



BYLAW NO. 938/18

BEING A BYLAW OF THE TOWN OF RIMBEY IN THE PROVINCE OF ALBERTA TO REGULATE THE CODE OF CONDUCT OF COUNCIL.

WHEREAS Section 146.1 of the Municipal Government Act provides that a Council must, by bylaw, establish a Code of Conduct governing the conduct of Councillors;

WHEREAS The Code of Conduct for Officials Regulation, *Alberta Regulation* provides that a Code of Conduct must contain certain provisions;

WHEREAS The Town of Rimby Council recognizes the constituents of the Town of Rimby elected Members of Council for the purpose of providing effective leadership for the Town of Rimby and its residents;

WHEREAS Each individual Councillor of the Town of Rimby Council hereby commits to upholding this Code of Conduct for the purpose of ensuring that Councillors of the Town of Rimby maintain appropriate conduct when carrying out their roles as Councillors;

WHEREAS This Code of Conduct must be reviewed every four years from date of passing; and

WHEREAS The Chief Administrative Officer Bylaw is incorporated by reference into the Code of Conduct.

NOW THEREFORE The Council of the Town of Rimby, duly assembled, hereby enacts as follows:

This Bylaw shall be called the "Council Code of Conduct"

1.0 GUIDING PRINCIPLES

1.1 Council should review this Code of Conduct annually at the Organizational Meeting, to ensure the Bylaw is current and remains relevant to the day to day conduct of Council and individual Councillors.

1.2 Councillors are expected to formally and informally review this Code of Conduct, and their adherence thereto on a regular and ongoing basis.

2.0 MUNICIPAL PURPOSES

2.1 The purposes of the Municipality of Rimby are to:

- a) to provide good government,
- b) to foster the well-being of the environment,
- c) to provide services, facilities or other things that, in the opinion of Council, are necessary or desirable for all or a part of the municipality, and,
- d) to develop and maintain safe and viable communities and,
- e) to work collaboratively with neighbouring municipalities to plan, deliver and fund inter-municipal services.



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3.0 DEFINITIONS

3.1 "Chief Administrative Officer" has the meaning prescribed under the Municipal Government Act, and may be referred to as the "CAO".

3.2 "Conflict of Interest" means an occurrence where a Councillor's personal or private interests are, or may be perceived as, influencing the Councillor on a matter of public interest before Town Council, including occurrences which may result in common law bias, including direct or indirect pecuniary interest, prejudice, close mindedness or undue influence.

A Conflict of Interest occurrence also includes using the Councillor's position, confidential information or Town of Rimbey 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 interests of the Councillor's family, friends or business associates.

3.3 "Complained of Councillor" means the Councillor against whom a complaint has been made under this code of conduct.

3.4 "Councillor(s)" has the meaning described under the Municipal Government Act, including an individual elected member of the Town of Rimbey Council and the Chief Elected Official (Mayor).

3.5 "Council" means the Town of Rimbey Council.

3.6 "In Camera" means "in private" meeting. It involves a confidential meeting, or a portion of a meeting, taking place with only Council members, the CAO, or any other person invited by Council and are within one of the exceptions to disclosure as outlined in the Freedom of Information and Protection of Privacy Act.

3.7 "MGA" means the Municipal Government Act.

3.8 "Pecuniary Interest" means those occurrences as prescribed in the Municipal Government Act, R.S.A. 2000 Chapter M-26.

3.9 The "Town" means the municipality of Rimbey.

4.0 CODE OF CONDUCT FOR COUNCILLORS

The Council has adopted the following principles to ensure all Councillors act honestly, in good faith and in the best interests of the Town. The purpose of this Bylaw is to establish effective governance through proper conduct.

The Town of Rimbey Councillors each agree and commit to the following rules of conduct:

4.1 To act honestly and in good faith at all times.

4.2 To engage in respectful, fulsome and healthy debate on matters in Council meetings, and subsequently, to support the decision of Council.

