



COUNCIL CODE OF CONDUCT BYLAW

BYLAW #: 2024-05

AUTHORITY: COUNCIL

SUPERSEDES: COUNCIL CODE OF CONDUCT BYLAW 2023-13

EFFECTIVE DATE: February 26, 2024

A BYLAW OF THE TOWN OF VALLEYVIEW, IN THE PROVINCE OF ALBERTA, TO ESTABLISH A CODE OF CONDUCT FOR MEMBERS OF COUNCIL.

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

AND WHEREAS, the public is entitled to expect the highest standards of conduct from the members that it elects to Council for the Town of Valleyview;

AND WHEREAS, the establishment of a code of conduct for members of Council 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 of acceptable conduct extending beyond the legislative provisions governing the conduct of Councillors;

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF VALLEYVIEW, IN THE PROVINCE OF ALBERTA DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. Short Title

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

2. Definitions

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

- 2.1 “*Act*” means the *Municipal Government Act*, R.S.A. 2000, c. M-26, and associated regulations, as amended;
- 2.2 “*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 CAO;
- 2.3 “*Bias*” means common law Bias and includes situations where a Member has prejudged a matter to be decided to the extent of that Person being no longer capable of persuasion. In situations where the Member is engaged in a “quasi-judicial” function or role, Bias will also include situations where the Member may be perceived as being incapable of deciding the matter fairly. Situations leading to a reasonable perception of Bias includes the following:
 - a) Relationships with individuals involved in the matter: Where the Member has a “sufficiently close” personal relationship with someone who has a direct interest in

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the outcome of the decision, that relationship may give rise to a “reasonable apprehension of Bias”;

- b) Outside knowledge or involvement with the matter: Primary concern in this scenario is that the Member will be unable to avoid making use of information that they obtained outside the hearing thereby violating the rule that all parties “must know the case to be met” and be given full opportunity to respond to all relevant information that may form the basis of the Members decision; or
- c) Inappropriate comments, activity, or behaviour: If a Member makes any comments or engages in any activity or behaviour which is consistent with the Member being perceived by a “reasonable Person” as not being impartial, this may result in a finding of Bias.

2.4 **“Bullying”** means repeated and hostile or demeaning behaviour by an individual, either directly or through any medium whatsoever, where the behaviour results in harm, fear, or distress to one or more individuals in the Municipality including, but not limited to, physical harm, psychological harm, or harm to an individual’s reputation and the determination of whether behaviour is Bullying will be determined based on what a “reasonable Person” would perceive to be Bullying;

2.5 **“CAO”** means the chief administrative officer of the Municipality, or their delegate;

2.6 **“Conflict of Interest”** means a situation where the personal or private interest of a Member may actually influence, or may be perceived as influencing, the Member on a matter of public interest that is before Council, including situations which may result in Bias. A Conflict of Interest situation may also include using:

- a) The influence of the position of the Member;
- b) Confidential information;
- c) The services of Administration; or
- d) Town assets or services; for

the actual or expected Personal or private gain or advancement of the Member.

Further, a Conflict of Interest situation may include the use of the influence of a Member to advance the specific interests of family members, friends, neighbours, business associates or other associates of a Member.

2.7 **“Council”** means the Council of the Town and includes the Mayor and Councillors as Elected Officials;

2.8 **“Councillor”** means an Elected Official of the Council of the Town but does not include the Mayor;

2.9 **“Elected Official”** means a duly elected member of Council for the Town;

2.10 **“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;

2.11 **“Harassment”** includes, but is not limited to:



