



BYLAW 2018-02

A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO ESTABLISH A CODE OF CONDUCT FOR ELECTED OFFICIALS

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

1: TITLE

1.1. This bylaw shall be known as the “Council Code of Conduct Bylaw.”

2: SCOPE

2.1. The Council Code of Conduct Bylaw is intended to address matters of conduct not already addressed in the Municipal Government Act or the Local Authorities Election Act.

2.2. In the event of a conflict between this bylaw and provincial legislation, the provincial legislation takes precedence.

3: REPRESENTING THE MUNICIPALITY

3.1. In addition to the responsibilities established in the Municipal Government Act, the distinct charge of council is to work collaboratively, with the benefit of individual knowledge, experience, and community connections, to make balanced decisions to sustain and uphold community values for the betterment of the Town of Canmore.

3.2. Council members must not attempt to disguise or mislead as to their identity or status as an elected representative of the Town.

4: COMMUNICATING ON BEHALF OF THE MUNICIPALITY

4.1. Unless Council directs otherwise, the mayor is Council’s official spokesperson.

4.2. Council members must not purport to speak on behalf of Council unless authorized by Council to do so.

4.3. Council’s official spokesperson must ensure their comments accurately reflect the official position of Council as a whole, even when the official spokesperson disagrees with that position.

4.4. Council members must not publish anything that is intentionally dishonest, untrue, unsubstantiated, or misleading in any way.

5: RESPECT FOR THE DECISION-MAKING PROCESS

5.1. Council members must not purport to bind Council, either by publicly expressing their personal views on behalf of Council when not authorized to do so or by giving direction to employees, agents, contractors, consultants, or other service providers of the Town.

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- 5.2. Council members shall accept and accurately communicate the decisions of Council even when they disagree with Council's decision.

6: ADHERENCE TO POLICIES, PROCEDURES, AND BYLAWS

- 6.1. Council members shall read, understand, and comply with all policies, procedures, and bylaws that apply to their duties as elected officials.

7: RESPECTFUL INTERACTIONS

- 7.1. Council members shall demonstrate respect for process, each other, and members of the public.
- 7.2. Council members must not maliciously or falsely injure the professional or ethical reputation of any Town employee.
- 7.3. Council members shall read, understand, and comply with Respectful Workplace Policy HR-009.

8: CONFIDENTIAL INFORMATION

- 8.1. Confidential information means information that a council member has a legal duty not to disclose.
- 8.2. Council members will collect, use, retain, and disclose information only for purposes consistent with the use for which it was collected.
- 8.3. Council members must not disclose confidential information, including to Town employees and members of the public, except as authorized by Council or a Town employee authorized to approve disclosure.
- 8.4. Council members must protect confidential information from inadvertent disclosure, and take reasonable care to prevent examination of confidential information by unauthorized persons.
- 8.5. Council members must not use confidential information with the intent to cause harm or detriment to Council, the Town, or any other person or body.
- 8.6. Council members must not take personal advantage of, or use for their own benefit, corporate or financial opportunities learned about through access to confidential information.

9: CONFLICTS OF INTEREST

- 9.1. A council member must abstain from voting on a matter before council if the member has a conflict of interest that is a pecuniary interest as set out in the Municipal Government Act.
- 9.2. A council member is not permitted to abstain from voting on a matter before council if they have a conflict of interest that is not pecuniary; this would be where a member believes a non-pecuniary personal or private interest may influence their vote, or where a member believes another person may perceive that a member's non-pecuniary personal or private interest may influence their vote.
- 9.3. In the event a council member believes they have a conflict of interest that is not pecuniary, or where they believe another person may perceive them to have a conflict of interest that is not pecuniary, the council member may declare the interest before they vote on the matter, and that

declared interest will be recorded in the minutes of the meeting.

9.4. Council members will not accept or provide any gift, benefit, or favour in exchange for special consideration or influence, or where it may be perceived by a reasonable person to be in exchange for special consideration or influence.

9.5. Council members may accept a token or gift that is:

- a) Part of the normal exchange of hospitality among persons doing business such as a lunch or event ticket;
- b) A small holiday gift showing appreciation (e.g., cards, cookies, chocolates);
- c) Advertising material (e.g., calendars, note pads, pens, caps);
- d) A corporate discount available to all Town employees;
- e) A protocol item (e.g., symbolic or ceremonial gifts);
- f) A conference door prize.

