

**BYLAW 837-GE-12-21
TOWN OF COALDALE
PROVINCE OF ALBERTA**

**BEING A BYLAW OF THE TOWN OF COALDALE
TO PROVIDE A CODE OF CONDUCT FOR TOWN OF COALDALE
COUNCILLORS AND MEMBERS OF COUNCIL COMMITTEES**

WHEREAS the Municipal Government Act, RSA 2000, c M-26 as amended, provides that the Council of a municipality may pass bylaws respecting the conduct of Councillors and the conduct of members of Council committees and other bodies established by Council;

AND WHEREAS the prudent and responsible operation of elected bodies require that elected officials be independent, impartial and ethical decision makers;

AND WHEREAS it is imperative that:

1. Government decisions and policy be made through the 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;

NOW THEREFORE under the authority, and subject to the provisions of the Municipal Government Act, the Council of the Town of Coaldale duly assembled hereby enact as follows:

1. **TITLE**

- 1.1 This Bylaw may be cited as the "*Code of Conduct Bylaw*".

2. **DEFINITIONS**

2.1. In this Bylaw, unless the context otherwise requires:

- a. "Code of Conduct" means this Town of Coaldale Council and Committee Code of Conduct bylaw;
- b. "Committee" means a committee of the Town of Coaldale Council;
- c. "Council" means the elected officials forming the municipal council of the Town;
- d. "Councillor" means a duly elected Member of Council, and includes the Mayor;
- e. "Family" means a Councillor's spouse or adult independent partner, the Councillor's children or the children of the Councillor's spouse or adult independent partner, the Councillor's dependents or the dependents of the Councillor's spouse or adult independent partner,

and the Councillor's parents or the parents of the Councillor's spouse or adult independent partner;

- f. "Member" means a Member of Council duly elected and continuing to hold office, or a Member of a Committee duly appointed by Council;
- g. "MGA" means the Municipal Government Act (Alberta) and all amendments thereto; and
- h. "Town" means the Town of Coaldale.

3. POLICY STATEMENT

- 3.1. The residents of the Town of Coaldale are entitled to a fair, ethical and accountable municipal government and to expect the highest standards of conduct from the individuals they elect to Council. Such a government requires that public officials carry out their duties in accord with the letter and spirit of the laws and policies of the Town. Town Councillors are directors of the municipal corporation they are elected to serve. As such, they owe numerous duties to their municipality and community, including:
 - a. the duty to inform themselves regarding the laws, policies and facts applicable to their deliberations and decisions;
 - b. the duty to be independent, fair and impartial in their judgments and actions;
 - c. the duty to use their office for the benefit of the public and not for personal gain; and
 - d. the duty to conduct public deliberations and procedures with respect and civility.

4. PURPOSE

- 4.1. The purpose and intent of this Code of Conduct is to establish and promote standards of ethical conduct for Councillors and Members of Council Committees so that they may better serve the public they represent.

5. APPLICABILITY

- 5.1. This Code of Conduct applies to all Members of Council as well as Council Committees.

6. RESPONSIBILITIES

- 6.1. Council shall:
 - a. Agree to sign the Statement of Commitment to this Code of Conduct (Appendix A) and review this Code of Conduct on an annual basis.
- 6.2. Members of Council Committees shall:

- a. Agree to sign the Statement of Commitment to this Code of Conduct (Appendix A). Citizen Members shall review and sign the Statement of Commitment on or before attendance at the first Committee meeting.
- 6.3. The Chief Administrative Officer (CAO) shall:
- a. Ensure implementation of this policy with all Members of Council and Council Committees.
- 7. Adherence to Policies, Procedures, and Bylaws**
- 7.1. Members of Council shall:
- a. Uphold the law established by the Parliament of Canada and the Legislature of Alberta and the bylaws, policies and procedures adopted by Council.
 - b. Have respect for the Municipality as an institution, its bylaws, policies and procedures and shall encourage public respect for the Municipality, its bylaws, policies and procedures.
- 7.2. Members of Council 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 and in the rule of law.

**PART I
STATUTORY PROVISIONS**

8. STATUTORY PROVISIONS REGULATING CONDUCT

- 8.1. This Code of Conduct bylaw is a supplement to the existing statutes, laws and policies governing the conduct of Members, including but not limited to:
- a. Municipal Government Act (MGA)
 - b. The Alberta Human Rights Act
 - c. Freedom of Information and Protection of Privacy Act (FOIP)
 - d. Local Authorities Election Act
 - e. Criminal Code of Canada
- 8.2. Provincial and federal legislation and other statutory obligations supersede Council policies. It is the responsibility of Members of Council and Committees to be aware of, and understand, statutory obligations imposed upon Council and Committees as a whole, as well as on Members individually.

