

## BYLAW NO. 18/009

### A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO TO ESTABLISH A COUNCIL CODE OF CONDUCT

**WHEREAS** section 146.1(1) of the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended, (the Act”) requires that a council must, by bylaw, establish a code of conduct governing the conduct of councillors and having regard to sections 3 and 153 of the Act;

**WHEREAS** the *Code of Conduct for Elected Officials Regulation* AR 200/2017 provides that a Code of Conduct must contain certain provisions;

**AND WHEREAS**, pursuant to section 146.1(3) of the Act, a council may, by bylaw, establish a code of conduct governing the conduct of members of council committees and other bodies established by the council who are not councillors;

**NOW THEREFORE** the Council of the Regional Municipality of Wood Buffalo, duly assembled, hereby enacts as follows:

#### 1. Short Title

1.1. This Bylaw may be cited as the “**Council Code of Conduct Bylaw**”.

#### 2. Definitions

2.1. In this Bylaw, words have the same meanings as set out in the Act, excepting that:

- a. “Act” means the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended, or any successor legislation;
- b. “Administration” means the administrative and operational arm of the Municipality, comprised of the various departments and business units and including all employees who operate under the leadership and supervision of the Chief Administrative Officer;
- c. “CAO” or “Chief Administrative Officer” means the individual appointed by Council to the position of Chief Administrative Officer of the Regional Municipality of Wood Buffalo and includes anyone appointed in an interim or acting capacity;
- d. “FOIP” means the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c. F-25, any associated regulations, and any amendments or successor legislation;

- e. “Investigator” means the individual or body established by the CAO to investigate and report on complaints;
- f. “Member” means a member of Council and includes a councillor or the Mayor and includes members of council committees or other boards established by Council who are not councillors or the Mayor;
- g. “Mayor” means the chief elected official of the Municipality;
- h. “Municipality” means the Regional Municipality of Wood Buffalo.

### **3. Purpose**

3.1. The purpose of the Council Code of Conduct Bylaw is to:

- a. provide consistent standards to guide the conduct of Members in carrying out their respective roles and responsibilities, as set out in the Act, and other legislation;
- b. establish a complaint process for the reporting of improper or inappropriate conduct by a Member; and
- c. establish sanctions to address the improper or inappropriate conduct of a Member.

### **4. Representing the Municipality**

4.1. Members shall:

- a. act honestly and, in good faith, serve the welfare and interests of the Municipality as a whole;
- b. perform their functions and duties in a conscientious and diligent manner with integrity, accountability and transparency;
- c. conduct themselves in a professional manner with dignity and make every effort to participate diligently in the meetings of Council, committees of Council and other bodies to which they are appointed by Council; and
- d. arrange their private affairs and conduct themselves in a manner that promotes public confidence and will bear close public scrutiny.

## **5. Communicating on behalf of the Municipality**

- 5.1. A Member must not claim to speak on behalf of Council unless authorized to do so.
- 5.2. Communicating on behalf of Council includes, but is not limited to:
  - a. media inquiries and interviews;
  - b. social media platforms, such as Facebook, Twitter, Instagram, and other similar platforms;
  - c. e-mail; and
  - d. written correspondence.
- 5.3. Unless Council directs otherwise, the Mayor is Council's official spokesperson and, in the absence of the Mayor, that responsibility falls to the Deputy Mayor, followed by the Acting Mayor. All inquiries from the media regarding the official Council position on an issue shall be referred to Council's official spokesperson.
- 5.4. Despite section 5.3. of this Bylaw, in the absence of the Mayor, the responsibility for events in rural communities within the Municipality, will fall to the designated Ward Member. If the Ward Member is unavailable, the responsibility will then fall to the Deputy Mayor, followed by the Acting Mayor.
- 5.5. Any Member who receives an individual request to represent Council at an event shall direct the request to the Office of the Mayor. The Mayor may then:
  - a. attend the event as Council's official representative;
  - b. request that the Deputy Mayor, Acting Mayor or Member represent Council at the event; or
  - c. authorize the Member who received the request to act as Council's official representative.
- 5.6. A 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 the Council's position.
- 5.7. No Member shall make a statement which they know to be false.

- 5.8. No Member shall make a statement with the intent to mislead Council or members of the public.
- 5.9. Individual Members have the right to express their personal opinions; however, in doing so, must ensure that it is not perceived as representing Council's opinion or position on a matter.