4.3 To respect all opinions of other Councillors.

4.4 To publicly express personal opinions in such a manner that maintains respect for Council, other Councillors and any decisions made by Council or a Council Committee.



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- 4.5 To ensure any public statements are clearly stated to reflect the personal opinion of the Councillor, not the opinion or position of Council as a whole, unless given express authorization by Council to represent Council's position on an issue.
- 4.6 To strictly follow the Pecuniary Interest requirements provisions of the MGA R.S.A. 2000 Chapter M-26.
- 4.7 To avoid occurrences which may result in a Conflict of Interest.
- 4.8 To avoid occurrences where it may be perceived the Councillor is using their position on Council to gain a personal or pecuniary benefit.
- 4.9 To refrain from seeking the award of written service or supply contracts; to refrain applying for positions of employment with the Town, while holding the position of Councillor in order to avoid any public perception the Councillor is using their position on Council to gain a personal or pecuniary benefit. It is acknowledged and agreed the Town will not award any written service or supply contracts nor make offers of employment to any person who holds the position of Councillor.
- 4.10 To incur expenses in a responsible and reasonable manner.
- 4.11 To act with professionalism, and respect when interacting with other members of Council, administration, members of the public and other government officials.
- 4.12 To consider the welfare and interests of the Town as a whole, and to bring to Council's attention anything that would promote the welfare or interests of the Town.
- 4.13 To actively participate in all Council and Council Committee Meetings and meetings of other bodies to which they are appointed by the Council in good faith.
- 4.14 To obtain information about the operation or administration of the Town from the CAO.
- 4.15 To participate generally in developing and evaluating the policies and programs of the Town.
- 4.16 To keep in confidence all matters discussed in camera at a Council Meeting or Council Committee Meeting until the matter is discussed at a public meeting.
- 4.17 To demonstrate fairness, accountability and open mindedness on all matters.
- 4.18 To refrain from improper use of their position as a Councillor to:
 - 4.18.1 gain, or attempt to gain or advance, directly or indirectly, a personal or private interest for him/herself or another person,
 - 4.18.2 cause, or attempt to cause, detriment to the Town, the Town Council or any individual Councillor, cause, or attempt to cause, detriment to any member of the Town administration or staff, or
 - 4.18.3 seek personal benefit or gain from any information obtained through their position as a Councillor.



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- 4.19 A Council or a Councillor must not exercise a power or function or perform a duty that is by this, or other enactment or bylaw, specifically assigned to the CAO or a designated officer. (MGA Section 201 (2).
- 4.20 To perform any other duty or function imposed on Councillors by this or any other enactment or by the Council.
- 4.21 To promote an integrated and strategic approach to inter-municipal land use planning and service delivery with neighboring municipalities.
- 4.22 To participate in orientation training and other training opportunities with regard to the roles and responsibilities of Council.
- 4.23 Councillors shall dress in a manner that upholds the dignity and decorum of the Municipal Office during all council meetings.
- 4.24 To adhere to all Town bylaws, policies, and procedures.
- 4.25 Adhere to the Code of Conduct.

5.0 CODE OF CONDUCT IN PRACTICE

5.1 Council Decisions

5.1.1 Council meetings are the appropriate forum for healthy and fulsome debate and discussion of matters before Council,

5.1.2 All Councillors must be given a full opportunity to address issues before Council in a full, open and professional manner, to encourage and promote healthy debate of issues,

5.1.3 Council decisions are made by majority vote by the 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,

5.1.4 While an individual Councillor may publicly state they did not vote with the majority of Council on an issue, this must be made in a manner which respects Council, Council's decision and other members of Council.

