

**ADMINISTRATIVE CONSOLIDATION OF BYLAW 40-17
AS OF MAY 28, 2018**

**TOWN OF OKOTOKS
BYLAW 40-17**

**A BYLAW OF THE TOWN OF OKOTOKS
IN THE PROVINCE OF ALBERTA
TO ESTABLISH THE CODE OF CONDUCT FOR
MEMBERS OF COUNCIL AND COUNCIL COMMITTEES
(As amended by Bylaw 29-18)**

WHEREAS pursuant to the provisions of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, Council must pass a Bylaw for municipal purposes regarding the conduct of Councillors, and Council Committee Members;

WHEREAS the establishment of a Code of Conduct for Members of Council and Council Committee Members that 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 for acceptable conduct and to establish standards for ethical conduct that build upon the legislative provisions governing the conduct of Councillors;

NOW THEREFORE the Council of the Town of Okotoks enacts as follows:

1. SHORT TITLE

This Bylaw may be known as the “Code of Conduct Bylaw”.

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

Council Committee means a committee, board, commission, authority, task force or any other public body established by Council pursuant to the Town of Okotoks Committees Bylaw;

Chief Administrative Officer (CAO) means the Chief Administrative Officer for the Town of Okotoks, within the meaning of the *Act*;

Council means the municipal council of the Town of Okotoks, consisting of seven (7) Members including the Mayor, each of whom has the title “Councillor” except the Mayor;

Member means a Member of Council duly elected and continuing to hold office, or a Member of a Committee duly appointed by Council;

Municipal Government Act (MGA) means the *Municipal Government Act*, R.S.A. 2000, c. M-26, any regulations thereunder, and any amendments or successor legislation thereto;

3. PURPOSE

The Town of Okotoks requires that its Members of Council and Council Committees not engage in actions which are, or could be reasonably perceived as, damaging to the trust, confidence and faith of the public. Members shall at all times seek to advance the welfare and interests of the Town of Okotoks as a whole, unless the contrary is required by law, and shall truly, faithfully and impartially exercise the office to the best of their knowledge and ability. This Code of Conduct establishes standards for ethical conduct for Members of Council and Committees.

4. RESPONSIBILITIES

4.1. Duty to Sign

Prior to holding office, all Members must sign the Code of Conduct, attached as Schedule A to this Bylaw, affirming that he or she has read and fully understands the contents of the Code of Conduct and will follow and abide by the Code of Conduct in good faith.

4.2. Responsibilities

The Chief Administrative Officer shall:

- a. Ensure that all Members of Council and Council Committees are provided with Code of Conduct training as a mandatory requirement prior to signing the Code of Conduct;
- b. Ensure that attendance at Council meetings, workshops and orientations are recorded and reported annually on the Town's website; and
- c. Ensure that this Bylaw is reviewed and updated, if required, every four years.

5. PROCEDURES FOR BREACHES

5.1. Complaint Process

Organizations or individuals (including the public, Members, and municipal employees) who have identified or witnessed any prohibited activity by a Member under this Code of Conduct; or witnessed or been subject to discriminatory treatment by a Member under this Code of Conduct, or witnessed or been subject to harassment by a Member under this Code of Conduct, has the right to address the prohibited behaviour or activity as set out below:

- a. Complaints made by municipal employees of discrimination or harassment:
- i. Where a municipal employee makes a complaint of harassment or discriminatory treatment by a Member, the Member may participate in the resolution and or mediation whereby the Mayor, CAO, the employee and Member will attempt to resolve the issue. Should the complaint involve the Mayor, then the Deputy Mayor shall participate on behalf of Council.
 - ii. If the Member does not participate in these processes or if the complaint is not resolved through these processes, the complainant has the right to lodge a complaint to the *Alberta Human Rights and Citizenship Commission*.
- b. Other complaints made by any person (allegations of activity other than in Section 5.1. a. i above).

