



BYLAW NO. 1124
OF THE TOWN OF HINTON
(hereinafter referred to as “the Municipality”)
IN THE PROVINCE OF ALBERTA
A BYLAW TO ESTABLISH A CODE OF CONDUCT FOR MEMBERS
OF COUNCIL

WHEREAS, pursuant to section 146.1(1) of the Act, a Council must, by bylaw, establish a code of conduct governing the conduct of Councillors;

WHEREAS, pursuant to section 146.1(3) of the Act, a Council may, by bylaw, establish a code of conduct governing the conduct of Members of Council committees and other bodies established by Council who are not Councillors;

WHEREAS, pursuant to section 153 of the Act, Councillors have a duty to adhere to the code of conduct established by Council and to the other duties established therein;

WHEREAS the public is entitled to expect the highest standards of conduct from the Members that it elects to Council for the Town of Hinton;

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 Hinton, in the Province of Alberta, duly assembled, enacts as follows:

1.0 SHORT TITLE

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

2.0 PURPOSE & APPLICATION

2.1 The purpose of this Bylaw is to establish standards for the ethical conduct of Members relating to their roles and obligations as representatives of the Municipality and a procedure for the investigation and enforcement of those standards.

3.0 REPRESENTING THE MUNICIPALITY

3.1 Members must:

3.1.1 Act honestly and, in good faith, serve the welfare and interests of the Municipality as a whole;

3.1.2 Perform their functions and duties in a conscientious and diligent manner with integrity, accountability, and transparency;

- 3.1.3 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;
- 3.1.4 Arrange their private affairs and conduct themselves in a manner that promotes public confidence and will bear close public scrutiny; and
- 3.1.5 Ensure all decision making considers the best interests of the majority of citizens, while recognizing the needs and voices of minorities.

4.0 COMMUNICATING ON BEHALF OF THE MUNICIPALITY

- 4.1 A Member must not claim to speak on behalf of Council unless authorized to do so.
- 4.2 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 must be referred to Council's official spokesperson.
- 4.3 A Member who is authorized to act as Council's official spokesperson must ensure that his/her comments accurately reflect the official position and will of Council as a whole, even if the Member personally disagrees with Council's position.
- 4.4 Members must not make a statement when he/she knows that statement is false.
- 4.5 Members must not make a statement with the intent to mislead Council or members of the public.
- 4.6 Members must refrain from making any commitments on behalf of Council or the Municipality to individual citizens or groups, other than to take the request up with Council or the Chief Administrative Officer and to respond appropriately.

5.0 RESPECTING THE DECISION-MAKING PROCESS

- 5.1 Members must review background information and advice made available by Administration prior to rendering a decision.
- 5.2 Members must seek further input and ask questions when unsure of the issues or uncertain as to the preferred course of action.
- 5.3 Members are responsible for excellence in governing and for cultivating a sense of group responsibility.
- 5.4 Members must respect the opinions and knowledge of individual Councillors to enhance the ability of Council as a decision-making body.

- 5.5 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. Members must not, unless authorized by Council, attempt to bind the Municipality or give direction to employees in Administration, agents, contractors, consultants, or other service providers or prospective vendors to the Municipality.
- 5.6 Members must 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 an in-camera 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.
- 5.7 Members must 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.

6.0 ADHERENCE TO POLICIES, PROCEDURES, & BYLAWS

- 6.1 Members must uphold the law established by the Parliament of Canada and the Legislature of Alberta and the bylaws, policies, and procedures adopted by Council.
- 6.2 Members must respect the Municipality as an institution, including its bylaws, policies, and procedures and must encourage public respect for the Municipality and its bylaws, policies, and procedures.
- 6.3 Members must not encourage disobedience of any bylaw, policy, or procedure of the Municipality in responding to a member of the public, as this undermines public confidence in the Municipality and in the rule of law.

7.0 RESPECTFUL INTERACTIONS WITH COUNCIL MEMBERS, STAFF, THE PUBLIC, & OTHERS

- 7.1 Members must 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.
- 7.2 Members must treat one another, employees of the Municipality, and members of the public with courtesy, dignity, and respect and without abuse, bullying, or intimidation.
- 7.3 Members must not use indecent, abusive, or insulting words or expressions toward another Member, any employee of the Municipality, or any member of the public.
- 7.4 Members must not 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.

