

BYLAW 167-18

A BYLAW of the Summer Village of White Sands, in the Province of Alberta to establish a Code of Conduct regarding the conduct of Council, council committees and other bodies established by the council; the conduct of councillors and the conduct of members of council committees and other bodies established by council.

WHEREAS, pursuant to section 145 of the *Municipal Government Act*, a council may pass bylaws for municipal purposes regarding the conduct of council, council committees and other bodies established by the council; the conduct of councillors and the conduct of members of council committees and other bodies established by council;

AND WHEREAS, the public is entitled to expect the highest standards of conduct from the members that it elects to Council;

AND WHEREAS, the establishment of a Code of Conduct for members of Council is consistent with the principles of transparent and accountable government;

AND WHEREAS, a Code of Conduct ensures that members of Council share a common basis and understanding for acceptable conduct extending beyond the legislative provisions governing the conduct of councillors;

NOW THEREFORE, the Council of the Summer Village of White Sands, in the Province of Alberta, duly assembled, enacts as follows:

1. TITLE

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

2. PURPOSE

- 2.1. The intent of the Summer Village of White Sands Councillor Code of Conduct is to declare the standard of behavior and actions for Summer Village of White Sands elected officials. These standards are to ensure the highest public confidence in, and respect for local government and interpersonal relationships, to ensure effective leadership in, and through, the elected Council, and to ensure that Council and Councillors act with the highest level of integrity and ethical behavior.

3. DEFINITIONS

- 3.1. *Councillor*: means all elected officials including the Chief Elected Official (Mayor)
- 3.2. *Conflict of Interest*: means a situation where a Councillors personal or private interests actually, or may be perceived as influencing the Councillor on a matter of public interest which is, or may be, before Council, including situations which may result in common law bias which included direct or indirect pecuniary interest, prejudgement, closed mindedness or undue influence. A Conflict of Interest situation also includes using the Councillors position, confidential information, Summer Village of White Sands employees, materials or facilities, for personal or private gain or advancement or the expectation of personal or private gain or advancement. A Conflict of Interest may include advancing the personal or private interests of the Councillors family, friends, neighbors, or business associates. If a Councillor or Council does not believe the Councillor is free of bias there is a conflict of interest.
- 3.3. *Pecuniary Interest*: means those situations as defined and regulated by Part 5, Division 6, of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26.

4. PRINCIPLES

- 4.1. This Code will be used to guide the behavior of Councillors and provide a mechanism of accountability.
- 4.2. Councillors agree to sign the Statement of Code of Ethics and Conduct as provided in Schedule A.

5. CODE OF ETHICS

- 5.1. In providing for good governance of the community, the Summer Village of White Sands Council has adopted the following ethics to apply to all Councillors to ensure that they act honestly, in good faith and in the best interest of Summer Village of White Sands as a whole.
- 5.2. Councillors agree to act honestly, in good faith and be prepared to be held accountable for their actions at all times.
- 5.3. Councillors agree to respect the personal views of other Councillors.

