



**TOWN OF CARDSTON
IN THE PROVINCE OF ALBERTA**

BYLAW 1668

CODE OF CONDUCT BYLAW

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TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA

BYLAW 1668

CODE OF CONDUCT BYLAW

A BYLAW OF THE TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA TO ESTABLISH
STANDARDS FOR COUNCILLOR CONDUCT

WHEREAS pursuant to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, Council must pass a Bylaw for municipal purposes regarding the conduct of Members of Council;

AND WHEREAS, the establishment of a Code of Conduct for Members of Council should be consistent with the principles of transparent and accountable governance;

AND WHEREAS, this Code of Conduct establishes standards for appropriate conduct for Town Council that build upon the legislative and regulative provisions governing the conduct of Councillors;

NOW THEREFORE THE COUNCIL OF THE TOWN OF CARDSTON, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

PART I - TITLE, PURPOSE, DEFINITIONS AND INTERPRETATION

TITLE

- 1)** This bylaw shall be known as the "Code of Conduct Bylaw" of the Town of Cardston.

PURPOSE

- 2)** The Purpose of this Bylaw is to establish standards for Councillor Conduct within the Municipality of the Town of Cardston.

DEFINITIONS

- 3)** In this bylaw, unless the context otherwise requires:
 - (a)** "Chief Administrative Officer" (CAO) means the Chief Administrative Officer for the Town of Cardston, within the meaning of the Municipal Government Act
 - (b)** "Council" means the Municipal Council of the Town of Cardston, consisting of seven (7) Members including the Mayor, each of whom has the title "Councillor"
 - (c)** "Councillor" means a member of Council duly elected and continuing to hold office

(d) “Municipal Government Act” (MGA) means the Municipal Government Act, R.S.A. 2000, c. M-26, any regulations thereunder, and any amendments or successor legislation thereto

RULES FOR INTERPRETATION

4) The table of contents, marginal notes and headings in this bylaw are for reference purposes only.

PART II – COUNCILLOR RESPONSIBILITIES

REPRESENTING THE MUNICIPALITY

5) The Town of Cardston requires that members of Council not engage in actions which are, or could be reasonably perceived as, damaging to the trust, confidence and faith of the public. Councillors shall always seek to advance the welfare and interests of the Town of Cardston, unless otherwise required by law, and shall truly, faithfully and impartially exercise the office to the best of their knowledge and ability.

COMMUNICATING ON BEHALF OF THE MUNICIPALITY

6) Councillors are not restricted in any public statement they choose to make, but each Councillor is expected to support the role of the Council and support current policies, bylaws and resolutions of the Town of Cardston.

(a) Councillors, whether representing the Town of Cardston via the Town’s social media outlets, or engaging in discussion on the Town’s social media outlets using their own personal social media accounts, are expected to conduct themselves appropriately and ethically. Appropriate social media conduct includes:

- i.** Councillors will respect social media users.
- ii.** Councillors will use every effort to keep their interactions factual and accurate.
- iii.** Councillors will strive for transparency and openness in interactions.
- iv.** Councillors will publicly correct any information they have shared that has later been found to be in error.
- v.** Councillors will protect privacy and permissions.
- vi.** Councillors will respect the comment/posting guidelines on social media sites.
- vii.** Councillors will show respect for the Decision-Making



Process.

- (b) Councillors shall accurately and adequately communicate the attitudes and decisions of Council or Council Committee(s) to which they have been appointed, even when Councillors disagree with a decision, such that respect for the decision-making processes is fostered.
- (c) Councillors shall share their concerns and communicate concerns amongst the presence of the entire Council or Committee body and, when publicly expressing personal opinions, do so in a manner that maintains respect for other members and any decisions made by Council or Committee

**ADHERENCE TO
POLICIES,
PROCEDURES
AND BYLAWS**

- 7) Councillors shall familiarize themselves, and act in accordance with, Town policies, procedures, protocols and bylaws.

**RESPECTFUL
INTERACTIONS
WITH
COUNCILLORS,
STAFF, PUBLIC
AND OTHERS**

- 8) Council has also adopted a harassment policy, Council Policy Harassment Policy H-2-1 (or most recent amended version). This policy as well as the following statement guides the interactions of council with the public, amongst themselves, and with municipal employees. Councillors shall treat every person, including other Councillors, municipal employees, and all other persons with dignity, understanding and respect. Councillors will not discriminate against, harass or disrespect others on the basis of differences in personal opinions, or, on the basis of race, ancestry, place of origin, colour, ethnicity, culture, citizenship, religion, creed, language, gender, sexual orientation, age, family status, disability or occupation.