9.6. Council members may not accept cash or gift cards/certificates that have a monetary value, with the exception of donations made to support a charitable cause.

10: IMPROPER USE OF INFLUENCE

10.1. Council members must not use the influence of their office for any purpose other than for the exercise of their official duties.

10.2. Council members must not use, or attempt to use, their authority or influence for the purpose of directing the work of any Town employee.

10.3. Council members must not act as a paid agent to advocate on behalf of any individual, organization, or corporate entity before Council, a committee of Council, or any other body established by Council.

10.4. Council members shall not attempt to influence members of any adjudicative body regarding any matter before it relating to the Town.

10.5. Council members must not ask any Town employee to undertake personal or private work on their behalf, or accept such work from a Town employee.

11: USE OF MUNICIPAL ASSETS AND SERVICES

11.1. Council members are required to care for Town assets, which includes all property, equipment, software, and information.

11.2. Council members must not use, or permit the use of, Town land, facilities, equipment, supplies, services, employees or other resources for activities other than Town business, subject to the following exceptions:

- a) Municipal property, equipment, service, supplies, and staff resources that are available to the general public may be used by Council members for personal use under the same terms and conditions as apply to the general public, including booking and payment of fees or charges;
- b) Electronic communication devices supplied to Council members by the Town, including but not limited to desktop computers, laptops, tablets and smartphones, may be used by Council members for personal use, with the caveat that the devices and all information contained on them remain the property of the Town.

11.3. Council members must not use any facilities, equipment, supplies, services, municipal logo, or any other resources of the Town for any election campaign or campaign-related activity.

12: ORIENTATION AND OTHER TRAINING ATTENDANCE

12.1. Unless excused by Council, Council members must attend:

- a) Orientation training offered by the municipality in accordance with the Municipal Government Act; and
- b) Any training organized at the direction of Council or mandated by the Province of Alberta.

13: COMPLAINTS

13.1. Any person who has witnessed or experienced conduct by a council member which they believe to be in contravention of this bylaw may address the contravention by submitting a complaint to the Investigator in accordance with this bylaw.

13.2. Complaints submitted to the Investigator must:

- a) Be made in writing and include the date and the name and signature of an identifiable individual;
- b) Be addressed to the Town of Canmore Investigator; and
- c) Set out reasonable and probable grounds for the complaint.

13.3. A complaint is considered received when the Investigator personally receives it.

13.4. Upon receipt of a complaint, the Investigator shall determine whether the conduct described is within the Investigator's authority to consider and whether the information given in the complaint provides reasonable grounds for believing that a violation of this bylaw may have occurred.

13.5. The Investigator may request further information from the person who submitted the complaint before determining whether or not there are reasonable grounds for believing a violation of this bylaw may have occurred.

13.6. If the Investigator, on receipt of the complaint or at any time thereafter, is of the opinion that:

- a) The matter is not within the Investigator's authority to investigate, or
- b) There are no grounds or insufficient grounds for conducting an investigation, or
- c) The complaint is frivolous, vexatious, or not made in good faith,

The Investigator shall not conduct an investigation, or shall terminate an investigation that has already started, shall advise the person who submitted the complaint in writing, setting out the reasons, and shall close the file.

13.7. If a complaint is dismissed pursuant to section 13.6, the fact of the complaint shall not be reported to council, other than in the form of statistics.

13.8. If a complaint is not dismissed pursuant to section 13.6, the Investigator shall:

- a) Within 10 days of receiving the complaint, notify the council member who is the subject of the complaint, either personally or by email, that an investigation has been initiated and provide the council member with:
 - i) The written complaint and
 - ii) The name of the person who submitted the complaint; and
- b) Take such steps as the Investigator considers appropriate to investigate the complaint.

13.9. Notwithstanding section 13.8 (ii), the Investigator will not disclose the name of the person who submitted the complaint if the Investigator determines such disclosure could reasonably be expected to threaten anyone else's safety or mental or physical health, or interfere with public safety.

13.10. In the course of an investigation, the Investigator is authorized to speak to anyone, access and examine any records in the custody and control of the Town, and enter any Town work location relevant to the complaint.

13.11. When the Investigator is of the opinion there are reasonable grounds to believe a violation of this bylaw has occurred, the Investigator may attempt to resolve the complaint through mediation with the person who submitted the complaint and the council member who is the subject of the complaint.

13.12. If a complaint is resolved through mediation, the Investigator shall:

- a) Terminate the investigation,
- b) Provide written notice of the termination of the investigation to the person who submitted the complaint and the council member who is the subject of the complaint, and
- c) Close the file.