Any complainant has the right to take the following steps, if applicable, to address prohibited activity by a Member:

- i. A complainant may contact the Okotoks Royal Canadian Mounted Police (RCMP) with respect to an investigation under s.122 of the *Criminal Code of Canada*, where the allegation is that a Member, in a matter connected to the duties of office, commits fraud or a breach of trust.
- ii. A complainant may contact the Okotoks RCMP with respect to an investigation under s.123 of the *Criminal Code of Canada*, where the allegation is that a Member, in a matter connected to the duties of office, demands, accepts, or offers or agrees to accept from any person, a loan, reward, advantage or benefit of any kind.
- iii. A complainant may advise the Member verbally or in writing that the activity contravenes this Bylaw and encourage the Member to stop the prohibited activity. A complainant should keep written record of the incidents including dates, times, locations, other persons present, and any other relevant information.
- iv. A complainant may refer his or her complaint to the *Alberta Human Rights and Citizenship Commission* where the alleged misconduct involves a violation of the *Human Rights Code*.

5.2. Responsibility of Members

If any Member becomes aware of misconduct by, or an allegation of misconduct against any other Member, or against an employee of the Town of Okotoks, it is the responsibility of that Member to report the misconduct or the allegation.

In the interest of fairness to all concerned parties, the following procedures are to be followed in the reporting of allegations of misconduct:

- a. An allegation must be made in writing, dated and signed by the person making it.
- b. An allegation must contain all of the facts available at the time it is made, including how the Member became aware of the misconduct, the nature of the misconduct, names of witnesses, and the date, time, and location of the alleged misconduct.
- c. The written allegation of misconduct must be delivered, or directed to the Mayor of the Town of Okotoks in a confidential manner.
- d. If the allegation of misconduct is against the Mayor of the Town of Okotoks, it is to be delivered or directed to the Deputy Mayor of the Town of Okotoks in a confidential manner.
- e. Within thirty (30) days, the Mayor or Deputy Mayor will deal with the allegation at his or her discretion, and then report in writing the action taken to the Member who made the allegation.
- f. If the Member who made the allegation is not satisfied with the action taken by the Mayor or Deputy Mayor that Member may request an In Camera session of the Town of Okotoks Council in order that the allegation can be discussed. If the majority of Council disagrees with the action taken, they may decide on an alternate action if the majority of Council agrees to the alternate action.
- g. Notwithstanding these procedures, any Member may make an allegation of misconduct against another Member or an employee directly to Alberta Municipal Affairs or to the Court of Queen's Bench.

5.3. Breach of Code of Conduct

As a result of the complaint review and/or mediation, the consequences for a Member who has breached this Bylaw will vary depending on severity and frequency of the offending conduct and may include the following:

- a. A written warning from the Mayor, Deputy Mayor and/or Council;
- b. A verbal, written or public apology;
- c. Require additional training on ethical and/or respectful conduct;
- d. Revoking Council's appointment of the Committee Member;
- e. Reporting the misconduct to Alberta Municipal Affairs;
- f. Reporting the misconduct to the appropriate authority if potentially criminal or against Human Rights;
- g. Other consequences as deemed appropriate and necessary, but not including the disqualification of a Councillor;
- h. Any retaliation against the complainant will not be tolerated and will be treated as a serious breach.

6. SEVERABILITY

It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

Bylaw 40-17 received third and final reading September 11, 2017.

ORIGINAL BYLAW SIGNED BY
MAYOR AND CHIEF ADMINISTRATIVE OFFICER

Bylaw 29-18 received third and final reading May 28, 2018.

ORIGINAL BYLAW SIGNED BY
MAYOR AND CHIEF ADMINISTRATIVE OFFICER

Schedule A

TOWN OF OKOTOKS

Code of Conduct for Members of Council and Council Committees

The Town of Okotoks requires that its Members of Council and Council Committees not engage in actions which are, or could be reasonably perceived as, damaging to the trust, confidence and faith of the public. Members shall at all times seek to advance the welfare and interests of the Town of Okotoks as a whole, unless the contrary is required by law, and shall truly, faithfully and impartially exercise the office to the best of their knowledge and ability.

The purpose and intent of this Code of Conduct is to establish standards for ethical conduct of members of Council and Committees.

1. ATTENDANCE

Members have a statutory duty to participate in Council meetings, Council Committee meetings, Council workshops, training and orientation sessions, and meetings of other bodies to which they are appointed by Council. Failure to attend as required may lead to disqualification, suspension, or removal of Committee appointment(s) or from the Deputy Mayor Rotation schedule.