- 5.4. Councillors will refrain from any public or private criticism of our administration / employees.
- 5.5. Councillors agree to engage in respectful, fulsome, and healthy debate on ALL matters in Council Meetings, Committee of the Whole Meetings, Council Committee Meetings, and at Special Council Meetings.
- 5.6. Council decisions are made by majority vote by Councillors. The decision of Council must be accepted and respected by all Councillors even if some individual Councillors do not agree with the majority decision.
- 5.7. Councillors agree that they may publicly express their opinions on Council matters but not so as to undermine the standing of Council in the public and in the community.
- 5.8. Councillors agree that unless specifically authorized by Council to represent Council's position on any matter, a Councillor is to ensure that any public statements made are clearly stated to reflect the personal opinion of the Councillor, not the opinion or position of Council.
- 5.9. The Mayor agrees to always represent the opinion or position of Council when speaking publicly, except where statements are identified as solely representing his/her opinion.
- 5.10. Councillors must adhere to the Pecuniary Interest requirements as established in Part 5, Division 6 of the *Municipal Government Act, R.S.A. 2000, Chapter M-26*.
- 5.11. Councillors agree to act with integrity, professionalism, and respect when interacting with other elected officials and government officials, administration / employees, contractors, and members of the public.
- 5.12. Councillors agree to demonstrate fairness, accountability, and impartiality in all Council matters.
- 5.13. Councillors agree to conduct themselves at all times in a manner befitting their position as an elected official and representative of Summer Village of White Sands and Councillors agree to consider the welfare and interests of Summer Village of White Sands as a whole.
- 5.14. Councillors agree to keep in the strictest confidence ALL matters discussed in the absence of the public (in camera) at a Council Meeting, Committee of the Whole Meeting, Council Committee Meeting, Special Council Meeting, or any matter discussed in confidence with another Councillor or Summer Village of White Sands Administration.
- 5.15. Councillors agree to not make improper use of his/her position as a Councillor by:
 - 5.15.1. Gaining or attempting to gain or advance, directly or indirectly, a personal or private interest for him/herself or another person;
 - 5.15.2. Causing or attempting to cause detriment to Summer Village of White Sands Council, any individual Councillor, any member of Summer Village of White Sands administration / employees, any member of the public, or third parties;
 - 5.15.3. Seeking personal benefit or gain from any information obtained through his/her position as Councillor.
- 5.16. Councillors shall recognize and respect the importance of their commitment towards personal compliance with all Summer Village of White Sands bylaws, policies and general rules. Councillors must be seen to set a good example within their jurisdiction. Where matters of any type of non-compliance are identified, Councillors will promptly make every effort and/or give suitable attention towards satisfactorily rectifying the identified concern or situation.

Some publicly common examples where (easily recognizable) non-compliance concerns or situations may occur include; but are not limited to the following: developmental permits, untidy premises/weed control/boulevard & rear lane tidiness, disturbing noise and recreation vehicle/trailer on-street parking.

6. APPLICATION OF CODE OF CONDUCT

6.1. Governance

- 6.1.1. A Council Meeting, Committee of the Whole Meeting, or Special Council Meeting is the appropriate forum for healthy and diligent debate on all matters before Council, or anticipated to be before Council.

- 6.1.2. All Councillors will be given an in-depth opportunity to address matters before Council in a full, open, transparent, and professional manner with the goal of good governance through healthy debate.
- 6.1.3. Council decisions, resolutions, or direction, are made by a majority vote of Councillors. The decisions of Council must be accepted and respected by all Councillors regardless of any personal view of the decision(s) made.
- 6.1.4. Councillors making statements regarding their position on any matter regarding decisions of Council, must make those statements with the utmost of respect to the decision of Council, to Council, to any Councillor, and to any other person(s) associated with the applicable decision.
- 6.1.5. All Councillors, including the Chair, shall feel confident to ask questions and to express their views in any Council session without the fear of interruption and shall feel confident in the Chair's impartiality in controlling the debate.
- 6.1.6 Councillors shall always endeavor to understand and respect the opinions of other councillors, who are acting in good faith, moral character, and in accordance with all the principles and laws governing the matter being discussed. Rude, embarrassing, condescending, threatening and/or intimidating statements or actions of a Councillor (s) during any Council session is not acceptable under any circumstances.

6.2. Expenditures

- 6.2.1. Councillors shall act responsibly when incurring expenses always being mindful and respectful that the expenditure of public money must have value and benefit to the municipality.
- 6.2.2. Councillors shall avoid waste, abuse, and extravagance in the provision or use of public money.
- 6.2.3. Councillors shall be open and accountable with respect to all expenditures, Per Diems, and/or any and all other expenses incurred.
- 6.2.4. Councillors shall strictly adhere to all Summer Village of White Sands policies and guidelines addressing expenses and reimbursement.

