



VILLAGE OF RYCROFT BYLAW NO. 100-09

A BYLAW OF THE VILLAGE OF RYCROFT IN THE PROVINCE OF ALBERTA TO ESTABLISH THE CONDUCT OF COUNCILLORS

WHEREAS pursuant to the Municipal Government Act, RSA 2000, Chapter M-26 as amended, authorizes the Council to pass a bylaw establishing the conduct of Councillors; and

WHEREAS the Council of the Village of Rycroft deems it expedient to make such rules and regulations;

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

1. **Title**

- a) This Bylaw may be cited as the "Code of Conduct Bylaw"

2. **Policy**

- a) Councillors shall conduct themselves in a professional, ethical and prudent manner. This includes proper use of authority and appropriate decorum, particularly while acting in the capacity of a Councillor and when representing Council or the Village of Rycroft ("the Village"). Councillors shall behave in a manner that reflects respect for the dignity and worth of all individuals, acting at all times without prejudice or discrimination.

3. **Procedure**

- a) Councillors shall consider the welfare and interests of the Village, and at all times be loyal to these interests. This loyalty supersedes loyalty to:
- i. Any advocacy or special interest groups and membership on other boards or staff positions.
 - ii. The personal interest of any Councillor whether acting as an individual consumer of the Village services or not.
- b) Councillors are accountable to exercise the powers and discharge the duties of their office honestly and in good faith, at all times acting within the scope of their role as Councillor. Councillors shall exercise the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.
- c) Councillors shall avoid any conflict of interest with respect to their fiduciary responsibility such that, without limiting the generality of what follows:
- i. Councillors shall not use Council information for their own direct benefit or advantage. There must be no self-dealing or any conduct relating to private business or personal services between any Councillor and the Village, except as provided for in this section and allowed by the *Municipal Government Act*. Councillors with a pecuniary interest in any matter before Council must inform the Mayor as soon as practicable where the matter is regarding work to be done in an emergency, and prior to the signing of the agreement in all other circumstances; and must also provide information to the Mayor about safeguards to ensure openness, competitive opportunity, and equal access to otherwise "inside" information by all bidders for the contract.
 - ii. Councillors must not use their positions to obtain for themselves, or for their family members, employment within the Village. Should a Councillor apply for employment, the Councillor must take a leave of absence from the Council. If offered a contract of employment, the Councillor must first resign from Council.
 - iii. Should Councillors be in a conflict position or a position of pecuniary interest with respect to any matter, Councillors must disclose the nature of the pecuniary interest before any discussion of the matter, abstain from voting on any question related to the matter and leave the room in which the meeting is held until the discussion and voting are concluded. Where a Councillor has a right to participate in a public hearing as a member of the public, the Councillor may do so; in all other situations the Councillor must leave Chambers. The minutes must record all declarations of conflict of interest.
- d) Councillors shall not attempt to exercise individual authority over the Chief Administrative Officer or any member of the staff. In particular:
- i. Individual Councillors shall make no public comments regarding the Chief Administrative Officer or staff

performance. Any comments regarding staff performance should be directed to the Chief Administrative Officer, and comments regarding the performance of the Chief Administrative Officer should be directed to the Mayor.