- 7.5 Members must lead, establish, and maintain a positive and constructive environment for residents, stakeholders, businesses, and Town employees. Councillors must refrain from the following: abusive conduct; public comments on staff performance; and personal charges or verbal attacks upon the character or motive of other Members of Council, citizens, stakeholders, boards/committees, or staff.
- 7.6 Members must respect the fact that employees in Administration work for the Municipality as a corporate body and are charged with making recommendations that reflect their professional expertise and a corporate perspective and that employees are required to do so without undue influence from any Member or group of Members.
- 7.7 Members must not:
- 7.7.1 Involve themselves in matters of Administration, which fall within the jurisdiction of the Chief Administrative Officer;
 - 7.7.2 Use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any employee of the Municipality with the intent of interfering in the employee's duties; or
 - 7.7.3 Maliciously or falsely injure the professional or ethical reputation or the prospects or practice of employees of the Municipality.
- 7.8 Members must deal with Administration performance concerns by communicating them to the Chief Administrative Officer.

8.0 RESPONSIBILITIES

- 8.1 The Mayor is responsible for the following:
- 8.1.1 Performing the duties of the chief elected official to the best of his/her ability as per the Act;
 - 8.1.2 Acting as Council's spokesperson and representative;
 - 8.1.3 Facilitating the interface between Council and Administration;
 - 8.1.4 Assuring the integrity of Council's process and facilitating the process to ensure everyone is heard;
 - 8.1.5 Monitoring Council meeting effectiveness through Councillor input;
 - 8.1.6 Advising Councillors when their activities are adversely affecting relationships with other Members of Council, Administration, citizens, or stakeholders; and
 - 8.1.7 Advising the Chief Administrative Officer when his/her activities are adversely affecting relationships with other Members of Council, Administration, citizens, or stakeholders.
- 8.2 The Deputy Mayor is responsible for the following:
- 8.2.1 Fulfilling the responsibilities of the Mayor in the Mayor's absence; and
 - 8.2.2 Advising the Mayor when his/her activities are adversely affecting relationships with other Members of Council, Administration, citizens, or stakeholders.

8.3 Members of Council are responsible for the following:

- 8.3.1 Providing links between the municipal corporation and its citizens;
- 8.3.2 Directing, inspiring, and holding accountable the Municipality through the establishment of governance policies reflecting Council's values, priorities, and objectives;
- 8.3.3 Providing effective leadership by guiding the corporation and Municipality through annual or long-term goals and priorities;
- 8.3.4 Ensuring consistency between the budget approval process and the strategic planning process;
- 8.3.5 Following measures needed to govern with excellence, including dedicated attendance and preparation, adherence to corporate values, and respect of roles and other Members of Council;
- 8.3.6 Promptly communicating concerns of Councillor conduct to the Mayor and/or all of Council in a manner that preserves the unity of the "Council Team";
- 8.3.7 Reporting misconduct or allegations of misconduct against any other Member, or against an employee of the Municipality to the appropriate party;
- 8.3.8 Using training opportunities to maintain and increase existing knowledge and skills in municipal governance;
- 8.3.9 Incorporating regular reviews and conducting an annual self-evaluation of Council's performance in accordance with its governance policies, processes and priorities;
- 8.3.10 Considering the concerns of the community via Council's performance review and seeking to improve any deficiencies on an ongoing basis; and
- 8.3.11 Admitting to mistakes of substance made by a Councillor or by Council as a whole and taking corrective action.

9.0 CONFIDENTIAL INFORMATION

- 9.1 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.
- 9.2 In the course of their duties, Members may also become privy to confidential information received outside of an in-camera meeting. Members must not:
 - 9.2.1 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;
 - 9.2.2 Access or attempt to gain access to confidential information in the custody or control of the Municipality unless it is necessary for the performance of their duties and is not otherwise prohibited by Council, and only if the information is acquired through appropriate channels in accordance with applicable Council bylaws and policies; or
 - 9.2.3 Use confidential information for personal benefit or for the benefit of any other individual or organization.

