



# **BYLAW 2018-930**

## **VILLAGE OF RYLEY**

### **Council Code of Conduct Bylaw**

**THIS BYLAW BEING BYLAW NO. 2018-930 OF THE VILLAGE OF RYLEY, IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING THE CONDUCT OF VILLAGE COUNCIL**

**WHEREAS** under section 146.1 of the *Municipal Government Act*, a council must, by bylaw, establish a code of conduct governing the conduct of Councillors;

**AND WHEREAS** under section 153 of the *Municipal Government Act*, Councillors have a duty to adhere to the code of conduct established by the Council;

**AND WHEREAS** the Village of Ryley recognizes that the constituents of the Village of Ryley elected Members of Council for the purpose of providing effective leadership for the Village of Ryley;

**AND WHEREAS** the constituents of the Village of Ryley are entitled to expect the highest standards of conduct from the elected leadership for the Village of Ryley;

**AND WHEREAS** each individual Councillor of the Village of Ryley hereby commits to upholding this Code of Conduct for the purpose of ensuring that Councillors of the Village of Ryley maintain appropriate conduct when carrying out their roles as Councillors;

**NOW THEREFORE**, the Council of the Village of Ryley, in the Province of Alberta, duly assembled, enacts as follows:

## **1. SHORT TITLE**

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

## **2. DEFINITIONS**

2.1 In this Bylaw, words have the meanings set out in the *Municipal Government Act*, except that:

- a) **“Administration”** means the administrative and operational arm of the Municipality, comprised of the various departments and business units and including all staff and employees who operate under the leadership and supervision of the CAO;
- b) **“CAO”** means the Chief Administrative Officer of the Village as

appointed under Section 205 of the Municipal Government Act;

- c) **“Confidential Information”** means any information gained by virtue of a Councillor’s role on Council or a committee that is not in the public domain and has not been discussed at a meeting held in public. Confidential Information specifically includes, but is not limited to, any and all:
  - i) emails and correspondence between Councillors, between Councillors and Administration, or between Councillors and third parties;
  - ii) information pertaining to employment matters concerning the Village; and
  - iii) information and matters discussed during a private, “in camera” meeting of Council or a committee.
  
- d) **“Conflict of Interest”** means any actual or potential situation in which a Councillor’s private interests may influence the Councillor’s decision-making on a matter of public interest before Council, whether real or perceived. Conflicts of Interest specifically include, but are not limited to, the following:
  - i) any actions which confer, or appear to confer, a financial benefit or other benefit to the Councillor, the Councillor’s family, friends, associates, businesses, or otherwise;
  - ii) any use of the Councillor’s position, or any Village employees, materials, facilities, or confidential information for personal or private gain or advancement, or for the expectation of personal or private gain or advancement;
  - iii) any pecuniary interest, whether direct or indirect;
  - iv) any non-arms-length dealings, whether direct or indirect;
  - v) closed-mindedness or prejudgment;
  - vi) undue influence; and
  - vii) any actions which may result in a reasonable apprehension of bias.
  
- e) **“Complained-of Councillor”** means the Councillor against whom a formal complaint has been made under this bylaw;
  
- f) **“Council”** means the elected municipal council of the Village;
  
- g) **“Councillor”** means an individual elected member of Council currently serving in that role, and includes the Mayor;
  
- h) **“In Camera”** means an “in private” meeting. It involves a confidential meeting, or a portion of a meeting, taking place with only Council members, the CAO, or any other person invited by Council, present;
  
- i) **“Committee of the Whole”** refers collectively to those Members of Council

present when Council moves to sit as a Committee;

- j) “MGA” means the *Municipal Government Act*, RSA 2000, c M-26, and its regulations, as amended; and
- k) “Village” means the municipality of Ryley.

### **3. PURPOSE AND REVIEW**

- 3.1 The purpose of this Code of Conduct is to establish standards for the ethical conduct of Councillors relating to their role and obligations as representatives of the Village, and to establish a procedure for investigating and enforcing those standards.
- 3.2 Council shall review this Code of Conduct annually at the Organizational Meeting, to ensure that it remains current and relevant to the day to day conduct of Council.