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- a) Written or verbal comments, Social Media posts, actions, gestures, or other behaviours that are humiliating, offensive, hurtful, or belittling;
 - b) Intimidation;
 - c) Bullying;
 - d) The abuse of authority;
 - e) The deliberate exclusion of a Member or Administration from relevant work activities or decision making;
 - f) An attempt to discredit a Member or Administration by spreading false information about them; and
 - g) Sexual Harassment, whether implicit or explicit, meaning unwanted sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature.
- 2.12 **“Investigator”** means Council or the individual or body established by Council to investigate and report on complaints;
- 2.13 **“Mayor”** means the chief Elected Official of the Town, whether elected or appointed, pursuant to the *Act*;
- 2.14 **“Member”** means a member of Council and includes a Councillor or the Mayor;
- 2.15 **“Municipality”** means the municipal corporation of the Town of Valleyview;
- 2.16 **“Person”** means, without limiting the generality of the term, any individual or any business entity including, but not limited to, a firm, partnership, association, corporation, society, or legal entity;
- 2.17 **“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;
- 2.18 **“Town”** means the Town of Valleyview;
- 2.19 **“Violence”** means the threatened, attempted, or actual conduct of a Person that causes, or is likely to cause, physical injury, whether it occurs at the workplace or is work-related.

3. Purpose & Application

- 3.1 The purpose of this Bylaw is to establish standards for the ethical conduct of Members relating to their roles and obligations as representatives of the Municipality and a procedure for the investigation and enforcement of those standards.
- 3.2 Each Member must comply with and uphold this Bylaw when carrying out the Members duties as Mayor or Councillor including during the Members attendance at Council meetings, at committee, commission and or Board meetings, in closed session meetings, and while in public thus, Members are always a Mayor or a Councillor while in attendance at Council meetings and closed session meetings, and while in public; Additionally, Members cannot use statements or phrases indicating otherwise (i.e., I am a Person at large, I am a rate payer,



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I am a public Person, I personally don't support that etc.), any other statement that indicates that they is not a Councillor.

- 3.3 This Bylaw is to be given a broad and liberal interpretation in accordance with applicable legislation. It will not cover every possible conduct scenario and, therefore, all Members shall be guided by and must conduct themselves in a manner that reflects the spirit and intent of this Bylaw.
- 3.4 All Members shall comply with the standards of conduct outlined in this Bylaw.
- 3.5 This Bylaw applies to all forms of communication.

4. Representing the Municipality

Members shall at all times:

- 4.1 Act honestly and in good faith, serve the welfare and interests of the Municipality as a whole;
- 4.2 Perform their functions and duties in a conscientious and diligent manner with integrity, accountability, and transparency;
- 4.3 Conduct themselves in a professional manner with dignity and make every effort to participate diligently in the meetings of Council, committees of Council and other bodies to which they are appointed by Council; and
- 4.4 Arrange their private affairs and conduct themselves in a manner that promotes public confidence and will bear close public scrutiny.
- 4.5 Commit to discourage behaviours that create an unproductive or negative environment in the workplace and within the Municipality including, but not limited to, acts and or threats of Violence and Harassment and additionally, will adhere to all regulations and policies pertaining to acts and or threats of Violence and Harassment at all government (Federal, Provincial, Municipal), regulatory (i.e., Alberta & Canadian Human Rights), and *Acts* (i.e., Individual Rights Protection, OHS) levels.

5. Communication on Behalf of the Municipality

- 5.1 A Member must not claim to speak on behalf of Council unless authorized to do so.
- 5.2 Unless Council directs otherwise, the Mayor is Council's official spokes Person and in the absence of the Mayor it is the Deputy Mayor. All inquiries from the media regarding the official Council position on an issue shall be referred to Council's official spokes Person.
- 5.3 A Member who is authorized to act as Council's official spokes Person must ensure that their comments accurately reflect the official position and will of Council as a whole, even if the Member Personally disagrees with Council's position.
- 5.4 No Member shall make a statement when they know that statement is false.
- 5.5 No Member shall make a statement with the intent to mislead Council or the public.



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6. Respecting the Decision-Making Process

- 6.1 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. No Member shall, unless authorized by Council, attempt to bind the Municipality, or give direction to employees in Administration, agents, contractors, consultants, or other service providers or prospective vendors to the Municipality.
- 6.2 Members shall conduct and convey Council business and all their duties in an open and transparent manner other than those matters which by law are authorized to be dealt with in a confidential manner (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.
- 6.3 Members shall accurately communicate the decisions of Council, even if they disagree with Council's decision, such that respect for the decision-making processes of Council is fostered.