- ii. Councillors shall not encourage direct communication with employees who attempt to bypass administration but shall encourage employees to utilize reporting lines within the administration to bring their concerns to their supervisor.
- e) Councillors are entitled only to information and records of the Village for the purpose of fulfilling his or her duties as Councillor. Council information must be kept confidential, especially where required to protect the best interests of the Village. This requires keeping in confidence matters discussed in camera and privately in Council or committee meetings until they are discussed in a public meeting. Councillors must adhere to the requirements of the *Freedom of Information and Protection of Privacy Act*. Councillors must maintain the integrity and security of confidential documents or information in their possession. Confidential information is only to be used for the purposes for which it has been disclosed to Council and must not be used to confer an advantage or cause harm to Council or another party or body. Any information that is disclosed must be disclosed in accordance with Council policies and procedures. Without limiting the generality of these statements, the following Council information must be kept confidential:
- i. Negotiation strategies, land matters, legal or personal matters presented or discussed in an in-camera meeting of the Council, or a Task Force of the Council, or any record of such meetings maintained by any participant of such meetings.
- f) Councillors must not attempt to exercise individual authority over the organization. Councillor interaction with the public, the media, or other entities must recognize this limitation and not speak for the Chief Administrative Officer or speak for the Council unless the Councillor is repeating explicitly stated Council decisions. Care is to be taken not to convey the impression that personal comments are official Council or Village comments.
- i. Without limiting the right of Councillors to express their own personal views, when interacting with the public, media or other entities, once a Council decision is made, the decision should be respected and Council members should proceed forward diligently and in good faith to respect, support and implement the decisions of Council. While the dual role of the councillor demands they represent the possibly conflicting interests of the Village and their own constituents, they must keep the general interest of the Village as their overarching concern.
- g) Councillors shall be familiar with the *Municipal Government Act*, regulations and the Legislative policies of the Village as well as the rules of procedure and proper conduct of a meeting, so that any decision of the Council may be made in an efficient, knowledgeable and expeditious fashion.
- h) Councillors shall be properly prepared for Council deliberations.
- i) Councillors shall attend and take part in meetings such as Information Meetings, Councillor Orientation and Review Sessions, Governance Sessions, Planning Meetings, Budget Preparation Meetings, Council Retreats, Committee Meetings, and all Regularly Scheduled Council Meetings on a regular and punctual basis. Repeated unexcused absences, partial attendance or late attendance by Councillors at these activities and meetings may be cause for disciplinary action as determined by the Council.
- j) Councillors are required to attend and actively participate, when available, in the Alberta Urban Municipalities Association Annual Conference, and any other conferences and conventions as may be approved by the Council.
- k) Councillors wishing to attend professional development activities or conferences other than those offered by the official urban associations or Municipal Affairs shall adhere to the process as set by the Council.
- l) The unexcused absence of a Councillor from all regular Council meetings held during any period of 8 consecutive weeks, starting with the date that the first meeting is missed shall disqualify that person from remaining as a Councillor as stated in the *Municipal Government Act*. A Councillor is not considered to be absent from a Council meeting if the Councillor is absent on Council business at the direction of Council.
- m) Councillors shall ensure that unethical activities not covered or specifically prohibited by the foregoing or any other legislation are neither encouraged nor condoned.
- n) A Councillor who believes that a fellow Councillor has violated the Code of Conduct may seek resolution of the matter through appropriate conciliatory measures prior to commencing an official complaint under the Code of Conduct.
- o) A Councillor who wishes to commence an official complaint under the Code of Conduct shall file a letter or complaint with the Mayor, and indicate the nature of the complaint and the section(s) of the Code of Conduct that are alleged to have been violated by the Councillor. The Councillor who is alleged to have violated the Code of Conduct, and all other Councillors, shall be forwarded a copy of the letter of complaint by the Mayor, or where otherwise applicable, in what follows, by the Deputy Mayor, within five (5) days of receipt by the Mayor of the

letter of complaint.

- p) When a Councillor files a letter of complaint, and a copy of that letter of complaint is forwarded to all Councillors, the filing, notification, content, and nature of the complaint shall be deemed to be strictly confidential, the public disclosure of which shall be deemed to be a violation of Section five (5) above.
- q) To ensure that the complaint has merit to be considered and reviewed, at least one other Councillor of Council must provide to the Mayor within three (3) days of the notice in writing of the complaint being forwarded to all Councillors, a letter indicating support for having the complaint be heard at a Code of Conduct hearing. Any Councillor who forwards such a letter of support shall not be disqualified from attending at and deliberating upon, the complaint at a Code of Conduct hearing convened to hear the matter, solely for having issued such a letter.
- r) Where no letter supporting a hearing is forthcoming, the complaint shall not be heard. The Mayor shall notify all other Councillors in writing that the Council shall take no further action.
- s) Where a letter supporting a hearing is forthcoming, the Mayor shall convene as soon as is reasonable, a Special Meeting of Council to allow the complaining Councillor to present his or her views of the alleged violation of the Code of Conduct.
- t) At the Special Meeting of the Council, the Mayor shall indicate at the commencement of the meeting, the nature of the business to be transacted and that the complaint shall be heard in an in-camera session of the Special Meeting.
- u) Without limiting what appears below, the Mayor shall ensure fairness in dealing with the complaint by adhering to the following procedures:

