

Municipal District of Acadia No. 34
In the Province of Alberta

Bylaw 2017/755

Being a bylaw to provide for certain basic rules for elected officials within the Municipal District of Acadia No. 34 so that they may carry out their entrusted duties with impartiality and dignity, recognizing that the function of council members is, at all times, service to the community and the public.

WHEREAS under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta, Chapter M-26 and amendments thereto, Council may pass bylaws respecting 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 the Council;

AND WHEREAS certain ethical principles should govern the conduct of Members of Council in the Municipal District of Acadia No. 34 in order that they shall maintain the highest standards in public office and faithfully discharge the duties of office;

NOW THEREFORE the Council of the Municipal District of Acadia No. 34 duly assembled enacts as follows that:

Title:

This bylaw may be referred to as the ‘Councillor Code of Conduct Bylaw’

Code of Conduct:

As set-out in the attached Schedule ‘A’

Declaration of Acknowledgement:

As set-out in the attached Schedule ‘B’

Read a first time in Council this 12th day of September 2017.

Read a second time in Council this 12th day of September 2017.

Read a third time in Council this 12th day of September 2017.

Reeve

Chief Administrative Officer

Municipal District of Acadia No. 34:
Councillor Code of Conduct

12 September 2017

Purpose

The purpose of this policy is to establish a foundation for effective governance as well as standards for ethical conduct for all Members of Council of the Municipal District of Acadia No. 34. This policy also supports and aligns with the MD of Acadia's values, statutes, laws and policies governing the conduct of Council Members.

Scope

This code does not cover every possible situation Councillors may face so it is important that actions are in harmony with the spirit and intent that underpin this code.

Definitions

Administrative Staff are employees of the MD of Acadia; Councillors are not employees.

CAO is the Chief Administrative Officer of the MD of Acadia, as defined in Alberta's Municipal Government Act

Conflict of Interest arises when a Councillor's personal interests are in conflict with his or her duties as a Councillor of the MD of Acadia.

Council is the MD of Acadia's body of elected officials, as set out in Alberta's Municipal Government Act.

Councillors are elected officials of the MD of Acadia, as set out in Alberta's Municipal Government Act

MGA is the Alberta Municipal Government Act, and all its revisions and amendments to date.

Pecuniary Interest is as defined in section 170(1-4) of the Municipal Government Act. If a matter before Council may financially benefit a Councillor and or his or her family to the exclusion of benefitting others, that Councillor has a pecuniary interest in the matter.

Political Activity includes but is not limited to being a member of a political party, participating in a political party's activities, soliciting donations for a political party, and running for political office.

The MD is the Municipal District of Acadia No. 34

Principles

1. General Personal Conduct

- a) Councillors shall carry out their duties with integrity and for the benefit of all residents and rate payers of the MD.
- b) Councillors shall carry out their duties with impartiality, putting the interests of the public above personal interests.
- c) Councillors shall not allow their impartiality to be compromised. Councillors shall not show favouritism to any group or groups. Councillors shall deliberate and make decisions for the benefit of all residents and rate payers.
- d) Councillors shall show respect and accountability to each other, staff and public.
- e) Councillors shall carry out their duties in good faith.
- f) Councillors shall conduct themselves in public in a way that reflects positively on the MD and Council.
- g) The venue for discussion on Council matters is the Council Chambers. Councillors shall not carry on discussion or debates on Council matters in public, in the media or on social media.
- h) Councillors shall follow procedural policy in Council proceedings so as to maintain professionalism and avoid personal differences from damaging their professional relationships with each other.
- i) If a difference or conflict arises between Councillors that is not easily resolved, Councillors shall follow best practices in conflict resolution in order to resolve the matter and to maintain working relationships with each other.
- j) Councillors shall adhere to all applicable laws, legislation, regulations, bylaws, and policies.
- k) Councillors shall use any municipal property and assets issued to them in a respectful manner and return such equipment upon the end of their tenure.
- l) Councillors shall endeavour to learn continuously and consistently strive to improve their ability to carry out Council duties.

2. Conflict of Interest

- a) Councillors shall remove themselves from Council proceedings where they have a pecuniary interest concerning an outside business interest, as per section 170(1)(a) of the Municipal Government Act.
- b) Councillors shall remove themselves from Council proceedings where they have a pecuniary interest concerning a family member, as per section 170(1)(b,c) of the Municipal Government Act.

