

**TOWN OF PEACE RIVER
BYLAW NO. 2030**

BEING A BYLAW OF THE TOWN OF PEACE RIVER IN THE PROVINCE OF
ALBERTA TO GOVERN THE CONDUCT OF COUNCIL

WHEREAS, the citizens of the Town of Peace River expect high standards of conduct from their municipal government officials; and

WHEREAS, the quality of the Town of Peace River's public administration and governance, as well as its reputation and integrity, depend on the highest standards of conduct from its elected representatives;

NOW THEREFORE, the Council of the Town of Peace River, in the Province of Alberta, duly assembled, enacts as follows:

1. SHORT TITLE

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

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

- (1) "Administration" means the employees of the Town of Peace River;
- (2) "CAO" means the Chief Administrative Officer for the municipality or their designate;
- (3) "Chief Elected Official" means the person elected as Mayor under the *Municipal Government Act*;
- (4) "Committee" means a Council Committee, board, commission or other body established by Council under the *Municipal Government Act*;
- (5) "Confidential Information" includes but is not limited to:
 - (a) Information in the possession of the Town that the Town is either prohibited from disclosing, is required to refuse to disclose, or exercises its discretion to refuse to disclose under the *FOIP Act* or other legislation; or
 - (b) Matters that have been discussed during an in camera meeting pursuant to the *MGA*, but not yet made public.

- (6) "Council Member" means a Member duly elected as a Council Member under the *Local Authorities Election Act* to represent the Town of Peace River who continues to hold office;
- (7) "*Freedom of Information and Protection of Privacy Act*" or "FOIP" means the *Freedom of Information and Protection of Privacy Act*, RSA 2000, Chapter F-25, as amended or legislation substituted therefore.
- (8) "Harassment" is defined as conduct that a reasonable person would consider unwelcome, which results in the recipient feeling intimidated, irritated, belittled or humiliated, negatively affects work performance, creates a hostile work environment, or serves no legitimate work purpose. Harassment is usually persistent and repetitive, but even a single comment or act can amount to harassment if the unwelcome behaviour is severe. Examples of harassment include but are not limited to: insinuations or allegations about someone that is likely to insult them or damage their reputation, threats, intimidation or verbal abuse, racial nicknames, displaying derogatory images or signs, jokes, insinuations, taunts, mimicking, or comments. The following do not constitute harassment so long as they are carried out in good faith and a professional manner: direct supervision, including discussions about performance expectations; assignment of work and direction on how it is to be accomplished; requests for updates or status reports; one on one discussions between Council and their employee; and approval or denial of time off;
- (9) "In camera" means a portion of the Meeting which is closed to the public in accordance with the *Municipal Government Act* and the *Freedom of Information and Protection of Privacy Act*;
- (10) "Mayor" is the Council Member elected to the office of Mayor under the *Local Authorities Elections Act*, pursuant to the *Municipal Government Act* to Act as the Chief Elected Official. In the absence of the Mayor, it refers to the Deputy Mayor or the Council Member appointed pursuant to the terms of the Procedural Bylaw;
- (11) "*Municipal Government Act*" ("MGA") means the *Municipal Government Act*, RSA 2000, Chapter M-26.1 of the Statutes of Alberta as amended, or legislation substituted therefore;
- (12) "Relative" means mother, father, son, daughter, mother in law, father in law, son in law, daughter in law, brother, sister, niece, nephew, brother in law, sister in law, grandparents, grandchild, spouse of a Council Member or any person living with an Council Member as a member of their family or any common in law

persons and shall include any others who are reasonably perceived by Council, staff or the rate payer to be family and includes cousins, uncles, and aunts;

- (13) "Senior Administration" refers to the Chief Administrative Officer, Directors and other persons as identified by Policy;
- (14) "Spouse" means the husband or wife of a married person or interdependent partner but does not include a spouse who is living separate and apart from the person if the person and spouse have separated pursuant to a written Separation Agreement or if their support obligations and family property have been dealt with by a court order; and
- (15) "Town" means the municipal corporation of the Town of Peace River having jurisdiction under the *Municipal Government Act* and other applicable legislation.