## **6. Respecting the Decision-Making Process**

- 6.1. Decision making authority lies with Council, and not with any individual Member. Council may only act by bylaw or resolution at a Council meeting held in public at which there is a quorum present. Individual Members do not have any decision-making authority and must not give direction to any employee in Administration, including the CAO, agents, contractors, consultants, prospective vendors or other service providers, unless authorized to do so by Council.
- 6.2. Once passed, a bylaw or resolution becomes a decision of the whole of Council, and Members must respect any such decision by refraining from publicly criticizing the decision or, in any way, misrepresenting the decision of Council.
- 6.3. Members shall conduct and convey Council business and all their duties in an open and transparent manner other than for those matters which by law are authorized to be dealt with in a confidential manner in an in-camera session, and in doing so, allow the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.
- 6.4. Members shall accurately communicate the decisions of Council, even if they disagree with Council's decision, such that respect for the decision-making processes of Council is fostered.

## **7. Adherence to Policies, Procedures and Bylaws**

- 7.1. Members shall uphold the law established by the Parliament of Canada and the Legislature of Alberta and the bylaws, policies and procedures adopted by Council.
- 7.2. Members shall respect the Municipality as an institution, its bylaws, policies and procedures and shall encourage public respect for the Municipality, its bylaws, policies and procedures.

7.3. A Member must not encourage disobedience of any bylaw, policy or procedure of the Municipality in responding to a member of the public, as this undermines public confidence in the Municipality.

**8. Respectful Interactions with Council Members, Administration, the Public and Others**

8.1. Members shall act in a manner that demonstrates fairness, respect for individual differences and opinion, and an intention to work together for the common good and in further of the public interest.

8.2. Members shall treat one another, the employees of the Municipality and members of the public with courtesy, dignity and respect and without abuse, bullying or intimidation.

8.3. Members shall respect the fact that employees in Administration work for the Municipality, as a corporate body, and are charged with making recommendations that reflect their professional expertise and a corporate perspective and that employees are required to do so without undue influence from any Member or group of members.

8.4. Members shall not use indecent, abusive, or insulting language in any interaction with fellow Members, Administration or any member of the public.

8.5. No member shall speak in a manner that is discriminatory or in any way harass any individual based on the person's race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.

8.6. Members shall demonstrate respect for one another by actively listening when another Member or a member of the public is speaking, and avoiding private, personal or sidebar conversations or commentary, and the use of social media and instant messaging applications.

8.7. Members must not:

- a. involve themselves in matters of Administration, which fall within the jurisdiction of the CAO;
- b. use or attempt to use, their authority or influence for intimidating, threatening, coercing, commanding or influencing any employee of the Municipality with the intent of interfering in the employee's duties; or

- c. maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of employees of the Municipality.
- 8.8. Members shall respect the role and responsibilities of the CAO and the authority granted to the position by the CAO Bylaw by not involving themselves in administrative matters.
- 8.9. In dealing with municipal staff, Members will not use their authority or influence in a manner that may be perceived by the employee as threatening, coercing or influencing the actions of said employee, or in a manner which interferes with the employees' responsibilities.

## **9. Confidential Information**

- 9.1. Confidential information includes information in the possession of, or received in confidence by, the Municipality that the Municipality is prohibited from disclosing pursuant to legislation, court order or by contract, or is required to refuse to disclose under FOIP, or any other legislation, or any other information that pertains to the business of the Municipality, and is generally considered to be of a confidential nature, including but not limited to:
- a. any matter that falls under the Exceptions to Disclosure identified in Division 2, Part 1 of FOIP;
  - b. potential acquisition or disposition of land;
  - c. pending contracts, including tenders, requests for proposals and other documents relating to potential procurement of supplies and services;
  - d. draft documents and legal instruments, including reports, policies, bylaws and resolutions, that have not been the subject matter of deliberation in a meeting open to the public;
  - e. employment and labour relations, including collective bargaining;
  - f. legal matters;
  - g. law enforcement matters;
  - h. litigation or potential litigation including matters before an administrative tribunal; and

- i. any matter that is subject to solicitor-client privilege.
- 9.2. Members have an obligation to hold, in confidence, any information received, or matters discussed, while meeting in-camera, until the matter is raised at public Council or Council Committee meeting.
- 9.3. From time to time, Members will receive or become privy to confidential information received during their duties, and such information must not be disclosed or released to any Administration, media or the public, unless said disclosure is expressly permitted by FOIP.
- 9.4. Members will not access or attempt to gain access to confidential or sensitive information unless it is required in fulfilling the role and responsibilities of the office of Councillor.
- 9.5. No Member shall use confidential information for personal benefit or for the benefit of any other individual organization.
- 9.6. In the course of their duties, Members may also become privy to confidential information received outside of an “in camera” meeting. Members must not:
- a. disclose or release, by any means, to any member of the public, including the media, any confidential information acquired by virtue of their office, unless disclosure is required by law or authorized by Council to do so;
  - b. access or attempt to gain access to confidential information in the custody or control of the Municipality unless it is necessary for the performance of the Member’s duties and is not otherwise prohibited by Council, and only then if the information is acquired through appropriate channels in accordance with applicable Council bylaws and policies;
  - c. use confidential information for personal benefit or for the benefit of any other individual or organization.

