



REVISED BYLAW NO. 1124
OF THE TOWN OF HINTON
(hereinafter referred to as the "Town")
IN THE PROVINCE OF ALBERTA
TO ESTABLISH A CODE OF CONDUCT FOR MEMBERS

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

WHEREAS, pursuant to subsection 146.1(2) of the Act, a code of conduct under subsection (1) must apply to all Members equally;

WHEREAS, pursuant to subsection 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 as outlined in Bylaw 1070-4 Council Committees;

WHEREAS, pursuant to section 153 of the Act, Members 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 for the Town;

WHEREAS the establishment of a code of conduct for Members is consistent with the principles of transparent and accountable government;

AND WHEREAS a code of conduct ensures that Members share a common understanding of acceptable conduct extending beyond the legislative provisions governing the conduct of Members;

NOW THEREFORE the Council of the Town in session duly assembled hereby enacts as follows:

1. SHORT TITLE

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

2. 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 Town and a procedure for the investigation and enforcement of those standards.

3. REPRESENTING THE MUNICIPALITY

3.1 Members must:

3.1.1 Act honestly and in good faith serve the welfare and interests of the Town 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 in consideration of close public scrutiny; and
 - 3.1.5 Ensure all decision making considers the best interests of the community as a whole.

4. COMMUNICATING ON BEHALF OF THE MUNICIPALITY

- 4.1 A Member must not claim to speak on behalf of Council unless authorized to do so by Council.
- 4.2 Unless Council directs otherwise, the Mayor is Council's official spokesperson. In their absence, the official spokesperson is the Deputy Mayor. All inquiries from the media regarding Council's official 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 their 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 they know that statement is false or with the intent to mislead Council or members of the public.
- 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 Town to individual citizens or groups, other than to take the request up with Council or the Chief Administrative Officer.

5. RESPECTING THE DECISION-MAKING PROCESS

- 5.1 Members must review background information and advice made available to Council 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 governance and for cultivating a sense of group responsibility.
- 5.4 Members must respect the opinions and positions of fellow Members.
- 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 Quorum.

- 5.6 Members must conduct and convey Council business and all pertinent duties in an open and transparent manner and in so doing, permit the public to observe the process and rationale which was used to reach decisions and the reasons for taking certain actions.
- 5.7 Council shall exclude from Council meetings held in public those matters that, by law, are authorized to be dealt with confidentially in a Closed Session in accordance with FOIP Part I, Division II.
- 5.8 Members must accurately communicate the decisions of Council, even if they disagree with Council's decision, to foster respect for the decision-making processes of Council.

6. 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 show respect for the Town as an institution, including its bylaws, policies, and procedures and must encourage public respect for the Town and its bylaws, policies, and procedures.
- 6.3 Members must support compliance with any bylaws, policies, and procedures of the Town in responding to a member of the public, so as not to undermine public confidence in the Council, the Town and the rule of law.

7. RESPECTFUL & APPROPRIATE INTERACTIONS WITH MEMBERS, ADMINISTRATION, 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, Administration, 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, Administration, 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. Members must refrain from the following: abusive conduct; negative

public comments regarding individuals, including Administration; and personal charges or verbal attacks upon character or motive.

- 7.6 Members must respect that Administration works for the Town as a corporate body and is charged with making recommendations that reflect professional expertise and a corporate perspective free from undue influence or criticism from any Member(s).
- 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 Direct Administration, unless authorized by resolution of Council; nor attempt to bind the Town or give direction to agents, contractors, consultants, or other service providers or prospective vendors to the Town;
 - 7.7.3 Use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing Administration with the intent of interfering in corporate duties; or
 - 7.7.4 Maliciously or falsely injuring the professional or ethical reputation or the prospects or practice of any member or division of Administration.
- 7.8 Members must deal with Administration performance concerns through communication with the Chief Administrative Officer.