9. LEGISLATED RESPONSIBILITIES

9.1. General Duties of Members — MGA Division 3 (Sec. 153)

Members of Council shall:

- a. Consider the welfare and interests of the municipality and bring to Council's attention anything that would promote the welfare or interests of the municipality;
- b. Participate in developing and evaluating the policies and programs of the municipality;
- c. Participate in Council and Council Committee meetings, special meetings and meetings of other bodies to which they are appointed by the Council; and
- d. Obtain information about the operation or administration of the municipality from the CAO or a person designated by the CAO.

9.2. Confidential and Private Information — MGA Division 3 (Sec. 153) and FOIP

Members of Council shall:

- a. Comply with FOIP and respect and maintain confidential information received in their capacity as Members of Council; and
- b. Retain in confidence all matters discussed in private at Council and Committee meetings until discussed at meetings held publicly.

9.3. Pecuniary Interest — MGA Division 6 (Sec. 170)

A Councillor has a pecuniary interest in a matter where:

- a. The matter could monetarily impact the Councillor or an employer of the Councillor; or
- b. The Councillor knows or ought to have known the matter could monetarily impact the Councillor's Family.

9.4. Statement of disclosure — MGA division 6 (SEC. 171)

- a. On an annual basis, members of Council shall file with the CAO in confidence and in the form as attached hereto as Appendix B a statement of the name or names of:
 - i. The Councillor's Family;
 - ii. Each corporation, other than a distributing corporation, in which the Councillor or the Councillor's Family member is a shareholder, director or officer;
 - iii. Each distributing corporation in which the Councillor or the Councillor's Family member beneficially owns voting shares carrying at least 10% of the voting rights attached to the voting shares of the corporation or of which the Councillor is a director or officer; and
 - iv. Each partnership or firm of which the Councillor or the Councillor's Family member is a member.
- b. The CAO will compile a list of all the names reported on the statements of disclosure filed with the CAO and give a copy of the list only to those employees of the Town as designated by bylaw duly enacted by the Council.

9.5. Declaring a pecuniary interest — MGA Division 6 (Sec. 172)

- a. A pecuniary constitutes a conflict of interest. The determination as to whether or not a Councillor has a pecuniary interest is made by the particular Councillor involved. Where a Councillor has determined that a pecuniary interest exists, that Councillor shall:
 - i. Disclose the general nature of the interest before discussion of the matter by Council;
 - ii. Leave the meeting in which the matter is being discussed prior to debate and abstain from voting on the matter; and
 - iii. Return to the meeting after the vote is taken and declared.

9.6. Approving Contracts — MGA Division 6 (Sec. 173)

- a. Council must approve, in advance, all agreements between a Councillor who has a pecuniary interest in said contract and the

Town of Coaldale for the provision of a good or service valued at \$2500.00 or more, other than any agreements pertaining to goods or services provided during an emergency. All agreements between a Councillor who has a pecuniary interest in said contract and the Town of Coaldale for the provision of a good or service that are valued at less than \$2500.00 must be at competitive prices for fair market value.

PART II

CODE OF CONDUCT FOR MEMBERS OF COUNCIL AND COUNCIL COMMITTEES

10. COUNCIL POLICIES

- 10.1. The Town of Coaldale requires that its Members of Council and Council Committees not engage in actions which are, or could be reasonably perceived as, damaging to the trust, confidence and faith of the public. Members shall at all times seek to advance the welfare and interests of the Town of Coaldale as a whole, unless the contrary is required by law, and shall truly, faithfully and impartially exercise the office to the best of their knowledge and ability.
- 10.2. The purpose and intent of this Code of Conduct is to establish standards for ethical conduct for Members of Council and Committees.

11. CONDUCT

- 11.1. 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 decision-making processes is fostered.
- 11.2. All Members shall share their concerns and communicate concerns amongst the presence of the entire Council or Committee body and when publicly expressing personal opinions, doing so in a manner that maintains respect for other members and any decisions made by Council or Committee.
- 11.3. All Council directives shall be funneled through the CAO.
- 11.4. During Council and committee meetings, members shall not communicate with other persons via electronic means about any corporate business during Council meetings or sanctioned committee meetings.

12. CONFIDENTIAL INFORMATION

- 12.1. Members have a duty to hold in strict confidence all information concerning matters dealt with at in-camera meetings. A Member 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.
 - a. Members shall inform themselves of and strictly adhere to the provisions of the Freedom of Information and Protection of Privacy Act.