### **4. APPLICATION**

- 4.1 This Code of Conduct applies to all elected Councillors, members, employees, senior officials, and designated senior officials of the Village.
- 4.2 Councillors, members, employees, senior officials, and designated senior officials of the Village are expected to regularly formally and informally review this Code of Conduct, and to adhere to it on a continuous and ongoing basis.

### **5. REPRESENTING THE VILLAGE**

- 5.1 Councillors shall:
  - a) act honestly, impartially, and in good faith at all times;
  - b) perform their functions and duties in a conscientious and diligent manner with integrity, accountability, and transparency;
  - c) demonstrate fairness, accountability, and open-mindedness on all matters;
  - d) treat all people with professionalism, courtesy and respect;
  - e) conduct themselves in a professional, respectful, and dignified manner when interacting with other members of Council, Administration, government officials, and members of the public;
  - f) conduct their private affairs in a manner that will:
    - i) promote public confidence;
    - ii) bear close public scrutiny;
    - iii) not contribute to or result in a real or perceived Conflict of Interest; and
    - iv) maintain respect for Council, other Councillors, and any decisions

made by Council or a Council Committee;

- g) actively participate in all Council and Council committee meetings and meetings of other bodies to which they are appointed by Council in good faith;
- h) actively participate in respectful, fulsome and healthy debate on matters in Council meetings, respect all opinions of other Councillors, and support the decisions of Council;
- i) actively participate in orientation training and other training opportunities regarding the roles and responsibilities of Council;
- j) actively participate in developing and evaluating policies and programs of the Village;
- k) consider the welfare and interests of the Village as a whole, and to bring Council's attention anything that would promote the welfare or interests of the Village;
- l) promote an integrated and strategic approach to intermunicipal land use planning and service delivery with neighboring municipalities;
- m) keep in confidence all matters discussed in private at a Council committee meeting until that matter is discussed at a public meeting;
- n) incur expenses only in a responsible and reasonable manner;
- o) obtain information about the operation or administration of the Village from the CAO;
- p) perform any other duty or function imposed on councillors by this or any other enactment or by Council; and
- q) strictly adhere to the requirements and provisions of the MGA, and to all Village bylaws, policies, and procedures, including this Code of Conduct.

5.2 Councillors shall not, in any exercise of their role:

- a) gain or advance, or attempt to gain or advance, a personal or private interest for themselves or for another person, group, or organization, whether directly or indirectly;
- b) seek personal benefit or gain from any information obtained through their position as a Councillor;
- c) cause, or attempt to cause, a detriment to the Village, Council, or any individual Councillor or member of the Administration;
- d) act or communicate in a disrespectful or discriminatory fashion against any individual or group on the basis of differences of opinion, or on one or more of the following grounds: age, ability, ancestry, citizenship, creed, colour, ethnic origin, family status, gender identity, gender expression, language, marital status, nationality, place of origin, race, religious affiliation, sex, sexual orientation, or occupation;

- e) engage in improper behavior towards fellow Councillors, Administration personnel, or members of the public, specifically including any behaviour which involves, or may be perceived as involving, abuse, bullying, coercion, discrimination, harassment, insults, intimidation, persuasion, threats, or undue influence;
- f) exercise a power or function or perform a duty that is, by this or any other enactment or bylaw, specifically assigned to the CAO or other designated officer under the MGA; or
- g) engage in any activity which is incompatible or inconsistent with the discharge of their duties and obligations as an elected official of the Village.

## **6. CONFLICTS OF INTEREST**

6.1 Councillors shall, at all times:

- a) conduct themselves so as to avoid any real or perceived Conflict of Interest or exercise of undue influence;
- b) refrain from using information gained through their position on Council for any private, personal, or political benefit or gain;
- c) approach decision-making with an open mind that is capable of persuasion;
- d) comply with all statutory requirements concerning the pecuniary interests of Councillors as set out in Part 5, Division 6 of the MGA; and
- e) exercise their duty to vote unless required or permitted to abstain under this Code of Conduct, the MGA, or another enactment.