- c) Although a pecuniary interest on a matter before Council may not be present according to legislation, the public may perceive a pecuniary interest of a Councillor in the matter. In this case the Councillor with the perceived pecuniary interest may wish to remove themselves from discussion and voting on that particular matter.

3. Handling of Information

- a) Councillors shall protect confidential information in accordance with Alberta's Freedom of Information and Protection of Privacy Act. This includes matters discussed at Council meetings that are closed to the public, as per MGA 197 (2).
- b) Councillors shall not use confidential information obtained through council activities for personal gain. Councillors understand that doing so would be grounds for disqualification from Council for the remainder of Council's term, as per MGA 173(1)(i).
- c) After leaving office, Councillors shall continue to keep confidential information confidential as per Freedom of Information and Protection of Privacy Act, sections 92 (1,3) and 92 (2,4,5).
- d) Councillors shall refrain from making public statements on confidential or sensitive information unless expressly authorized by Council or required by law to do so.

4. Public Statements

- a. The Reeve shall be the point of contact for media enquiries and shall be the MD's main spokesperson.
- b. When speaking to the public or the media, Councillors shall represent the official policies and positions of Council.
- c. At no time shall any Councillor disparage or insult the MD of Acadia, its Council, another Councillor, or its staff.

5. Relationship with Staff

- a. Council's sole employee is the CAO. Councillors shall respect the CAO's authority to direct staff.
- b. Council's point of communication access with the employees is the CAO. As such, Councillors shall direct issues concerning staff to the CAO.
- c. Council may speak with staff regarding operational matters with consent of the CAO, although they must not give direction to staff.
- d. No Councillor shall at any time berate, discipline or insult staff of the MD of Acadia.

6. Council Meetings

- a. Councillors are expected to attend all Council meetings and must provide adequate notice to the CAO if they cannot attend.
- b. Councillors have the responsibility to come prepared to Council Meetings.

- c. Councillors shall listen respectfully to a fellow Council Member's point of view before responding to it.
- d. Councillors shall act by resolution or bylaw as per MGA 180.
- e. Councillors shall vote on all motions according to MGA 183 (1) in the MGA, unless another section in that Act or any other Act of the Province of Alberta allows them to abstain from a vote.
- f. Councillors shall ensure their comments and questions are on topic with the meeting's agenda.

7. Gifts

- a. Councillors shall not accept or give gifts other than the normal exchange of gifts between business colleagues and friends, tokens exchanged as part of protocol, or the normal presentation of gifts to people participating in public functions.

8. Political Activity

- a. The Canadian Charter of Rights and Freedoms guarantees all persons, including Councillors, the right to be a member of a Provincial or Federal political party, take part in political activities and support a candidate for political office.
- b. Any member of Council who wishes to partake in any political activity must clearly separate that activity from those activities related to Council. Political activities for a Provincial or Federal political party shall not be done while carrying out the work of Council.
- c. If Councillors wish to run for another political office at the Provincial or Federal levels, they must first take a leave of absence from Council.
- d. If a Councillor is elected to the Provincial Legislature of the House of Commons, he or she must resign from Council, as per MGA 174(1)(c).

9. Accountability

- a. Councillors shall encourage each other to act ethically and fairly, upholding this code of conduct.
- b. Within 30 days of assuming office, Councillors shall be required to read this Code of Conduct and sign a document stating they understand it and will comply with it.
- c. Only Councillors may make a complaint under this Code of Conduct.
- d. Any complaint made under this code must be done in writing.
- e. If a Councillor suspects a breach of this code by a fellow Councillor, that Councillor shall bring it to the attention of the Chief Elected Official (Reeve).
- f. If a Councillor suspects a breach of this code that involves the Reeve, the Councillor will take it up with the Deputy Reeve. If that Councillor is not satisfied with the outcome of that discussion, the Councillor can table the matter in Council as a motion.

- g. Complaints made under this policy to the Reeve his/her Deputy must be brought to Council as a whole for consideration. Council shall be the sole authority on deciding the validity of such complaints.
- h. Breaches of this code may result in disciplinary action, up to and including censuring and disqualification from Council for the remainder of Council's term of office, as per MGA 174(1)(i).

Chief Administrative Officer

Date

Declaration of Acknowledgement

By signing below, the Councillor affirms that he or she has read and understands the Municipal District of Acadia's Councillor Code of Conduct Bylaw and agrees to uphold the principles contained within it for the duration of their tenure on Council.

The Councillor also understands that any breach of the Code of Conduct could result in disciplinary measures, up to and including disqualification from Council.

Councillor Name

Signature

Date

Witness