4. PROCEDURES CODE OF CONDUCT HEARING

- a) The Code of Conduct complaint shall be conducted at an in-camera session, "Code of Conduct Hearing", of a Special Council Meeting convened for that purpose. The Council, in its sole discretion, may record the in-camera session of the Special Meeting of Council by electronic means. Where recording will take place, the complaining Councillor and the respondent Councillor shall be advised by the presiding Chair at the commencement of the Code of Conduct Hearing. All preliminary matters, including whether one or more Councillors may have a conflict of interest in hearing the presentations regarding the complaint, shall be dealt with prior to the presentation of the complaint on behalf of the complaining Councillor.
- b) The sequence of the Code of Conduct Hearing shall be:
 - i. The complaining Councillor shall provide a presentation which may be written or oral or both;
 - ii. The respondent Councillor shall provide a presentation which may be written or oral or both;
 - iii. The complaining Councillor shall then be given an opportunity to reply to the respondent Councillor's presentation;
 - iv. The respondent Councillor shall then be provided a further opportunity to respond to the complaining Councillor's presentation and subsequent remarks;
 - v. The remaining Councillors of the Council shall be given the opportunity to ask questions of both parties;
 - vi. The complaining Councillor shall be given the opportunity to make final comments; and
 - vii. The respondent Councillor shall be given the opportunity to make final comments.
- c) Following the presentation of the respective positions of the parties, the parties, and all persons, other than the remaining Councillors who do not have a conflict of interest, shall be required to leave the room, and the remaining Councillors shall deliberate in private, without assistance from Administration. The Council may however, in its discretion, call upon legal advisors to assist them on point of law, or drafting of a possible resolution.
- d) If the remaining Councillors in deliberation require further information or clarification, the parties shall be reconvened and the requests made in the presence of both parties. If the information is not readily available, the Mayor may request a recess, or if necessary an adjournment of the Code of Conduct Hearing to a later date.
- e) In the case of an adjournment, no discussion by Councillors whatsoever of the matters heard at the Code of Conduct may take place until the meeting is reconvened.
- f) The remaining Councillors in deliberation may draft a resolution indicating what action, if any, may be taken regarding the respondent Councillor.
- g) The Mayor shall reconvene the parties to the Code of Conduct Hearing and request a motion to revert to the open meeting, in order to pass the resolution.
- h) All documentation, including any recording by electronic means, that is related to the Code of Conduct Hearing shall be retained in accordance with legal requirements.

- i) The Mayor shall declare the Special Council Meeting adjourned.
5. Violation of the Code of Conduct may result in the Council instituting, without limiting what follows, any or all of the following sanctions:
- a) Having the Mayor write a letter of censure marked "personal and confidential" to the offending Councillor, on the approval of a majority of those Councillors present at the Special Council Meeting.
 - b) Having a motion of censure passed by a majority of those Councillors present at the Special Council Meeting.
 - c) Having a motion to remove the offending Councillor from one, some, or all Council appointments, passed by a majority of those Councillors present and allowed to vote at the Special Council Meeting, may vote.
6. Subject to the *Freedom of Information and Protection of Privacy Act* and the *Municipal Government Act*, the Council may, in its discretion, make public its findings at the Special Meeting, or at a Regular Council Meeting, where the Council has not upheld the complaint alleging a violation of the Village's Code of Conduct or, where there has been a withdrawal of the complaint or, under any other circumstances that the Council deems reasonable and appropriate to indicate publicly its disposition of the complaint.

7. Severability

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

Read a first time in Council assembled this 13 day of October A. D. 2009

Read a second time in Council assembled this 23rd day of February A. D. 2010

Read a third time in Council assembled and passed this 23rd day of February A. D. 2010.

Village of Rycroft

Original signed by the Mayor and CAO on _____, 2010`

 Mayor
 Matt Dika

 (SEAL)
 CAO
 Monique Jeffrey

(Original Signed by Mayor and CAO)