

BYLAW NO. 12/2019

**BEING A BYLAW OF THE
MUNICIPAL DISTRICT OF PEACE NO. 135
IN THE PROVINCE OF ALBERTA**

**FOR THE PURPOSE OF GOVERNING THE CONDUCT OF THE ELECTED OFFICIALS REPRESENTING
THE MUNICIPAL DISTRICT OF PEACE NO. 135**

WHEREAS, Section 146.1 of the Municipal Government Amendment Act states that "A Council must, by bylaw, establish a code of conduct governing the conduct of Councillors"; and

WHEREAS, the Council of the Municipal District of Peace No.135 , in the Province of Alberta, has deemed it desirable to establish a Code of Conduct for Elected Officials in order to uphold certain principles governing the conduct of Councillors.

NOW THEREFORE, the Council of the Municipal District of Peace No. 135, in the Province of Alberta, duly assembled, enacts as follows:

PURPOSE AND CITATION

1.1 The purpose of this bylaw is to govern the conduct of all Councillors of the Municipal District of Peace No. 135 in order that they maintain the highest standards of conduct in public office and faithfully discharge their duties as an elected official.

1.2 The bylaw may be cited as the "Code of Conduct Bylaw".

DEFINITIONS

"Act" means the *Municipal Government Act* (MGA), RSA 2000 Chapter M-26 and regulations made under the MGA as amended.

"Administration" means the employees of the Municipal District of Peace No. 135.

"Chief Administrative Officer" or "CAO" means the person appointed to that position by Council under the provisions of Section 205 of the MGA or any person he/she delegates under Section 209 of the MGA.

"Closed Session" means a meeting closed to the public to discuss matters where a public disclosure could be harmful, and which fall under the exceptions to disclosure in the *Freedom of Information and Protection of Privacy (FOIPP) Act* (sections 16 to 29).

"Council" shall mean the Council of the Municipal District of Peace No. 135.

"Delegation" means any person(s) that has permission of council to appear before council to provide pertinent information and views about the subject before council or to make a request of council.

"Deputy Reeve" shall mean the member who is appointed pursuant to the Act to act as Reeve in the absence or incapacity of the Reeve.

"Member" means a member of Council duly elected and continuing to hold office, or where the context requires, a member of a Council committee appointed by Council.

"MGA" means the *Municipal Government Act*, Revised 2000, Chapter M-26, and any amendments thereto.

"Municipality" means the Municipal District of Peace No. 135, a municipal corporation of the Province of Alberta and includes the area contained within the boundaries of the Municipality.

"Pecuniary interest" is a matter where one may have any direct or indirect conflict in relation to a matter under consideration.

"Reeve" shall mean the Chief Elected Official or presiding officer of the Municipal District of Peace No. 135.

SPECIFIC STANDARDS

- 2.1. All Councillors shall carry out their duties with integrity and for the benefit of all ratepayers and residents of the Municipal District.
- 2.2. All Councillors shall conduct themselves in public in a way that reflects positively on the Municipal District and Council.
- 2.3. The Reeve, or the Deputy Reeve in the absence of the Reeve, shall be the point of contact for media enquiries and shall be the Municipal District's main spokesperson.
- 2.4. When speaking to the public or the media, all Councillors shall represent the official policies and positions of Council as a whole.
- 2.5. When making statements on their opinions or positions, all Councillors shall explicitly state that those statements are their own and not the Council's official position or policy.
- 2.6. All Councillors shall respect the democratic decision-making process, even if they are in disagreement. The venue for discussions on Municipal District matters is Council Chambers. Councillors shall not carry on discussions or debates with each other via other public medium, such as letters to the editor, blogs or any other forms of social media.
- 2.7. All Councillors shall adhere to all applicable laws, legislation, regulations, bylaws, policies and procedures.
- 2.8. All Councillors shall treat fellow Councillors, Administration, staff and the general public with respect, courtesy and fairness.
- 2.9. All Councillors shall acknowledge that the Chief Administrative Officer (CAO) is the administrative head of the municipality. As such, Councillors shall direct their questions or concerns about administrative matters to the CAO and also recognize that as individual Councillors, they do not have the individual authority to direct the CAO or staff.
- 2.10. All Councillors shall respect the confidentiality of sensitive information discussed in closed session. Council members shall keep in confidence all matters discussed in closed session at a Council or Committee meeting until such information is discussed at a meeting held in public.
- 2.11. All Councillors shall remove themselves from Council proceedings where they have a pecuniary interest concerning any outside business interest or where they have a pecuniary interest concerning a family member. If a Councillor holds a pecuniary interest in a matter that appears before Council, that Councillor will disclose his or her pecuniary interest to Council, describe the nature of the pecuniary interest, ask that this disclosure be recorded in the minutes of the Council meeting, abstain from voting on the matter, and leave the Council Chambers until discussion and voting on the matter have been concluded.
- 2.12. All Councillors shall avoid using their position as an elected official to secure special privileges, favors or exemptions for themselves or any other person.
- 2.13. All Councillors are not allowed to use or permit the use of municipal owned assets (i.e. vehicles, equipment, material or property) or services for their own personal convenience or profit.