6.3. Interaction with Administration and the Public

- 6.3.1. Councillors will respect the professional opinions of Summer Village of White Sands Administration and/or any legal opinions and be mindful that the Chief Administrative Officer is exclusively responsible under the *Municipal Government Act* for directing staff.
- 6.3.2. Councillors shall not abuse relationships or interactions with Summer Village of White Sands Administration / employees by attempting to take advantage of their position as Councillors. Councillors will at all times, refrain from any behavior which is or may be perceived as bullying of administration / employees.
- 6.3.3. Requests for information will be directed to the Chief Administrative Officer or in the manner specified by the Chief Administrative Officer.
- 6.3.4. Councillors will treat all people with respect and courtesy and in good faith without bias;
 - 6.3.4.1. Recognizing there are legitimate differences in opinions;
 - 6.3.4.2. Equally regardless of race, culture, religion, language, gender, disability, education or occupation;
 - 6.3.4.3. Dealing with all persons in good faith and without bias, ensuring fairness and equity of access to available Municipal services;
 - 6.3.4.4. Providing adequate and substantive opportunity for persons to state their position on any matter before Council.
- 6.3.5. Councillors will not instigate, be involved with, or condone personal attacks on other Councillors, members of administration / employees, or members of the public.
- 6.3.6. Councillors will not criticize in public regarding the performance of any member of administration / employee but will instead refer any question of performance of an employee to the Chief Administrative Officer.

- 6.3.7. Prior to taking any action, Councillors should ask themselves whether their intended action will ultimately be supported by other Councillors and Summer Village of White Sands. This test is designed to promote objectivity in the mind of a Councillor to best ensure appropriate conduct. Councillors will, if in doubt, consult the Mayor, the Deputy Mayor, or the Chief Administrative Officer prior to taking the planned action.
- 6.3.8 Council members must keep in mind they are always a representative of The Summer Village of White Sands; accordingly, when engaging in social media activities, even via private channels, Councillors are encouraged to identify when the views expressed are theirs alone and not official Summer Village of White Sands communication.
- 6.3.9 Council members may participate in political events and/or contribute to a political party or candidate at their own expense and in conformity with legislation.
- 6.4. Pecuniary Interest
- 6.4.1. The decision with respect to whether or not any Councillor may have a Pecuniary Interest is the individual Councillors decision to make. The Councillor may discuss this with Council and seek the advice of the Mayor or the Chief Administrative Officer.
- 6.4.2. It is the individual responsibility of each Councillor to seek independent legal advice, at their own cost, with respect to any situation which may result in Pecuniary Interest.
- 6.4.3. Should a Councillor believe that he/she may have or may reasonably be perceived to have a Pecuniary Interest in a matter before Councillor Council Committee, he/she shall follow the Pecuniary Interest disclosure and procedure requirements as established in Part 5, Division 6 of the *Municipal Government Act*, R.S.A. 2000 Chapter M-26 including:
- 6.4.3.1. Stating the general nature of his/her Pecuniary Interest at the meeting prior to any discussion of the matter. This shall be done on every occasion the matter arises before Council or Council Committee.
- 6.4.3.2. The Councillor shall not discuss the matter with Council, other Councillors, Council Committee, or Council Committee members either publicly or privately.
- 6.4.3.3. The Councillor shall leave Council Chambers, or any meeting room in which a meeting is being held, should the matter be discussed and shall not return until such time as discussion has ended or voting on the matter has been concluded.
- 6.4.3.4. Councillors with Pecuniary Interest in any matter may stay in the Council Chambers, or any meeting room in which a meeting is being held, if the Councillor is seated in the gallery and addresses Council or the Council Committee in the capacity as a taxpayer, elector, or owner and if the Councillor has the right to be heard pursuant to the *Municipal Government Act* or any other enactment.
- 6.4.4. When a Councillor believes that he/she may have a Pecuniary Interest in a matter before Councillor Council Committee, he/she shall notify the Mayor or Chair of the meeting prior to the matter being considered, that he/she has a Pecuniary Interest in the matter.
- 6.5. Conflict of Interest
- 6.5.1. The decision with respect to whether or not any Councillor may have a Conflict Interest is the individual Councillors decision to make. The Councillor may discuss this with Council and seek the advice of the Mayor or the Chief Administrative Officer.
- 6.5.2. Should a Councillor believe he/she may have or may reasonably be perceived to have a Conflict of Interest in a matter before Council or Council Committee he/she shall:
- 6.5.2.1. Stating the general nature of his/her Conflict of Interest at the meeting prior to any discussion of the matter. This shall be done on every occasion the matter arises before Council or Council Committee.
- 6.5.2.2. The Councillor shall not discuss the matter with Council, other Councillors, Council Committee, or Council Committee members either publicly or privately.
- 6.5.2.3. The Councillor shall leave Council Chambers, or any meeting room in which a meeting is being held, should the matter be discussed and shall not return until such time as discussion has ended or voting on the matter has been concluded.

