



Bylaw #2022-14 “Council Code of Conduct”

BEING A BYLAW OF THE TOWN OF THORSBY IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ESTABLISHING A COUNCIL CODE OF CONDUCT.

WHEREAS: Pursuant to Section 146.1(1) of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, municipalities must establish a code of conduct bylaw that governs the conduct of elected officials;

AND WHEREAS: Councilors have an obligation to act in the best interests of the rate payers of the Town of Thorsby and make all decisions for the betterment of the Thorsby community; and whereas no provision of the code of conduct shall be interpreted to conflict with this obligation;

NOW THEREFORE: Pursuant to the authority of the *Municipal Government Act*, R.S.A 2000, Chapter M-26, as amended, the Council of the Town of Thorsby duly assembled, enacts:

PART I: TITLE

1. This Bylaw shall be cited as the “Councilor Code of Conduct Bylaw”.

PART II: PURPOSE

1. This Bylaw shall be established to set a standard of behaviour and actions of the Town of Thorsby Councilors, in order to:
 - a) Build and inspire public trust and confidence in local government by upholding high standards and ideals;
 - b) Promote public confidence by respecting the process established by Council for communicating with the public on behalf of Council or the Town;
 - c) Support effective decision-making through the processes set out in legislation and local bylaws for making decisions, including respect for the role of the chair;
 - d) Promote service of the public interest and show leadership by upholding legislation, local bylaws, and policies adopted by Council;
 - e) Promote the treatment of Council members, municipal employees, and others with dignity, understanding and respect;
 - f) Promote public trust by refraining from using information in a way that would be detrimental to the public interest;
 - g) Promote public trust by refraining from exploiting the position of Councilor for private reasons or that would bring discredit to the office;
 - h) Promote the priority of municipal interests over the individual interests of councilors, and to refrain from seeking to influence decisions for personal reasons;
 - i) Promote stewardship and public trust by refraining from the use of municipal assets or resources for personal reasons; and
 - j) Promote effective leadership and personal development by accessing training opportunities.



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PART III: DEFINITIONS

1. In this bylaw, unless the context otherwise requires:
 - a) **"Act"** means the Municipal Government Act, R.S.A 2000, c. M-26 and associated regulations, as amended.
 - b) **"Administration"** means the administrative and operational arm of the Municipality, comprised of the various departments and business units and including all employees who operate under the leadership and supervision of the Chief Administrative Officer.
 - c) **"CAO"** means the Chief Administrative Officer of the Municipality, or their delegate.
 - d) **"CEO"** means Chief Elected Official, the Mayor. The CEO, in addition to performing a Councilor's duties, must preside when attending a council meeting, unless a bylaw provides otherwise. The CEO of a city or town is elected by a vote of a municipality's electors.
 - e) **"Complainant"** means an individual who makes a Complaint, because that person has reasonable grounds to believe that the conduct of a Councilor has contravened this Bylaw.
 - f) **"Complaint"** means a complaint, whether formal or informal, made by a Complainant, that the conduct of a Councilor has allegedly breached this Bylaw.
 - g) **"Conflict of Interest"** means the situations which would breach Part 2 of the Conflicts of Interest Act, RSA 2000, c C-23 as defined in that Act.
 - h) **"Council"** means the municipal council for the Town of Thorsby.
 - i) **"Councilor"** means all elected officials of the Town of Thorsby Council including the Mayor.
 - j) **"Council Meeting"** means Council meetings including but not limited to Committee of the Whole meetings, Council Committee meetings, Special Council meetings, and Organizational meetings.
 - k) **"FOIP"** means the Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25, any associated regulations, and any amendments or successor legislation.
 - l) **"Mayor"** means the elected head of a city, town, or other municipality.
 - m) **"Member"** means an elected member of Council, including the Mayor.
 - n) **"Municipality"** means the municipal corporation of the Town of Thorsby.
 - o) **"Pecuniary Interest"** means a pecuniary interest as defined by sections 169 and 170 of the "Act".
 - p) **"Social Media"** refers to freely accessible, third party hosted, interactive web-based technologies used to produce, post, and interact through text, images, video, and audio to inform, share, promote, collaborate, or network.