5.2 Councillor Expenditures

5.2.1 When incurring expenditures, Councillors shall act responsibly and respect that public monies must be used for the public good,

5.2.2 Councillors shall avoid waste, abuse and inappropriate expenditure in the use of public monies and resources,

5.2.3 Councillors shall be open and accountable with respect to all expenditures,

5.2.4 Councillors shall strictly adhere to all Town guidelines addressing expenditures and reimbursement.



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5.3 Dealings with Town administration, staff and members of the public

5.3.1 Councillors shall respect the professional opinion of Town administration and staff,

5.3.2 Councillors shall not abuse relationships or dealings with Town administration or staff by attempting to take advantage of their position as Councillors. Councillors must refrain from behaviour which may be perceived to be bullying of staff,

5.3.3 All questions or inquiries from Council members to the Administration should be made in writing to ensure clarity and completeness of the request. Such inquiries should be directed through the Chief Administrative Officer for review and distribution to the appropriate department or individual for response,

5.3.4 Councillors may meet with the CAO at any time. However, Councillors must not meet with any staff member(s), and must not discuss municipal business at any time, without the CAO present, unless authorized by the CAO. No member of Council shall have the power to direct or interfere with the performance of any work for the town,

5.3.5 Councillors will treat all people with professionalism, courtesy and respect,

5.3.6 Councillors will treat all people in good faith and without bias and shall not discriminate against any person on the basis of:

5.3.6.1 differences in personal opinions, or

5.3.6.2 race, ancestry, place of origin, colour, ethnic origin, culture, citizenship, religion, creed, language, gender, sexual orientation, age, family status, disability or occupation.

5.3.7 It is the sole responsibility of the CAO to hire, discipline, and terminate staff, and all information pertaining to staff employment matters is confidential. No member of Council, either as an individual or as a group, shall interfere with the CAO role in the hiring, disciplinary action, or termination of any staff member, by way of coercion, persuasion, threats, intimidation, bullying, or any other form of influence. The CAO shall immediately report any incident of this nature to Council as a whole.

5.4 Pecuniary Interest

5.4.1 It is the individual responsibility of each Councillor to be aware of the Pecuniary Interest provisions and the disclosure and procedure requirements as established in MGA,

5.4.2 It is the individual responsibility of each Councillor to seek independent legal advice with respect to any occurrence which may result in Pecuniary Interest, at their own expense,

5.4.3 If a Councillor believes they may have or may reasonably be perceived to have a Pecuniary Interest in a matter before Council or a Council Committee, they shall follow the Pecuniary Interest disclosure and procedure requirements as established in the MGA including:



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5.4.3.1 Stating the general nature of their Pecuniary Interest at the meeting prior to any discussion of the matter. This will be done on every occasion the matter arises before Council or Council Committee,

5.4.3.2 Refraining from discussing the matter with Council,

5.4.3.3 Subject to 5.4.3, leaving the room in which the meeting is held prior to the matter being discussed until discussion and voting on the matter has concluded, MGA, section 172(1)(d),

5.4.3.4 The decision with respect to whether or not the Councillor may have a Pecuniary Interest is the individual Councillor's decision to make, in accordance with the MGA.

5.4.4 Where a Councillor believes they may have a Pecuniary Interest in a matter before Council or a Council Committee, they should:

5.4.4.1 Notify the Mayor or Chair of the meeting before the matter is considered that the Councillor has a Pecuniary Interest in the matter,

5.4.4.2 Complete the "Disclosure of Pecuniary Interest" form attached as Schedule "A" prior to the consideration of the matter at the meeting. The "Disclosure of Interest" form shall be received by the Mayor or Chair of the meeting, be read into the meeting minutes and delivered by the Mayor or the Chair to the CAO or their designate. The CAO shall file and maintain the "Disclosure of Interest" forms.