R
NW

- 2.14. All Councillors shall complete the Munis 101 Elected Officials Training that is offered through the Elected Officials Education Program, or equivalent training, within 90 days of taking the Oath of Office.
- 2.15. All Councillors shall also be encouraged to complete additional EOEP courses or attend workshops that may be deemed beneficial in carrying out their responsibilities as elected officials.

COMPLAINTS

- 3.1. All Councillors themselves have the primary responsibility to encourage and ensure that the Code of Conduct Bylaw is understood and upheld.
- 3.2. All Councillors have a duty to help create an accessible, fair and transparent municipal government. Accordingly, all Councillors have a duty to question whether another Councillor is violating the Code of Conduct Bylaw.
- 3.3. Any person who believes that another Councillor is in violation of the Code of Conduct Bylaw shall report their concerns to the Reeve, in writing, or in the case of an allegation against the Reeve, to the Deputy Reeve, in writing.
- 3.4. The Council, when considering an alleged breach of the Code of Conduct Bylaw, shall provide sufficient opportunity for the Councillor who is the subject of the allegation, to address Council.
- 3.5. All discussions surrounding the alleged breach of the Code of Conduct Bylaw shall be conducted in a closed session meeting of Council with the intent that the discussion shall remain confidential under the appropriate sections of the *Municipal Government Act* and *The Freedom of Information and Protection of Privacy Act*.
- 3.6. If, in the opinion of a majority of the members of Council, a Councillor breaches any of the principles found in the Code of Conduct Bylaw, one or more of the following sanctions may be imposed:
 - a) a letter of reprimand addressed to the Councillor;
 - b) requesting the Councillor to issue a letter of apology;
 - c) publication of a letter of reprimand or request for apology and the Councillor's response;
 - d) the results of the investigation and Council's decision may be publicly communicated;
 - e) suspension or removal of the appointment of a Councillor as the chief elected official under section 150(2) of the Act;
 - f) 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.
 - g) suspension or removal of the chief elected official's presiding duties under section 154 of the Act;
 - h) suspension or removal from some or all council committees and bodies to which council has the right to appoint members;
 - i) reduction or suspension of remuneration as defined in section 275.1. of the Act corresponding to a reduction in duties, as council may deem appropriate and in accordance with the MGA, excluding allowances for attendance at council meetings, and restricting the privileges of attending conferences and workshops at the MD's expense.

REVIEW

- 4.1. The Code of Conduct Bylaw must be reviewed and updated at least once every 4 years starting from the date when the Bylaw is passed.

SEVERABILITY

- 5.1. Each provision of this Bylaw is independent of all other provisions. If any such provision is declared invalid by a court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.


REPEAL

- 6.1. Bylaw No. 6/2017 is hereby repealed.


EFFECTIVE DATE

- 7.1. This bylaw shall come into force and effect on the date of its final passing.

Read a first and second time and by unanimous consent of the Councillors present, a third and final time and finally passed this 19th day of November, 2019.



Reeve



Chief Administrative Officer