2. CONDUCT

2.1 Foster Respect for the Decision-making Process

- a. All Members shall accurately and adequately communicate the attitudes and decisions of the Council or Committee, even if they disagree with the decision, such that respect for the decision-making processes is fostered.
- b. All Members shall share their concerns and communicate concerns amongst the presence of the entire Council or Committee body and, when publically expressing personal opinions, do so in a manner that maintains respect for other members and any decisions made by Council or Committee.

Release of Confidential Information Prohibited

- a. Members have a duty to hold in strict confidence all information concerning matters dealt with In Camera. A Member shall not, either directly or indirectly, release, make public, or in any way divulge, any such information or any aspect of the In Camera deliberations to anyone, unless expressly authorized by Council or required by law to do so.
- b. Members shall inform themselves of and strictly adhere to the provisions of the *Freedom of Information and Protection of Privacy Act*.
- c. Members shall not release information subject to solicitor-client privilege, unless expressly authorized by Council or required by law to do so.
- d. Members shall not release, disclose, publish, comment on, or misuse confidential information (information that they have knowledge of by virtue of their position as a Member) that is not in the public domain, including emails and correspondence from other Members or third parties such that it may cause detriment to the Town of Okotoks, Council, Committee or others, or benefit or detriment to themselves or others. This obligation continues in perpetuity.

2.2 Release of Information to Public and Media

Members acknowledge that official information related to decisions and resolutions made by Council or Committee will normally be communicated to the public and the media by the Mayor as Head of Council, or Chair of the Committee, or by the CAO or by other staff members as delegated by the CAO. Members are always representing the Town of Okotoks, including when engaging in social media activities, and are to identify when views expressed are theirs alone and not official Town of Okotoks communication.

2.3 Acceptance of Gifts Prohibited

Members shall not solicit, accept, offer or agree to accept a commission, reward, gift advantage or benefit of any kind, personally or through a family member or friend, which is connected directly or indirectly with the performance or duties of office.

Members shall return any gifts or benefits which exceed the noted limits, along with an explanation why the gifts or benefits cannot be accepted.

Members are not precluded from accepting:

- a. Token or minor gifts of \$50 or less in value (such as corporate logoed items), or gifts involving tickets for event attendance of no more than \$300; or other advantages from any person or organization not connected directly or indirectly with the performance or duties of office. Council Members must report any gifts with an estimated value of \$50 or more on the Quarterly Elected Official Expense Report, noting the approximate value and the person or organization providing the gift, event ticket, etc.;
- b. Political contributions that are otherwise offered, accepted and reported in accordance with applicable law;
- c. Food and beverages at banquets, receptions, ceremonies or similar events;
- d. Services provided without compensation by persons volunteering their time;
- e. Food, lodging, transportation and entertainment provided by other levels of governments or by other local governments, boards or commissions;
- f. A reimbursement of reasonable expenses incurred in the performance of duties or office, in accordance with relevant Town of Okotoks policies;
- g. Token gifts such as souvenirs, mementoes and commemorative gifts that are given in recognition of service on a committee, for speaking at an event or representing the municipality at an event;
- h. Gifts that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of office.

2.4 Conflict of Interest

- a. Conflict of Interest as it pertains to a Member who is not a Councillor means any situation where a Member's personal or private interests may influence or may be perceived as influencing the Member on a matter of public interest before Council or Committee, including matters which may result in common law bias, direct or indirect pecuniary interest, pre-judgement, close mindedness, or undue influence.
- b. Conflict of Interest as it pertains to Members who are Councillors means a pecuniary interest within the meaning of the *MGA*. Councillors have a duty to vote on matters before Council or Committee unless the Councillor is required or permitted to abstain pursuant to the *MGA* or other enactment.
- c. There may be some times when a Councillor is subject to common law conflict of interest rules.
- d. Members shall also be in a Conflict of Interest situation if the Member attempts to use the Member's position, any confidential information, or Town employees, materials or facilities for personal or private gain or advancement, or uses his position to attempt to advance the interests of the Member's family, friends or business associates.
- e. Members who have a Conflict of Interest in a matter before Council or Committee shall disclose the general nature of their interest and follow the procedure set out in the *MGA*.