13.13. If a complaint is resolved through mediation, the fact of the complaint shall not be reported to council, other than in the form of statistics.

13.14. When a complaint cannot be resolved through mediation, the Investigator shall proceed with the investigation and shall provide the findings along with any recommendations, in writing, to the person who submitted the complaint and the council member who is the subject of the complaint no later than 90 days after receiving the complaint.

13.15. Where the Investigator finds no violation of this bylaw has occurred, the fact of the investigation shall not be reported to Council, other than in the form of statistics.

13.16. Where the Investigator finds a complaint to be substantiated, in whole or in part, the Investigator shall:

- a) Allow the council member who is the subject of the complaint fourteen days from the date the notice under section 13.14 was provided to submit a response, either in person or in writing, on the proposed finding and recommended sanction, if any, and
- b) Report the findings, the council member's response, and any recommendations to Council within the two regularly scheduled business meetings following the deadline for the council member's response.

13.17. A report made under section 13.16(b) shall include the name of the person who made the complaint unless determined otherwise by the Investigator.

13.18. If the Investigator finds a complaint to be substantiated, in whole or in part, but finds the Council member took all reasonable steps to prevent the contravention, or that it was trivial or committed through inadvertence or genuine error of judgment, the Investigator shall recommend that no sanction be imposed.

13.19. Upon receipt of a report made under section 13.16(b), council shall determine which, if any, sanctions will be imposed.

14: SANCTIONS

14.1. If the Investigator finds that a Council member has failed to adhere to this bylaw, Council may impose one or more of the following sanctions:

- a) A letter of reprimand addressed to the Council member;

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- b) A request that the Council member issue a letter of apology;
- c) Publication of a letter of reprimand or request for apology and the Council member's response;
- d) A requirement to attend training;
- e) Suspension or removal of the appointment of a Council member as the deputy chief elected official under section 152 of the Municipal Government Act;
- f) Suspension or removal of the chief elected official's presiding duties under section 154 of the Municipal Government Act,
- g) Suspension or removal from some or all council committee 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 Municipal Government Act corresponding to a reduction in duties, excluding allowances for attendance at council meetings.

15: COMPLAINT PARAMETERS

15.1. In the period ninety days prior to the date of a municipal election, the Investigator may suspend any investigation underway or decline to commence an investigation.

15.2. The Investigator may reject any complaint received:

- a) More than 180 days after the date of the alleged bylaw contravention; or
- b) More than 180 days after the person submitting the complaint became aware of the alleged bylaw contravention; or
- c) After the date of a municipal election which intervenes between the alleged bylaw contravention and the date the Investigator receives the complaint.

16: INVESTIGATOR

16.1. Council shall appoint a person to act as the Investigator.

16.2. The following persons are not eligible to act as the Investigator:

- a) a council member, a council member's spouse or adult interdependent partner, a council member's children or the children's spouse or interdependent partner, the parents of a council member, and the parents of a council member's spouse or interdependent partner;
- b) a Town employee.

16.3. The records in the custody and control of the Investigator are considered property of the Town and so are subject to the Freedom of Information and Protection of Privacy Act and Town information governance policies.

17: ENACTMENT/TRANSITION

17.1. Council shall review this bylaw, at a minimum, once every four years or when relevant legislation is amended.

17.2. If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

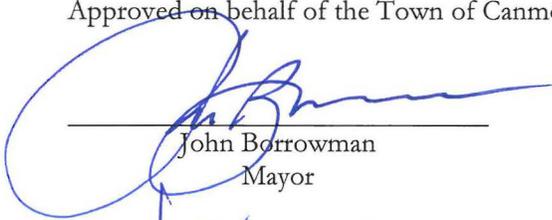
17.3. This bylaw comes into force on the day it is passed.

FIRST READING: April 3, 2018

SECOND READING: April 3, 2018

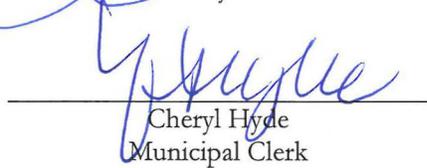
THIRD READING: April 3, 2018

Approved on behalf of the Town of Canmore:



John Borrowman
Mayor

April 5, 2018
Date



Cheryl Hyde
Municipal Clerk

April 4, 2018
Date

Bylaw approved by: CH JB