3. PRINCIPLES

- (1) Ethics and integrity are at the core of public confidence in municipal government. The purpose of this Bylaw is to provide standards for the Town of Peace River Council ('Council' or 'Council members') relating to their roles and obligations, and a procedure for the investigation and enforcement of those standards.
- (2) The Council Code of Conduct Bylaw ('the Bylaw' or 'this Bylaw') will apply to Council Members, Council as a whole, and Council Committees.
- (3) At the first Organizational Meeting following an election, all members of Council shall state for the record that they will comply with and be bound by the terms of the Council Code of Conduct Bylaw. Such statements shall be made singly by each member of Council and recorded on an individual basis in the Minutes of the Organizational Meeting.
- (4) At no time is it the intent of this Bylaw to create undue strictness of adherence so as to limit participation.
- (5) Council Members shall at all times conduct themselves and commit to ethical, businesslike, and lawful conduct, including the appropriate use of authority vested in them and appropriate decorum when acting as a Council Member.

- (6) The Council Code of Conduct Bylaw is established to:
 - (a) Set out clear expectations on the behaviour of Council Members;
 - (b) To provide information to the public as to the behaviour they can expect from their Council;
 - (c) To provide guidance to Council in the conduct of their duties as elected officials; and
 - (d) To provide a mechanism for responding to alleged breaches of this Bylaw.

4. STATUTORY PROVISIONS

- (1) This Bylaw operates along with and as a supplement to the existing statutes governing the conduct of Council Members. The following Provincial legislation governs the conduct of Members of Council:
 - (a) The *Municipal Government Act* and amendments thereto;
 - (b) The *Alberta Freedom of Information and Protection of Privacy Act* and amendments thereto;
 - (c) The *Local Authorities Election Act* and amendments thereto; and
 - (d) Other Provincial or Federal Legislation as it applies.
- (2) Part 5 Division 6 of the *Municipal Government Act* governs the disqualifications of Council Members of a municipality.
- (3) Sections 22-23 of the *Local Authorities Election Act* governs the ineligibility to be nominated.
- (4) Council Members shall abide by all Bylaws of the Town of Peace River in both the letter and spirit of said Bylaws.
- (5) Council Members shall conform to Part 5 Division 3 of the *Municipal Government Act* which governs the duties of Council Members and the Chief Elected Official of a municipality.
- (6) The key statements of principle that underline the Code of Conduct are that all Members of Council:

- (a) Shall serve and be seen to serve their rate payers in a conscientious and diligent manner;
 - (b) Shall be committed to performing their functions with integrity and recognizing the influence they wield as a Council Member and avoiding the abuse of that influence;
 - (c) Are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny;
 - (d) Shall seek to be stewards of the public interest by upholding both the letter and the spirit of the laws of the Federal Parliament and Alberta Legislature, and the Bylaws and Policies adopted by Town Council;
 - (e) Shall not discriminate against anyone on the basis of their race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, ancestry, age, place of origin, marital status, source of income, family status, or sexual orientation;
 - (f) Shall comply in all respects to the 'Respectful Workplace Policy', the 'Workplace Violence Prevention Policy' and any other Policies, Procedures or Directives related to the maintenance of a courteous and civil workplace which the Town may choose to adopt; and
 - (g) Will treat fellow Council Members, Town staff, residents, visitors and all other parties with whom they interact in the process of carrying out their duties with respect, professionalism and in keeping with the standards described within the 'Respectful Workplace Policy.'
- (7) Council Members who breach this Bylaw shall be subject to sanctions as specified herein.

5. ACCOUNTABILITY AND PRINCIPLES

- (1) Council Members shall:
 - (a) Govern their conduct in accordance with the requirements and obligations set out in the *MGA*;
 - (b) Conduct themselves in an ethical, businesslike and lawful manner, including proper use of authority and appropriate decorum when acting as Council Members;