6.5.2.4. Councillors with a stated Conflict of Interest in any matter may stay in the Council Chambers, or any meeting room in which a meeting is being held, if the Councillor is seated in the gallery and addresses Councilor the Council Committee in the capacity as a taxpayer, elector, or owner and if the Councillor has the right to be heard pursuant to the **Municipal Government Act** or any other enactment.

6.5.3. When a Councillor believes that he/she may have a Conflict of Interest in a matter before Councilor Council Committee, he/she shall notify the Mayor or Chair of the meeting prior to the matter being considered, that he/she has a Conflict of Interest in the matter.

6.5.4. Councillors, in their role, may accept gifts, event tickets, hospitality, discounts or other benefits associated with their official duties and responsibilities if it meets all of the following conditions:

- a) is a normal accepted expression of courtesy of a business relationship and
- b) received as a normal or necessary incident to fulfilling the Councillors duties
- c) received as an incident of protocol or social obligation
- d) would not raise questions about the Councillor's objectivity and impartiality
- e) would not compromise the integrity of Council or The Municipality.
- f) Councillors will file a disclosure with the Chief Administrative Officer or designate for all accepted gifts, event tickets, discounts, or hospitality valued at greater than \$50.

6.5.5. Councillors or any member of their family will not solicit or accept any gift or other advantage (i.e. gifts, event tickets, hospitality or discounts) that could, or be perceived to, influence the member of Council in the exercise of an official power, duty or function.

6.5.6. Councillors will refuse or return improper gifts or benefits; if there is no opportunity to refuse or return an improper gift or benefit, or where refusal or return may be seen as offensive for cultural or other reasons, the gift or benefit must be disclosed and turned over to the Chief Elected Official or Deputy Chief Elected Official to make a suitable disposition of the item.

6.5.7. It is the individual responsibility of each Councillor to seek independent legal advice, at their own cost, with respect to any situation which may result in a Conflict of Interest.

6.6. Bias

6.6.1. A Councillor shall be impartial to discussion or presentation of any matter that requires a decision of Council.

6.6.2. Councillors may attend open houses or exchange information with potential applicants, developers, and special interest groups prior to a formal submission or application being submitted to Summer Village of White Sands and the Councillor must:

6.6.2.1. Make it clear to the potential applicant, developer, or special interest group that the Councillor can provide only general information on the process, but cannot give any indication of the chance of success of the submission.

6.6.2.2. Must suggest that the applicant, developer, or special interest group seek independent professional advice.

6.6.2.3. If applicable, encourage potential applicants, or developers to seek preliminary information on their submission by consulting with Summer Village of White Sands Administration.