8. 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 their 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 processes and facilitating such processes to ensure fair and equitable participation;
 - 8.1.5 Monitoring Council meeting effectiveness through the input of Members;
 - 8.1.6 Advising Members when their activities are adversely affecting relationships with other Members, Administration, and members of the public; and
 - 8.1.7 Advising the Chief Administrative Officer when their activities are adversely affecting relationships with other Members, Administration, and members of the public.
- 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 their activities are adversely affecting relationships with other Members, Administration, and members of the public.
- 8.3 Members are responsible for the following:
 - 8.3.1 Providing links between the Town and members of the public;
 - 8.3.2 Directing, inspiring, and holding the Town accountable through the

- establishment of governance policies reflecting Council's values, priorities, and objectives;
- 8.3.3 Providing effective leadership by guiding the Town through annual or long-term goals and priorities;
- 8.3.4 Following measures needed to govern with excellence, including dedicated attendance and preparation, adherence to corporate values, and respect for the roles of Council and Administration and other Members;
- 8.3.5 Preserving the unity of Council by promptly communicating concerns about Member(s) conduct in accordance with the formal and informal complaint processes set out herein, as applicable;
- 8.3.6 Reporting misconduct or allegations of misconduct against any other Member or Administration to the appropriate party;
- 8.3.7 Considering training opportunities to maintain and increase existing knowledge and skills pertinent to their duties on Council;
- 8.3.8 Incorporating regular mutual performance discussions at meetings of Council;
- 8.3.9 Considering the outcomes of mutual performance discussions and seeking to improve any deficiencies on an ongoing basis; and
- 8.3.10 Committing to continuous improvement through corrective action.

9. CONFIDENTIAL INFORMATION

- 9.1 Members must keep in confidence matters discussed in Closed Session as per FOIP.
- 9.2 In the course of their duties, Members may also become privy to confidential information received outside of a Closed Session 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 Town unless it is necessary for the performance of their duties and is not otherwise prohibited, and only if the information is acquired through appropriate channels in accordance with applicable legislation; 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 Town that the Town is prohibited from disclosing for the following reasons: to comply with 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 Town, and is considered to be of a confidential nature, as per FOIP and pertinent legislation, including but not limited to information concerning:
 - 9.3.1 The security of the property of the Town;
 - 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 or otherwise available publicly;
- 9.3.7 Disclosures harmful to 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. 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.
- 10.2 Members have a statutory duty to comply with the voting provisions set out in Part 5, Division 9 of the Act unless required or permitted to abstain.
- 10.3 Members 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.
- 10.4 Members must approach decision making with an open mind that is capable of persuasion.
- 10.5 It is the individual responsibility of each Member to seek independent legal advice, at their sole expense, with respect to any situation that may result in a pecuniary or other conflict of interest.

11. IMPROPER USE OF INFLUENCE

- 11.1 Members must not use the influence of their office for any purpose other than for the exercise of their 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 Town.
- 11.4 Members must refrain from using their position to obtain employment with the Town for themselves or their family, friends, associates, business or otherwise. Members are ineligible to apply or be considered for any position with the Town while they hold an elected position.
- 11.5 Members must disclose to the appropriate authorities and/or Council, where appropriate, 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. USE OF MUNICIPAL ASSETS & SERVICES

12.1 Members may use Town property, equipment, services, supplies, and administrative resources only for the performance of their duties on Council, subject to the following limited exception:

12.1.1 Municipal property, equipment, services, supplies, and administrative 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. ORIENTATION & OTHER TRAINING ATTENDANCE

13.1 Each Member must attend the orientation training offered by the Town within ninety (90) days after the Member takes the oath of office. Attendance at additional training throughout the Council term is addressed in the Council Remuneration Policy as amended from time to time.

14. REMUNERATION & EXPENSES

14.1 Members shall act as good stewards of taxpayer's dollars and conduct themselves in a manner that maximizes the benefit and value to Hinton, its residents and business, while at the same time minimizes the financial burden to the same.