- (c) Council Members shall not take action beyond the powers granted by the *MGA* without having the necessary authority from Council to do so;
- (d) Represent the best interests of the Town;
- (e) Participate when appointed as a member of Committees or boards and to inform Council as a whole of the activities of those Committee or boards;
- (f) Notify the Mayor or Chief Administrative Officer if they will be absent from a Council Meeting.
- (g) Avoid conflict of interest, by refraining from self-dealing or any conduct of private business or personal services between any Council Members and the Town, except as provided by the *Municipal Government Act*;
- (h) Disclose pecuniary interests as outlined in the *Municipal Government Act*;
- (i) Disclose their affiliations or interest with an organization that may affect their decision making on matters before Council regarding that organization;
- (j) Debate in a manner that is respectful, considerate and healthy and limited to the topic that is directly related to the Motion on the table;
- (k) Shall take all points of view into account when making decisions;
- (l) Shall in no way be restricted in the respectful expression of their opinion or position on a matter which may come before Council but shall, when expressing their personal opinion or position, explicitly state that those opinions do not represent the Council or the Town;
- (m) Will, when interacting with the public and the media, with respect to matters which have come before Council, support in a positive and holistic manner the decisions of Council which have been expressed by way of Motions;
- (n) Acknowledge that official information related to decisions and resolutions made by Council will normally be communicated to the public and the media by the Mayor as the Chief Elected Officer or by the CAO;

- (o) Have the option to respectfully disagree with other Members of Council;
- (p) Preserve the integrity and impartiality of Council;
- (q) Direct comments or opinions regarding Town staff to the CAO;
- (r) Refrain in all respects from public comments regarding Town staff and the CAO and their performance; and
- (s) Think independently and refrain from forming allegiances or factions within Council.

6. CONFIDENTIAL INFORMATION

- (1) In addition to the statutory duties set out in the *MGA* and *FOIP Act*, Council Members shall:
 - (a) Refrain from disclosing or releasing by any means to any member of the public or the media, any confidential information acquired by virtue of their office in either oral, written or electronic form, except when required by law or authorized by Council to do so;
 - (b) Refrain from use of confidential information for personal or private gain, or for the gain of relatives or any person or corporation; and
 - (c) Refrain from accessing or attempting to gain access to confidential information in the custody of the Town unless it is necessary for the performance of their duties and not prohibited by Council Bylaw, other Policy, or prevailing legislation.
- (2) Particular care should be exercised in ensuring 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) Labour relations or employee negotiations;

- (e) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality;
- (f) Advice that is subject to solicitor-client privilege, including communication necessary for that purpose;
- (g) Sources of complaints where the identity of the complainant is given in confidence;
- (h) Information about suppliers provided for evaluation which is of a proprietary nature or might be useful to other suppliers;
- (i) Any information in relation to a tender that has or will be issued but that has not been awarded; and
- (j) Schedules of prices in contract tenders.

7. GIFTS AND BENEFITS

- (1) No Member of Council shall accept a fee, gift, or personal benefit that is connected directly or indirectly with the performance of his or her duties of office, unless permitted by the exceptions listed below. For these purposes, a fee or gift or benefit that is paid to or provided with the Council Member's knowledge to the Council Member's spouse, partner, child or parent that is connected directly or indirectly to the performance of the Council Member's duties is deemed to be a gift to that Council Member.
- (2) The following are recognized as exceptions:
 - (a) Such gifts or 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 gift or benefit does not exceed \$350.00;
 - (b) A suitable memento from a function honouring a Council Member;
 - (c) Food, lodging, transportation, event tickets or entertainment provided by Provincial, regional and local governments, by the Federal government, foreign government or by the conference, seminar or event organizer where the member is either speaking or attending in an official capacity; and

- (d) Food and beverages consumed at banquets, receptions, business lunches or similar events, if attendance serves an enabled Council purpose, the person extending the invitation, or a representative of the organization is in attendance, and the value is reasonable and the invitations infrequent.

8. EMPLOYMENT OF A CHIEF ADMINISTRATIVE OFFICER

- (1) As the Chief Administrative Officer is Council's sole employee and the means by which Council's governance decisions are implemented, Council should exercise considerable thought and discretion when hiring for the position.
- (2) Council shall not establish nor engage in any hiring practice which constrains a future Council with respect to the employment of the Chief Administrative Officer.
- (3) In hiring a Chief Administrative Officer, Council:
 - (a) Should consider the use of a third-party recruitment agency;
 - (b) Should make use of provincial and national municipal organizations' recruitment tools in order to attract the most suitable candidate possible;
 - (c) Should use current industry standards with respect to contract terms, remuneration and severance provisions when drafting the contract;
 - (d) Shall not sign a contract extending more than one year (twelve months) past the current Council term without providing good cause as to how such a contract provides benefit to the Town;
 - (e) Shall provide a written copy of any proposed contract to all Members of Council prior to that contract being signed; and
 - (f) Shall bring the proposed contract to Council for discussion and ratification prior to signing and shall ensure that each member of Council is provided a written copy of the contract at the commencement of the discussion.
- (4) Section 8(3)(f) notwithstanding, Council may choose to conduct contract discussions in camera.

