

VILLAGE OF HILL SPRING
BYLAW # 318 - 2022
COUNCIL CODE OF CONDUCT BYLAW

A Bylaw of the Village of Hill Spring, in the Province of Alberta to establish a Municipal Council Code of Conduct for members of Council within the Village of Hill Spring

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

AND WHEREAS, pursuant to section 146.1(3) of the Municipal Government Act, a council may, by bylaw, establish a code of conduct of members of council committees;

AND WHEREAS pursuant to section 153(e.1) of the Municipal Government Act councillors have a duty to adhere to the code of conduct established by the council;

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

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

NOW THEREFORE, THE COUNCIL OF THE VILLAGE OF HILL SPRING IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

This Bylaw may be cited as the "Council Code of Conduct Bylaw"

1. Definitions

In this Bylaw these definitions prevail:

- 1.1. **Act** means the Municipal Government Act, R.S.A. 2000, c. M-26, and associated regulations, as amended;
- 1.2. **Administration** means the administrative and operational arm of the Municipality, comprised of the various departments and business units and including all employees that operate under the leadership and supervision of the Village Manager;
- 1.3. **Council** means the Council of The Village of Hill Spring;
- 1.4. **Councillor** means a member of Council duly elected and continuing to hold office;
- 1.5. **FOIP** means the Freedom of Information and Protection Privacy Act, R.S.A. 2000, c. F-25, any associated regulations and amendments or successor legislation;
- 1.6. **Investigator** means Council or the individual or body established by Council to investigate and report on complaints;

- 1.7. **Member** means a member of Council and includes a councillor or mayor; this also includes members of the Municipal Planning Commission and all committees of councillors;
- 1.8. **Municipality** means the municipal corporation of the Village of Hill Spring;
- 1.9. **Village Manager** means the Chief Administrative Officer or the designate as appointed by Council.

2. Purpose

- 2.1. The purpose of this Bylaw is to establish standards for the ethical conduct of Councillors/Members relating to their roles and obligations within the Village of Hill Spring and a procedure for the investigation and enforcement of those standards.

3. Councillor Responsibilities

- 3.1. Councillors shall act honestly and in good faith serve the welfare and interests of the Municipality as a whole;
- 3.2. Councillors shall perform their duties in a conscientious and diligent manner with integrity, accountability and transparency;
- 3.3. Councillors shall conduct themselves in a professional manner with dignity and make every effort to participate diligently in the meetings of Council, Council committee meetings and other bodies to which they are appointed by Council;
- 3.4. Councillors shall conduct themselves in a manner that promotes public confidence and will bear close public scrutiny and to seek to advance the welfare and interests of the Village of Hill Spring, unless otherwise required by law, and shall truly, faithfully and impartially exercise the office to the best of their knowledge and ability;
- 3.5. Councillors are expected to support the role of the Council and support current policies, bylaws and resolutions of the Village when making any public statement. Decision making authority lies with Council, and not with any individual Member. Council may only act by bylaw or resolution passed at a Council meeting held in public at which there is a quorum present.
- 3.6. Councillors, engaging in discussion concerning any representation of Council on social media are expected to conduct themselves appropriately and ethically. Appropriate social media conduct includes:
 - 3.6.1. Councilors will respect social media users;
 - 3.6.2. Councillors will use every effort to keep their interactions factual and accurate;
 - 3.6.3. Councillors will strive for transparency and openness in transactions;
 - 3.6.4. Councillors will protect privacy and permissions;
 - 3.6.5. Councillors will respect the comment & posting guidelines on social media sites;

- 3.7. Councillors shall accurately communicate the decisions of Council or Council Committee(s) to which they have been appointed, even if they disagree with councils' decision, such that respect for the decision-making process is fostered;
- 3.8. Councillors shall treat one another, employees of the Municipality and members of the public with courtesy, dignity and respect and without abuse, bullying or intimidation;
- 3.9. Councillors shall familiarize themselves, and act in accordance with Village policies, procedures, protocols and bylaws;
- 3.10. Councillors shall 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;
- 3.11. Councillors shall conduct and convey Council business and all their duties in an open and transparent manner, allowing the public to view the process and rationale used to reach decisions and reasons for taking certain actions, other than for matters which by law are authorized to be dealt with in a Closed Session;
- 3.12. Councillors shall not harass, discriminate against or disrespect others on the basis of differences in personal opinions, or on the basis of race, ancestry, place of origin, color, ethnicity, culture, citizenship, religion, creed, language, gender, sexual orientation, age family
- 3.13. Councillors shall not release, disclose, publish, comment on or misuse confidential information that is not in the open public, including emails and correspondence from other members of Council or third parties such that it may cause detriment to the Village of Hill Spring, Council, Council Committee(s) or others, until the matter is discussed at a meeting held in public.
- 3.14. Councillors shall not use confidential information for personal benefit or for the benefit of any other individual organization.
- 3.15. Councillors may accept hospitality, gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation, provided that the value of the hospitality, gift or benefit does not exceed \$100.00;
- 3.16. Councillors are in a conflict of interest if they attempt to use the position of Councillor to benefit one's self or any other individual apart from the interest of the Village, or attempt to use the Village funds, property or information for the personal gain of the Councillor or any other individual.
- 3.17. Councillors have a duty to vote on matters before Council unless the Councillor is required or permitted to abstain pursuant to the MGA or other enactment. The decision with respect to whether a Councillor may have a conflict of interest is the individual Councillor's decision to make.
- 3.18. Councillors who have a conflict of interest in a matter before Council, a council committee or any other body to which the Councillor is appointed as a representative of the council, shall disclose the general nature of their interest and follow the procedure as set out in section 172(1) of the MGA regarding pecuniary interest.
- 3.19. Councillors shall not use any influence of office for any purpose other than official duties, nor shall they solicit, demand or accept services of any municipal

