

**BYLAW NO. 20-18  
TOWN OF FALHER**

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

**WHEREAS** the Council of the Town of Falher, in the Province of Alberta considers the establishment of a Code of Conduct for members of Council to be consistent with the principles of transparent and accountable government;

**AND WHEREAS** the Council of the Town of Falher considers the residents of Falher are entitled to have fair, ethical and accountable local government and to expect the highest standards of conduct from the members elected to Council;

**AND WHEREAS** such a government requires that public officials comply with laws and policies affecting operations of the government; be independent, impartial and fair in their judgement and actions; use their public office for the public good and not for personal gain; and conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility.

**NOW THEREFORE**, the Council of the Town of Falher, in the Province of Alberta duly assembled hereby enacts as follows:

**Title**

1. This bylaw may be cited as "The Code of Conduct Bylaw".

**Primary Concern**

2. Recognizing that stewardship of the public interest must be their primary concern, Council members shall work for the common good of the people of the Town of Falher and not for any private or personal interest, and they will endeavor to treat all persons, claims and transactions in a fair and equitable manner. Council members shall not:
  - a. Give preferential treatment to any person or organization which might reasonably benefit from special consideration or may seek preferential treatment.
  - b. Give preferential treatment to an organization in which a Member or Members of Council have a financial interest or where they have an organizational responsibility or a personal relationship that would present a pecuniary interest under the *Municipal Government Act*.

**Comply With The Law**

3. Council members shall comply with the laws of the nation, the province and the Town of Falher in the performance of their public duties. These laws include, but are not limited to: the *Canadian Charter of Rights and Freedoms*; *Municipal Government Act*; *Alberta Human Rights Act*; *Freedom of Information and Protection of Privacy Act (FOIP)*; *Local Authorities Election Act*; *Criminal Code of Canada* and the Town of Falher Bylaws.

**Conduct Of Members**

4. Council members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Council, boards, commissions, committees, staff or the public. Members shall perform the functions of office truly, faithfully and impartially to the best of their knowledge and ability in accordance with the following core values:
  - a. Integrity – giving the municipality's interests absolute priority over private individual members;
  - b. Honestly – being truthful and open;
  - c. Objectively – making decisions based on a careful analysis of the facts;
  - d. Accountability – being accountable to each other and the public for decisions taken;
  - e. Leadership – confronting challenges and providing direction on the issues of the day.

**Respect for Process**

5. Council member duties shall be performed in accordance with the Procedures Bylaw, processes and rules of order established by the Council.

**Conduct of Public Meetings**

6. Council members shall inform themselves of public issues, listen attentively to public discussions before the body and focus on the business at hand.

**Decisions Based on Merit**

7. Council decisions shall be based upon the merits and substance of the matter at hand.

**Education**

8. Council members shall ensure that training as noted in the *Municipal Government Act* is taken within the first two years of being elected.

**Communications**

9. It is the responsibility of the Council members to share substantive information that is relevant to a matter under consideration that they have received from sources outside of the public decisions-making process with all other Council members.

**Coordination with Town Staff**

10. Council's coordination with Town Staff:
  - a. Appropriate Town Staff should be involved when Council members meet with officials from other agencies and jurisdictions to ensure proper staff support is available if needed and to keep staff informed.
  - b. Council members shall acknowledge and respect staff work for the Town of Falher as a corporate body and are responsible for making recommendations that reflect their professional expertise and the municipality's corporate objectives without undue influence from any individual Councillor.
  - c. Members shall acknowledge and respect that staff carry out directions of Council as a whole and administer the policies of the Town.

**Disclosure of Corruption**

11. All Town officials shall take an oath upon assuming office, pledging to uphold Town, Provincial and Federal government laws. As part of this oath, officials commit to disclosing to the appropriate authorities and/or to the Town Council any behaviour or activity that may qualify as corruption, abuse, fraud, bribery or other violation of the law.

**Conflict of Interest**

12. In order to assure their independence and impartiality on behalf of the public good, Council members shall not use their official positions to influence government decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a pecuniary interest under applicable legislation.

**Gifts and Favors**

13. Council members shall not take advantage of services or opportunities for personal gain by virtue of their public office that is not available to the public in general. They shall refrain from accepting gifts, favors or promises of future benefits that might compromise their independence of judgement or action or give the appearance of being compromised.

**Confidential Information**

14. Council members shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the Town or any board, commission or committee as appointed as a representative of the Town of Falher. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their personal, financial or private interests.

**Use of Public Resources**

15. Public resources not available to the general public (e.g., Town staff time, equipment, supplies or facilities) shall not be used by Council members for private gain or personal purposes.

**Representative of Private Interests**

16. In keeping with their role as stewards of the public trust, Council members shall not present on behalf of the private interests of a third-party before the Town Council or any board, commission or committee or proceeding of the Town other than in support of, or opposition to, the motion made.