- (5) Ratification of the contract for the Chief Administrative Officer shall be by Motion by means of a vote conducted in public.
- (6) The Motion for ratification shall include the contract term, remuneration and severance provisions and shall form part of the public record of that meeting.

9. ACTIONS DURING MUNICIPAL ELECTION PERIODS

- (1) No Member of Council shall use the facilities, equipment, supplies, services or other resources of the Town (including Town newsletters, the Town's website and websites linked through the Town's website) for any election campaign or campaign-related activities.
- (2) For greater clarity and to ensure that Members of Council do not receive any undue benefit by virtue of being an incumbent, during the period between Nomination Day and the date of the election, Council Members shall:
 - (a) Refrain from using Town postage or other resources for mass mailings of any kind;
 - (b) Refrain from referring to themselves in campaign advertisements as "Councillor" or "Mayor";
 - (c) Refrain from organizing activities such as formal openings of facilities or public spaces or similar events; and
 - (d) Strictly adhere to all the rules that govern candidates in local elections as defined in the *Local Authorities Election Act* or any other legislation as it relates.

10. USE OF MUNICIPAL ASSETS AND SERVICES

- (1) Members of Council shall have the same degree of access to Municipal assets and services as any other ratepayer. Aside from such public right of access, a Member shall not use Municipal assets and services for matters not related to the business of Council.
- (2) Where Town facilities are made available for lease, loan, or rent, a Councillor may make application for the use of the facility on the following basis:
 - (a) The application shall be complete in all respects and shall be accorded the same priority of access as any other application;

- (b) There shall be no waiver or reduction in fees;
 - (c) Terms and conditions of use shall be the same as for any other user including the payment of any applicable damage deposit and penalties;
 - (d) The use of the facility shall comply with all relevant Policies, Procedures, Bylaws or other requirements for inspection, insurance or similar requirement; and
 - (e) To ensure that Council Members are not perceived as receiving undue benefit from their position as Councillor, Members are prohibited from using Town facilities for any purpose related to election activities, campaigning, or fundraising for any board or organization for which the Council Member receives any form of gift, honorarium, stipend, or other form of remuneration.
- (3) In cases where a Council Member serves on the board or governing body of any community group, team or other organization, the Council Member:
- (a) May make application for use of Town facilities and assets, subject to the terms specified in Section 25 of this Bylaw; and
 - (b) Shall disclose any such interest to Council and Administration prior to submission of the application and shall comply with Sections 5(1)(g) and 5(1)(h) of this Bylaw in respect to the application.
- (4) Where Town facilities are not normally open to the public, Council Members:
- (a) Shall not attend such facilities or worksites except as previously approved through resolution of Council or by the Chief Administrative Officer;
 - (b) Shall not have any keys, codes, cards or other forms of facility access that are normally restricted to Town employees; and
 - (c) Notwithstanding Section 10(4)(b), Council Members may, at the discretion of Council, have such codes or means of access to enable them to enter Town Hall for Council or Committee Meetings.

11. ORIENTATION AND OTHER TRAINING

- (1) Whereas Section 201.1 of the *Municipal Government Act* requires a Municipality to offer orientation training to each Member of Council; and
- (2) Whereas Section 3 of the *Act* specifies that the purpose of a Municipality is to provide good government; therefore
- (3) All Members of Council shall be required to attend an orientation training. Such training is to be held within 90 days after the Member has taken the Oath of Office.
- (4) The orientation shall, at a minimum, encompass the requirements of Section 201.1 of the *Act*. Council may, by resolution, direct Administration to offer additional orientation or training as Council deems necessary.
- (5) Any Councillor not complying with this Section shall be subject to sanction.