employee, or individual providing services on a contract for service, for re-election or to gain employment with the Village for themselves, family or close associates.

- 3.20. Councillors shall not use any information gained in the execution of office that is not available to the public for any purpose other than official duties.
- 3.21. Councillors shall not use municipal materials, equipment, facilities or employees for personal gain or for any private purpose.
- 3.22. Councillors must attend the orientation training offered by the Municipality within 90 days after the Councillor takes the oath of office. Attendance at additional training sessions throughout Council term is discretionary.
- 3.23. Councillors shall be transparent and accountable with respect to all expenditures and strictly comply with all municipal bylaw, policies and procedures regarding claims for remuneration and expenses.
- 3.24. Councillors must not involve themselves in matters of Administration, which fall within the authority of the Village Manager as defined above, nor maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of employees of the Village.
- 3.25. This Bylaw is to be reviewed annually at the Council Organizational Meeting and to be updated minimally every four (4) years as per “Code of Conduct for Elected Officials Regulation – Alberta regulation 200/2017” or as needed. (7- Review of Code of Conduct)

4. Complaint Process and Procedure for Breaches

- 4.1. A complaint alleging a breach of the Code of Conduct may be made by a Councillor, administration, or a member of the public. Any retaliation against a complainant will not be tolerated and will be treated as a serious breach.
- 4.2. Any person or Councillor who has identified or witnessed conduct by a Councillor that is believed, in good faith, to be a contravention of this Bylaw may file a formal complaint in accordance with the following procedure:
 - 4.2.1 All complaints shall be addressed to the Investigator;
 - 4.2.2 All complaints shall be made in writing and shall be dated and signed by an identifiable individual;
 - 4.2.3 If the facts, as reported, include the name of one or more Councillors who are alleged to be responsible for the breach of this Bylaw, the Councillor(s) concerned shall receive a copy of the complaint submitted to the Investigator;
 - 4.2.4 A Councillor who is the subject of an investigation shall be afforded procedural fairness, including an opportunity to respond to the allegations before Council deliberates and makes any decision or any sanction is imposed;
 - 4.2.5 A Councillor who is the subject of an investigation is entitled to be represented by legal counsel, at the Councilor’s expense.

5. Compliance and Enforcement

- 5.1. Councillors shall uphold the letter and spirit and intent of this Bylaw.

- 5.2. Councillors are expected to co-operate in every way possible in securing compliance with the application and enforcement of this Bylaw.
- 5.3. No Councillor shall:
- 5.3.1. Undertake any act of reprisal or threat against a complainant or any other person for providing relevant information to Council or to any other person;
- 5.3.2. Obstruct Council, or any other person, in carrying out the objectives or requirements of this Bylaw.
- 5.4. Sanctions that may be imposed on a Councillor, by Council, upon finding that the Councillor has breached the bylaw may include:
- 5.4.1. A written warning from the Mayor, Deputy Mayor, and/or Council;
- 5.4.2. Other consequences as deemed by Council appropriate and reasonable, but not including the disqualification of a Councillor.

6. REVIEW

- 6.1. This Bylaw is to be reviewed annually at the Council Organization Meeting and to be updated minimally every four (4) years as per “Code of Conduct for elected Officials Regulation – Alberta regulation 200/2017” or as needed. (7 – Review of Code of Conduct)

7. RESCINDING BYLAW

- 7.1. Bylaw 2018 – 318 is hereby repealed.

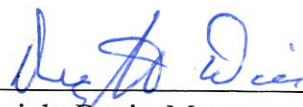
8. DATE OF COMMENCEMENT

- 8.1. This bylaw shall come into effect upon passing of third and final reading.

Read a FIRST time this 15th day of February, 2022.

Read a SECOND time this 19th day of April, 2022.

Read a THIRD time and finally passed this 19th day of April, 2022.



Dwight Davis, Mayor



Janet Edwards, Village Manager