not limited to:
- Use any influence of office for any purpose other than official duties;
 - Act as an agent before Council or any committee, board or commission of Council;
 - Use any information gained in the execution of office that is not available to the general public for any purpose other than for official duties;
 - Place themselves in a position of obligation to any person or organization which might reasonably benefit from special consideration or may seek preferential treatment;
 - Give preferential treatment to any person or organization in which a Member(s) of Council have a financial interest;
 - Influence any administrative or Council decision or decision-making process involving or affecting any person or organization in which a Member(s) of Council have a financial interest;
 - Make unreasonable or unintended use of corporate materials, equipment, facilities or employees for personal gain or for any private purpose.

- i) Respect for Separation of Roles of Council and Administration
 - i) Members of Council shall at all times conduct themselves in a manner that reflects the separation of roles and responsibilities between Council and Administration. In order to effectively demonstrate respect for the separation of roles, Members of Council shall:
 - Refrain from giving direction to any municipal employee or contracted resource, except where that direction is provided to the Chief Administrative Officer (CAO) and represents a position or decision of Council;
 - Convey all concerns or requests for action or information directly to the CAO and, where appropriate as agreed by the CAO, copy a department head, without committing the municipality to any specific course of action, expenditure, or use of municipal resources;
 - Not solicit, demand or accept the services of any municipal employee or contracted resource;
 - Avoid situations in which a friendship, social relationship or social interaction with a member of administration may be seen to create undue influence, access to information, conflict of interest, or to undermine the authority of the CAO;
 - Not express any opinion on the performance of any municipal employee with the exception of the CAO, nor advocate for the promotion, sanction, or termination of any municipal employee.
 - j) Training
 - i) Members of Council will commit to the completion of orientation training within ninety (90) days of being elected to office.

4) Procedures

- a) Every Member of Council shall be provide with a copy of this policy and will sign the statement of commitment (Appendix A) annually at the Organizational Meeting as an acknowledgement that he or she has read and supports the bylaw.
- b) Members of Council shall not assume that any unethical activities not covered by or specifically prohibited by these ethical guidelines of conduct, or by any legislation, are therefore condoned.
- c) Members of Council agree to uphold the intent of this policy and to govern their actions accordingly.

5) Policy Breaches

- a) Member of Council have a duty to 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 behaviour as set forth in this policy.
- b) Any Member of Council including the Mayor may submit a confidential written allegation of breach of the Code of Conduct for Council Members to the CAO.

- c) The CAO shall hold the allegation in confidence and shall place the personal matter on the next regular Council meeting or Special Meeting of Council agenda in Closed Session.
- d) When the matter is addressed at the next regular Council meeting in Closed Session, the party that is the subject of the allegation may ask to have the matter tabled to allow said party to obtain legal counsel. In such case, a second meeting of Council will be called no sooner than seven (7) days from the date of the above referenced Council meeting. The Party, so alleged, may then introduce evidence including witnesses and legal counsel to support his or her position.
- e) All discussions surrounding alleged and substantiated violations of this policy shall be conducted in a Council Conversation and/or 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 Act* (FOIP).
- f) Should Council determine that a Member has potentially breached this policy, Council shall report that such a determination has been made and pass a resolution as to the outcome and the consequences for such breach. The breach shall be ratified by resolution of Council.
- g) Should a Member of Council breach any of the principles outlined in this policy, the possible courses of action that are available to Council include but are not limited to:
 - i) Demand an apology by the Member of Council to the impacted individual(s)
 - ii) Removal of the Member from Committee assignments either permanently or for an interim period;
 - iii) Dismissal of the Member from a position of Deputy Mayor or Chairperson of a Committee
 - iv) Barring the Member from being circulated/informed of confidential materials/matters;
 - v) Barring the Member from any contact with Town employees outside of scheduled Council or Committee meetings or events;
 - vi) Educational training on ethical and respectful conduct provided by a third party at the expense of the Member of Council's individual budget.
- h) Any action taken by Council should include a time frame and what remedial action is expected.

6) End of Policy

ADOPTED
Resolution # C512(16/12/14)

Date: December 14, 2016

APPENDIX A

Annual Statement of Commitment to the Code of Conduct for Members of Council Policy

I, _____ declare that as an elected Member of the
(Full Name)
Town of Oyen Council acknowledge and support the Code of Conduct for Council
Members Policy for Members of the Council.

By Signing this Code of Conduct, I state that I have read and fully understand the contents of the Code of Conduct. My signature is my contractual agreement that I will follow and abide by the Code of Conduct in good faith.

Signed: _____

Declared this _____ day of _____, 20__ .

Witness Name

Witness Signature