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. GIFTS & HOSPITALITY

15.1 Members must follow the Acceptance of Gifts and Benefits Policy as amended from time to time. Members may accept hospitality, gifts, or benefits that normally accompany the responsibility of the office and are received as an incident of protocol or social obligation, provided the gift does not exceed the parameters set in the Acceptance of Gifts and Benefits Policy as amended from time to time.

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 Town which have significance or historical value for the Town must be left with the Town when the Member ceases to hold office.

16. ELECTION CAMPAIGNING

- 16.1 No Member shall use any facility, equipment, supplier, or municipal logo for any election campaign or campaign-related activity, further the provisions of the *Local Authorities Election Act*, R.S.A. 2000, c. L-21 under Part 6.

17. INFORMAL 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 address the prohibited conduct by:
- 17.1.1 Advising the Member that the conduct violates this Bylaw and encouraging the Member to cease; and
 - 17.1.2 Requesting the Mayor to assist by instigating an informal discussion of the alleged complaint with the Member in an attempt to remedy the conduct and/or 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.
- 17.2 Individuals are encouraged to pursue this informal complaint procedure in instances of minor contraventions as the first means of remedying the conduct that they believe violates this Bylaw or resolving the issue. However, an individual is not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure outlined below.
- 17.3 Should the complainant remain unsatisfied following the completion of the informal process, a formal complaint may be pursued.

18. FORMAL COMPLAINT PROCESS

- 18.1 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:
- 18.1.1 All complaints must be made in writing and must be dated and signed by an identifiable individual. Anonymous complaints will not be accepted.;
 - 18.1.2 All complaints must be sealed and addressed to the Investigator, delivered by mail or in-person to the Town office;
 - 18.1.3 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;
 - 18.1.4 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(s) concerned must receive a copy of the complaint submitted to the Investigator;
 - 18.1.5 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, including soliciting information from the complainant and

Member(s) in question. 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, dispose of the complaint in a summary manner or may refer the complaint to the informal complaint process. In that event, the complainant and Council must be notified of the Investigator's decision;

18.1.6 If the Investigator decides to investigate the complaint, the Investigator must take such steps as they may consider appropriate, which may include seeking legal advice. In addition, the Investigator is required to notify the complainant via the contact information provided that an investigation is underway. All proceedings of the Investigator regarding the investigation must be kept confidential unless otherwise directed by Council;

18.1.7 The Investigator must, upon conclusion of the investigation, provide Council and the Member(s) subject of the complaint the results of the investigation in writing;

18.1.8 A Member who is the subject of an investigation must be afforded procedural fairness, including an opportunity to respond to the allegations made against the Member(s) before Council deliberates and makes any decision with respect to the complaint and before any sanction is imposed; and

18.1.9 A Member who is the subject of an investigation is entitled to be represented by legal counsel, at their sole expense.

19. COMPLIANCE & ENFORCEMENT

19.1 Members must uphold the letter and the spirit and intent of this Bylaw.

19.2 Members are expected to cooperate in every way possible in securing compliance with the application and enforcement of this Bylaw.

19.3 Members must not:

19.3.1 Undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to Council, the Investigator, or to any other person; or

19.3.2 Obstruct Council, the Investigator, or any other person, in carrying out the objectives or requirements of this Bylaw.

19.4 The result of the investigation by the Investigator shall be considered by a committee of Council comprised of all Members of Council except those Members who are the subject of the complaint, and such committee shall determine if a breach of this Bylaw has been established and the appropriate sanction, if any.