12. COMPLIANCE

- (1) All Council Members shall cooperate to the extent required by law in any investigation made pursuant to this Bylaw.
- (2) Council may, by way of a Council Motion, impose a penalty for a breach of this Bylaw.
- (3) A Motion under Section 12(2) is passed by a majority vote of the Council members. The member who is the subject of the complaint is, unless excused by reason of pecuniary interest, required to vote.
- (4) The vote on a Motion under Section 12(2) is to be held in public.

13. STATUTORY OFFENSES WITH PENALTIES

- (1) Complaints under this Section of the Code of Conduct Bylaw relate to alleged breaches of statutory provisions.
- (2) A complaint under this Section must be in writing and must be made either:
 - (a) By a Member of Council; or

- (b) By the CAO except where the matter relates to Part 5, Division 6 of the *Municipal Government Act* (Pecuniary Interest of Councillors).
- (3) The CAO shall forward all complaints, including the name of the complainant, to all Council Members in confidence, including the Council Member(s) about whom the complaint is made.
- (4) The Council Member who is the subject of a complaint is to provide a written response to the complaint, such response to be provided in confidence to all of Council.
- (5) Upon receipt of a complaint under this Section of the Bylaw, Council shall meet in camera, excluding the Member(s) of Council concerned, review the complaint and written response of the Council Member(s), and decide whether to proceed to investigate the complaint or not. Council may choose to hear oral responses from the person who is the subject of the complaint. Council, in its sole discretion, may decide to take no action on the complaint. The Council Member(s) concerned shall be notified of the Council decision.
- (6) If Council decides to investigate the complaint, it shall take such steps as it may consider appropriate, which may include hiring an independent investigator, seeking legal advice, etc. All proceedings of Council regarding the investigation shall be in camera.
- (7) If Council believes, following the investigation, that the Council Member(s) concerned may have breached the statutory regulations, it shall advise the Council Member(s) of this, and give them an opportunity to make oral or written submissions to Council.
- (8) If Council concludes that the Council Member(s) concerned has breached the statutory regulations, it may, in its sole discretion, decide to advise the Council Member(s) concerned of its conclusion and approve moving forward with the appropriate proceedings pursuant to the *Municipal Government Act*.
- (9) *The Municipal Government Act* provides that a member who is disqualified must resign immediately. If the Council Member(s) does not resign as required, the Council or an elector may apply to a judge of the court for:
- (a) An order determining whether the person was never qualified to be or has ceased to be qualified to remain a Member of Council; or

- (b) An order declaring the person to be disqualified from Council.
- (10) Should the Council Member(s) concerned not resign immediately, Council may, in its sole discretion, take the appropriate proceedings pursuant to the *Municipal Government Act* against the Council Member(s) who is subject of complaint.

14. BREACH OF CONFIDENTIALITY

- (1) Where a Council Member(s) or member(s) of the Town's Senior Administration has a reason to believe that a breach of confidentiality has occurred, the facts as they are known, shall be reported in writing to the CAO in confidence, including the name of the complainant. The CAO shall forward all complaint reports including the name of the complainant, to all Council Members including the Council Member(s) about whom the complaint is made.
- (2) The Council Member who is subject of complaint is to provide a written response to complaint, such response to be provided in confidence to all of Council.
- (3) If Council decides to investigate the complaint, it shall appoint an independent investigator to conduct the investigation. It is not appropriate for complaints to be investigated by the CAO or Administration. All proceedings of Council regarding the investigation shall be in camera.
- (4) Upon receipt of the report of the independent investigator, Council shall meet to consider the matter in camera. If one or more Council Member(s) are named in the investigative report as being potentially responsible for the breach of confidentiality, those Council Member(s) shall be excluded from the meeting.
- (5) If Council concludes that the Council Member(s) named are responsible for a breach of confidentiality, it may, in its sole discretion, decide that sanctions be imposed. The Council Member(s) concerned shall be advised of Council's conclusion and decisions.

