



BYLAW NO. 09-2022
Code of Conduct for Council Members
Town of High Prairie

A Bylaw of the Town of High Prairie in the Province of Alberta, pursuant to the provisions of the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26* (MGA) to establish the code of conduct for members of Council of the Town of High Prairie.

WHEREAS pursuant to Section 146.1 of the MGA, a Council must, by bylaw, establish a code of conduct governing the conduct of councillors; and

WHEREAS, pursuant to Section 153 of the MGA, members of Council have a duty to adhere to the code of conduct established by Council; and

WHEREAS, the public is entitled to expect the highest standard 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 understanding of acceptable conduct extending beyond the legislative provisions governing the conduct of councillors;

NOW, THEREFORE, the Council of the Town of High Prairie, in the Province of Alberta, duly assembled, enacts as follows;

1. TITLE

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

2. DEFINITIONS

2.1 In this Bylaw:

- a) **"Administration"** means the administrative and operational arm of the Town, comprised of the various departments and business units and including all employees who operate under the leadership and supervision of the CAO;
- b) **"CAO"** means the Chief Administrative Officer or designate, appointed pursuant to the MGA;
- c) **"Council"** means the Council of the Town;
- d) **"FOIP"** means the *Freedom of Information and Protection of Privacy Act, Revised Statutes of Alberta 2000, Chapter F-25*;
- e) **"Investigator"** means Council or the individual or body established by Council to investigate and report on complaints;

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- f) **"Member"** means a member of Council and includes a Councillor or the Mayor and includes a member of Council Committees or other bodies established by Council;
- g) **"MGA"** means the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26*; and
- h) **"Town"** means the Town of High Prairie.

3. GENERAL INTERPRETATION

- 3.1 All schedules attached to this Bylaw form part of this Bylaw.
- 3.2 Headings or subheadings in this Bylaw are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.
- 3.3 Words in the singular include the plural and words in the plural include the singular.
- 3.4 Where this Bylaw cites or refers to any act, regulation, code or other bylaw, the citation or reference to the act, regulation, code or other bylaw includes any amendments thereto before or after the commencement of this Bylaw, and includes reference to any act, regulation, code or other bylaw that may be substituted in its place.
- 3.5 Each provision of this Bylaw is independent of, and severable from, all other provisions and if any provision is declared invalid or unenforceable for any reason by a court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.
- 3.6 Nothing in this Bylaw relieves a Person from complying with any provision of any federal, provincial or municipal law or regulation or any requirement of any lawful permit, order or license.

4. PURPOSE AND APPLICATION

- 4.1 The purpose of the Bylaw is to establish a standard for the ethical conduct of Members relating to their roles and obligations as representatives of the Town and a procedure for the investigation and enforcement of those standards. This code of conduct is intended to deal with Council conduct both internally as among Members, and as between Council and Administration, as well as externally, with other orders of government, the media and the public at large.

5. REPRESENTING THE TOWN

- 5.1 Members shall:

- a) act honestly and, in good faith, serve the welfare and interests of the Town as a whole;
- b) perform their functions and duties in a conscientious and diligent manner with integrity, accountability and transparency;
- c) conduct themselves in a professional manner with dignity and make every effort to participate diligently in the meetings of Council, Committees of Council and other bodies to which they are appointed by Council; and
- d) arrange their private affairs and conduct themselves in a manner that promotes public confidence and will bear close public scrutiny.

6. COMMUNICATING ON BEHALF OF THE TOWN

- 6.1 A Member must not claim to speak on behalf of Council unless authorized to do so.
- 6.2 Unless Council directs otherwise, the Mayor is Council's official spokesperson and in the absence of the Mayor, it is the Deputy Mayor. All inquiries from the media regarding the official Council position on an issue shall be referred to Council's official spokesperson.
- 6.3 A Member who is authorized to act as Council's official spokesperson must ensure that their comments accurately reflect the official position and will of Council as a whole, even if the Member personally disagrees with Council's position.
- 6.4 No Member shall make a statement when they know that statement is false.
- 6.5 No Member shall make a statement with the intent to mislead Council or members of the public.
- 6.6 No Member shall use social media to publish anything that is dishonest, untrue, unsubstantiated, offensive, disrespectful, constitutes harassment, is defamatory or misleading in any way.

