

**CORPORATION OF THE VILLAGE OF BARNWELL
IN THE
PROVINCE OF ALBERTA**

BYLAW NO. 06-17

A BY-LAW OF THE VILLAGE OF BARNWELL IN THE PROVINCE OF ALBERTA, RESPECTING THE CONDUCT OF THE COUNCILLORS OF THE VILLAGE OF BARNWELL

WHEREAS Section 146.1(1) of the Municipal Government Act, S.A. 2000, C M-26. as amended, (hereinafter referred to as "the Act") provides that a Municipal Council must by bylaw establish a Code of Conduct; and

WHEREAS it is understood that elected municipal Council members are to be held to a higher standard of behavior and conduct than the general public; and

WHEREAS Council members must act in a manner which is independent, impartial and responsible to the citizens of the municipality; and

WHEREAS Council members are expected to act with integrity and impartiality that will bear the closest scrutiny; and

WHEREAS the Act further provides that the Code of Conduct apply to all Councillors equally; and

WHEREAS this Code of Conduct shall govern the conduct of Councillors and the Conduct of members of Council Committees and other bodies established by the Council who are not Councillors; and

WHEREAS this Code of Conduct shall establish sanctions to be imposed for a breach of the Code;

NOW THEREFORE the Council of the Village of Barnwell duly assembled, enacts as follows:

1. **Short Title**

1.1 This By-law may be referred to as the "Councillor Code of Conduct By-law".

2. **Definitions**

2.1 "Administrator" shall mean the person appointed by the Council in accordance with the Act and the Village of Barnwell Designated Officer Bylaw.

2.2 "Act" or "Municipal Government Act" means the Municipal Government Amendment Act RSA 2015 as amended or replaced from time to time.

2.3 "Code", "Code of Conduct" means the Councillor Code of Conduct bylaw established by the Village of Barnwell in accordance with the Act.

2.4 "Confidential Information" means any information that is reviewed, developed, discussed or viewed in a closed session of the Village of Barnwell Council or Council Committee.

2.4 "Council" shall mean the elected Council of the Village of Barnwell;

2.5 "Councillors" means elected officials of the Village of Barnwell as set out in the Act.

2.6 "Council Committee" means any committee established by bylaw or resolution by the Council.

- 2.7 "Council Committee Member" means any person appointed by Council by bylaw or resolution.
- 2.9 "Designated Officer" means the position of Administrator and any other position so designated by Council by By-law, and shall mean a Designated Officer within the meaning of the Municipal Government Act.
- 2.10 "Local Authorities Election Act" means the Local Authorities Election Act Chapter L-21 as amended or replaced from time to time.
- 2.11 "Village" shall mean the Village of Barnwell;
- 2.12 "Minister" means the Minister of Municipal Affairs
- 2.13 "Notice of Decision" means the written decision provided to a Council member or Council Committee member following a review by Council of a Request for Review submitted to them for review pertaining to any alleged breach of the Code of Conduct by a Council member or Council Committee member.
- 2.14 "Pecuniary Interest" is as defined within Section 170(1-4) of the Act and shall mean if a matter before Council may financially benefit a Councillor and or his or her family to the exclusion of providing a benefit available to any other citizen at large, that Councillor has a pecuniary interest in the matter under consideration before Council.
- 2.15 "Political Activity" includes but is not limited to being a member of a political party, participating in a political parties activities, soliciting donations for a political party or becoming a candidate for a provincial or federal office.
- 2.16 "Mayor" means the Chief Elected Official of the Village of Barnwell.
- 2.17 "Oath of Office" is as defined within Section 156 of the Act and shall mean the Councillor(s) official oath prescribed by the Oaths of Office Act.
- 2.18 "Request for Review" means a written request submitted by a member of Council for a code of conduct review of another member of Council or a Council Committee member which alleges a breach of the code and which requests a review by the Council in accordance with the procedures contained within this bylaw. The Request for Review must be submitted in the form prescribed in Appendix B of this bylaw.
- 2.19 "Sanction" means the penalties established by this Bylaw for breach of any provisions contained herein.
- 2.20 "Staff" shall mean any person employed by the Village of Barnwell.

3. **Acknowledgement of Council Code of Conduct**

- 3.1 The Code of Conduct Acknowledgement Form, which is attached to this Bylaw, must be fully completed and be signed by each elected member of Council before the Councillor(s) has taken the official 'Oath of Office' as defined within Section 156 of the Act.

4. **General Standards of Conduct**

- 4.1 Council and Council Committee members shall adhere to the following General Standards of Conduct and shall:
- 4.1.1 Commit to ethical, businesslike and lawful behavior.