- b. Members shall not release information subject to solicitor-client privilege, unless expressly authorized by Council or required by law to do so.
- c. Members shall not release, disclose, publish, comment on or misuse confidential information (information that they have knowledge of by virtue of their positions as a Member) that is not in the public domain, including e-mails and correspondence from other Members or third parties such that it may cause detriment to the Town of Coaldale, Council, Committee or others, or benefit or detriment to themselves or others. This obligation continues in perpetuity.

13. COMMUNICATION OF INFORMATION TO PUBLIC AND MEDIA

13.1. Members acknowledge that official information related to decisions and Resolutions made by Council or Committee will normally be communicated to the public and the media by the Mayor as Head of Council, or Chair of the Committee, or by the CAO or by other staff members as delegated by the CAO. Members must keep in mind they are always a representative of the Town of Coaldale, including when engaging in social media activities, and Members are encouraged to identify when views expressed are theirs alone and not official Town of Coaldale communication.

13.2. Procedure for communication/media protocol:

- a. Events/Presentations: The entire Council is invited and all events and presentations are conducted by the Mayor or Deputy Mayor or a designate of the Mayor or Deputy Mayor speaking on behalf of the Town;
- b. Official Town Business: To be communicated through the Communications Coordinator whether in person at Council meetings or through the Town's official Facebook page or Twitter account; and
- c. Interviews with media: Interviews with the media on behalf of the Town will be conducted by the Mayor or the CAO, or a duly designated representative of the Mayor or CAO.

14. ACCEPTANCE OF GIFTS

14.1. Members shall not solicit, accept, offer or agree to accept a commission, reward, gift, advantage or benefit or any kind, personally or through a Family member or friend, which is connected directly or indirectly with the performance of duties of office.

14.2. Members are not precluded from accepting:

- a. token or minor gifts (such as corporate logoed items), gifts involving tickets for event attendance or other advantages from any person or

organization not connected directly or indirectly with the performance or duties of office with a value of \$100 or less. Any gifts with an estimated value of \$100 or more will be reported to Council and recorded in the minutes, noting the approximate value and the person or organization providing the gift, event ticket, etc. Gifts not reported to Council shall be returned immediately by the Member with an explanation stating why the gifts cannot be accepted;

- b. political contributions that are otherwise offered, accepted and reported in accordance with applicable law;
- c. food and beverages at banquets, receptions, ceremonies or similar events;
- d. services provided without compensation by persons volunteering their time;
- e. food, lodging, transportation and entertainment provided by other levels of governments or by other local governments, boards or commissions;
- f. a reimbursement of reasonable expenses incurred in the performance of duties or office, in accordance with relevant Town policy;
- g. token gifts such as souvenirs, mementoes and commemorative gifts that are given in recognition of service on a committee, for speaking at an event or representing the municipality at an event; and
- h. gifts that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of office.

14.3. Individual Members and Council as a whole may attend events sponsored by contractors who do business with the Town, provided that such events and the estimated value of the benefit received are reported to Council, and that the contractor in question is not, within six months of the event or at the time of the event, seeking the renewal of an existing contract with the Town or is bidding on an open Request for Proposals or anticipates bidding on an upcoming Request for Proposals issued by the Town at the time of the event.

15. **ALCOHOL**

15.1. Councillors shall not expense the Town for the costs of any alcohol purchased for the individual use of the Councillor or at meetings, dinners or events where alcohol is consumed by the Councillors, guests of the Councillor or employees of the Town.

16. **EXPENSES**

16.1. All expenses incurred by Councillors in the performance of their duties shall be reported on a quarterly basis for Council approval and will be published on the Town's public website in aggregate for each Councillor.