7. RESPECTING THE DECISION-MAKING PROCESS

- 7.1 Decision-making authority lies with Council, and not with any individual Member. Council may only act by bylaw or resolution passed at a Council meeting held in public at which there is a quorum present.
- 7.2 No Member shall, unless authorized by Council, attempt to bind the Town or give direction to employees in Administration, agents, contractors, consultants or other service providers or prospective vendors to the Town.
- 7.3 No member may engage in negotiations or make representations or commitments on behalf of the Town unless authorized to do so by Council, but may advocate for

the Town's interests to any level of government or non-governmental body as opportunities arise.

- 7.4 Members shall conduct and convey Council business and all their duties in an open and transparent manner other than for those matters which by law are authorized to be dealt with in a confidential manner in a closed session, and in so doing, allow the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.
- 7.5 Members shall accurately communicate the decisions of Council, even if they disagree with Council's decision such that respect for the decision-making processes of Council is fostered.

8. ADHERANCE TO POLICIES, PROCEDURES AND BYLAWS

- 8.1 Members shall uphold the law established by the Parliament of Canada and the Legislature of Alberta and the bylaws, policies and procedures adopted by Council.
- 8.2 Members shall respect the Town as an institution, its bylaws, policies and procedures and shall encourage public respect for the Town, its bylaws, policies and procedures.
- 8.3 A Member must not encourage disobedience of any bylaw, policy or procedure of the Town in responding to a member of the public, as this undermines public confidence in the Town and the rule of law.

9. RESPECTFUL INTERACTIONS WITH COUNCIL MEMBERS, ADMINISTRATION, THE PUBLIC AND OTHERS

- 9.1 Members shall act in a manner that demonstrates fairness, respect for individual differences and opinions, and an intention to work together for the common good and in furtherance of the public interest.
- 9.2 Members shall treat one another, employees of the Town and members of the public with courtesy, dignity and respect and without abuse, bullying or intimidation.
- 9.3 No Member shall use indecent, abusive, or insulting words or expressions toward another Member, any employee of the Town or any member of the public.
- 9.4 No Member shall speak in a manner that is discriminatory to any individual based on the person's race, religious beliefs, colour, gender physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.
- 9.5 Members must not:



- a) involve themselves in matters of Administration, which fall within the jurisdiction of the CAO;
 - b) use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any employee of the Town with the intent of interfering in the employee's duties; or
 - c) maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of employees of the Town.
- 9.6 Members shall not contact or attempt in any way to influence any member of a judicial, quasi-judicial, or regulatory body before which the Town may be a party regarding a matter before that body.
- 9.7 Members shall obtain information about the operation or administration of the Town from the CAO in accordance with section 153(d) of the MGA.
- a) Members are to contact staff according to the Town's Council Communication Policy and procedures authorized by the CAO regarding the interaction of members and staff.

10. CONFIDENTIAL INFORMATION

- 10.1 Members must keep in confidence matters discussed in private at a Council or Council committee meeting until the matter is discussed at a meeting held in public.
- 10.2 In the course of their duties, Members may also become privy to confidential information received outside of a closed session meeting.
- 10.3 Members must not:
- a) disclose or release by any means to any member of the public, including the media, any confidential information acquired by virtue of their office, unless the disclosure is required by law or authorized by Council to do so;
 - b) access or attempt to gain access to confidential information in the custody or control of the Town unless it is necessary for the performance of the Member's duties and is not otherwise prohibited by Council, and only then if the information is acquired through appropriate channels in accordance with applicable Council bylaws and policies.
- 10.4 Confidential information includes information in the possession of, or received in confidence by, the Town that the Town is prohibited from disclosing pursuant to legislation, court order or by contract, or is required to refuse to disclose under FOIP or any other legislation, or any other information that pertains to the business of the Town, and is generally considered to be of a confidential nature, including but not limited to information concerning:

- a) the security of the property of the Town;
- b) a proposed or pending acquisition or disposition of land or other property;
- c) a tender that has or will be issued but has not been awarded;
- d) contract negotiations;
- e) employment and labour relations;
- f) draft documents and legal instruments, including reports, policies, bylaws and resolutions, that have not been the subject matter of deliberation in a meeting open to the public;
- g) law enforcement matters;
- h) litigation or potential litigation, including matters before administrative tribunals; and
- i) advice that is subject to solicitor-client privilege.

