

**BYLAW 529-17
FOR THE VILLAGE OF VILNA
IN THE PROVINCE OF ALBERTA**

**A CODE OF CONDUCT POLICY FOR COUNCIL
Of the Village of Vilna, in the Province of Alberta
(Hereinafter referred to as “the Municipality”)**

WHEREAS the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M26 provides that a Municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M26 authorizes municipalities to pass bylaws regarding Accountability and Transparency of the municipality and its operations;

AND WHEREAS the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M26 authorizes a municipality to establish codes of conduct for Members of Council of the municipality and of local boards of the municipality;

AND WHEREAS the Council of the Corporation of the Village of Vilna deems it expedient to adopt a Code of Conduct Policy for Council;

NOW THEREFORE the Council of the Corporation of the Village of Vilna hereby enacts a Code of Conduct for Council, attached hereto as Schedule “A”.

1. SEVERABILITY

In the event that a section or sections of this bylaw are found by a court of competent jurisdiction to be invalid or ultra vires, such section, sections or parts thereof shall be deemed to be severable with all other sections or parts of this bylaw remaining in full force and effect.

2. SCHEDULE

The following schedule is attached and forms part of this bylaw;

- a) Schedule “A” – Code of Conduct for Members of Council.

3. EFFECTIVE DATE

This Bylaw shall come into full force and effect upon receiving the final passing thereof.

**READ A FIRST TIME IN COUNCIL ON THE 18TH DAY OF SEPTEMBER, 2017
READ A SECOND TIME IN COUNCIL ON THE 18TH DAY OF SEPTEMBER, 2017
READ A THIRD AND FINAL TIME, WITH THE UNANIMOUS CONSENT OF ALL
COUNCILLORS PRESENT ON THE 18TH DAY OF SEPTEMBER, 2017**

MAYOR

SEAL

CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A" TO BYLAW #529-17
Code of Conduct for Council Members

Policy #:	110
Section:	Administration
Page	1 of 6

Purpose: This code provides a framework to assist Councillors in navigating the ethical implications of the decisions they face in the course of their duties. Acting in harmony with this code will assist in upholding public trust in Council.

Municipal Reference: Municipal Government Act Revised Statutes of Alberta 2000 Chapter M-26 and any amendments thereto; Freedom of Information and Protection of Privacy Act Revised Statutes of Alberta 2000, Chapter F-25; Municipal Bylaws

Legal Reference:

Policy Statement:

- I. **Being a member of Municipal Council**, which is answerable to the public, comes with standards of ethical behavior that are different than the standards that may be found in one's other roles in their communities. This code is a guide to assist Councillors in decisions faced in the course of carrying out Council duties, and to assist them in being proactive towards ethical dilemmas that may arise in the course of Council activities.

This code does not cover every possible situation Councillors may face, so it is important that actions are in harmony with the spirit and intent that underpins this code.

This code is made available to the public on the Village website.

Definitions:

Administrative Staff are employees of the Village of Vilna. Councillors are not considered employees.

CAO is the Chief Administrative Officer of the Village of Vilna, as defined in the Municipal Government Act.

Conflict of Interest arises when a Councillor's personal interests are in conflict with their duties as a Councillor of the Village of Vilna.

Council is the Village of Vilna's body of elected officials, as set out in Alberta's Municipal Government Act.

Councillors are elected officials of the Village of Vilna, as set out in Alberta's Municipal Government Act.

Municipal Government Act is the Municipal Government Act Revised Statutes of Alberta 2000 Chapter M-26 and any amendments thereto.

Pecuniary Interest is as defined in section 170(1) of the Municipal Government Act. If a matter before Council may financially benefit a Councillor and/or his or her family to the exclusion of benefitting others, that Councillor has a pecuniary interest in the matter.

SCHEDULE "A" TO BYLAW #529-17
Code of Conduct for Council Members

Policy #:	110
Section:	Administration
Page	2 of 6

Political Activity includes but is not limited to being a member of a political party, participating in a political party's activities, soliciting donations for a political party, and running for political office.

Village is the Village of Vilna.