- 4.1.2 Represent, as a primary obligation superseding all other interests, the best interests of the Village of Barnwell.
- 4.1.3 Respect the views and opinions of their fellow Councillors and Committee members and act with decorum at all times.
- 4.1.4 Avoid any situation which could cause any reasonable person to believe that a Councillor or Council Committee member is biased or partial to any question before the Council or a Committee.
- 4.1.5 Avoid any conflict of interest by refraining from self-dealing which means to conduct private business or purchase of personal services which are not available to any other citizen of the Village of Barnwell.
- 4.1.6 Not use their positions to obtain employment with the Village of Barnwell for themselves, their family members or close acquaintances.
- 4.1.7 Disclose their affiliations or interest with an organization or business that may affect their decision making on matters before Council or the Council Committee.
- 4.1.8 Participate in all orientation and training sessions as deemed necessary by Council.
- 4.1.9 Not attempt to exercise individual authority over any aspect of the Village of Barnwell operations. Individual Council and Council Committee members must communicate with the Administrator with regards to operations.
- 4.2.0 Not represent themselves in any form of media as representing the Village of Barnwell except to repeat stated Council or Council Committee decisions or when explicitly authorized by Council to do so.
- 4.2.1 Recognize when interacting with the Administrator, the lack of authority vested in individual Councillors except when explicitly authorized by Council resolution.
- 4.2.2 Come prepared to Council and Council Committee meetings and listen respectfully to fellow Council member's points of view before responding.
- 4.2.3 Follow municipal policy with regards to Council and Council Committee meeting protocol.
- 4.2.4 Conduct themselves in Public in a way that reflects positively on the Village of Barnwell and the Council.
- 4.2.5 Not allow their impartiality to be compromised by making deliberate decisions which provide benefit to all citizens of the Village of Barnwell and not any particular group or individual.
- 4.2.6 Conduct themselves with the highest degree of decorum showing respect for their fellow Council members by demonstrating best practices in conflict resolution in order to resolve the matter and to maintain working relationships with each other.
- 4.2.7 Not accept a fee, advance, gift or personal benefit from any person or group that is connected directly or indirectly with the performance of his or her duties of office.
- 4.2.8 Direct any comments on Staff performance to the Administrator.

- 4.2.9 Avoid any public comment on Staff performance.
- 4.3.0 Avoid the misappropriation for personal gain of any Village of Barnwell resource including materials, vehicles, equipment, tools or property.
- 4.3.1 Respect the ethical standards of conduct outlined within this Bylaw for a period of 12 months after ceasing to be a Council or Council Committee member.
- 4.3.2 Respect the confidentiality of information including but not limited to matters before Council which may be subject to Freedom of Information and Protection of Privacy Act legislation by not communicating any information to any person not entitled to receive it.

5. **Conflict of Interest**

- 5.1 Notwithstanding the provisions of the Municipal Government Act Section 170, no personal interest of a Council or Council Committee member shall influence or interfere with the decisions and actions of Council or a Council Committee. Examples of personal interest include but are not limited to the following:
 - 5.1.1 Taking part in a Council or Council Committee decision in the course of carrying out their duties with the knowledge that the decision might further a private interest of a Council or Council Committee member or an individual whom a Council or Council Committee member has a close personal relationship.
 - 5.1.2 Using their public role to influence or seek to influence a decision which could further a private interest of a Council or Council Committee member or an individual whom a Council or Council Committee member has a close personal relationship.
 - 5.1.3 Using or communicating information not available to the general public that was gained by a Council or a Council Committee member to further the private interest of a Council or Council Committee member or an individual whom a Council or Council Committee member has a close personal relationship.

6. **Handling of Information**

- 6.1 Council and Council Committee members receive information which is confidential in nature. The following guidelines shall direct how Council and Council Committee members use this information:
 - 6.1.1 Council or Council Committee members shall protect confidential information in accordance with the Freedom of Information and Protection of Privacy Act (FOIPPA). This includes matters discussed at Council and Council Committee meetings that are closed to the public.
 - 6.1.2 Councillors shall not use confidential information obtained through Council or Council Committee meetings for personal gain.
 - 6.1.3 Councillors and Council Committee members shall continue to keep confidential information confidential after leaving office.

7. **Public Statements**

- 7.1 Council and Council Committee members shall adhere to the following Village of Barnwell media guidelines:

- 7.1.1 The Mayor shall be the point of contact for media enquiries and shall be the Village of Barnwell's main spokesperson.
- 7.1.2 When speaking to the public or the media, Council or Council Committee members shall represent the official policies and positions of the Council.
- 7.1.3 When making statements on their opinions or positions, Councillors or Council Committee members shall explicitly state that those statements are their own and not Council's official position or policy.