11. CONFLICT OF INTEREST

- 11.1 Members are expected to make decisions for municipal purposes for the welfare or interests of the Town as a whole.
- 11.2 Members have a statutory duty to comply with the pecuniary interest provisions set out in Part 5, Division 6 of the MGA and a corresponding duty to vote unless required or permitted to abstain under the MGA or another enactment.
- 11.3 Members are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends or associates, business or otherwise.
- 11.4 Members shall not, in the exercise of an official power, duty or function, give preferential treatment to any individual or organization if a reasonably well-informed person would conclude that the preferential treatment was advancing a private interest.
- 11.5 Members shall not use information received as an elected official that is not available to the public or the rest of Council, for a purpose other than carrying out the Member's duties.

12. CONDUCT AT MEETINGS

- 12.1 Members have a statutory duty to participate in Council meetings and failure to attend as required may lead to a Member's disqualification under the MGA.

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- 12.2 Members shall conduct themselves with decorum and make every effort to participate diligently in the meetings of Council, committees of Council and other bodies to which they are appointed by Council.
- 12.3 Members shall comply with the provisions of the Procedure Bylaw, or any other rules of meeting procedure applicable to the body to which they have been appointed by Council.
- 12.4 Members shall endeavour to conduct and convey Council business and all their duties in an open and transparent manner other than for those matters which by virtue of legislation are authorized to be dealt with in a confidential manner in a closed session.
- 12.5 Members shall act in a manner that demonstrates fairness, respect for individual differences, and an intention to work together for the common good and to further public interest.

13. ORIENTATION AND TRAINING

- 13.1 Members shall attend all training required by legislation to be provided to Members, as well as any additional training directed by Council.

14. USE OF MUNICIPAL ASSETS AND SERVICES

- 14.1 Members shall use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Member subject to the following limited exceptions:
 - a) municipal property, equipment, service, supplies and staff resources that are available to the general public may be used by a Member for personal use upon the same terms and conditions as members of the general public, including booking and payment of any applicable fees or charges; and
 - b) electronic communication devices, including but not limited to desktop computers, laptops, tablets and smartphones, which are supplied by the Town to a Member, may be used by the Member for personal use, provided that the use is not for personal gain, offensive or inappropriate.
- 14.2 All emails, messages sent or received and files stored on Town devices are subject to FOIP.
- 14.3 In the event of a Formal Complaint pursuant to this Bylaw, Council may require that any or all of the electronic communication devices provided by the Town to Members may be confiscated and inspected as part of the investigation including downloading information which is considered relevant to the investigation. All email messages or internet connections may be retrieved.

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15. RENUMERATION AND EXPENSES

- 15.1 Members are stewards of public resources and shall avoid waste, abuse and extravagance in the use of public resources.
- 15.2 Members shall be transparent and accountable with respect to all expenditures and strictly comply with all municipal bylaws, policies and procedures regarding claims for remuneration and expense.

16. GIFTS AND HOSPITALITY

- 16.1 Members shall not accept gifts, hospitality or other benefits that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate functions involved.
- 16.2 Members may accept hospitality, gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation. Other gifts, hospitality or benefits may be accepted provided that the gift or benefit does not exceed one hundred and fifty dollars (\$150.00).
- 16.3 Gifts received by a Member on behalf of the Town as a matter of official protocol which have significance or historical value for the Town shall be left with the Town when the Member ceases to hold office.

17. ELECTION CAMPAIGNS

- 17.1 No Member shall use any facilities, equipment, supplies, services, municipal logo or other resources of the Town for any election campaign or campaign related activity.
- 17.2 Members must not utilize their position to garner an unfair advantage over candidates that are not members.
- 17.3 Members should not make inquiries of, or rely on, Town staff to interpret or provide advice to Members regarding the requirements placed on candidates for municipal office.
- 17.4 To avoid confusion with any website or social media account used for the Member's duties, Members who choose to create or use websites or social media accounts for campaign communications must include, for the duration of the campaign, a clear statement indicating that the website or account is being used for campaigning purposes.
- 17.5 A member may accept the services of Town staff that may choose to volunteer with the Member's election campaign during non-work hours.

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18. INFORMAL COMPLAINT PROCESS

- 18.1 Any person or any Member who has identified or witnessed conduct by a Member that the person or Member believes, in good faith, is in contravention of this Bylaw may address the prohibited conduct by:
- a) advising the Member that the conduct violates this Bylaw and encouraging the Member to stop;
 - b) encourage the Member to acknowledge and agree to stop the prohibited behaviour or activity and to avoid future occurrences of the prohibited behaviour or activity; and
 - c) requesting the Mayor to assist in informal discussion of the alleged complaint with the Member in an attempt to resolve the issue. In the event that the Mayor is the subject of, or is implicated in a complaint, the person may request the assistance of the Deputy Mayor.
- 18.2 Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying conduct that they believe violates this Bylaw. However, an individual is not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure outlined below.