15. ALL OTHER BREACHES OF THIS BYLAW

- (1) A complaint under this Section must be in writing and may be made either by:
 - (a) Council Members; or

- (b) The CAO; or
 - (c) Municipal employees; or
 - (d) The public.
- (2) The CAO shall forward all complaints to Council in confidence and shall include the Council Member(s) about whom the complaint is made.
 - (3) The Council Member who is the subject of a complaint is to provide a written response to the complaint, such response to be provided in confidence to all of Council.
 - (4) Upon receipt of a complaint under this Section, Council shall meet in camera excluding the Council Member(s) concerned and decide whether to proceed to investigate the complaint or not. Council may choose to hear oral responses from the person who is the subject of the complaint. Council, at its sole discretion, may decide to take no action on the complaint. The Council Member(s) concerned shall be notified of Council's decision.
 - (5) If Council decides to investigate the complaint, it shall appoint an independent investigator to conduct the investigation. It is not appropriate for complaints to be investigated by the CAO Administration. All proceedings of Council regarding the investigation shall be in camera.
 - (6) If, after receipt of the report of the independent investigator, Council believes that the Council Member(s) concerned may have breached a provision of this Bylaw, it shall advise the Member(s) of this and give them an opportunity to make oral or written submission to Council.
 - (7) If Council concludes that the Council Member(s) concerned has breached a provision of this Bylaw, it may, in its sole discretion, decide the sanctions to be imposed. The Council Member(s) concerned shall be advised by Council of their conclusion and decision.

16. SANCTIONS

- (1) If Council determines that a complaint reviewed under this Bylaw is valid then Council, by resolution, may impose one or more of the following sanctions against the offending Councillor:
 - (a) Request for a written apology from the offender;

- (b) A requirement to attend training. The cost of such training will be borne by the Town, but the offender shall receive no remuneration for attending said training.
 - (c) Written reprimand to be provided by the Mayor or Deputy Mayor if the Mayor is the offender;
 - (d) Publication of a letter of reprimand or request for apology and the Member's response;
 - (e) Reduction or suspension of remuneration as defined in Section 275.1 of the *Act* corresponding to a reduction in duties, excluding allowances for attendance at Council meetings.
 - (f) Termination or suspension to a defined date of the Council Member's appointment to one or more Committees or boards to which Council has the right to appoint members;
 - (g) 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 *Act*;
 - (h) Suspension or removal of the Chief Elected Official's presiding duties under Section 154 of the *Act*;
 - (i) Request for an inquiry under Part 14 of the *Municipal Government Act*; and
 - (j) Initiation of legal action under Part 5 Division 8 of the *Municipal Government Act*.
- (2) Any costs or inconveniences, legal or otherwise, arising from a breach or sanction imposed are solely at the cost of the offending Council Member.
 - (3) Sanctions imposed by Council under this Code of Conduct shall be by means of a Council Motion.
 - (4) A Motion under Section 61 is passed by a majority vote of the Council members. The member who is the subject of the complaint is, unless excused by reason of pecuniary interest, required to vote.
 - (5) The vote on a Motion under Section 61 is to be held in public.

17. COMPLAINT PROCESS

- (1) Council Members, CAO, Municipal employees or the public that have:
 - (a) Identified or witnessed any activity by a Council Member which is prohibited under this Code of Conduct Bylaw or is a contravention of Legislation or Procedural Bylaw; or
 - (b) Witnessed or been subject to discriminatory treatment by a Council Member contrary to this Bylaw, prevailing legislation, Town Bylaw; or
 - (c) Witnessed or been subject to harassment by a Council Member contrary this Code of Conduct, Town Bylaw, or prevailing legislation;
 - (d) May address the prohibited conduct or activity as set out in Schedules "A" and "B" of this Bylaw.
- (2) Complaints or disclosures shall be made in accordance with statutes of limitation as established by applicable legislation. In the event of a conflict between established Town Bylaw and legislation, the latter shall prevail. In the case of a complaint:
 - (a) Of discrimination or harassment as defined by the *Alberta Human Rights Act (AHRA)*, the statute of limitations shall be one year from the incident per the *AHRA*;
 - (b) Of sexual harassment or sexual misconduct, there shall be no statute of limitations per the terms of the *Limitations Act*;
 - (c) Of any form of misconduct contrary to other legislation, the statute relating to that legislation shall apply; and
 - (d) In the case of a complaint not otherwise specified under this Bylaw, a one-year statute of limitations shall apply.
- (3) Any complaint or disclosure of alleged prohibited conduct or activity that is reported by a Town employee and is identified by the CAO to be knowingly false or malicious will be reprimanded through the Town's Policies and Procedures in place. Penalties for false or vexatious allegations can be up to and including termination of employment and a formal apology from the complainant to the alleged offending Council Member as the CAO deems appropriate.