9.3 Confidential information includes information in the possession of, or received in confidence by, the Municipality that the Municipality is prohibited from disclosing for the following reasons: to comply with to legislation, court orders, or contracts; to comply with exceptions to disclosure under FOIP or any other legislation; and to keep private any other information that pertains to the business of the Municipality, and is generally considered to be of a confidential nature, including but not limited to information concerning:

- 9.3.1 The security of the property of the Municipality;
- 9.3.2 A proposed or pending acquisition or disposition of land or other property;
- 9.3.3 A tender that has or will be issued but has not been awarded;
- 9.3.4 Contract negotiations;
- 9.3.5 Employment and labour relations;
- 9.3.6 Draft documents and legal instruments, including reports, policies, bylaws, and resolutions, that have not been subject to deliberation in a meeting open to the public;
- 9.3.7 Law enforcement matters;
- 9.3.8 Litigation or potential litigation, including matters before administrative tribunals; and
- 9.3.9 Advice that is subject to solicitor-client privilege.

10.0 CONFLICTS OF INTEREST

- 10.1 Members have a statutory duty to comply with the pecuniary interest provisions set out in Part 5, Division 6 of the Act and a corresponding duty to vote unless required or permitted to abstain under the Act or another enactment.
- 10.2 Members are to be free from undue influence and must not act or appear to act in order to gain financial or other benefits for themselves or their family, friends, or associates, business or otherwise.
- 10.3 Members must approach decision making with an open mind that is capable of persuasion.
- 10.4 It is the individual responsibility of each Member to seek independent legal advice, at the Member's sole expense, with respect to any situation that may result in a pecuniary or other conflict of interest.

11.0 IMPROPER USE OF INFLUENCE

- 11.1 Members must not use the influence of the Member's office for any purpose other than for the exercise of the Member's official duties.
- 11.2 Members must not act as paid agents to advocate on behalf of any individual, organization, or corporate entity before Council or any body established by Council.
- 11.3 Members must not contact or otherwise attempt to influence members of any adjudicative body regarding any matter before it relating to the Municipality.

- 11.4 Members must refrain from using their positions to obtain employment with the Municipality for themselves or for their family members or close associates. Members are ineligible to apply or be considered for any position with the Municipality while they hold their elected position and for one year after leaving office.
- 11.5 Members must commit to disclosing to the appropriate authorities and/or to Council any behavior or activity of which they become aware that may qualify as corruption, abuse, fraud, bribery, or any other violation of the law or this bylaw.

12.0 USE OF MUNICIPAL ASSETS AND SERVICES

- 12.1 Members may use municipal property, equipment, services, supplies, and staff resources only for the performance of their duties as a Member, subject to the following limited exception:
 - 12.1.1 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.

13.0 ORIENTATION & OTHER TRAINING ATTENDANCE

- 13.1 Every Member should attend the orientation training offered by the Municipality within 90 days after the Member takes the oath of office. Attendance at additional training throughout the Council term is addressed in Council Remuneration Policy #052.

14.0 REMUNERATION & EXPENSES

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

15.0 GIFTS & HOSPITALITY

- 15.1 Members must follow the Acceptance of Gifts and Benefits Policy #093.
- 15.2 Members must 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 go beyond the necessary and appropriate public functions involved.
- 15.3 Gifts received by a Member representing the Municipality which have significance or historical value for the Municipality must be left with the Municipality when the Member ceases to hold office.

16.0 INFORMAL COMPLAINT PROCESS

- 16.1 Any person who has identified or witnessed conduct by a Member that the person reasonably believes, in good faith, is in contravention of this Bylaw may address the prohibited conduct by:
- 16.1.1 Advising the Member that the conduct violates this Bylaw and encouraging the Member to stop; and
 - 16.1.2 Requesting the Mayor to assist in an 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.
- 16.2 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.