17. CONFLICT OF INTEREST

- 17.1. "Conflict of Interest" as it pertains to a Member who is not a Councillor means any situation where a Member's personal or private interests may influence or may be perceived as influencing the Member on a matter of public interest before Council or Committee, including matters which may result in common law bias, direct or indirect pecuniary interest, pre-judgement, close-mindedness or undue influence.
- 17.2. "Conflict of Interest" as it pertains to Members who are Councillors means a pecuniary interest within the meaning of the MGA, it being acknowledged that pursuant to s. 174(1)(f) 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.
- 17.3. Notwithstanding the above, it is also acknowledged that there may be some times when a Councillor may be subject to common law conflict of interest rules, for example, when acting as a member of a quasi-judicial board.
- 17.4. Members shall also be in a Conflict of Interest situation if the Member attempts to use the Member's position, any confidential information, or Town employees, materials or facilities for personal or private gain or advancement, or uses his position to attempt to advance the interests of the Member's Family, friends or business associates.
- 17.5. Members 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 s. 172 of the MGA.
- 17.6. Members 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.
- 17.7. Without limiting the generality of the foregoing, Members 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 general 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 Member has a pecuniary interest; and
 - g. use municipal materials, equipment, facilities or employees for personal gain or for any private purpose.
- 17.8. All Members shall avoid Conflicts of Interest, by refraining from self-dealing or any conduct of private business or personal services between any Member and the Town, except as provided by the MGA. Where a Councillor determines that he or she has a pecuniary interest that must be disclosed to Council, that Councillor shall also immediately inform the Mayor or Deputy Mayor and CAO in writing.
18. **AVOIDANCE OF WASTE**
- 18.1. Members 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.
19. **TREAT EVERY PERSON WITH DIGNITY, UNDERSTANDING AND RESPECT**
- 19.1. Members shall abide by the provisions of the Human Rights Code and, in doing so, shall treat every person, including other Members, municipal employees, individuals providing services on a contract for service, students on placements, and the public, with dignity, understanding and respect for the right to equality and the right to an environment that is safe and free from harassment, discrimination and disrespect.
20. **NOT TO DISCRIMINATE**
- 20.1. In accordance with the Human Rights Code, Members shall not discriminate against anyone on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, gender, sexual orientation, age, record of offences, marital status, same sex partnership status, family status, or disability. Age, disability, family status, record of offences and same sex partnership status shall be defined in the Human Rights Code.
21. **NOT TO ENGAGE IN HARASSMENT**
- 21.1. In accordance with the Human Rights Code, harassment shall mean engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

22. **BUSINESSLIKE CONDUCT**

- 22.1. Members shall commit to ethical, businesslike and lawful conduct, including proper use of authority and appropriate decorum when acting as a Member. Public comment regarding unsatisfactory staff performance must be avoided and directed in confidence to the CAO.

23. **ATTENDANCE AND PREPARATION AT MEETINGS**

All Members shall come prepared to Council and Committee meetings having read the agenda packages provided by administration and having carried out any additional research as required.

24. **ORIENTATION AND OTHER TRAINING**

- 24.1. Every Member must attend the orientation training offered by the Municipality within 90 days after the Member takes oath of office.
- 24.2. Unless excused by council, every member must attend any other training organized at the direction of Council for the benefit of Members throughout the Council term.

PART III

TOWN OF COALDALE

Procedure for Breach of the Code of Conduct and Policies for Members of Council and Council Committees

25. COMPLAINT PROCESS

25.1. Organizations or individuals (including the public, Members, and municipal employees) who have:

- Identified or witnessed any prohibited activity by a Member under this Code of Conduct; or
- Witnessed or been subject to discriminatory treatment by a Member under this Code of Conduct, or
- Witnessed or been subject to harassment by a Member under this Code of Conduct
- may address the prohibited behavior or activity as set out below:

a. Complaints made by municipal employees of discrimination or harassment:

- i. Where a municipal employee makes a complaint of harassment or discriminatory treatment by a Member, the Member may participate in the resolution and or mediation whereby the Mayor, CAO, the employee and Member will attempt to resolve the issue. Should the complaint involve the Mayor, then the Deputy Mayor shall participate on behalf of Council.
- ii. If the 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 and Citizenship Commission.

b. Any complainant may take the following steps, if applicable, to address prohibited activity by a Member:

- i. A complainant may contact the Coaldale RCMP with respect to an investigation under s. 122 of the Criminal Code of Canada, where the allegation is that a Member, in a matter connected to the duties of office, commits fraud or a breach of trust.
- ii. A complainant may contact the Coaldale RCMP with respect to an investigation under s. 123 of the Criminal Code of Canada, where the allegation is that a Member, in a matter connected to the duties of office, demands, accepts, or offers

- or agrees to accept from any person, a loan, reward, advantage or benefit of any kind.
- iii. A complainant may advise the Member verbally or in writing that the activity contravenes this Policy and encourage the Member to stop the prohibited activity. A complainant should keep written record of the incidents including dates, times, locations, other persons present, and any other relevant information.
 - iv. A complainant may refer his or her complaint to the Alberta Human Rights and Citizenship Commission where the alleged misconduct involves a violation of the Human Rights Code.