- (4) Any complaint or disclosure of alleged prohibited conduct or activity that is reported by a Council Member and is identified by the Mayor or the CAO to be knowingly false or malicious will be reprimanded by Council by means of sanctions listed in this Code of Conduct as Council deems appropriate and a formal apology to the complainant from the offending Council Member as Council deems appropriate.

18. RESPONSIBILITIES OF COUNCIL

- (1) If any Council Member becomes aware of breach of this Code of Conduct by, or an allegation of breach of this Code of Conduct against, any other Council Member, it is the Council Member's responsibility to report the breach of this Code of Conduct or the allegation to the Mayor or CAO.
- (2) It is the responsibility of the Mayor and CAO to ensure implementation of this Bylaw by all Members of Council and Council Committees.
- (3) Members of Council shall not assume that any unethical activity or activity that is not in the best interest of the Town, not covered by or specifically prohibited by this Code of Conduct, or any legislation, is therefore condoned.

19. DISPUTE RESOLUTION

- (1) Council Members will work to resolve conflict between one another, using one or more of the options as outlined in Schedule "C".

20. PROCEDURAL BYLAW

- (1) Council Members shall adhere to the Procedural Bylaw and failure to do so may be addressed under this Code of Conduct Bylaw as Council deems necessary.

21. BYLAW AUTHORITY

- (1) Council will have the authority to amend the Code of Conduct Bylaw from time to time to it keep current, enforceable and compliant with statues and legislation in the Province of Alberta. This Bylaw is subject to review every four (4) years starting from the date the Bylaw is passed.

22. SEVERABILITY

- (1) If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed. All other sections of this Bylaw will remain in full force and effect.

23. SCHEDULES

- (1) This Bylaw contains Schedules "A", "B", and "C" which form part of this Bylaw.

24. EFFECTIVE DATE

- (1) This Bylaw shall come into force and have effect on the date of third and final reading.

READ a first time this 25 day of June, 2018.

READ a second time this 25 day of June, 2018.

READ a third and final time this 25 day of June, 2018.

SIGNED by the Mayor and Chief Administrative Officer this 11 day of July, 2018.



Thomas Tarpey
Mayor



Christopher J. Parker
Chief Administrative Officer

SCHEDULE "A"
COMPLAINT PROCESS FOR ADMINISTRATION AND PUBLIC

- (1) Municipal staff and the public are encouraged to utilize the Town's internal procedures to resolve complaints but may at any time contact the Human Rights Commission or the RCMP depending on the nature of the complaint.
- (2) Complaints made by municipal employees of discrimination or harassment by a Council Member:
 - (a) Shall be made in writing, dated and signed by the person making it; and
 - (b) Shall contain all of the facts available at the time it is made, including how the complainant became aware of the alleged discrimination or harassment, the nature of the alleged discrimination or harassment, names of witnesses, and the date, time and location of the alleged breach of this Code of Conduct; and
 - (c) The written allegation of breach of this Code of Conduct must be delivered or directed to the CAO in a confidential manner. The person making the complaint may, at their preference, make the complaint to Human Resources in lieu of the CAO. The Human Resources Coordinator must then, in a confidential manner, deliver or direct the information to the CAO within one business day; and
 - (d) Where a Municipal employee makes a complaint of harassment or discriminatory treatment by a Council Member, the Council Member may participate in the resolution and or mediation processes under the Respectful Workplace Policy, the Workplace Violence Prevention Policy, *Occupational Health and Safety Act* and Code, and *Alberta Human Rights Act*; or
 - (e) If the Council Member does not participate in these processes or if the complaint is not resolved through these processes, the complainant may lodge a complaint to the Alberta Human Rights Commission.
 - (f) In the event that the CAO is made aware of an incident, but the incident has not been formally reported, the CAO has the same obligation to investigate as if the incident were a written complaint.