## **10. Conflicts of Interest**

- 10.1. Members are obligated to ensure their compliance with the provisions of the Act dealing with pecuniary interest. Members also have a duty to vote, unless required or permitted to abstain under the Act or another enactment.

- 10.2. Each Member shall have the option of seeking independent legal advice, at the Municipality's expense, with respect to any situation which may result in a pecuniary or other conflict of interest.
- 10.3. A Member who is abstaining from voting and discussion on a matter at a public Council meeting due to pecuniary interest must state for the record the nature of the pecuniary interest prior to exiting the Council Chamber.
- 10.4. Members must be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends or associates, business or otherwise.
- 10.5. Members must not use the influence of their office for any purpose other than for the exercise of their official duties.
- 10.6. Members shall approach decision-making with an open mind that is capable of persuasion.

## **11. Improper Use of Influence**

- 11.1. Members must refrain from any action which may be perceived as an attempt to influence, promote or provide and/or obtain preferential treatment, including, but not limited to:
  - a. providing letters of reference for:
    - i. individuals seeking employment with the Municipality,
    - ii. any individual or corporate entity bidding on a contract or providing a service to the Municipality, and
    - iii. individuals seeking a position on a Council-appointed Board or Committee;
  - b. using municipal resources, property, equipment, supplies, services and staff for any election-related or personal activities;
  - c. representing themselves as a Member for the Municipality, including using the title of Councillor and the municipal logo and corporate branding, in any dealings of a personal nature;
  - d. personalizing any promotional material to which the municipal logo and corporate branding are applied, including those which are purchased for the exclusive use of a single Member;



- e. contacting or communicating with any member of the Subdivision and Development Appeal Board, Assessment Review Boards, or any other administrative tribunal that may be established and appointed by Council regarding a matter before it.
- 11.2. No Member shall act as a paid agent to advocate on behalf of any individual, organization or corporate entity before Council or a committee of council or any other body established by Council.
- 11.3. Members shall not contact or otherwise attempt to influence members of any adjudicative body regarding any matter before it relating to the Municipality.
- 11.4. Members are ineligible to apply or be considered for any position with the Municipality while they hold their elected position and for one year after leaving office.

## **12. Use of Municipal Assets and Services**

- 12.1. Members shall use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Member, subject to the following limited exceptions:
- a. municipal property, equipment, service, supplies and staff resources that are available to the general public may be used by a Member for personal use upon the same terms and conditions as members of the general public, including booking and payment of any applicable fees or charges;
  - b. electronic communication devices, including but not limited to desktop computers, laptops, tablets and smartphones, which are supplied by the Municipality to a Member, may be used by the Member for personal use, provided that the use is not for personal gain, offensive or inappropriate;
  - c. there is no additional expense to the Municipality;
  - d. no additional software or applications are to be downloaded, unless authorized; and
  - e. the use of the municipal property, equipment, services, supplies and staff resources does not compromise the security or integrity of municipal information, equipment or software and applications.

- 12.2. Section 12.1 does not apply to any municipal property, equipment, services, supplies and staff resources that are made available to the public, subject to the payment of any applicable fees or charges.
- 12.3. Communications technology equipment shall not be loaned to or used by anyone other than the Member to whom it was issued.
- 12.4. As all information stored on municipally-issued communications technology is the property of the Municipality and subject to potential disclosure under the FOIP, Members shall return, without delay, any requested equipment to allow a records search and retrieval to occur.