6.2 It is the individual responsibility and decision of a Councillor to:

- a) determine whether or not a given situation may place that Councillor in an actual or potential Conflict of Interest, whether real or perceived;
- b) disclose to Council any actual or potential Conflict of Interest, whether real or perceived;
- c) seek the advice of the CAO before bringing a potential Conflict of Interest to the attention of Council; and
- d) seek independent legal advice, at their own cost and expense, regarding a potential Conflict of Interest.

6.3 If a Councillor determines that they may have, or may reasonably be perceived to have, a pecuniary interest in a matter before Council or before a committee, they shall follow the procedure for disclosure of the pecuniary interest set out in section 172 of the MGA, and additionally, before a meeting in which the matter is discussed, the Councillor shall:

- a) notify the Mayor or Chair of the meeting of the pecuniary interest; and

- b) complete a Disclosure of Pecuniary Interest Form attached as Schedule A to this Code of Conduct and promptly submit it to the Mayor or Chair of the meeting. The Mayor or Chair of the meeting will read it into the meeting minutes and deliver it to the CAO or CAO's designate. The CAO shall maintain a record of all submitted Disclosure of Pecuniary Interest forms.
- 6.4 Councillors shall refrain from seeking the award of written service or supply contracts for themselves, family members, or non-arms-length associates. It is acknowledged and agreed that the Village will not award any written service or supply contracts to any Councillor.
- 6.5 Councillors shall refrain from seeking employment with the Village for themselves, family members, or non-arms-length associates. It is acknowledged and agreed that the Village will not make, accept, or endorse any offers of employment involving any Councillor.
- 6.6 Councillors considering new offers of appointment or employment shall not allow any existing or anticipated offers of future employment or appointment to influence their decision-making so as to create a Conflict of Interest. Councillors shall recuse themselves from any discussions or deliberations involving existing or anticipated offers of future employment or appointment.
- 6.7 Councillors shall not use the influence of their role, or make use of any Village property, equipment, services, supplies, personnel, or resources, for any purpose other than for the exercise of their official duties as an elected member of Council.
- 6.8 Councillors shall refrain from giving or receiving gifts where doing so may result in a real or perceived Conflict of Interest.
- 6.9 Councillors may only accept substantial or material gifts (having an estimated value over \$50) only on the behalf of Council and only on the condition that the gift is to be donated to a local charity. For each gift so accepted, the Councillor shall complete a Disclosure of Gift Form attached as Schedule B to this Code of Conduct and promptly submit it to the CAO.
- 6.10 Councillors may accept token or minor gifts (having an estimated value under \$50) and Councillors need not complete a Disclosure of Gift form when accepting a token or minor gift.
- 6.11 This Code of Conduct does not apply to:
- a) gifts donated to the Village;
  - b) gifts or hospitality normally received as a matter of protocol; and
  - c) gifts, hospitality, or social obligations that arise in the normal course of exercising the role of Councillor and which are not related to any particular transaction or activity of the Village or decision of Council.

## **7. COMMUNICATION**

- 7.1 All media inquiries and requests for information regarding the official Council position on a given topic or issue shall be referred to the CAO.

- 7.2 The Mayor shall be the Council's official spokesperson unless Council directs otherwise.
- 7.3 Councillors shall not claim to speak on behalf of the Council unless they have been specifically authorized and directed by the Council to act as the official spokesperson.
- 7.4 A Councillor not authorized and directed to act as the official spokesperson must, when commenting on any act or decision of Council, clearly state that their comments are only personal opinion and that they do not accurately reflect the official position and the will of Council.
- 7.5 A Councillor who is authorized directed to act as the official spokesperson must ensure that their comments accurately reflect the official position and the will of Council as a whole, whether or not the Councillor personally disagrees with the official position and the will of Council.
- 7.6 A Councillor shall not make any statement which they know to be false, or with the intent to mislead Council or members of the public.