PART IV: REPRESENTING THE MUNICIPALITY

1. Councilors shall uphold high standards and ideals by:
 - a) Acting honestly and in good faith conducting themselves at all times in a manner befitting their position as an elected official and representative of the Town;
 - b) Demonstrating fairness in dealings, both personal and professional;
 - c) Demonstrating accountability and impartiality in all Council matters;
 - d) Considering the welfare and interests of the Town as a whole and ensuring the welfare of the Town as a whole supersedes the interest of any particular segment of the Town.



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PART V: ADHERENCE TO LEGISLATION, POLICIES, PROCEDURES, AND BYLAWS

1. Councilors shall uphold legislation, Town bylaws, and policies.
2. Councilors shall uphold the law established by the Parliament of Canada and the Legislature of Alberta, including the following legislation that governs the conduct of Councilors:
 - a) Municipal Government Act;
 - b) Freedom of Information and Protection of Privacy Act;
 - c) Local Authorities Election Act;
 - d) Alberta Human Rights Act;
 - e) Occupational Health and Safety Act;
 - f) Criminal Code of Canada.
3. The Mayor and Councilors shall sign a declaration regarding the Council Code of Conduct Bylaw at the swearing in ceremony of each term, and as a matter of process after any amendments made to the Code.
4. The Mayor and Councilors shall respect the Town as an institution, its bylaws, policies, and procedures, and shall encourage public respect for the Town, its bylaws, policies, and procedures.
5. Members shall encourage the public to adhere to the Town bylaws, policies, and procedures.

PART VI: COMMUNICATING ON BEHALF OF COUNCIL

1. A member of Council must not claim to speak on behalf of Council unless authorized to do so.
2. Unless Council directs otherwise, the Mayor or Deputy Mayor is Council’s official spokesperson, and in the absence of both, it is the Chief Administrative Officer. All inquiries from the media regarding the official Council position on an issue shall be referred to the Council’s official spokesperson, as designated by Council.
3. A designate 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 designate personally disagrees with Council’s position.
4. No member of Council shall make a statement when they know that statement is false.
5. No member of Council shall make a statement with the intent to mislead Council or members of the public.



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PART VII: RESPECTING THE DECISION-MAKING PROCESS

1. Decision making authority lies with Council, and not with any individual member of Council. Council may only act by bylaw or resolution passed at a Council meeting held in public at which there is a quorum present. No member of Council shall, unless authorized by Council, attempt to bind the Town, or give direction to Administration, agents, contractors, consultants, or other service providers or prospective vendors to the Town.
2. Members of Council shall conduct and convey Council business and all their duties in an open and transparent manner other than those for an in-camera session, and in so doing, allow the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.
3. Members of Council shall accurately and respectfully communicate the decisions of Council, even if they disagree with Council’s decision, such that the member of Council upholds the decision-making processes of Council.

PART VIII: RESPECTFUL INTERACTIONS WITH COUNCILORS, ADMINISTRATION, THE PUBLIC, AND OTHERS

1. Members of Council shall treat everyone equally with dignity and respect regardless of race, culture, religion, language, gender, disability, or occupation providing adequate and substantive opportunity for persons to state their position on any matter before Council and ensuring equity of service.
2. Members of Council 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. No member of Council shall use indecent, abusive, or insulting words or expressions toward another member of Council, any employee of the Municipality, or any member of the public.
4. Members shall respect the fact that employees in Administration work for the Municipality as a corporate body and are charged with making recommendations that reflect their professional expertise and a corporate perspective and that employees are required to do so without undue influence from any Council member or group of Council members.
5. Council members must not:
 - a) Involve themselves in matters of Administration, which fall within the jurisdiction of the Chief Administrative Officer;
 - b) Use or attempt to use their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any employee of the Municipality with the intent of interfering in the employee’s duties; or
 - c) Maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of employees of the Municipality.



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6. When interacting with Administration, Councilors shall:
 - a) Respect the professional opinions of Administration and be mindful that the CAO is exclusively responsible for directing Administration;
 - b) Not abuse relationships or interactions with Administration by attempting to take advantage of their position as Councilors;
 - c) Refrain from any behaviour which is, or may be perceived as, bullying of Administration; and
 - d) Direct all requests for information to the CAO or their delegate.
7. Members of Council shall not instigate, be involved with, or condone personal attacks on other Councilors, Administration, or members of the public.