**Advocacy**

17. To the best of their ability, Council members shall represent the official policies and positions of the Town Council. When presenting their personal opinions or positions, members shall explicitly state that they do not represent the Council or the Town

**Improper Influence**

18. Council members shall refrain from using their position to improperly influence the deliberations or decisions of the Town staff, boards, commissions or committees.

**Policy Role of Members**

19. Each member of Council will respect the legislation which accords to Council as a whole the authority to make decisions which guide the actions of administration. Council members shall respect and adhere to the Council – Administration structure of the Town of Falher government as provided in Town By-laws

**Positive Work Environment**

20. Council members shall support the maintenance of a positive and constructive environment for residents, businesses and Town employees

**Implementation**

21. Council Code of Conduct shall be included in the regular orientations for Town Council candidates. Council members entering office shall sign a statement affirming they read and understand the Town of Falher Council Code of Conduct, and shall resign the code of conduct at each Organizational Meeting for the Town of Falher as a symbol of each Council member's continuing commitment to abide by the principles of this code.

**Compliance**

22. Council members themselves have the primary responsibility to assure that ethical standards are understood and met and that the public can continue to have full confidence in the integrity of Town government.
23. Council members have a duty to help create a responsive, accessible, transparent and fair municipal government. Accordingly, Members have a duty to question whether another member is violating legislation, ethics or respectful behavior relating to Town of Falher government, as set forth in this Code of Conduct

**Investigation**

24. A complaint alleging a breach of the Code of Conduct may be made by a Councillor, member of Administration or a member of the public.
25. A complaint must be filed in writing either by mail, email or facsimile and shall contain the following information:
  - a. the name of the complainant;
  - b. the nature of the alleged complaint; and
  - c. name of any witnesses to the incident.
26. An investigation will not be started without first having reasonable grounds to believe that the suspected breach is likely to occur, or has already occurred. This will be determined by Council through the weighing of the seriousness of the alleged action and the determination of whether the Code of Conduct has jurisdiction over the alleged incident.
27. The method of investigation itself will be reasonable with regard to the totality of the circumstances. The method of investigation is to be determined by Council. Both parties to the investigation will be advised of the decision to pursue an investigation within five (5) business days after the receipt of the complaint.
28. Investigations will be carried out in accordance with the following:
  - a. incidents will be investigated as promptly as possible;
  - b. only those individuals absolutely necessary to verifying the complaint will be interviewed in order to maintain the confidentiality of the complainant and the respondent to the greatest extent possible. In all cases, both the complainant and the respondent will be interviewed and the respondent will be advised of the allegations they face and provided with an opportunity to answer the same. The respondent will be notified of the complaint within five (5) working days of receipt

- of the complaint and will be given five (5) working days to respond to the complaint in writing either by mail, email or facsimile;
  - c. individuals with knowledge of the incident will be encouraged not to discuss the details with others; and
  - d. the safety of the complainant will be a paramount consideration throughout the investigation process.
29. With respect to an alleged breach of the Code of Conduct by a Councillor, Board Member or CAO, where found to be warranted by a majority of Councillors, a third party investigator will be brought in to conduct the inquiry.
  30. Should a complaint filed under this section be found to be valid, Council will meet as a whole to determine what censure under Section 24 is appropriate to the nature of the breach.
  31. Upon the completion of the investigation, both the complainant and respondent shall be notified of the findings within ten (10) business days.
  32. Elected Officials, Board Members and employees are responsible for cooperating with investigations and respecting the confidentiality related to the investigation process.
  33. No Elected Official or Board Member shall take retaliatory action against a complainant with the intention of dissuading or punishing an individual for participating in the complaint process.
  34. All discussions surrounding the alleged violations of this policy shall be conducted in a Council conversation in a closed session of Council with the intent that the discussion shall remain confidential under the appropriate sections of the *Freedom of Information and Privacy (FOIP) Act*.

**Enforcement**

35. Should a member of Council contravene the Town of Falher Council Code of Conduct, Council may impose sanctions in the following forms:
  - a. Apology by the member of Council to the impacted individual(s).
  - b. Removal of the member from Council Committees or representative bodies.
  - c. Restricting the privileges of attending conferences and workshops
  - d. Dismissal of the member from a position of Mayor or Deputy Mayor.
  - e. Request to attend ethical and respectful conduct training at Councillor's expense
36. Any action taken pursuant to this bylaw should include a time frame and what remedial action is required.
37. The Town Administrator shall be consulted in all matters concerning alleged violations of this policy between members of Council and Town employees.

**Severability**

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

**Enactment**

39. Bylaw No. 18-05 is hereby repealed
40. This bylaw shall come into force and effect when it receives third reading and is duly signed.

READ a first time this \_\_\_\_\_ day of \_\_\_\_\_, 2020

READ a second time this \_\_\_\_\_ day of \_\_\_\_\_, 2020

READ a third time and finally passed this \_\_\_\_\_ day of \_\_\_\_\_, 2020

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
MUNICIPAL ADMINISTRATOR