- (3) Other allegations of breach of this Bylaw may follow these procedures:
 - (a) Shall be made in writing, dated and signed by the person making it; and
 - (b) Shall contain all the facts available at the time it is made, including how the complainant became aware of the alleged breach of this Code of Conduct Bylaw, the nature of the alleged breach, names of witnesses, and the date, time and location of the alleged breach of this Bylaw; and
 - (c) The written allegation of breach of this Code of Conduct must be delivered or directed to the CAO in a confidential manner.
- (4) A complainant may contact the RCMP with respect to an investigation under s.122 of the Criminal Code of Canada, where the allegation is that a Council Member, in a matter connected to the duties of office allegedly commits fraud or a breach of trust; or
- (5) A complainant may contact the RCMP with respect to an investigation under s.123 of the Criminal Code of Canada, where the allegation is that a Council Member, in a matter connected to the duties of office, demands, accepts, offers or agrees to accept from any person, a loan, reward, advantage or benefit of any kind; or
- (6) A complainant may advise the Council Member verbally or in writing that the alleged activity contravenes this Bylaw and encourage the Council Member to stop the alleged prohibited activity. A complainant should keep written record of the incidents including dates, times, locations, other persons present, and any other relevant information.
- (7) Notwithstanding these procedures, any Municipal employee or member of the public may make an allegation of breach of this Code of Conduct against a Council Member(s) directly to the Human Rights Commission, the RCMP, Municipal Affairs, or the Court of Queen's Bench.

SCHEDULE "B"
**COMPLAINT PROCESS FOR COUNCIL MEMBERS AND THE CHIEF
ADMINISTRATIVE OFFICER**

- (1) Council and the CAO are encouraged to utilize the Town's internal procedures to resolve complaints but may at any time contact the Human Rights Commission, RCMP, or Municipal Affairs depending on the nature of the complaint or allegation.
- (2) In the interest of fairness to all concerned parties, the following procedures are to be followed in reporting of allegations of breach of this Code of Conduct:
 - (a) An allegation must be made in writing, dated and signed by the person making it; and
 - (b) An allegation must contain all of the facts available at the time it is made, including how the Council Member or CAO became aware of the alleged breach of this Code of Conduct, the nature of the alleged breach of this Code of Conduct, names of witnesses, and the date, time and location of the alleged breach of this Code of Conduct; and
 - (c) The written allegation of breach of this Code of Conduct must be delivered, or directed to the Mayor or the CAO of the Town in a confidential manner; and
 - (d) If the allegation of breach of this Code of Conduct is against the Mayor of the Town, it is to be delivered or directed to the Deputy Mayor or CAO of the Town.
- (3) Within thirty (30) days, the Mayor, or Deputy Mayor as the case may be, shall deal with the allegation at a Council meeting as an in camera item.
- (4) A complainant may contact the RCMP with respect to an investigation under s.122 of the Criminal Code of Canada, where the allegation is that a Council Member, in a matter connected to the duties of office allegedly commits fraud or a breach of trust.
- (5) A complainant may contact the RCMP with respect to an investigation under s.123 of the Criminal Code of Canada, where the allegation is that a Council Member, in a matter connected to the duties of office, demands, accepts, offers or agrees to accept from any person, a loan, reward, advantage or benefit of any kind.

SCHEDULE "C"
DISPUTE RESOLUTION PROCESS

- (1) Council Members will establish and model a respectful workplace where they will not speak disrespectfully about the organization, staff or other Members of Council.
- (2) Council Members will work to resolve conflict between one another using one or more of the following options:
 - (a) Council Members may first attempt to speak directly with the Council Member with whom they perceive to have a conflict or issue; or
 - (b) Council Members may seek assistance from the Mayor or Deputy Mayor or CAO as appropriate. The Mayor or Deputy Mayor or CAO may hold a meeting with those parties directly involved in the conflict or issue to seek resolution; or
 - (c) As a last option, Council Members may document and submit the issue for discussion with Council. Council shall consider the facts surrounding the conflict or issue, discuss the findings and make recommendations in an in camera meeting of Council. If required, a formal Motion on the recommendation or decision can be made on the conflict or issue after coming out of camera.