CODE OF CONDUCT FOR COUNCIL MEMBERS

1. General Personal Conduct

- 1.1 Councillors shall carry out their duties with integrity and for the benefit of all residents and rate payers of the Village.
- 1.2 Councillors shall carry out their duties with impartiality, putting the interests of the public above personal interests.
- 1.3 Councillors shall not allow their impartiality to be compromised. Councillors shall not show favoritism to any particular group or groups. Councillors shall deliberate and make decisions for the benefit of all residents and rate payers.
- 1.4 Councillors shall show respect and accountability to each other, staff and the public.
- 1.5 Councillors shall carry out duties in good faith.
- 1.6 Councillors shall conduct themselves in public in a way that reflects positively on the Village and Council.
- 1.7 The venue of Councillor discussions regarding Village matters is the Council Chambers. Councillors shall not carry on discussions or debates on matters with each other via other public mediums such as, but not limited to, letters to the editor, blogs or any form of social media.
- 1.8 Councillors shall follow Procedural Policy in Council proceedings so as to maintain professionalism and avoid personal differences from damaging their professional relationships with each other.
- 1.9 If a difference or conflict arises between Councillors that is not easily resolved, Councillors shall follow best practices in conflict resolution in order to resolve the matter and to maintain working relationships with each other.
- 1.10 Councillors shall adhere to all applicable laws, legislations, regulation, bylaws and policies.
- 1.11 Councillors shall endeavor to learn continuously and endeavor to continuously improve their ability to carry out Council duties.
- 1.12 Councillors shall strive for excellence and quality service in performing Council duties.
- 1.13 Councillors shall conduct themselves and carry out their duties in accordance with the Municipal Government Act.

SCHEDULE "A" TO BYLAW #529-17
Code of Conduct for Council Members

Policy #:	110
Section:	Administration
Page	3 of 6

Conflict of Interest

- 2.1 Councillors shall remove themselves from Council proceedings where they have a pecuniary interest as per section 170(1)(a) of the Municipal Government Act.
- 2.2 Councillors shall remove themselves from Council proceedings where they have a pecuniary interest concerning a family member, as per section 170(1)(b) of the Municipal Government Act.
- 2.3 If a Councillor holds a pecuniary interest – as defined by the Municipal Government Act, Section 170 – in a matter that appears before Council, that Councillor will disclose his or her pecuniary interest to the Council, describe the nature of the pecuniary interest, ask that this disclosure be recorded in the minutes of the Council meeting, abstain from voting on the matter, and leave the Council Chambers until discussion and voting on the matter have been concluded (Municipal Government Act, Section 172).
- 2.4 Although a pecuniary interest on a matter before Council may not be present according to legislation, the public may perceive a pecuniary interest of a Councillor in the matter. In this case the Councillor with the perceived pecuniary interest may wish to remove himself or herself from discussion and voting on that particular matter, first declaring the perceived pecuniary interest for the record.
- 2.5 If Councillors are involved in volunteer activities, Councillors shall not allow those activities to influence or conflict with the impartiality of their Council duties.

3. Handling of Information

- 3.1 Councillors shall protect confidential information in accordance with Alberta's Freedom of Information and Protection of Privacy Act Revised Statutes of Alberta 2000, Chapter F-25 and amendments thereto. This includes matters discussed at Council meetings that are closed to the public – also known as In Camera Meetings (Municipal Government Act, 197(2)).
- 3.2 Councillors shall not pass any resolution or bylaw In Camera, except for a resolution to open the meeting back to the public (Municipal Government Act, 197(3)).
- 3.3 Councillors shall not use confidential information obtained through Council activities for personal gain. Councillors understand that doing so would be grounds for disqualification from Council for the remainder of Council's term (Municipal Government Act, 174(1)(i)).
- 3.4 After leaving office, Councillors shall continue to keep confidential information confidential.

4. Public Statements

- 4.1 The Mayor shall be the point of contact for media enquiries and shall be the Village's main spokesperson.

SCHEDULE "A" TO BYLAW #529-17
Code of Conduct for Council Members

Policy #:	110
Section:	Administration
Page	4 of 6

- 4.2 When speaking to public or the media, Councillors shall represent the official policies and positions of Council.
- 4.3 When making statements on their opinions or positions, Councillors shall explicitly state that those statements are their own and not the Council's position or policy.

5. Relationship with Staff

- 5.1 Council's sole employee is the Chief Administrative Officer (CAO). Councillors shall respect the CAO's authority to direct staff.
- 5.2 Council's point of communication access with the employees is the CAO. As such, Councillors shall direct their questions and concerns about administrative matters to the CAO.
- 5.3 Councillors shall avoid making negative comments about staff to the public or media. Councillors shall direct issues concerning staff to the CAO.
- 5.4 Council can talk to staff with permission from the CAO, although they cannot give directions to the staff.