PART IX: SOCIAL MEDIA

1. All official Town of Thorsby social media accounts are solely managed by Administration.
2. No member of Council shall use social media to knowingly publish anything that is dishonest, untrue, unsubstantiated, offensive, disrespectful, constitutes harassment, is defamatory, or misleading in any way towards Administration, Municipal employees, or other members of Council.
3. When members of Council post to social media, they will refrain from the following:
 - a) Posting while a meeting of Council, Board, or Committee is in session;
 - b) Posting or sending communications regarding Administrative discussions that have not been adequately researched, prepared, and presented to open Council;
 - c) Posting or sending communications through Social Media that discuss matters that are subject to FOIP or are still confidential.
4. Members must identify when the views expressed are theirs alone and not official Town communication even via private channels.

PART X: CONFIDENTIAL INFORMATION

1. Councilors shall keep in the strictest confidence (including not releasing, disclosing, publishing, or commenting on):
 - a) All information received during, and matters discussed "in camera" at Council Meetings until such information is disclosed at a public meeting;
 - b) All matter discussed in confidence with another Councilor or Administration;
 - c) All private correspondence, both oral and written, between Councilors and with the CAO until the parties agree that the information should be made public;
 - d) Any information to be treated as confidential in accordance with the FOIP Act;
 - e) Any information subject to solicitor client privilege unless expressly authorized by Council, through a Council resolution, to make public.
2. Councilors shall not use any information provided to Council or to a Councilor, or any information they have knowledge of by virtue of their position as a Councilor that is not in the public domain:
 - a) In a way that would be detrimental to the public interest;
 - b) For any purpose other than to exercise their role as Councilor;
 - c) In any way that could cause harm, detriment or embarrassment to Council, other Councilors, Administration, members of the public or third parties;
 - d) For any reason that may create a benefit for themselves.



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3. Confidential information includes information in the possession of, or received in confidence by, the Town that the Town is prohibited from disclosing pursuant to legislation, court order or by contract, or that the Town is required to refuse to disclose under FOIP or any other legislation, or any other information that pertains to the business of the Town, and is generally considered to be of a confidential nature, including but not limited to information concerning:
 - a) The security of the property of the Town;
 - b) A proposed or pending acquisition or disposition of land or other property;
 - c) A tender that has or will be issued but has not been awarded;
 - d) Contract negotiations if not explicitly requested to be public;
 - e) Employment and labour relations;
 - f) Draft documents and legal instruments including reports, policies, bylaws, and resolutions that have not been the subject matter of deliberation in a meeting open to the public;
 - g) Law enforcement matters;
 - h) Litigation or potential litigation, including matters before administrative tribunals; and
 - i) Advice that is subject to solicitor-client privilege.
4. Members of Council must keep all confidential information confidential in perpetuity.
5. With respect to the public's right under FOIP to access City records and information and their own information, members of Council must:
 - a) Not interfere with the City's administration of FOIP;
 - b) Produce and provide records responsive to a FOIP request; and
 - c) Not alter or destroy a record upon notice that the record is subject to a FOIP request.

PART XI: CONFLICT OF INTEREST AND/OR PECUNIARY INTEREST

1. Members of Council have a statutory duty to comply with the pecuniary interest provisions set out in Part 5, Division 6 of the MGA and a corresponding duty to vote unless required or permitted to abstain under the MGA or another enactment.
2. Members of Council shall approach decision-making with an open mind that is capable of persuasion.
3. Councilors shall rigorously avoid situations which may result in claims of pecuniary interest, conflict of interest or bias.
4. Members of Council are to be free from undue influence and not act in order to gain financial or other benefits for themselves, family, friends or associates, businesses, societies, organizations, or otherwise.
5. Members of Council will not, in the exercise of an official power, duty or function, give preferential treatment to any individual, society, business, organization, or otherwise if a reasonably well informed person would conclude that the preferential treatment was advancing a private interest.



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6. In respect of pecuniary interests, it is each Councilor’s responsibility to:
 - a) Decide whether or not s/he has a pecuniary interest, however, the Councilor may discuss their decision with Council and/or seek the advice of the Mayor and/or CAO;
 - b) Seek independent legal advice, at their own cost, with respect to any situation which may result in pecuniary interest;
 - c) Notify the Mayor or Chair of the meeting of the potential conflict prior to the matter being considered (each time the matter arises before Council).