17.0 FORMAL COMPLAINT PROCESS

- 17.1 Any person who has identified or witnessed conduct by a Member that the person reasonably believes, in good faith, is in contravention of this Bylaw may file a formal complaint in accordance with the following procedure:
- 17.1.1 All complaints must be made in writing and must be dated and signed by an identifiable individual;
 - 17.1.2 All complaints must be addressed to the Investigator;
 - 17.1.3 The complaint must set out reasonable and probable grounds for the allegation that the Member has contravened this Bylaw, including a detailed description of the facts, as they are known, giving rise to the allegation;
 - 17.1.4 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 must receive a copy of the complaint submitted to the Investigator;
 - 17.1.5 Upon receipt of a complaint under this Bylaw, the Investigator must 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, 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, must be notified of the Investigator's decision;
 - 17.1.6 If the Investigator decides to investigate the complaint, the Investigator must take such steps as it may consider appropriate, which may include seeking legal advice. All proceedings of the Investigator regarding the investigation must be confidential;
 - 17.1.7 If the Investigator is not Council, the Investigator must, upon conclusion of the investigation, provide Council and the Member who is the subject of the complaint, the results of the Investigator's investigation;

- 17.1.8 A Member who is the subject of an investigation must be afforded procedural fairness, including an opportunity to respond to the allegations before Council deliberates and makes any decision or before any sanction is imposed; and
- 17.1.9 A Member who is the subject of an investigation is entitled to be represented by legal counsel, at the Member's sole expense.

18.0 COMPLIANCE AND ENFORCEMENT

- 18.1 Members must uphold the letter and the spirit and intent of this Bylaw.
- 18.2 Members are expected to cooperate in every way possible in securing compliance with the application and enforcement of this Bylaw.
- 18.3 Members must not:
- 18.3.1 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
 - 18.3.2 Obstruct Council, or any other person, in carrying out the objectives or requirements of this Bylaw.
- 18.4 Sanctions that may be imposed on a Member, by Council, upon a finding that the Member has breached this Bylaw may include:
- 18.4.1 A letter of reprimand addressed to the Member;
 - 18.4.2 A letter requesting the Member to issue a letter of apology;
 - 18.4.3 Publication of a letter of reprimand or request for apology and the Member's response;
 - 18.4.4 Suspension or removal of the appointment of a Member as the Mayor under section 150(2) of the Act;
 - 18.4.5 Suspension or removal of the appointment of a Member as the Deputy Mayor under section 152 of the Act;
 - 18.4.6 Suspension or removal of the Mayor's presiding duties under section 154 of the Act;
 - 18.4.7 Suspension or removal from some or all Council committees and bodies to which Council has the right to appoint Members;
 - 18.4.8 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; and
 - 18.4.9 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 Act.

19.0 REVIEW

- 19.1 This Bylaw must 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.

20.0 DEFINITIONS

- 20.1 In this Bylaw, words have the meanings set out in the Act, except as defined in section 20.2 to 20.9.
- 20.2 **Act:** the Municipal Government Act, R.S.A. 2000, c. M-26, and associated regulations, as amended.
- 20.3 **Administration:** the administrative and operational arm of the Municipality, comprised of the various divisions and business units and including all employees who operate under the leadership and supervision of the Chief Administrative Officer.
- 20.4 **Chief Administrative Officer:** the chief administrative officer of the Municipality, or his/her delegate.
- 20.5 **FOIP:** the Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25, any associated regulations, and any amendments or successor legislation.
- 20.6 **Investigator:** Council or the individual or body established by Council to investigate and report on complaints.
- 20.7 **Mayor:** the chief elected official of the Town of Hinton.
- 20.8 **Member:** a member of Council including Councillors and the Mayor, as well as members of Council committees or other bodies established by Council who are not Councillors or the Mayor.
- 20.9 **Municipality:** the municipal corporation of the Town of Hinton.

21.0 ENACTMENT

- 21.1 This Bylaw will come into force and effect when it receives third reading and is duly signed.

READ a First time this 19th day of June 2018.

READ a Second time this 17th day of July 2018.

READ a Third time this 17th day of July 2018.



Mayor



Director of Corporate Services