### **13. Orientation and other Training Attendance**

- 13.1. Every Member must attend the orientation training offered by the Municipality within 90 days after the Member takes the oath of office.
- 13.2. Council shall endeavor to set an annual schedule fixing the dates for any required training or team-building sessions, retreats or other activities or events that fall outside of the regularly scheduled activity of Council.
- 13.3. Members will make all reasonable efforts to attend any scheduled training, team-building, retreats or other activity scheduled for the whole of Council.
- 13.4. An annual report shall be posted to the municipal website depicting a Member's attendance at all Council and Council Committee meetings, and any scheduled training, team-building, retreats or other activity scheduled for the whole of Council , within 3 months of the end of the previous calendar year.
- 13.5. In-person participation for orientation and training is required. Telephone or video-conferencing will not be available.
- 13.6. In an election year, the Chief Administrative Officer shall ensure that an appropriate orientation is set out for a new Council, which must include, but is not limited to:
  - a. an overview of the Municipality's organizational structure, including a synopsis of each department, its responsibilities and an update on all current issues, initiatives and activities;
  - b. an introduction to municipal governance;

- c. an opportunity to tour key municipal facilities and infrastructure throughout the Municipality;
- d. an overview of all municipal bylaws, policies and procedures which apply to Members in conducting their day-to-day responsibilities.

#### **14. Remuneration and Expenses**

- 14.1. Members are stewards of public resources and shall avoid waste, abuse and extravagance in the use of public resources.
- 14.2. Members shall be transparent and accountable with respect to all expenditures and strictly comply with all municipal bylaws, policies and procedures regarding claims for remuneration and expenses.
- 14.3. Expenses associated with participation in various functions and events is considered a necessary aspect of the role of an elected official, and may include, but is not limited to:
  - a) sporting events
  - b) college and school events;
  - c) business openings,
  - d) golf tournaments,
  - e) multicultural functions; and
  - f) Charitable causes and fundraisers

#### **15. Gifts and Hospitality**

- 15.1. Members shall not accept gifts, hospitality or other benefits that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved.
- 15.2. Members may accept hospitality or other benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation, provided that the value of the hospitality, gift or benefit does not exceed \$500.00.
- 15.3. Gifts received by a Member on behalf of the Municipality as a matter of official protocol which have significance or historical value for the Municipality shall be left with the Municipality when the Member ceases to hold office.

- 15.4. It is the responsibility of each individual Member to maintain a record of all gifts received, pursuant to section 15.2, identifying the gift or benefit received, the reason it was provided, the date received and the approximate value.
- 15.5. Invitations to events or functions that directly or indirectly relate to a Members' responsibilities is considered an official function or duty of the position and does not need to be recorded or reported. Such events or functions made include food and beverages, awards or tokens of appreciation which do not need to be recorded as identified in section 15.4.

## **16. Election Campaigns**

- 16.1. No Member shall use any facilities, equipment, supplies, services, municipal logo or other resources of the Municipality for any election campaign or campaign-related activity.

## **17. Complaints**

- 17.1. A Complaint alleging a breach of the Council Code of Conduct may be made by a Member, a municipal employee or any member of the public.
- 17.2. Complaints must be made in writing and include the name and contact information of the person making the Complaint. Anonymous Complaints will not be considered.
- 17.3. All Complaints made pursuant to this Bylaw shall be directed to the Chief Administrative Officer to be addressed in accordance with the process outlined in the Whistleblower Directive, or any successor Bylaw, Policy or Directive that Council may authorize.
- 17.4. Sanctions imposed pursuant to section 19 of this bylaw require a resolution of Council.

## **18. Compliance and Enforcement**

- 18.1. Members shall uphold the letter and the spirit and intent of this Bylaw.
- 18.2. Members are expected to cooperate in securing compliance with the application and enforcement of this Bylaw.

18.3. No 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.

**19. Sanctions**

19.1. Subject to an investigation conducted pursuant to section 17 of this Bylaw, Council may, by resolution, impose sanctions upon a Member, including, but not limited to:

- a. a letter of reprimand addressed to the Member;
- b. demand for a public apology;
- c. public reprimand through a motion of censure;
- d. removal from membership of a Council Committee;
- e. removal as chair of a Council Committee;
- f. suspension of remuneration paid to the Member in respect of the Members' services;
- g. required return of municipal property and equipment, or reimbursement of its value;
- h. restrictions on access to municipal facilities, property, equipment, services and supplies;
- i. restrictions on interactions with municipal staff;
- j. restrictions on travel and representation on behalf of Council;
- k. restrictions on how documents are provided to the Member; or
- l. other such sanctions as Council considers appropriate.

**20. Effective Date**

20.1 This Bylaw shall become effective when passed.

READ a first time this 26<sup>th</sup> day of June, A.D. 2018.

READ a second time this 10<sup>th</sup> day of July, A.D. 2018.

READ a third and final time this 10<sup>th</sup> day of July, A.D. 2018.

SIGNED and PASSED this 10<sup>th</sup> day of July, A.D. 2018.