19.5 Sanctions that may be imposed on a Member by the committee of Council created under s. 19.4 of this Bylaw in accordance with the *Code of Conduct for Elected Officials Regulation 200/2017*, upon a finding that the Member has breached this Bylaw may include:

- 19.5.1 A letter of reprimand addressed to the Member;
- 19.5.2 A letter requesting the Member issue a letter of apology;
- 19.5.3 Publication of a letter of reprimand or request for apology and the Member's response;
- 19.5.4 Suspension or removal of the appointment of a Member as the Deputy Mayor under section 152 of the Act;
- 19.5.5 A requirement to attend training;
- 19.5.6 Suspension or removal from some or all Council Committees and bodies to which Council has the right to appoint Members;
- 19.5.7 Reduction or suspension of remuneration as defined in section 275(1) of the Act corresponding to a reduction in duties, excluding allowances for any legislated duties of Members; and
- 19.5.8 Any other sanction Council deems reasonable and appropriate in the circumstances provided that the sanction does not prevent a Member from fulfilling their legislated duties and the sanction is not contrary to the Act.

19.6 The committee of Council created under s. 19.4 of this Bylaw may accept, vary, replace, or reject the recommendations of the Investigator.

20. REVIEW

20.1 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.

21. DEFINITIONS

- 21.1 In this Bylaw, words have the meanings set out in the Act, except as defined in section 21.3 to 21.10.
- 21.2 Reference the Council Procedural Bylaw 1153 for a list of additionally defined terms.
- 21.3 **Act:** the *Municipal Government Act*, R.S.A. 2000, c. M-26, and associated regulations, as amended from time to time.
- 21.4 **Administration:** 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 Chief Administrative Officer.
- 21.5 **Chief Administrative Officer:** the chief administrative officer of the Municipality, or their delegate.
- 21.6 **FOIP:** the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25, any associated regulations, as amended from time to time.
- 21.7 **Investigator:** The individual or body established through contract approved by

Council to investigate and report on formal complaints regarding this Bylaw.

21.8 **Mayor:** the chief elected official of the Town.

21.9 **Member:** an official elected to Town Council including the Mayor, as well as members of Council Committees or other bodies established by Council.

21.10 **Town:** the municipal corporation of the Town of Hinton.

22. ATTACHMENTS

22.1 Appendix I Formal Complaint Form

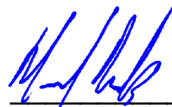
23. ENACTMENT

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

READ A FIRST TIME THIS 20TH DAY OF DECEMBER 2022.

READ A SECOND TIME THIS 20TH DAY OF DECEMBER 2022.

READ A THIRD TIME THIS 20TH DAY OF DECEMBER 2022.



Mayor



Chief Administrative Officer

Formal Complaint Form
 Council Code of Conduct Bylaw 1124



<i>Delivered sealed in-person or via mail to:</i>	
ATTN: Council Code of Conduct <u>Investigator</u> , care of the CAO Town of Hinton 131 Civic Centre Road 2 nd Floor Hinton, AB T7V 2E5	
<i>I request the Investigator conduct an investigation into whether the following Member(s) has/have contravened the Council Code of Conduct Bylaw 1124</i>	
Name:	
<u>Facts Surrounding the Alleged Contravention</u>	
<i>I have reasonable and probable grounds to believe that the above Member(s) has/have contravened the Council Code of Conduct Bylaw 1124 because...</i>	
Date, Time, and Location of Alleged Contravention:	
<i>I became aware of the Alleged Contravention above on the following date:</i>	
Description of Alleged Contravention:	
Provision(s) of the Council Code of Conduct Bylaw 1124 Allegedly Contravened:	
Witnesses:	
Contact Information	
This information is being collected under the authority of Section 33(c) of the <i>Freedom of Information and Protection of Privacy Act</i> (FOIP Act) for the purposes of processing and acting upon your complaint, and if an investigation is conducted maybe disclosed to the respondent and Investigator(s). This information will be collected, used, and disclosed in accordance with the FOIP Act. If you have any questions about the collection, use, or disclosure of this information, please contact the Town at info@hinton.ca .	
Email Address:	
Phone Number:	
Date:	
<i>By submitting this complaint, I acknowledge that my submission is complete and accurate to the best of my knowledge.</i>	
Signature:	
<i>Please include any additional documentation you may deem pertinent to the investigation.</i>	