5.5 Conflict of Interest

5.5.1 Receipt and giving of gifts can result in a perceived Conflict of Interest. With the exception of token and minor gifts (having an estimated value under \$50.00), Councillors shall provide a written declaration to the CAO detailing the acceptance of any gifts including estimated value and the donor of the gift, form attached as Schedule "B",

5.5.2 While token and minor gifts can be accepted by Councillors, substantial or material gifts, (over \$50.00), should either be rejected by Councillors or accepted on the condition the gift is accepted on behalf of Council and donated to a local charity,

5.5.3 This Bylaw does not apply to gifts donated to the Town, nor to gifts or hospitality which are normally received as a matter of protocol or social obligations that normally accompany the position of Councillor and which are not related to any particular transaction or activity of the Town of Rimbey or decision by Council,

5.5.4 Councillors shall not engage in any activity, which is incompatible or inconsistent with the discharge of a Councillor's duties and obligations as an elected official in the Town,

5.5.5 The decision with respect to whether or not the Councillor may have a Conflict of Interest is the individual Councillor's decision to make,



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5.5.6 A Councillor may seek the advice of the CAO respecting a potential conflict prior to the matter coming before Council,

5.5.7 It is the individual responsibility of each Councillor to seek independent legal advice with respect to any situation which may result in a Conflict of Interest.

5.6 Use and Disclosure of Information

5.6.1 Councillors must not use information gained through their position on Council for any private or personal benefit or gain,

5.6.2 Councillors shall inform themselves of and strictly adhere to the provisions of the Freedom of Information and Protection of Privacy Act, R.S.A. 2000, Chapter F-25 with respect to the access to, gathering, use and disclosure of information,

5.6.3 Councillors must not release, disclose, publish or comment on confidential information including any information received during an "in camera" meeting until such information is disclosed at a public meeting. This obligation continues in perpetuity,

5.6.4 Councillors must not release information which is subject to solicitor-client privilege unless expressly authorized by Council or required by law to do so,

5.6.5 Councillors must not misuse confidential information gained by virtue of their position as Councillor that is not in the public domain, including e-mails and correspondence from other Councillors or third parties, such that it may cause harm, detriment or embarrassment to the Town, Council, other Councillors, Town of Rimbeey administration or staff, members of the public or third parties, or such that it may create a benefit to themselves, the Town, Council, other Councillors, Town administration or staff, members of the public or third parties.

6.0 SANCTIONS FOR BREACHING THE CODE OF CONDUCT

6.1 If a Councillor fails to adhere to the Code of Conduct, any or all of the following sanctions may be imposed:

6.1.1 Letter of reprimand addressed to the Councillor,

6.1.2 A request to the Councillor to issue a letter of apology,

6.1.3 Publication of the letter of reprimand or request for apology and the Councillor's response,

6.1.4 Require the Councillor to attend training,

6.1.5 Suspension or removal of the appointment of a Councillor as the Chief Elected Official under section 150(2) of the MGA,

6.1.6 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 MGA,



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6.1.7 Suspension or removal of the Chief Elected Official's presiding duties under section 154 of the MGA,

6.1.8 Suspension or removal from some or all of Council Committees and bodies to which council has the right to appoint members,

6.1.9 Reduction or suspension of remuneration as defined in section 275.1 of the MGA corresponding to a reduction in duties, excluding allowances for attendance at Council meetings.

This Code of Conduct, or sanctions imposed under this Code of Conduct shall not prevent any Councillor from fulfilling the legislated duties of a Councillor.

7.0 COMPLAINT PROCESS FOR BREACHING CODE OF CONDUCT

7.1 Any elector of the Town of Rimbey may make a complaint alleging a breach of the Code of Conduct. Complaints regarding a Councillor's conduct shall be submitted in writing to Council through the CAO, using the form attached as Schedule "C".

7.2 Where a contravention of any provision in this Code of Conduct is alleged, Council shall, upon request of any member of Council, hold a Special Council Meeting within 30 days of the complaint, to determine if the Council member has breached this bylaw. All discussions surrounding both alleged and substantiated violations of this code shall be conducted during an in-camera meeting of Council, with the intent the discussion shall remain confidential under the appropriate sections of the Freedom of Information and Protection of Privacy (FOIP) Act.

7.3 The Complained of Councillor shall be given opportunity to address Council at the meeting referred to in section 7.2, and will be provided with sufficient time to address the alleged breach of confidentiality. The Complained of Councillor shall be permitted to introduce evidence, including witnesses to support their position, and may be represented by legal counsel. Should the Complained of Councillor have legal counsel, then the Town shall have the right to legal representation. Should Council determine a member has potentially breached the Code of Conduct, Council shall rise and report such a determination has been made, and shall, at a special open Council session called for that purpose, pass a resolution that shall require the member to appear before an In-camera Special Council Meeting to be sanctioned.