26. MEMBERS' RESPONSIBILITY

- 26.1. If any Member becomes aware of misconduct by, or an allegation of misconduct against any other Member, or against an employee of the Town of Coaldale, it is that Member's responsibility to report the misconduct or the allegation.
- 26.2. In the interest of fairness to all concerned parties, the following procedures are to be followed in the reporting of allegations of misconduct.
 - a. An allegation must be made in writing, dated and signed by the person making it.
 - b. An allegation must contain all of the facts available at the time it is made, including how the Member became aware of the misconduct, the nature of the misconduct, names of witnesses, and the date, time and location of the alleged misconduct.
 - c. The written allegation of misconduct must be delivered, or directed to the Mayor of the Town of Coaldale in a confidential manner.
 - d. If the allegation of misconduct is against the Mayor of the Town of Coaldale, it is to be delivered or directed to the Deputy Mayor of the Town of Coaldale in a confidential manner.
 - e. Within thirty (30) days, the Mayor, or Deputy Mayor as the case may be, shall deal with the allegation at his or her discretion, and then shall report in writing the action taken to the Member who made the allegation.
 - f. If the Member who made the allegation is not satisfied with the action taken by the Mayor or Deputy Mayor that Member may request an in-camera session of the Town of Coaldale Council in order that the allegation can be discussed. If the majority of Council disagrees with the action taken, they may decide on an alternate action if the majority of Council agrees to the alternate action.
 - g. Notwithstanding these procedures, any Member may make an allegation of misconduct against another Member or an employee

directly to the department of Alberta Municipal Affairs or to the Court of Queen's Bench.

27. BREACH OF POLICY

- 27.1. As a result of the complaint review and/or mediation, the consequences for a member who has breached this Policy will vary depending on severity and frequency of the offending conduct and includes the following:
- a. A written warning from Mayor, Deputy Mayor and/or Council.
 - b. A verbal, written or public apology.
 - c. Require additional training on ethical and/or respectful conduct.
 - d. Revoking Council's appointment of the Committee member.
 - e. Reporting the misconduct to Alberta Municipal Affairs.
 - f. Reporting the misconduct to the appropriate authority if potentially criminal or against Human Rights.
 - g. Other consequences as deemed appropriate and necessary, but not including the disqualification of a Councillor.
 - h. Any retaliation against the complainant will not be tolerated and will be treated as a serious Breach of Policy.

This bylaw rescinds Bylaw 734-GE-06-17 and any amendments thereto and shall come into force when it receives THIRD and FINAL reading and is duly signed.

READ a FIRST time this 13th day of December, 2021 for Code of Conduct Bylaw 837-GE-12-21.

Mayor – Jack Van Rijn
Motion #: 459-2021

CAO – Kalen Hastings

READ a SECOND time this 10th day of January, 2022 for Code of Conduct Bylaw 837-GE-12-21.

Mayor – Jack Van Rijn
Motion #: 9-2022

CAO – Kalen Hastings

READ a THIRD and FINAL time this 10th day of January, 2022 for Code of Conduct Bylaw 837-GE-12-21.

Mayor – Jack Van Rijn
Motion #: 10-2022

CAO – Kalen Hastings

Appendix A

Statement of Commitment to the Town of Coaldale Council and Committee Code of Conduct (the "Code of Conduct")

I, (Full name) _____
declare that:

as an elected Member of the Town of Coaldale Council, acknowledge and support the Code of Conduct; or

as a Member of a Town of Coaldale Committee, acknowledge and support the Code of Conduct.

I further declare that I have read and fully understand the contents of the Code of Conduct, and, by my signature, agree that I shall follow and abide by the Code of Conduct in good faith.

Member's Name: _____

Member's Signature: _____

Declared before Witness (Please print name): _____

Witness' Signature: _____

Dated this ____ day of _____, 20__.

Appendix B

Council Disclosure Statement

Members of the Family of a Councillor of the Town of Coaldale include:

- a Councillor's spouse or adult independent partner;
- a Councillor's children or the children of the Councillor's spouse or adult independent partner;
- a Councillor's dependents or the dependents of the Councillor's spouse or adult independent partner; and
- a Councillor's parents or the parents of the Councillor's spouse or adult independent partner.

I, _____, Councillor of the Town of Coaldale confirm that the following is a complete list of my Family Members.

And the following is a complete list of corporations, other than distributing corporations in which I or a Family Member am a shareholder, director or officer.

And the following is a complete list of corporations, in which I or a Family Member beneficially owns voting shares carrying at least 10% of the voting rights attached to the voting shares of the corporation, or of which I or a Family Member is a director or officer.

And the following is a complete list of each partnership or firm of which I or a Family Member is a member.