

SUMMER VILLAGE OF MA-ME-O BEACH

BYLAW No. 359

Code of Conduct for Council Members

WHEREAS the Government of the Province of Alberta requires each municipal council therein, pursuant to Section 146.1 of the Municipal Government Act, to establish a Code of Conduct for Elected Officials consistent with the Act and with any regulations made under the Act;

AND WHEREAS the residents of the Summer Village are entitled to have fair, ethical, and accountable local government and to expect the highest standards of conduct from the members that it elects to Council;

AND WHEREAS such a government requires that public officials comply with both the letter and spirit of the laws and policies affecting operations of the government; be independent, impartial, and fair in their judgement and actions; use their public office for the public good and not for personal gain; and conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility;

THEREFORE the Municipal Council of the Summer Village of Ma-Me-O Beach enacts as follows that:

1. TITLE

This Bylaw may be referred to as the “Code of Conduct for Council Members”.

2. PURPOSE

- 2.1** This Code of Conduct is to serve as a guide for elected municipal government officials to carry out their powers, duties, and functions with impartiality and integrity, recognizing that their primary function is to serve the interests of the Summer Village and the public.
- 2.2** Although the Code of Conduct does not cover every situation a Councillor could face, it provides a framework that Councillors can use to make decisions in situations not specifically covered.
- 2.3** This Code of Conduct applies to all forms of communication.

3. DEFINITIONS:

“Act” means the Municipal Government Act of the Province of Alberta.

“Administration” means the employees or contracted employees for the Summer Village of Ma-Me-O Beach.

“Council” means the Council of the Summer Village.

“Councillor” means a member of Council including the Mayor and the Deputy Mayor.

“Elected Official” means a member of Council including the Mayor and the Deputy Mayor.

“Integrity” means the quality of being honest and understanding the difference between right and wrong.

“Summer Village” means the Summer Village of Ma-Me-O Beach.

“Pecuniary Interest” is an interest in a matter that could monetarily affect a Councillor or an employer of the Councillor or an interest in a matter that the Councillor knows or should know could monetarily affect the Councillor’s family, as defined in the Municipal Government Act.

4. PROVISIONS:

Elected Officials are expected to comply with all of the following provisions:

4.1. Representing the Municipality

4.1.1 Members of Council shall act in a way that promotes and maintains public confidence in their integrity. Accordingly, they must make decisions that, on balance, benefit the Summer Village and its residents while developing and maintaining a safe and viable community.

4.1.2 Councillors shall work for the common good of the residents of the Summer Village of Ma-Me-O Beach and not for any private or personal interest, nor for a segmented group of the community. Councillors shall inform themselves of public issues, listen attentively to public discussions before Council, and make decisions based upon the merits and substance of the matter at hand.

4.2 Communicating on Behalf of the Municipality

The Mayor, as the official spokesperson for the Summer Village, is authorized by default to speak publically and issue written communications to represent Council views and positions. No other Councillor shall speak publically or issue written communications on behalf of the Summer Village unless authorized by agreement of Council to do so.

4.3 Respecting the Decision-making Process

- 4.3.1 Councillors shall base decisions on objective criteria, rather than on bias in favour of one person more than another.
- 4.3.2 Councillors shall support the official policies and positions of the Council.
- 4.3.3 When presenting a personal opinion or position that is at variance with a Council position, a Councillor shall explicitly state that the view expressed does not represent the Council or the Summer Village.

4.4 Adherence to Policies, Procedures, and Bylaws

Members of Council shall seek to serve the public interest by upholding both the letter and spirit of the laws and policies established by the Government of Canada and the Province of Alberta as well as the bylaws and policies of the Summer Village.

4.5 Respectful Interactions with Councillors, Staff, the Public and Others

- 4.5.1 Council members shall support the maintenance of a positive and constructive environment for residents, businesses, and Summer Village employees and shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motive of other members of Council, boards, commissions, committees, staff, or the public.
- 4.5.2 The Mayor is responsible for maintaining decorum in meetings.

4.6 Confidential Information

- 4.6.1 When using Council information that is not available to the public, Councillors shall ensure, as far as reasonable, the primacy of the public interest over any private interest.
- 4.6.2 In order to respect and preserve the confidentiality of information provided to them concerning the confidential matters of the Summer Village, Councillors shall neither disclose confidential information, unless legally required to do so, nor use such information to advance their personal, financial, or private interests.

4.7 Conflicts of Interest

- 4.7.1 Members of Council shall perform their duties of office and arrange their private affairs in a manner that warrants public confidence and will stand up to public scrutiny.

- 4.7.2 A Councillor who has a Pecuniary Interest in a matter before Council or a Council Committee shall declare that interest and recuse himself or herself from participating in any discussion or decision on that matter, as required by the Act.
- 4.7.3 Councillors shall not take advantage of opportunities for personal gain by virtue of their public office and shall refrain from accepting gifts, favours, or promises of future benefits that might compromise their independence of judgement or action or give the appearance of being compromised. Acceptance of any gift or benefit from a person or organization that could be construed to be a potential beneficiary of a Council decision must be disclosed to Council and noted in the minutes.

4.8 Improper Use of Influence

Councillors shall refrain from using their position to provide an unfair advantage to themselves or to their family members, friends, or business associates.

4.9 Use of Municipal Assets and Services

Councillors shall refrain from using municipal assets and/or services to provide to themselves, their friends, or their family members benefits that are not available to other Summer Village residents.

4.10 Orientation and Other Training Attendance

Any newly elected first-time Councillor must attend at least one orientation or training session within 90 days of being elected or else make alternate arrangements that are approved by the majority of the other Councillors.

