TOWN OF TABER
BYLAW NO. 3 – 2022

BEING A BYLAW OF THE TOWN OF TABER, IN THE PROVINCE OF ALBERTA, TO PROVIDE A CODE OF CONDUCT FOR COUNCILLORS WITHIN THE TOWN OF TABER.

WHEREAS section 146.1(1) of the *Municipal Government Act* provides that 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 council;

AND WHEREAS council is answerable to the public and must be held to a high standard of ethical behaviour;

AND WHEREAS it is the purpose of this bylaw to outline a particular set of basic rules for council members so they can carry out their duties to the best of their abilities;

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

1.0 NAME OF BYLAW

This Bylaw may be cited as the "Council Code of Conduct".

2.0 DEFINITIONS

In this Bylaw:

Municipal Government Act	means the *Municipal Government Act*, R.S.A. 2000, c. M-26, any regulations thereunder, and any amendments or successor legislation thereto;
Administrative Staff	means the administrative and operational arm of the Town, compromised of the various departments and business units and including all employees who operate under the leadership and supervision of the Chief Administrative Officer;
Chief Administrative Officer	means the chief administrative officer (CAO) for the Town, regardless of the specific title that may be conferred on the officer by Council from time to time;
Confidential Information	includes but is not limited to: information that the Town is either prohibited from disclosing, is required to refuse to disclose, or refuses to disclose, where

	the Town exercises its discretion to refuse to disclose, under the *Freedom of Information and Protection of Privacy Act*, as amended; and any information concerning matters that are permitted to be discussed in a closed session meeting pursuant to the *Municipal Government Act;*
Council	means the entire elected body of officials for the Town of Taber and includes the Mayor;
Councillor	means each elected official of the Town of Taber;
Mayor	means the chief elected official of the Town of Taber;
Town	means the municipal corporation of the Town of Taber;
Town Property	means financial and non-financial assets including (but not limited to) vehicles, equipment, electronic devices, documents, Administrative Staff time, computers, internet services, and intellectual property.

3.0 LAWS, LEGISLATION, ACTS, AND BYLAWS

3.1 Council shall adhere to all laws, legislation, regulations, bylaws and policies at all times, including (but not limited to) the *Canadian Charter of Rights and Freedoms,* the *Municipal Government Act,* the *Town of Taber Council Procedural Bylaw 12-2017,* the *Freedom of Information and Protection of Privacy Act, and* the *Town Manager Bylaw A-360.*

4.0 SCOPE OF BYLAW

4.1 This Code of Conduct shall apply to all Councillors.

4.2 The Code of Conduct is to be given broad, liberal interpretation in accordance with applicable legislations and outlines set herein. The Code of Conduct is not exhaustive to all examples, and Councillors shall conduct themselves in accordance with the spirit and intent of this Code at all times.

5.0 GENERAL CONDUCT

5.1 Councillors shall carry out their duties with integrity and represent the best interests of the citizens of the Town and the Town as a whole.

5.2 Councillors shall carry out their duties in good faith.

5.3 Councillors shall carry out their duties with impartiality, putting the interests of the public above personal interests.

5.4 Councillors shall, to the extent required by law and dependent upon the nature of the decision they are called upon to make, endeavour to participate in Council decision-making processes free from bias.

5.5 Councillors shall not make a statement when they know that statement to be false. No Councillor shall make a statement with the intent to mislead Council, Administrative Staff, or the public.

5.6 Councillors shall conduct their actions with each other, Administrative Staff, and the public in a manner that will maintain public confidence in the position to which they have been elected and reflects positively on the Town of Taber and Council.

5.7 While performing their duties, Councillors shall be open and honest, and focus on issues rather than personalities.

5.8 Councillors shall respect the professional opinion of Administrative Staff and treat all staff members with professionalism, courtesy and respect.

5.9 Councillors shall not abuse relationships or dealings with Administrative Staff by attempting to take advantage of their positions as Councillors. Councillors will, at all times, refrain from behaviour that may be perceived to be bullying of staff including behaviour exhibiting intimidation and coercion.

5.10 Councillors shall treat all members of the public with professionalism, courtesy and respect.

5.11 Councillors shall refrain from making disparaging comments about Administrative Staff in public.

5.12 Councillors shall act respectfully to each other at all times, and encourage each other to uphold the rules in this Code of Conduct.

5.13 If a difference of opinion arises between Councillors that is not easily resolved, Councillors shall endeavour to follow best practices in conflict resolution in order to resolve the matter and to maintain working relationships with each other.

5.14 Councillors shall not use their position to gain special privileges, honours, influence, freedoms, or exemptions for themselves or any other person, including but not limited to using their position as Councillors to assist family members or friends in seeking employment with the Town.

5.15 No Councillor shall use Town Property or other municipal resources made available to them, in any manner that is offensive, inappropriate, or otherwise

contrary to Town policies Municipal resources include, but are not limited to technology, travel expenditures, Town-provided resources, or the time of both fellow Councillors and Administrative Staff.

5.16 When incurring expenditures, Councillors shall act responsibly, and respect that public money must be used for the public good.

5.17 Councillors shall avoid waste, abuse and extravagance in the provision or use of public monies and resources.

5.18 Councillors shall be transparent and accountable with respect to all expenditures.

5.19 When a Councillor finishes his/her term of office, he/she shall return all Town Property within 5 days of the completion of their term.

5.20 Councillors must make every effort to fully participate in the committees or other bodies to which they have been appointed.

6.0 CONFIDENTIAL INFORMATION

6.1 Councillors shall inform themselves of and strictly adhere to the provisions of the *Freedom of Information and Protection of Privacy Act,* RS.A. 2000, Chapter F-25, and any amendments thereto, with respect to the access to, gathering, use and disclosure of information.