(Amended by 1668A)

**RELEASE OF
CONFIDENTIAL
INFORMATION
PROHIBITED**

- 9)
 - (a) Councillors have a duty to hold in strict confidence all information concerning “In Camera” discussions. Councillors shall not, either directly or indirectly, release, make public, or in any way divulge, any such information or any aspect of the “In-Camera” deliberations to anyone, unless expressly authorized by Council or required by law to do so. Councillors shall not release information subject to solicitor-client privilege, unless expressly authorized by Council or required by law to do so.

- (b)** Councillors shall not release, disclose, publish, comment on, or misuse confidential information (information that they have knowledge of through their position as a Councillor) that is not in the public domain, including emails and correspondence from other members of Council or third parties such that it may cause detriment to the Town of Cardston, Council, Committee or others, or benefit or detriment to themselves or others. This obligation continues in perpetuity.
- (c)** Councillors shall use care to ensure confidentiality of the following:
 - i.** Information relating to the security of the property of the organization.
 - ii.** Personal matters about an identifiable individual, including municipal employees.
 - iii.** A proposed or pending acquisition or disposition of land by the municipality.
 - iv.** Labour relations or employee negotiations including collective bargaining.
 - v.** Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality.
 - vi.** Sources of complaints where the identity of the complainant is given in confidence.
 - vii.** Information about suppliers provided for evaluation which is of a proprietary nature or might be useful to other suppliers.
 - viii.** Any information in relation to a tender that has or will be issued but that has not been awarded.

CONFLICT OF INTEREST

10)

- (a)** Receipt of gifts can result in a perceived conflict of interest. Except for token and minor gifts, having an estimated value less than One Hundred (\$100) Dollars, Council Members shall provide a written declaration to Council detailing the acceptance of any gifts including the estimated value and donor of the gift.
- (b)** While token and minor gifts can be accepted by Councillors, substantial or material gifts should either be rejected, or accepted on the condition that the gift is accepted on behalf of Councillor and donated to a non-profit organization that is not associated with the any



Council Member.

- (c)** Councillors are in a conflict of interest situation if they attempt to use their position, any confidential information, or Town employees, materials or facilities, for personal or private gain or advancement, or use their position to attempt to advance the interests of said Councillor's family, friends or business associates.
- (d)** Conflict of interest also means a pecuniary interest within the meaning of the MGA. Councillors have a duty to vote on matters before Council or Committee unless the Councillor is required or permitted to abstain pursuant to the MGA or other enactment.
- (e)** Councillors shall not engage in any activity, pecuniary or otherwise, which is incompatible or inconsistent with the ethical discharge of official duties in the public interest.
- (f)** The decision with respect to whether a Councillor may have a conflict of interest is the individual Councillor's decision to make.
- (g)** Councillors who have a conflict of interest in a matter before Council or Committee shall disclose the general nature of their interest and follow the procedure set out in section 172 of the MGA regarding pecuniary interest.

IMPROPER USE OF INFLUENCE

- 11)** Without limiting the generality of the foregoing, Councillors shall not:
- (a)** Use any influence of office for any purpose other than official duties.
 - (b)** Solicit, demand or accept the services of any municipal employee, or individual providing services on a contract for service, for re-election or re-appointment purposes, or to gain employment with the Town for themselves, family members or close associates.
 - (c)** Use any information gained in the execution of office that is not available to the public for any purpose other than official duties.
 - (d)** Place themselves in a position of obligation to any

person or organization which might reasonably benefit from special consideration or may seek preferential treatment.

- (e) Give preferential treatment to any person or organization in which a Councillor has a pecuniary interest.
- (f) Influence any Administrative, Council or Committee decision or decision-making process involving or affecting any person or organization in which a Councillor has a pecuniary interest.
- (g) Use municipal materials, equipment, facilities or employees for personal gain or for any private purpose.

COUNCIL TRAINING AND ORIENTATION

12)

- (a) Councillors are required to be offered orientation training within 90 days of taking the oath of office. Town of Cardston orientation training will cover all topics required by Section 201 of the Municipal Government Act, including this Code of Conduct.
- (b) This Bylaw will be reviewed and updated by Council, if required or desired, every year at Council Organizational Meeting. In the years when new Council Orientation is offered, this Bylaw will be reviewed and updated, if required or desired, during new Council Orientation. Each Councillor will sign Appendix A Councillor Affirmation every term following the review and updating process.

PART III – COMPLAINT PROCESS AND PROCEDURE FOR BREACHES

- 13)** A complaint alleging a breach of the Code of Conduct may be made by a Councillor, member of administration or a member of the public. Any retaliation against a complainant will not be tolerated and will be treated as a serious breach.
- 14)** Complaints by members of administration or members of the public must be directed to the CAO and received in writing. The CAO will determine if there are reasonable grounds to believe the suspected breach has occurred. If the CAO finds

reasonable grounds, the complaint will be forwarded to Council to decide, by majority vote, if there are reasonable grounds to believe that the suspected breach has occurred. Council will weigh the seriousness of the alleged incident and determine whether the Code of Conduct has jurisdiction over the alleged incident. The method of sanction will be determined by Council pursuant to section 15(d).