7.4 The Sanction shall be ratified by resolution at a Regular Meeting of Council.

7.5 All Sanctions under this Bylaw shall be fair and in keeping with the severity of the infraction, giving due regard to the Councillor's previous conduct.

7.6 Nothing in this section restricts or attempts to countermand a Councillor's legal right to challenge a decision by Council through established legal channels.

8.0 SEVERABILITY

8.1 Should any section, subsection, clause or provision of this Bylaw be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Bylaw as a whole or any part thereof, other than the part so declared to be invalid.



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This Bylaw comes into effect on the date of third and final reading.

READ a First Time in Council this 12 day of March 2018.

READ a Second Time in Council this 10 day of April 2018.

READ a Third Time and Finally Passed this 10 day of April 2018.

A handwritten signature in black ink, appearing to read "Rick Pankiw".

Mayor Rick Pankiw

A handwritten signature in black ink, appearing to read "Lori Hillis".

Chief Administrative Officer
Lori Hillis

SIGNATURE

The undersigned member of Council hereby acknowledges receipt of a copy of Bylaw 938/18, being the Mayor and Councillor's "Code of Conduct By-law".

PRINTED NAME

Signature of Member of Council

Date of Signature Acknowledgement of Receipt of Code of Conduct Bylaw

NOTE: The member of Council acknowledges two copies of the Bylaw were provided to the member. One signed copy of the Bylaw was returned to the CAO and the duplicate copy was retained by the member of Council.

TOWN OF RIMBEY

Council Code of Conduct Complaint Protocol

Formal Complaint Form / Affidavit

I, _____ (please print) of the Town of Rimbe, in the Province of Alberta, do solemnly swear/affirm, and declare the following contents of this affidavit as subscribed are true and correct:

Civic Address: _____; Mailing Address: _____

of the Town of Rimbe in the Province of Alberta, Postal Code _____

I have personal knowledge of the facts as set out in this Affidavit because (insert reason e.g. I work for..., I attended a meeting at which..., etc.) I have reasonable and probable grounds to believe _____ (name of member) has contravened section(s) _____ of the Council Code of Conduct for the Town of Rimbe. The particulars of which are as follows:

Multiple horizontal lines for providing details of the complaint.

(Set out the statements of fact in consecutively numbered paragraphs in the space below, with each paragraph being confined as far as possible to a particular statement of fact. If you require more space please use the attached Schedule "A" form and check the appropriate box below. If you wish to include exhibits to support this complaint, please refer to the exhibits as Exhibit "A", "B", etc., and attach them to this Affidavit.

Horizontal lines for providing statements of fact.

Please see the attached Schedule "C"

This Affidavit is made for the purpose of requesting this matter be reviewed by the Council and/or the Chief Administrative Officer of the Town of Rimbe and for no other purpose.

SWORN BEFORE ME at the City/Town of _____)

in the Province of Alberta,)

this _____ day of _____, 20____)

Complainant Signature

_____))

A Commissioner for Oath in and for the Province of Alberta)

Note: This is a sworn (affirmed) affidavit of the deponent only. No investigation has been conducted by this authority to confirm or verify the above sworn information. The Criminal Code of Canada provides that: everyone commits perjury who, with intent to mislead, makes before a person who is authorized by law to permit it to made before him a false statement under oath or solemn affirmation by affidavit, solemn declaration or deposition or orally, knowing that the statement is false, is guilty of an indictable offence and liable to a term of imprisonment not exceeding fourteen years. (Section 131, 132), or by summary conviction (Section 134). Signing a false affidavit may expose you to prosecution under Sections 131 and 132 or 134 of the Criminal Code, R.S.C. 1985, c. C-46 and also to civil liability for defamation.