- f. Members shall not engage in any activity, pecuniary or otherwise, which is incompatible or inconsistent with the ethical discharge of official duties in the public interest.
- g. Without limiting the generality of the foregoing, Members shall not:
 - i. Use any influence of office for any purpose other than official duties;
 - ii. Solicit, demand or accept the services of any municipal employee, or individual providing services on a contract for service, for re-election or re-appointment purposes, or to gain employment with the Town for themselves, family members or close associates;
 - iii. Use any information gained in the execution of office that is not available to the general public for any purpose other than official duties;
 - iv. Place themselves in a position of obligation to any person or organization which might reasonably benefit from special consideration or may seek preferential treatment;
 - v. Give preferential treatment to any person or organization in which a Councillor has a pecuniary interest;
 - vi. Influence any Administrative, Council or Committee decision or decision-making process involving or affecting any person or organization in which a Member has a pecuniary interest; and
 - vii. Use municipal materials, equipment, facilities or employees for personal gain or for any private purpose.
- h. All Members shall avoid Conflicts of Interest, by refraining from self-dealing or any conduct of private business or personal services between any Member and the Town, except as provided by the *MGA*.

2.5 Avoidance of Waste

Members shall avoid waste, abuse and extravagance in the provision or use of public resources, and shall expose fraud and corruption of which the Member is aware.

2.6 Treat Every Person with Dignity, Understanding and Respect

Members shall abide by the provisions of the *Human Rights Code* and, in doing so, shall treat every person, including other Members, municipal employees, individuals providing services on a contract for service, students on placements, and the public, with dignity, understanding and respect for the right to equality and the right to an environment that is safe and free from harassment, discrimination and disrespect.

2.7 Not to Discriminate

In accordance with the *Human Rights Code*, Members shall not discriminate against anyone on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, gender, sexual orientation, age, record of offences, marital status, same sex partnership status, family status, or disability. Age, disability, family status, record of offences and same sex partnership status shall be as defined in the *Human Rights Code*.

2.8 Not to Engage in Harassment

In accordance with the *Human Rights Code*, harassment shall mean engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

2.9 Businesslike Conduct

Members shall commit to ethical, businesslike and lawful conduct, including proper use of authority and appropriate decorum when acting as a Member. Public comment regarding unsatisfactory staff performance must be avoided and directed in confidence to the CAO.

2.10 Affirmation

By signing this Code of Conduct, I states that I have read and fully understand the contents of the Code of Conduct. My signature is my contractual agreement that I will follow and abide by the Code of Conduct in good faith.

Member's Name (please print)

Member's Signature

Witness' Name (please print)

Witness' Signature

Date

Schedule B

TOWN OF OKOTOKS

Code of Conduct for Members of Appointed Task Forces (as amended by Bylaw 29-18)

The Town of Okotoks requires that its Members of appointed Task Forces not engage in actions which are, or could be reasonably perceived as, damaging to the trust, confidence and faith of the public. Members shall at all times seek to advance the welfare and interests of the Town of Okotoks as a whole, unless the contrary is required by law, and shall truly, faithfully and impartially exercise the office to the best of their knowledge and ability.

The purpose and intent of this Code of Conduct is to establish standards for ethical conduct of members of appointed Task Forces.

1. ATTENDANCE

Members have a duty to participate in Task Force meetings, workshops, training and orientation sessions, and other meetings as requested. Failure to attend as required may lead to disqualification, suspension, or removal of appointment(s).

2. CONDUCT

2.1 Foster Respect for the Decision-making Process

- a. All Members shall accurately and adequately communicate the attitudes and decisions of the Council or Task Force, even if they disagree with the decision, such that respect for the decision-making processes is fostered.
- b. All Members shall share their concerns and communicate concerns amongst the presence of the entire Council or Task Force and, when publically expressing personal opinions, do so in a manner that maintains respect for other Members and any decisions made by Council or Task Force.

2.2 Release of Confidential Information Prohibited

- a. Members have a duty to hold in strict confidence all information concerning matters dealt with In Camera. A Member shall not, either directly or indirectly, release, make public, or in any way divulge, any such information or any aspect of the In Camera deliberations to anyone, unless expressly authorized by Council or required by law to do so.