6.6.2.4. Once application or submission has been filed with Summer Village of White Sands and where Council will have a decision-making role in the approval process or where the Councillor may sit on a Board or a Committee that may hear any subsequent appeal, Councillors will not meet with the applicant, developer, or special interest group. Councillors will not meet with the applicants, developers, or special interest groups prior to any Public Hearing or formal consideration by Council of the application, submission, or appeal hearing and decision being issued by Council or an Appeal Board.

6.6.2.5. All Development inquiries will be directed to Summer Village of White Sands Administration.

6.6.2.6. Any information forwarded by an applicant, developer, or special interest group to a Councillor with respect to a pending application or submission, shall be forwarded to the Chief Administrative Officer who will accept the information and determine what further distribution or disclosure of the information is required.

6.6.2.7. In the event that any application, submission, or action should proceed to any type of legal action or court proceeding, no meeting is allowed between Councillors,

applicants, developers, special interest groups, or any other entity initiating or involved with the legal action.

6.7. Confidentiality

6.7.1. Information provided to Council and to Councillors will not be used for any purpose other than to exercise their role as a Councillor.

6.7.2. Councillors will not release any information which is to be treated as confidential in accordance with the *Municipal Government Act* and will, at all times, recognize the *Freedom of Information and Protection of Privacy Act* regarding the access, use, and release of personal information.

6.7.3. Councillors will treat all private correspondence, both oral and written, between other Councillors, between themselves and the Chief Administrative Officer, as confidential until the parties agree that the information can or should be made public.

6.7.4. Councillors shall not release, disclose, publish, or comment on confidential information including, but not limited to, any information received during a Meeting conducted in the absence of the public, until such information is disclosed at a Public Meeting. This obligation continues in perpetuity. 6.7.5. Councillors shall not release any information that is subject to solicitor-client privilege unless expressly authorized by Council, through a Council resolution, to do so.

6.7.5. Councillors shall not misuse confidential information which they have knowledge of by virtue of their position as Councillor that is not in the public domain, including emails and correspondence from other Councillors or third parties such that it may cause harm, detriment, or embarrassment to Summer Village of White Sands Council, other Councillors, Summer Village of White Sands Administration, members of the public or third parties. Councillors shall not use confidential information that it may create a benefit for themselves.

7. USE OF MUNICIPAL RESOURCES DURING ELECTION PERIODS

7.1. Public resources must not be used in any way that would influence the electorate in an election, except in regard to supporting the actual election process. Council and individual Councillors commit to complying with the following procedures:

7.1.1. Council will not authorize or request the municipality staff to print, publish (including digitally on the internet), or distribute an electoral advertisement, unless it only contains information regarding the election process. Any electoral advertisement that can be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on:

- The election
- A candidate in the election; or
- An issue submitted to, or otherwise before the voters in connection with the election.

7.2. Council and individual Councillors will ensure that the Summer Village of White Sands resources are not used inappropriately in any way that may influence voting or provide an undue advantage for any candidate during a general election period from Nomination Day until the end of the Council term.

7.3. The Chief Administrative Officer will ensure that all members of staff are advised in regards to the application of this Code.

7.4. No Summer Village of White Sands administration / employee will, as part of their employment with the Municipality, undertake any activity that may affect voting in the election, except where it relates only to the election process and is authorized by the Chief Administrative Officer.

7.4.1. No Councillor shall ask, or shall there be any direction, motion, or resolution from Council for administration / employee or administration / employee member to authorize, use, or allocate a Summer Village of White Sands resource for any purpose that may influence voting in an election, except where it relates to the election process and is authorized by the Chief Administrative Officer.

7.5. At the end of the Councillor term of office, Councillor agree to promptly return all items supplied by the Municipality for their municipal use.

8. DISPUTE RESOLUTION AND DISCIPLINARY PROCEDURES

8.1. From time to time difficulties may occur in relationships between individual Councillors. It is expected that Councillors in this situation will use their best efforts to resolve such issues so that they do not interfere with the effective functioning of Council.