8. **Relationship with Staff**

- 8.1 Council and Council Committee Members shall respect the role of municipal staff.
 - 8.1.1 Councillors and Council Committee members shall direct their questions and concerns pertaining to operational matters to the Administrator;
 - 8.1.2 Councillors and Council Committee members shall avoid making any public statements about any Village of Barnwell staff member:
 - 8.1.3 Operational reporting to the Council shall be through the Administrator on a monthly basis as provided by Designated Officers of the Municipal District of Taber.

9. **Political Activity**

- 9.1 Council and Council Committee members have the right to participate and take part in political activities, be a member of any political party and support any candidate for political office.
- 9.2 Council and Council Committee members shall not divulge confidential information to any person or group.
- 9.3 A Council or Council Committee member shall take a leave of absence from their duties as a Village of Barnwell Council or Council Committee member during any Provincial or Federal campaign to which they have been nominated as a Candidate.

10. **Meetings**

- 10.1 When participating in a Village of Barnwell sanctioned meeting Councillors and Council Committee members shall follow the Village of Barnwell Procedural Bylaw and any applicable policies pertaining to meetings and meeting conduct as adopted and amended from time to time.
- 10.2 Council members and Council Committee members shall participate in all Council sanctioned training and orientation sessions as scheduled from time to time.

11. **Accountability**

- 11.1 The spirit and intent of this Code of Conduct shall be recognized and observed by Council and Council Committee members at all times.
- 11.2 Council and Council Committee members shall not assume that any unethical activities not specifically outlined within this Code are condoned.

12. **Breach of the Code of Conduct**

- 12.1 A member of Council may initiate a review pertaining to an alleged breach of a code of conduct bylaw by a member of the Council or a Council Committee member.
- 12.2 Council as a whole is solely responsible for investigating any complaint or initiating a hearing to determine the validity of a complaint pertaining to an alleged breach of the code by a Council or Council Committee member.
 - 12.2.1 In accordance with Section 12.1 any review of a Councillor or Council Committee member conduct with respect to an alleged breach of the Code shall be conducted at an In Camera meeting of Council with all information being kept in confidence under the appropriate sections of the Municipal Government Act and FOIPPA.
 - 12.2.2 To initiate a review of any breach of this Code a Council member must complete a Request for Review and submit it to the Council in the format prescribed in Appendix "B" of this bylaw.
 - 12.2.3 A Council member or Council Committee Member who is alleged to have breached the code of conduct will be notified upon receipt of the Request for Review that a complaint has been received and that a review by Council of the complaint will be undertaken.
 - 12.2.4 Any Request for Review that is forwarded to Council will be placed on the agenda of the closed session portion of the next scheduled council meeting.
- 12.3 The Council shall review a Request for Review which is submitted to them.
 - 12.3.1 The Council shall review a Request for Review that has been submitted to them during the closed session of the next scheduled Council meeting.
 - 12.3.2 Pursuant to Section 10 a Council may request information from any Council member or Council Committee member with regards to a complaint to which they are subject.
 - 12.3.3 A Council deems the review of the alleged breach of the code complete when a motion is made by a Council member to uphold or deny the complaint described within the Request for Review.
 - 12.3.3.1 The Council shall make a motion in Open Session for the purpose of authorizing any action by Council to address a breach of this Code.
 - 12.3.3.2 All Council members may vote on the motion referred to in Section 12.2.3.1.
 - 12.3.3.3 Following the vote on the motion the Council shall issue a Notice of Decision in writing to a Council member or Council Committee member who is subject to a complaint with respect to the decision rendered by the Council.
 - 12.3.4 If a majority of the members of Council vote to uphold a complaint of a breach of the Code of Conduct by a Council member or Council Committee member the Council is authorized to undertake any action that may include but are not limited to the following:
 - 12.3.4.1 Require the Councillor or Council Committee member to provide a verbal apology to the impacted individual, organization or Council as a whole; and/or

- 12.3.4.2 Require the Councillor or Council Committee member to provide a written apology to the impacted individual, organization, or Council as a whole; and/or
- 12.3.4.3 Remove the Councillor or Council Committee member from Council Committees or any function to which they have been appointed by Council; and/or
- 12.3.4.4 Require the Councillor or Council Committee member to make appropriate financial reparations for any costs incurred by the Village of Barnwell as a result of a breach of the Code of Conduct; and/or
- 12.3.4.5 Dismiss the Councillor from any position which they hold by virtue of appointment by Council; and/or
- 12.3.4.6 Issue a directive to the Councillor to attend third party educational training at the expense of the Village of Barnwell.

12.4 No elected official may be removed from office for any breach of this code.

13.0 **Severability**

- 13.1 Should any provision of this Bylaw be invalid then such invalid provision shall be severed and the remaining Bylaw shall be maintained.

This Bylaw shall come into effect upon third and final reading thereof.

Read a first time this 21st day of September, 2017

Read a second time this 21st day of September, 2017

Read a third time and finally passed this 21st day of September, 2017


MAYOR


ADMINISTRATOR