## **8. CONFIDENTIAL INFORMATION**

- 8.1 Councillors shall inform themselves of, and strictly adhere to, the provisions of the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25 with respect to accessing, gathering, using, and disclosing Confidential Information.
- 8.2 Councillors shall keep in the utmost confidence and shall not release, disclose, publish, or comment on, any Confidential Information unless and until the information or matter is discussed at a meeting held in public, or unless expressly authorized by Council or required by law to do so. This obligation continues in perpetuity.
- 8.3 Councillors shall not release any information that is subject to solicitor-client privilege unless expressly authorized by Council or required by law to do so. This obligation continues in perpetuity.
- 8.4 Councillors shall not misuse Confidential Information such that it may cause harm, detriment or embarrassment to the Village, Council, other Councillors, Village of Ryley administration or staff, members of the public or third parties, or such that it may create a benefit to themselves, the Village, Council, other Councillors, Administration, members of the public, or third parties.

## **9. DECISION-MAKING**

- 9.1 Decision-making authority lies with Council, and not with any individual Councillor. Council decisions are made by majority vote of Councillors. The decision of Council must be accepted and respected by all Councillors, even if one or more individual Councillors do not agree with the majority decision.
- 9.2 While an individual Councillor may publicly state that they did not vote with the majority of Council on an issue, this must be made in a manner that respects Council, Council's decision and other members of Council.
- 9.3 Council may only act on the authority of a bylaw or resolution passed at a Council meeting held in public at which a quorum is present. No Councillor shall attempt to bind

the Village or Council or give direction to Administration, agents, contractors, consultants, service providers, or prospective vendors of the Village unless duly authorized to do so by Council.

- 9.4 Council meetings are the appropriate forum for fulsome debate and discussion of matters before Council. All Councillors must give their fellow Councillors, and members of the public, a full opportunity to address the issues before Council in a full, open and professional manner that encourages and promotes the healthy debate of issues.

## **10. EXPENDITURES**

- 10.1 Councillors shall be open and accountable with respect to all expenditures and shall strictly adhere to all Village guidelines and policies addressing expenditures and reimbursement.
- 10.2 When incurring expenditures, Councillors shall:
- a) do so only in a reasonable and responsible manner;
  - b) respect that public monies and resources must be used for the public good; and
  - c) avoid waste, abuse, and inappropriate use of public monies and resources.

## **11. ADMINISTRATION**

- 11.1 Councillors shall, at all times, treat Administration personnel, and consider their professional opinions, with civility, courtesy, and respect.
- 11.2 Councillors shall not abuse relationships or dealings with Administration personnel by attempting to take advantage of their role as Councillors. Councillors must refrain from improper behavior, specifically including any behaviour which involves, or may be perceived as involving, abuse, bullying, coercion, discrimination, harassment, insults, intimidation, persuasion, threats, or undue influence.
- 11.3 Councillors must not meet with any Administration personnel and discuss information, matters, or business pertaining to Council or the Village without the CAO present, unless expressly authorized to do so by the CAO.
- 11.4 It is the sole responsibility of the CAO to hire, direct, discipline, and terminate Administration personnel. No Councillor or group of Councillors shall interfere with the CAO's role in the hiring, direction, disciplinary action, or termination of any Administration personnel. The CAO shall immediately report any incident of this nature to Council.

## **12. ADHERENCE TO POLICIES, PROCEDURES, AND BYLAWS**

- 12.1 Councillors shall uphold the statutes and regulations established by the Parliament of Canada and the Legislature of Alberta, and the bylaws, policies, and procedures adopted by Council.
- 12.2 Councillors shall respect, and encourage public respect for, the Village as an institution and its bylaws, policies, and procedures. Councillors shall not encourage disobedience of



any bylaw, policy, and procedure of the Village, as this undermines public confidence in the Village and in the rule of law generally.