- 8.2. Councillors shall not use public forums to discuss issues they may have or be having with other Councillors or with Council.
- 8.3. Where there are issues that cannot be resolved between the parties and the view of the Mayor is that the impact or potential impact is such that the good governance of Summer Village of White Sands may be affected, then a decision to proceed to dispute resolution or discipline will be required by a resolution of Council.
- 8.4. Resolution procedures are as follows:
 - 8.4.1. The Mayor shall discuss the issues with the relevant Councillor(s) and attempt to mediate an outcome acceptable to both parties which will allow for an opportunity to apologize and recommend no further action. Should the dispute involve the Mayor, the Deputy Mayor will undertake the action.
 - 8.4.2. Councillors will at all times, attempt to resolve their issues without the need for external assistance as a demonstration of unity and teamwork.
 - 8.4.3. Should a matter not be resolved after internal mediation has taken place, Councillors are able to seek advice from the Chief Administrative Officer in an attempt to find solutions.
 - 8.4.4. Should the matter still remain unresolved, the Mayor, at his/her discretion, may request in writing to the Chief Administrative Officer, to appoint an external professional mediator to assist Council to work through the issues with the relevant parties. In the event the dispute involves the Mayor, this decision will be made by the Deputy Mayor.
 - 8.4.5. Should after external mediation, the matter remain unresolved, an independent arbitrator shall be appointed by Council to work with the parties and develop recommendations on how the dispute can be resolved.
 - 8.4.6. Council shall consider these recommendations in a meeting closed to the public in accordance with the *Municipal Government Act*, and may, on return to the open meeting, adopt a resolution based on the arbitrator's recommendations.
 - 8.4.7. All Councillors will abide by these resolutions.
- 8.5. In the unlikely event that a Councillor refuses to sign the Statement of Code of Ethics and Conduct or clearly violates any of the terms of the Summer Village of White Sands Councillor Code of Conduct or any provisions of the *Municipal Government Act* then the Mayor may recommend to Council that disciplinary action may be taken on the offending Councillor. In the event that the Mayor is the offending Councillor then this recommendation will be made by the Deputy Mayor.

Disciplinary procedures are as follows:

- 8.5.1. For a Councillors first offense Council may choose to privately discuss the matter, offer an opportunity to apologize and may recommend no further action. Should further action be taken then the penalty may be the loss of all or some of the offending Councillors appointed Committees.
- 8.5.2. For a second offense the penalty shall be the loss all of the Councillors Committees, and /or the loss of conference attendance.
- 8.5.3. For a third offense, all of the above and a \$500 penalty. Penalty to be deducted from the Councillors honorarium.
- 8.5.4. For all other offenses all of the above and \$1,000 penalty. Penalty to be deducted from the Councillors honorarium.
- 8.5.5. Should a Councillor have three or more offenses, in addition to the above penalties, Council will direct a letter to be sent to the Minister of Municipal Affairs, requesting an investigation into the conduct of the Councillor and requesting his/her removal from Council.

9. EFFECTIVE DATE

- 9.1. This Bylaw shall come into force and effect when it has received third reading and has been duly signed.

READ a first time this 15th day of June, A.D. 2018.

READ a second time this 15th day of June, A.D. 2018.

READ a third time and finally passed this 15th day of June, A.D. 2018.

MAYOR

CAO

Schedule A

STATEMENT OF CODE OF ETHICS AND CONDUCT

I, _____ do solemnly swear to uphold the Summer Village of White Sands Councillor Code of Conduct, as per Bylaw 167-18 at all times while serving as a municipally elected official representing Summer Village of White Sands. I have read and understand the Councillor Code of Conduct Bylaw 167-18 and further agree to ALL the terms and conditions as specified in the Bylaw.

Dated at Stettler, Alberta this _____ of _____, 2018.

Councillor

Chief Administrative Officer

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Dated at Stettler, Alberta this _____ of _____, 2018.

Councillor

Chief Administrative Officer