- 15)** If any Councillor becomes aware of misconduct by another Councillor, it is the responsibility of that Councillor to report the misconduct or the allegation. Members of Council shall report violations of the Code of Conduct Bylaw using one or more of the following options:
- (a)** A Councillor who perceives or is aware of a violation of the Code of Conduct may speak directly with the person.
 - (b)** A Councillor may discuss concerns of a violation of the Code of Conduct with the Mayor or Deputy Mayor.
 - (c)** Where a situation warrants, Councillors may report the concern to the whole of Council in an in-camera session at a meeting of Council.
 - (d)** Following a complaint review, the consequences for a Councillor who has breached this Bylaw will vary depending on severity and frequency of the offending conduct and may include the following:
 - i.** A written warning from the Mayor, Deputy Mayor and/or Council.
 - ii.** A verbal, written or public apology.
 - iii.** Require additional training on ethical and/or respectful conduct.
 - iv.** Reporting the misconduct to Alberta Municipal Affairs.
 - v.** Reporting the misconduct to the appropriate authority if potentially criminal or against Human Rights.
 - vi.** Other consequences as deemed appropriate and necessary, but not including the disqualification of a Councillor.

PART IV – COUNCIL COMMITTEE MEMBER

RESPONSIBILITIES

- 16)** Council requires that members of Council Committees adhere to Appendix “B” of this Bylaw, Committee Member Code of Conduct.

PART V – SEVERABILITY

- 17)** It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

- EFFECTIVE DATE** **18)** This Bylaw shall come in force upon the date of its third and final reading.

- REPEAL** **19)** Council Policy C-7, Code of Conduct for Municipal Councillors, is rescinded.

Received First Reading this 10th day of April, 2017

Received Second Reading this 24th day of April, 2018

Received Third & Final Reading this 24th day of April, 2018

Signed by the Mayor and the Chief Administrative Officer this 2nd day of May, 2018

TOWN OF CARDSTON

MAYOR – *Maggie Kronen*

CHIEF ADMINISTRATIVE OFFICER – *Jeff Shaw*

APPENDIX "A"

COUNCILLOR AFFIRMATION

By signing this Code of Conduct, I affirm that I have read and fully understand the contents of the Code of Conduct, and that I will follow and abide by the Code of Conduct in good faith.

Name of Councillor: _____

Signature of Councillor: _____ Date: _____



APPENDIX “B”

COMMITTEE MEMBER CODE OF CONDUCT

Council requires that Members of Town Committees seek to advance the welfare and interests of the Town of Cardston, and that Committee Members shall truly, faithfully and impartially exercise the following duties and responsibilities to the best of their knowledge and ability:

1) Respect the Decision-Making Process

- (a) Committee members shall accurately and adequately communicate the attitudes and decisions of the Committee to which they have been appointed, even when they disagree with a decision, such that respect for the decision-making processes is fostered.
- (b) Committee members shall share their concerns and communicate concerns amongst the presence of the entire Committee and, when publicly expressing personal opinions, do so in a manner that maintains respect for other members and any decisions made by the Committee

2) Respectful Interactions with Councillors, Committee Members, Staff, Public and Others

Committee Members shall treat everyone, including Town Councillors, Committee members and municipal employees with dignity, understanding and respect. Committee Members will not discriminate against, harass or disrespect others on the basis of differences in personal opinions, or, on the basis of race, ancestry, place of origin, colour, ethnicity, culture, citizenship, religion, creed, language, gender, sexual orientation, age, family status, disability or occupation while fulfilling their duties as Committee members.

3) Release of Confidential Information Prohibited

Members shall use care to ensure confidentiality of the following:

- (a) Information relating to the security of the property of the organization.
- (b) Personal matters about an identifiable individual, including municipal employees.
- (c) A proposed or pending acquisition or disposition of land by the municipality.
- (d) Sources of complaints where the identity of the complainant is given in confidence.
- (e) Any information in relation to a tender that has or will be issued but that has not been awarded.

4) Conflict of Interest

- (a) Committee members are in a conflict of interest situation if they attempt to use:
 - their position;
 - any confidential information;

APPENDIX "B"

- town staff;
- materials; or
- facilities

for:

- personal gain;
- private gain;
- advancement; or

to advance the interests of the said member's family, friends or business associates.

(b) Committee members who have a conflict of interest in a matter before the Committee shall disclose the general nature of their interest. Members shall recuse themselves in that matter if requested by the Committee.

By signing this Code of Conduct, I state that I have read and fully understand the contents of the Code of Conduct, and that I will follow and abide by the Code of Conduct in good faith.

Name of Committee: _____

Name of Committee Member: _____

Signature of Committee Member: _____ Date: _____