19. FORMAL COMPLAINT PROCESS

- 19.1 Any person or any Member who has identified or witnessed conduct by a Member that the person or Member believes, in good faith, is in contravention of this Bylaw may address the prohibited conduct by:
- a) All complaints shall be made in writing and shall be dated and signed by an identifiable individual;
 - b) All complaints shall be addressed to the Investigator;
 - c) The complaint must set out reasonable and probable grounds for the allegation that the Member has contravened this Bylaw.
 - d) The Member concerned shall receive a copy of the complaint submitted to the Investigator;
 - e) If the facts, as reported, include the name of one or more Members who are alleged to be responsible for the breach of this Bylaw, the Member or Members concerned shall receive a copy of the complaint submitted to the Investigator;
 - f) Upon receipt of a complaint under this Bylaw, the Investigator shall review the complaint and decide whether to proceed to investigate the complaint or not. If the Investigator is of the opinion that a complaint is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, the Investigator may choose not to Investigate or, if

already commenced, may terminate any investigation, or may dispose of the complaint in a summary manner. In that event, the complainant and Council, if Council is not the Investigator, shall be notified of the Investigator's decision in writing;

- g) If the Investigator decides to investigate the complaint, the Investigator shall take such steps as it may consider appropriate, which may include seeking legal advice. All proceedings of the Investigator regarding the investigation shall be confidential;
- h) If the Investigator is not Council, the Investigator shall, upon conclusion of the investigation, provide the Council and the Member who is the subject of the complaint, the results of the Investigator's investigation in writing;
- i) A Member who is the subject of an investigation shall be afforded procedural fairness, including an opportunity to respond to the allegations before Council deliberates and makes any decision or any sanction is imposed in writing; and
- j) A Member who is the subject of an investigation is entitled to be represented by legal counsel, at the Member's sole expense.

20. **COMPLIANCE AND ENFORCEMENT**

- 20.1 Members shall uphold the letter and the spirit and intent of this Bylaw.
- 20.2 Members are expected to cooperate in every way possible in securing compliance with the application and enforcement of this Bylaw.
- 20.3 No Members:
 - (a) undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to Council or to any other person; or
 - (b) obstruct Council, or any other person, in carrying out the objectives or requirements of this Bylaw.
- 20.4 Sanctions that may be imposed on a Member, by Council, upon a finding that the Member has breached this Bylaw may include:
 - a) a letter of reprimand addressed to the Member;
 - b) requesting the Member to issue a letter of apology;
 - c) letter of reprimand or request for apology and the Member's response;
 - d) suspension or removal of the appointment of a Member as the Chief Elected Official under Section 150(2) of the MGA.

- e) suspension or removal of the appointment of a Member as the Deputy Chief Elected Official or Acting Chief Elected Official under Section 152 of the MGA;
- f) suspension or removal of the Chief Elected Official's presiding duties under Section 154 of the MGA;
- g) suspension or removal from some or all Council committees and bodies to which Council has the right to appoint members;
- h) reduction or suspension of remuneration as defined in Section 275.1 of the MGA corresponding to a reduction in duties, excluding allowances for the attendance at Council meetings; or
- i) any other sanction Council deems reasonable and appropriate in the circumstances provided that the sanction does not prevent a Member from fulfilling the legislated duties of a Councillor and the sanction is not contrary to the MGA.

21. REVIEW

21.1 This Bylaw shall be brought forward for review at the beginning of each term of Council, when relevant legislation is amended, and at any other time that Council considers appropriate to ensure that it remains current and continues to accurately reflect the standards of ethical conduct expected of Members.

22. REPEALING

22.1 This Bylaw shall replace Bylaw 17-2021 and Bylaw 17-2021 is hereby repealed.

23. COMING INTO FORCE

23.1 This Bylaw shall come into force and effect upon third reading.

First Reading given on this 12th day of April 2022.

Second Reading given on this 12th day of April 2022.

GIVEN Unanimous Consent to proceed to third and final Reading of the Code of Conduct for Council Members Bylaw 09-2022 this 12th day of April 2022.

Third and Final Reading given on this 12th day of April 2022.



Mayor Brian Panasiuk



CAO Rod Risling