- 12.3 Councillors shall uphold the letter, spirit, and intent of this Code of Conduct, and shall co-operate in every way possible with the application and enforcement of this Code of Conduct.
- 12.4 No Councillor shall obstruct Council, or any other person, in carrying out the objectives or requirements of this Code of Conduct.
- 12.5 No Councillor shall undertake, or threaten to undertake, any act of reprisal or other improper conduct against a complainant or any other person for providing information to Council or otherwise assisting Council with the application and enforcement of this Code of Conduct.

### **13. FORMAL COMPLAINTS AND SANCTIONS**

- 13.1 Any adult constituent of the Village who has identified or witnessed conduct by one or more Councillors that they reasonably believe, in good faith, is in contravention of this Code of Conduct may make a formal complaint, which shall follow the following procedure:
  - a) The complainant must complete a Code of Conduct Complaint Form, attached as Schedule C to this Code of Conduct. To complete the complaint form, the complainant must:
    - i) make a solemn declaration setting out reasonable and probable grounds for the allegation that the Complained-of Councillor has contravened this Code of Conduct, including a description of the facts giving rise to the allegation; and
    - ii) sign, date, and swear the solemn declaration before a Commissioner for Oaths in and for the Province of Alberta.
  - b) The complainant must submit the complaint to the Village of Ryley at the Village Office during its regular hours of operation. Administration personnel will refer the complaint to the CAO.
  - c) Upon receipt of the complaint, the CAO shall review the complaint and decide whether or not to proceed with a formal investigation. If the facts, as alleged in the complaint, name one or more Councillors alleged to be responsible for a breach of this Code of Conduct, the CAO shall provide all such Complained-of Councillors with a copy of the complaint.
  - d) If the CAO determines that the complaint is frivolous, vexatious, or that there are no grounds or insufficient grounds to conduct an investigation, the CAO may decide not to proceed with a formal investigation. In that event, the CAO shall promptly inform the complainant, Council, and any Complained-of Councillors, of this decision.
  - e) If the CAO determines that the complaint warrants investigation:
    - i) the CAO shall take such additional steps as they feel are appropriate, which may include seeking legal advice. All proceedings of the investigation shall be considered Confidential

Information; and

- ii) within 30 days of receipt of the complaint, Council shall hold a special “in-camera” meeting of the Committee of the Whole to determine if the Complained-of Councillor(s) are in violation of this Code of Conduct. All discussions at this meeting shall be considered Confidential Information.
- f) Before the Committee of the Whole makes any determination at any such “in-camera” meeting, each Complained-of Councillor shall be given:
- i) the right to seek and obtain legal representation, at their own cost and expense;
  - ii) the opportunity to address Council; and
  - iii) full procedural fairness, including sufficient opportunity and time to effectively respond to the allegations forming the basis of the complaint, and the opportunity to present evidence, including witnesses, to support their position.
- g) If the Committee of the Whole determines that a Complained-of Councillor has not breached this Code of Conduct, the Committee of the Whole shall promptly inform the Complained-of Councillor, and the complainant, of this determination in writing.
- h) If the Committee of the Whole determines that a Complained-of Councillor has breached this Code of Conduct, the Committee of the Whole shall promptly inform the Complained-of Councillor, and the complainant, of this determination in writing.
- i) Within 30 days of a determination that a Complained-of Councillor has breached this Code of Conduct, Council shall hold an open session to pass a motion requiring the Complained-of Councillor to appear at a special “in-camera” meeting of the Committee of the Whole to be sanctioned.
- 13.2 Upon finding that a Councillor has failed to adhere to this Code of Conduct, Council may impose any one or more of the following sanctions on the Councillor:
- a) a letter of reprimand addressed to the Councillor;
  - b) a request to the Councillor to issue a letter of apology;
  - c) publication of a letter of reprimand or request for apology and the Councillor’s response;
  - d) a letter requiring the Councillor to attend such training as Council deems necessary;
  - e) suspension or removal of the appointment of a Councillor as the chief elected official under section 150(2) of the MGA;
  - f) suspension or removal of the appointment of a Councillor as the deputy chief elected official under section 152 of the MGA,

- g) suspension or removal of the chief elected official's presiding duties under section 154 of the MGA;
- h) suspension or removal from some or all of Council committees and bodies to which Council has the right to appoint members;
- i) reduction or suspension of remuneration as defined in section 271.1 of the MGA corresponding to a reduction in duties, excluding allowances for attendance at Council meetings; or
- j) any other sanction that Council deems reasonable and appropriate in the circumstances.