7. If a Councilor believes s/he may have or may reasonably be perceived to have a conflict of interest, it is that Councilor’s responsibility to:
 - a) Decide whether or not s/he has a conflict of interest, however, the Councilor may discuss their decision with Council and/or seek the advice of the Mayor and/or CAO;
 - b) Seek independent legal advice, at his/her own cost, if s/he wishes;
 - c) Notify the Mayor or Chair of the meeting of the potential conflict prior to the matter being considered (each time the matter arises before Council);
 - d) Not discuss the matter with any Councilor publicly or privately;
 - e) Leave the meeting room if the matter is discussed and not return until discussions has ended or voting on the matter has been concluded; with the exception that, Councilors with a stated conflict of interest may stay in the meeting room, if the Councilor is seated in the gallery and addresses Council as a taxpayer, elector, or owner who has the right to be heard pursuant to the MGA or any other enactment.

8. Council members shall 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 to go beyond the necessary and appropriate public functions involved.

9. Gifts received by a member of Council on behalf of the Town as a matter of official protocol which have significance or historical value for the Town shall be left with the Town when the Councilor ceases to hold office.

10. Members of Council may accept gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation.

11. Any gift or benefit that exceeds \$20.00 in value must be disclosed in monthly reports.

PART XII: IMPROPER USE OF INFLUENCE

1. Councilors shall not seek to influence decisions for personal reasons or make improper use of his/her position as a Councilor by:
 - a) Gaining or attempting to gain or advance, directly or indirectly, a personal or private interest for him/herself or another person;
 - b) Causing or attempting to cause detriment to Council, any Councilor, any member of Administration, the public, or third parties;
 - c) Seeking personal benefit or gain from any information obtain through his/her position as Councilor.

2. No member of Council shall act as a paid agent to advocate on behalf of any individual, organization or corporate entity before Council or a committee of Council or any other body established by Council.



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3. Members of Council shall not contact or otherwise attempt to influence individual members of any adjudicative body regarding any matter before it relating to the Town.
4. Members of Council shall refrain from using their positions to obtain employment with the Municipality for themselves, family members or close associates.

PART XIII: USE OF MUNICIPAL ASSETS AND SERVICES

1. Councillors shall not use municipal assets or resources for personal reasons or personal profit.
2. During a general election, Councillors shall not use, authorize, or request that Administration use public resources in any way that could:
 - a) Influence the electorate except to support the actual election process;
 - b) Provide an undue advantage for any candidate;
 - c) Be used for campaigning purposes (even if the use of Town equipment, facilities or resources had otherwise been used as a part of the regular delivery of their duties).
3. During an election, Councillors shall not use Town assets for campaigning or in any way that could result in an advantage to their campaign.
4. No Council member will obtain financial gain from the use or sale of Town-developed intellectual property (for example, inventions, creative writings, and drawings), computer programs, technological innovations, or other patent, trademark or copyright held by the Town. Council members acknowledge and do not dispute that all such property remains exclusively that of the Town.

PART XIV: ORIENTATION AND OTHER TRAINING ATTENDANCE

1. Councillors shall become informed about the business of Council and all legislative requirements. Should a Councillor become aware that he/she does not understand the business of Council, it is the Councillors responsibility to take all necessary steps to educate themselves so they may perform their duties.
2. Councillors shall access training opportunities for professional development.
3. Councillor orientation provided by Administration following an election shall be mandatory. If extenuating circumstances prevent a Councillor from attending the mandatory training, it is the Councillor's responsibility to make alternate arrangements.
4. Every member of Council must attend all other training organized at the direction of Council for the benefit of Councillors throughout the Council term.

PART XV: REMUNERATION AND EXPENSES

1. Council members shall be transparent and accountable with respect to all expenditures and strictly comply with all municipal bylaws, policies, and procedures regarding claims for remuneration, honorarium, and expenses.
2. Members of Council are stewards of public resources and shall avoid waste, abuse, and extravagance in the use of public resources.



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PART XVI: INFORMAL COMPLAINT PROCESS

1. Any Council member who has identified or witnessed conduct by a Councilor that the Councilor reasonably believes, in good faith, is in contravention of this Bylaw may address the prohibited conduct by:
 - a) Advising the Council member that the conduct violates this Bylaw and encouraging the Member to stop,
 - b) Requesting the Mayor to assist in informal discussion of the alleged complaint with the Council member in an attempt to 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.
2. Council members are encouraged to pursue this informal complaint procedure as the first means of remedying conduct that they believe violates this Bylaw. However, a Council member is not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure outlined below.