7. Adherence to Policies, Procedures, and Bylaws

- 7.1 Members shall uphold the law established by the Parliament of Canada and the Legislature of Alberta and the Bylaws, policies and procedures adopted by Council.
- 7.2 Members shall respect the Municipality as an institution, its Bylaws, policies, and procedures and shall encourage public respect for the Municipality, its Bylaws, policies, and procedures.
- 7.3 A Member must not encourage disobedience of any Bylaw, policy, or procedure of the Municipality in responding to a member of the public, as this undermines public confidence in the Municipality and in the rule of law.

8. Respectful Interactions with Council Members, Staff, the Public and Others

- 8.1 Members 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.
- 8.2 Members shall treat one another, employees of the Municipality and members of the public with courtesy, dignity, and respect and without abuse, bullying or intimidation.
- 8.3 No Member shall use indecent, abusive, or insulting words or expressions toward another Member, any employee of the Municipality or any member of the public.
- 8.4 No Member shall speak in a manner that is discriminatory to any individual based on the Person's race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.



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8.5 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 Member or group of Members.

8.6 Members must not:

- a. Involve themselves in matters of Administration, which fall within the authority of the CAO.
- 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.
- c. Use, or attempt to use, their authority or influence for the purpose of directing the operations of the Municipality with the intent of interfering with the operations of the Municipality.
- d. Maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of employees of the Municipality.

9. Confidential Information

9.1 Members must keep in confidence matters discussed in private at a Council or Council committee meeting until the matter is discussed at a meeting held in public.

9.2 No Member shall use confidential information for Personal benefit or for the benefit of any other individual organization.

9.3 In the course of their duties, Members may also become privy to confidential information received outside of an “in-camera” meeting. Members must not:

- a. Disclose or release by any means to any member of the public, including the media, any confidential information acquired by virtue of their office, unless the disclosure is required by law or authorized by Council to do so;
- b. Access or attempt to gain access to confidential information in the custody or control of the Municipality unless it is necessary for the performance of the Member’s duties and is not otherwise prohibited by Council, and only then if the information is acquired through appropriate channels in accordance with applicable Council Bylaws and policies;
- c. Use confidential information for Personal benefit or for the benefit of any other individual or organization.

9.4 Confidential information includes information in the possession of, or received in confidence by, the Municipality that the Municipality is prohibited from disclosing pursuant to legislation, court order or by contract, or is required to refuse to disclose under FOIP or any other legislation, or any other information that pertains to the business of the Municipality,



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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 Municipality;
- 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;
- e. Employment and labour relations;
- f. Draft documents and legal instruments, including reports, policies, bylaws, and resolutions, which 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;
- i. Advice that is subject to solicitor-client privilege.

10. Conflicts of Interest

- 10.1 Members have a statutory duty to comply with the pecuniary interest provisions set out in Part 5, Division 6 of the *Act*, and a corresponding duty to vote unless required or permitted to abstain under the Act or another enactment.
- 10.2 Members are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends or associates, business or otherwise.
- 10.3 Members shall approach decision-making with an open mind that is capable of persuasion.
- 10.4 Members shall avoid any situation which may result in a Conflict of Interest or may result in circumstances of either actual Bias or an apprehension of Bias.

11. Improper Use of Influence

- 11.1 No Member shall use the influence of the Member’s office for any purpose other than for the exercise of the Member’s official duties.

12. Use of Social Media

- 12.1 Members shall act with discretion and exercise caution with respect to all material they post on Social Media and shall follow Council policies and procedures as applicable.

13. Use of Municipal Assets and Services

- 13.1 Members shall use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Member, subject to the following exceptions:



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- a. Municipal property, equipment, service, supplies and staff resources that are available to the general public may be used by a Member for Personal use upon the same terms and conditions as members of the general public including booking and payment of any applicable fees or charges;
 - b. Electronic communication devices including, but not limited to, desktop computers, laptops, tablets, and smartphones, which are supplied by the Municipality to a Member, may be used by the Member for Personal use, provided that the use is not for Personal gain, offensive or inappropriate.