6. Council Meetings

- 6.1 Councillors have the responsibility to come prepared to Council meetings.
- 6.2 Councillors shall listen respectfully to a fellow Council member's point of view before responding to it.
- 6.3 Councillors shall act by resolution or bylaw (Municipal Government Act (180)).
- 6.4 Councillors shall vote on all motions according to section 183(1) of the Municipal Government Act, unless another section in that Act or any other Act of the Province of Alberta allows them to abstain from a vote.
- 6.5 Councillors shall ensure their comments and questions are on topic with the meeting agenda.

7. Gifts

- 7.1 Councillors shall not accept or give gifts other than normal exchange of gifts between business colleagues and friends, tokens exchanged as part of protocol, or the normal presentation of gifts to people participating in public functions.

8. Political Activity

- 8.1 Under the Canadian Charter of Rights and Freedoms (2. Fundamental Freedoms, Freedom of Association) Councillors have the right to be a member of a Provincial or Federal political party, take part in political activities, and support a candidate for political office.

SCHEDULE "A" TO BYLAW #529-17
Code of Conduct for Council Members

Policy #:	110
Section:	Administration
Page	5 of 6

- 8.2 Any member of Council who wishes to partake in any political activity must clearly separate that activity from those activities related to Council. Political activities for a Provincial or Federal political party shall not be done while carrying out the work of Council.
- 8.3 If a Councillor wishes to run for another political office, such as at the Provincial or Federal level, this Councillor must take an unpaid leave of absence.
- 8.4 If a Councillor becomes a judge of a court or is elected to the House of Commons, the Legislative Assembly of Alberta, or the Senate, that Councillor shall resign from Council (Municipal Government Act 174 (1(c))).

9. Accountability

- 9.1 Any member of Council including the Mayor may submit a confidential written allegation of a breach of the Code of Conduct for Council to the Chief Administrative Officer.
- 9.2 The Chief Administrative Officer shall hold the allegation in confidence and shall place the personal matter on the next Regular or Special Meeting of Council Agenda in the In Camera Session.
- 9.3 When the matter is addressed at the next Council Meeting "In Camera", the party that is the subject of the allegation may ask to have the matter tabled to allow said party to obtain legal counsel. In such case, a second meeting of Council "In Camera" will be called, no sooner than seven (7) days from the date of the above referenced Council Meeting. The Party, so alleged, may then introduce evidence including witnesses and legal counsel to support his or her position.
- 9.4 Should Council determine that a Member has potentially breached a policy of the Code of Conduct, Council shall rise and report that such a determination has been made and pass a resolution as to the outcome and the consequences for such breach.
- 9.5 The breach shall be ratified by resolution in Open Session of Council.
- 9.6 Should Council feel that a breach may have occurred, but is unable to make a determination, Council may obtain legal aid in conjunction to conducting an investigation of the Member's conduct. Should the courts determine that a breach has occurred the consequences for such breach shall be determined in accordance with this Policy.
- 9.7 Should a breach occur, consequences for such breach may include, but are not limited to, removal from Committee assignments either permanently or for an interim period, barring the Member from attendance at closed session meetings, either permanently or for an interim period, barring the Member from being circulated/informed of confidential materials/matters, barring the Member from any

VILLAGE OF VILNA

SCHEDULE "A" TO BYLAW #529-17
Code of Conduct for Council Members

Policy #:	110
Section:	Administration
Page	6 of 6

contact with the Village staff outside of scheduled Council or Committee Meetings or Events, or demand an apology.

- 9.8 All breaches under this Bylaw will be treated objectively and in keeping with the severity of the infraction, giving due regard to the individual's previous conduct.
- 9.9 Nothing in this section restricts or attempts to countermand a Councillor's legal right to challenge a decision by Council through established legal channels.
- 9.10 A Councillor must disclose if he or she is subject to the conditions of Division 7, Section 174 of the Municipal Government Act (Disqualification).

Motion to adopt Policy #: 110 as Schedule A to Bylaw # 529-17

Resolution # 101-17

Date: September 18, 2017

Mayor, Don Romanko

Administrator, Loni Leslie