4.11 Financial Responsibility

- 4.11.1 When incurring expenditures, Elected Officials shall act responsibly and respect that public money must be used for the public good.
- 4.11.2 Officials and Board Members shall avoid waste, abuse, and extravagance in the provision or use of public monies and be open and accountable with respect to all expenditures.

4.12 Stewardship

Being charged not only with the short-term responsibility of representing the immediate interests of their residents and ratepayers but also with the long-term responsibility of preserving the health of the lake and its environs for future generations, Councillors must consider long-term environmental impact as a factor to be weighed in all Council decisions.

4.13 Accountability

Upon assuming office, all Councillors shall take an oath in the form prescribed in Schedule A of this Bylaw, pledging to uphold the laws, bylaws, and policies of the Village, the Province of Alberta, and the Government of Canada.

4.14 Duty to Notify

In recognition of their responsibility to help create a responsive, accessible, transparent, and fair municipal government, Elected Officials have a duty to report to the appropriate authorities any behaviour they are aware of that they believe violates the provisions of this Code of Conduct.

4.15 Complaints

- 4.15.1 Any person who has reason to believe a Counsellor has breached a provision of this Code of Conduct can initiate a complaint.
- 4.15.2 A complaint must be made in writing and delivered to Council or Administration. It must include the name of the Elected Official involved, a description of the alleged breach, argument or evidence supporting the complaint, and the identity of the complainant. Anonymous complaints will not be considered.
- 4.15.3 All discussions surrounding alleged and substantiated violations of this Code of Conduct shall be conducted in an In-Camera meeting of Council with the intent that the discussion shall remain confidential under the appropriate sections of the *Freedom of Information and Protection of Privacy (FOIP) Act*.
- 4.15.4 Any complaint received must be evaluated by Council to determine on the basis of the evidence provided if it is worthy of consideration. If deemed so, Council will gather whatever additional information is needed to determine an appropriate response.
- 4.15.5 A Councillor who is the subject of a complaint must recuse himself or herself from the evaluation and determination processes but may participate in the investigation stage by providing information to the other Councillors.
- 4.15.6 Council has the authority to impose sanctions, as specified in Section P of this bylaw, on any Councillor it determines to be in breach of the Code of Conduct.
- 4.15.7 Any decision for action to be taken by Council must be described specifically in a Council resolution that must include a time frame. If Council determines that a sanction is not appropriate, no resolution is required.

4.16 Sanctions for Breaching Code of Conduct

If a Councillor is determined through due process to have breached the code of conduct, Council may impose any of the following sanctions:

- (a) A letter of reprimand addressed to the councillor;
- (b) A request that the Councillor issue a letter of apology;
- (c) Publication of a letter of reprimand or request for apology and the councillor's response;
- (d) A requirement to attend training;
- (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, excluding allowances for attendance at council meetings.

4.17 Review of Code of Conduct

Within six months following each regular municipal election, Council shall review and update this Code of Conduct and any related bylaws that have been incorporated by reference into it in accordance with Section 3 of the Act.

5. REPEAL OF EXISTING POLICY

Council Code of Conduct Policy 27-2011 is hereby repealed and shall cease to have effect on the day that this Bylaw comes into effect.

6. COMING INTO FORCE

This Bylaw comes into force upon the date of third reading.

Read a first time this 1st day of March, 2018.

Read a second time this 1st day of March, 2018.

Given unanimous consent to proceed to third reading this 1st day of March, 2018.

Read a third time and passed this 1st day of March, 2018.



Don Fleming, Mayor
Summer Village of Ma-Me-O Beach



Sylvia Roy, Chief Administrative Officer
Summer Village of Ma-Me-O Beach

SCHEDULE A
SUMMER VILLAGE OF MA-ME-O BEACH
CODE OF CONDUCT PLEDGE

In recognition of my commitment to the trust that has been placed in me as a member of Council for the Summer Village of Ma-Me-O Beach, I, _____, hereby pledge to:

1. Govern my conduct in accordance with the requirements and obligations as set out in the Municipal Government Act or any other applicable Act of the Government of Canada or the Province of Alberta as well as the requirements set by any Policy, Bylaw, Process, or Rule of Order established by Council.
2. Demonstrate the highest standards of honesty and personal integrity in all public activities in order to inspire the public confidence and trust in me and the municipality I represent.
3. Devote time, thought, and attention to the duties of a Councillor so that I may render effective and knowledgeable service.
4. Consider all available information in making my decisions and, thereafter, abide by and uphold all decisions of Council.
5. Treat my fellow Councillors, Administration, and the public with courtesy and respect.
6. Work with my fellow Councillors in a spirit of cooperation, listening respectfully to others' opinions even if they differ from my own.
7. Strive for open and honest communication with my fellow Councillors.
8. Remember that, unless otherwise authorized by Council, I have no individual legal authority outside of a meeting of Council and I must conduct my relationships with staff, the public, and the media on this basis.
9. Avoid using my position to unfairly benefit myself or any other individual or organization, apart from the total interest of the community, and make my best effort to avoid placing myself in a position where there may be a real or perceived conflict of interest.
10. Avoid using Summer Village funds, property, or information for my own personal gain or benefit or for the personal gain or benefit of any other individual or organization, apart from the total interest of the community.
11. Protect the privileged information to which I have access in the course of my official duties and maintain the confidentiality of information that is not otherwise available to the public.
12. Uphold my personal obligation to the public and my legal obligation to the Province of Alberta and not surrender these to any other person, group, or organization.
13. Disclose to Council and/or Administration any behaviour or activity that I become aware of that may qualify as a breach of this Code of Conduct.

Dated at _____ in the Province of Alberta this ____ of _____,
20 ____.

Signature _____