- b. Members shall inform themselves of and strictly adhere to the provisions of the *Freedom of Information and Protection of Privacy Act*.
- c. Members shall not release information subject to solicitor-client privilege, unless expressly authorized by Council or required by law to do so.
- d. Members shall not release, disclose, publish, comment on, or misuse confidential information (information that they have knowledge of by virtue of their position as a Member) that is not in the public domain, including emails and correspondence from other Members or third parties such that it may cause detriment to the Town of Okotoks, Council, Task Force or others, or benefit or detriment to themselves or others. This obligation continues in perpetuity.

2.3 Release of Information to Public and Media

Members acknowledge that official information related to decisions and resolutions made by Council or Task Forces will normally be communicated to the public and the media by the Mayor as Head of Council, or Chair of the Task Force, or by the CAO or by other staff members as delegated by the CAO. Members are always representing the Town of Okotoks, including when engaging in social media activities, and are to identify when views expressed are theirs alone and not official Town of Okotoks communication.

2.4 Acceptance of Gifts Prohibited

Members shall not solicit, accept, offer or agree to accept a commission, reward, gift advantage or benefit of any kind, personally or through a family member or friend, which is connected directly or indirectly with the performance or duties of office.

Members shall return any gifts or benefits which exceed the noted limits, along with an explanation why the gifts or benefits cannot be accepted.

Members are not precluded from accepting:

- a. Token or minor gifts of \$50 or less in value (such as corporate logoed items), or gifts involving tickets for event attendance of no more than \$300; or other advantages from any person or organization not connected directly or indirectly with the performance or duties of office;
- b. Food and beverages at banquets, receptions, ceremonies or similar events;
- c. Services provided without compensation by persons volunteering their time;
- d. Food, lodging, transportation and entertainment provided by other levels of governments or by other local governments, boards or commissions;
- e. A reimbursement of reasonable expenses incurred in the performance of duties or office, in accordance with relevant Town of Okotoks policies;

- f. Token gifts such as souvenirs, mementoes and commemorative gifts that are given in recognition of service on a committee, for speaking at an event or representing the municipality at an event;
- g. Gifts that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of office.

2.5 Conflict of Interest

- a. Members shall be in a Conflict of Interest situation if the Member attempts to use the Member's position, any confidential information, or Town employees, materials or facilities for personal private gain or advancement, or uses his position to attempt to advance the interests of the Member's family or friends.
- b. Members who have a Conflict of Interest in a matter before Council or Task Force shall disclose the general nature of their interest and follow the procedure set out in the *MGA*.
- c. Members shall not engage in any activity, pecuniary or otherwise, which is incompatible or inconsistent with the ethical discharge of official duties in the public interest.
- d. Without limiting the generality of the foregoing, Members shall not:
 - i. Use any influence of office for any purpose other than official duties;
 - ii. Solicit, demand or accept the services of any municipal employee, or individual providing services on a contract for service, to gain employment with the Town for themselves, family members or close associates;
 - iii. Use any information gained in the execution of office that is not available to the general public for any purpose other than official duties;
 - iv. Place themselves in a position of obligation to any person or organization which might reasonably benefit from special consideration or may seek preferential treatment;
 - v. Give preferential treatment to any person or organization in which a Member has a pecuniary interest;
 - vi. Use municipal materials, equipment, facilities or employees for personal gain or for any private purpose.
- e. All Members shall avoid Conflicts of Interest, by refraining from self-dealing or any conduct of private business or personal services between any Member and the Town, except as provided by the *MGA*.

2.6 Avoidance of Waste

Members shall avoid waste, abuse and extravagance in the provision or use of public resources, and shall expose fraud and corruption of which the Member is aware.

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In accordance with the *Human Rights Code*, Members shall not discriminate against anyone on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, gender, sexual orientation, age, record of offences, marital status, same sex partnership status, family status, or disability. Age, disability, family status, record of offences and same sex partnership status shall be as defined in the *Human Rights Code*.

2.9 Not to Engage in Harassment

In accordance with the *Human Rights Code*, harassment shall mean engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

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Member's Signature

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Date