13.3 Any sanction imposed under this Code of Conduct shall:

- a) be fair and in keeping with the severity of the infraction, giving due regard to the Councillor's previous conduct;
- b) be fully compliant with the MGA;
- c) be ratified by a resolution at a subsequent regular meeting of Council;
- d) not prevent the sanctioned Councillor from fulfilling their duties under the MGA, whether in whole or in part; and
- e) not restrict or countermand a sanctioned Councillor's legal right to legally challenge the determination of Council.

## 14. SEVERABILITY

14.1 Should any Section, Sub-Section, clause or provision of this bylaw be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this bylaw as a whole or any part thereof, other than the part so declared to be invalid.

## 15. EFFECTIVE DATE


15.1 This Bylaw shall come into force and effect from and after the date of third reading thereof.

READ for a first time this 19 day of June, 2018.

READ for a second time this 17 day of July, 2018.

READ for a third time this 17 day of July, 2018.

SIGNED AND PASSED this 17 day of July, 2018.



\_\_\_\_\_  
Mayor



\_\_\_\_\_  
Chief Administrative Officer

**Acknowledgement**

The undersigned member of Council hereby acknowledges receipt of a copy of Bylaw 2018-930, being the Council Code of Conduct Bylaw

The member of Council acknowledges that two copies of the Bylaw were provided to the member. One signed copy of the Bylaw was returned to the CAO and a duplicate copy was retained by the member of Council.

\_\_\_\_\_  
SIGNATURE OF MEMBER OF COUNCIL

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
DATE

# Schedule A

## **Disclosure of Pecuniary Interest Form**

Name of Councillor: \_\_\_\_\_

Date of Council/Committee Meeting: \_\_\_\_\_

Agenda item No.: \_\_\_\_\_

Agenda item description: \_\_\_\_\_

Describe the nature of the pecuniary interest:

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Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature of Councillor

# Schedule B

## Disclosure of Gift Form

Date: \_\_\_\_\_

Gift given to: \_\_\_\_\_

Gift from: \_\_\_\_\_

Gift: \_\_\_\_\_

Estimated value: \_\_\_\_\_

Disposition: \_\_\_\_\_

Describe the nature of the gift:

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\_\_\_\_\_  
Signature of Councillor

\_\_\_\_\_  
Signature of Chief Administrative Officer

# Schedule C

## Code of Conduct Complaint Form

To: Village of Ryley

Attn: Chief Administrative Officer

From: \_\_\_\_\_ (please print full name)

Civic Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

### Sworn Statement of Complainant

I, \_\_\_\_\_ (please print full name), of the Village of Ryley, in the Province of Alberta, do solemnly swear, affirm, and declare that the following statements as set out below are true.

I have reasonable and probable grounds to believe that \_\_\_\_\_ (name of Councillor) has contravened the Village of Ryley Council Code of Conduct Bylaw, the particulars of which are as follows:

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(If more pages are needed, photocopy this page and mark additional page numbers and total in the top right corner)

I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

**Note: It is an offence to make a false declaration.**

SWORN BEFORE ME in the \_\_\_\_\_ of \_\_\_\_\_ )  
 )  
 in the Province of Alberta, this \_\_\_ day of \_\_\_\_\_, 20\_\_\_. )  
 )  
 )  
 )  
 \_\_\_\_\_ )  
 A Commissioner for Oaths in and for the Province of Alberta )      Complainant (please print full name)