PART XVII: FORMAL COMPLAINT PROCESS

1. Any Council member who has identified or witnessed conduct by a Council member that the Council member reasonably believes, in good faith, is in contravention of this Bylaw may file a formal complaint in accordance with the following procedure:
 - a) All complaints shall be made in writing and shall be dated and signed by the Council member;
 - b) All complaints shall be addressed to the Investigator;
 - c) The complaint must set out reasonable and probable grounds for the allegation that the Council member has contravened this Bylaw, including a detailed description of the facts, as they are known, giving rise to the allegation;
 - d) If the facts, as reported, include the name of one or more Council members who are alleged to be responsible for the breach of this Bylaw, the Council member or members concerned shall receive a copy of the complaint submitted to the Investigator;
 - e) Upon receipt of a complaint under this Bylaw, the Investigator shall review the complaint and decide whether to proceed to investigate the complaint or not. If the Investigator is of the opinion that a complaint is frivolous or 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, or may dispose of the complaint in a summary manner. In that event, the complainant and Council shall be notified of the Investigator's decision;
 - f) If the Investigator decides to investigate the complaint, the Investigator shall take such steps as it may consider appropriate, which may include seeking independent legal advice. All proceedings of the Investigator regarding the investigation shall be confidential;
 - g) The Investigator shall, upon conclusion of the investigation, provide the Council and the Council member who is the subject of the complaint, the results of the Investigator's investigation;
 - h) A Council member 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;
 - i) A Council member who is the subject of an investigation is entitled to be represented by independent legal counsel, at the Council member's sole expense, subject to Council approval for the reimbursement of the Council member's legal expenses;

- j) If a Council member who is the subject of a complaint or investigation is a member of the Town's Administrative and Legislative Review Committee (or such other individual or body established by Council to investigate and report on complaints), the Council member shall not participate in the role of the Investigator, in the review of the complaint or in any investigation of the complaint, and the Mayor may appoint a different Council member to participate in that Council member's place.

PART XVIII: COMPLIANCE AND ENFORCEMENT

1. Members of Council shall uphold the letter and the spirit and intent of this Bylaw.
2. Council members are expected to co-operate in every way possible in securing compliance with the application and enforcement of this Bylaw.
3. No Member shall:
 - a) Undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to Council or to any other person;
 - b) Obstruct Council, or any other person, in carrying out the objectives or requirements of this Bylaw.
4. Sanctions that may be imposed on a Council member, by Council, upon a finding that the Council member has breached this Bylaw may include:
 - a) A letter of reprimand addressed to the Council member;
 - b) Requesting the Council member to issue a letter of apology;
 - c) Publication of a letter of reprimand or request for apology and the Council member's response;
 - d) Suspension or removal of the appointment of a Council member as the deputy chief elected official or acting chief elected official under section 152 of the MGA;
 - e) Suspension or removal of the Chief Elected Official's presiding duties under section 154 of the MGA;
 - f) Suspension or removal from some or all Council committees and bodies to which Council has the right to appoint members;
 - g) Reduction or suspension of remuneration payable to the Council Member corresponding to a reduction in duties, excluding allowances for attendance at council meetings;
 - h) Any other sanction Council deems reasonable and appropriate in the circumstances provided that the sanction does not prevent a Council member from fulfilling the legislated duties of a councillor and the sanction is not contrary to the MGA.

PART XIX: REVIEW

1. The Code shall be brought forward for review at each annual Organizational Meeting 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 Council members.

PART XX: SEVERABILITY

1. If any Section or parts of the Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Section or parts of the Bylaw shall be deemed to be separate and independent from and to be enacted as such.



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PART XXI: REPEAL

1. Upon third and final reading of Bylaw #2022-14, Bylaw #2014-02 is hereby repealed.

PART XXII: EFFECTIVE DATE

1. Bylaw #2022-14 becomes effective upon third and final reading.

READ A FIRST TIME this 25th day of October, 2022

READ A SECOND TIME this 25th day of October, 2022

READ A THIRD AND FINAL TIME this 25th day of October, 2022

Darryl Hostyn, Mayor

Donna Tona, CAO