14. Orientation and Other Training Attendance

- 14.1 Every Member must attend the orientation training offered by the Municipality within 90 days after the Member takes the oath of office.
- 14.2 Unless excused by Council, every Member must attend any other training organized at the direction of Council for the benefit of Members throughout the Council term.
- 14.3 Members are stewards of public resources and shall avoid waste, abuse, and extravagance in the use of public resources.
- 14.4 Members shall be transparent and accountable with respect to all expenditures and comply with all municipal Bylaws, policies, and procedures regarding claims for remuneration and expenses.
- 14.5 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.

15. Informal Complaint Process

- 15.1 Any Person or Member who has identified or witnessed conduct by a Member that the Person or Member reasonably believes, in good faith, is in contravention of this Bylaw may address the prohibited conduct by:
 - a. Advising the 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 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.
- 15.2 Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying conduct that they believe violates this Bylaw. However, an individual is not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure outlined in section 16. Formal Complaint Process.



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16. Formal Compliant Process

- 16.1 Any Person who has identified or witnessed conduct by a Member that the Person 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 an identifiable individual;
 - b. All complaints shall be addressed to the Investigator;
 - c. The complaint must set out reasonable and probable grounds for the allegation that the 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 Members who are alleged to be responsible for the breach of this Bylaw, the 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 investigating, 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, if Council is not the Investigator, 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 legal advice. All proceedings of the Investigator regarding the investigation shall be confidential;
 - g. If the Investigator is not Council, the Investigator shall, upon conclusion of the investigation, provide the Council and the Member who is the subject of the complaint, the results of the Investigator's investigation;
 - h. A 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 Member who is the subject of an investigation is entitled to be represented by legal counsel, at the Member's sole expense.

17. Compliance and Enforcement

- 17.1 Members shall uphold the letter and the spirit and intent of this Bylaw.



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17.2 Members are expected to co-operate in every way possible in securing compliance with the application and enforcement of this Bylaw.

17.3 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.

17.4 Sanctions that may be imposed on a Member, by Council, upon a finding that the Member has breached this Bylaw may include:

- a. A letter of reprimand addressed to the Member;
- b. Requesting the Member to issue a letter of apology;
- c. Publication of a letter of reprimand or request for apology and the Member’s response;
- d. Suspension or removal of the appointment of a Member as the chief Elected Official under section 150(2) of the *Act*;
- e. Suspension or removal of the appointment of a Member as the Deputy chief Elected Official or acting chief Elected Official under section 152 of the *Act*;
- f. Suspension or removal of the chief Elected Official’s presiding duties under section 154 of the *Act*;
- g. Suspension or removal from some or all Council committees and bodies to which Council has the right to appoint members;
- h. Reduction or suspension of remuneration as defined in section 275.1 of the *Act* corresponding to a reduction in duties, excluding allowances for attendance at Council meetings;
- i. Any other sanction Council deems reasonable and appropriate in the circumstances provided that the sanction does not prevent a Member from fulfilling the legislated duties of a Councillor and the sanction is not contrary to the *Act*.

18. Review

This Bylaw shall be brought forward for review at the beginning of each term 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 Members.

19. Severability



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All sections of this Bylaw are separate and severable. Should any section or part of this Bylaw be deemed invalid or inoperative by any court or administrative body for any reason, the remaining sections shall remain valid and in full force and effect.

20. Repeal

This Bylaw repeals Council Code of Conduct Bylaw 2023-13 and all amendments.

21. Coming Into Force

This Bylaw comes into force and effect on the day it is passed.

READ A FIRST TIME ON FEB 12, 2024

READ A SECOND TIME ON FEB 12, 2024

READ A THIRD TIME AND PASSED ON FEB 26, 2024


MAYOR

FEB 26, 2024
DATE


CAO

FEB 26, 2024
DATE