6.2 Councillors shall not release, disclose, publish or comment on confidential information including any information received during a closed session meeting until such information is disclosed at a public meeting as part of an approved agenda.

6.3 Councillors shall not release information that is subject to solicitor-client or litigation privilege unless expressly authorized to do so by Council.

6.4 Councillors shall not misuse confidential information that is not in the public domain, including e-mails and correspondence from other Councillors or third parties such that it may cause harm, detriment or embarrassment to the Town of Taber, Council, other Councillors, Administrative Staff, members of the public or third parties.

6.5 Councillors shall not use Confidential Information for their own profit or for the profit of anyone else.

6.6 Councillors shall not communicate Confidential Information to anyone not permitted to be in possession of that information.

7.0 CONFLICTS OF INTEREST

7.1 It is a Councillor's personal responsibility to review and understand the pecuniary interest provisions of the *Municipal Government Act.*

7.2 The decision with respect to whether or not the Councillor may have a pecuniary interest is the individual Councillor's decision to make.

7.3 If a Councillor believes that he or she may have or may reasonably be perceived to have a pecuniary interest in a matter before Council, he/she shall strictly adhere to the pecuniary interest provisions of the *Municipal Government Act.*

7.4 When a Councillor has a pecuniary interest in a matter before the Council, the Councillor must, if present:

7.4.1 disclose the general nature of the pecuniary interest prior to any discussion of the matter;

7.4.2 abstain from voting on any question relating to the matter;

7.4.3 abstain from any discussion of the matter; and,

7.4.4 leave the room in which the meeting is being held until discussion and voting on the matter are concluded.

8.0 RESPONSIBILITIES OF COUNCILLORS

8.1 As per section 153 of the *Municipal Government Act,* Councillors have the following duties:

8.1.1 to consider the welfare and interest of the municipality as a whole;

8.1.2 to bring to Council's attention anything that would promote the welfare and interests of the municipality;

8.1.3 to promote an integrated and strategic approach to intermunicipal land use planning and service delivery with neighbouring municipalities;

8.1.4 to participate generally in the development and evaluation of the policies and programs of the municipality;

8.1.5 to participate in Council and committee meetings, as well as other bodies to which Councillors are appointed by Council;

8.1.6 to obtain information and knowledge about the operation or administration of the municipality from the Chief Administrative Officer or other person as designated by the CAO;

8.1.7 to keep in confidence matters discussed in private at a Council or committee meeting until those discussions are held at a public meeting; and,

8.1.8 to perform various duties and functions as determined or enacted by this or any other enactment or by Council.

9.0 EXPECTATIONS OF COUNCILLORS DURING COUNCIL MEETINGS

9.1 The venue for discussions on Town matters is council chambers. Councillors shall not carry on discussions, debates or plans on matters with each other outside of council chambers. This includes public mediums such as letters to the editor of any publication, blogs, or any form of social media.

9.2 All Councillors are expected to come prepared to Council meetings.

9.3 Councillors shall listen respectfully and refrain from interrupting one another, and shall otherwise comply with Council procedure as established by the Town Council Procedural Bylaw, as amended or replaced from time to time.

9.4 Council shall act only by resolution or bylaw as per Section 180 of the *Municipal Government Act.*

9.5 Councillors shall ensure their comments and questions are on topic with the meeting's agenda.

9.6 Councillors shall strive to speak clearly and concisely so Administrative Staff taking minutes are able to accurately record proceedings.

9.7 Councillors shall give regular verbal updates on their activities during the Council reports portion of the meeting agenda.

10.0 SEPARATION OF COUNCIL AND ADMINISTRATION

10.1 Council shall at all times respect the separation of the duties of Council and administration.

10.2 The Chief Administrative Officer (CAO) is Council's sole employee. The CAO has the responsibility to appropriately conduct all administrative operations including but not limited to, hiring, directing, disciplining and terminating of Administrative Staff.

10.3 Councillors shall direct their questions, concerns or information requests regarding administrative matters to the CAO or designate as identified by the CAO.

10.4 Any issues Councillors may have regarding Administrative Staff must be directed to the CAO or designate as identified by the CAO.

10.5 Councillors shall not act in a manner intended to undermine the reputation of any Administrative Staff member to another Councillor, Administrative Staff, or members of the public.

10.6 In accordance with Section 201(2) of the *Municipal Government Act*, a Councillor shall not involve his or herself in matters of Town administration which fall within the jurisdiction of the CAO, including providing direction on the conducting of Town operations.

10.7 Should Administrative Staff speak to a Councillor about issues regarding the Town operations in a negative condemnation, the Councillor shall notify the CAO.

11.0 DISCRIMINATION AND HARASSMENT

11.1 Council is committed to discouraging behaviour that creates an unproductive or unharmonious work environment.

11.2 Councillors are required to read and strictly adhere to the Town's Whistleblower Policy.

11.3 Councillors shall, with due consideration to the division of responsibilities between Council and Administration, abide by the following principles:

11.3.1 endeavour to prevent harassment, sexual harassment and violence in the workplace and work to promote a harassment/sexual harassment/violence-free workplace in which all people respect one another and work together to achieve common goals. Any act of harassment, sexual harassment or violence committed by or against any Councillor is unacceptable and such conduct will not be tolerated;

11.3.2 attend educational or training sessions addressed to harassment and workplace violence;

11.3.3 ensure that all incidents of harassment/sexual harassment/violence are investigated in an objective and timely manner;

11.3.4 take necessary action in response to such incidents including, where required, ensuring that incidents are reported to the proper law enforcement authorities; and,

11.3.5 ensure that appropriate support is provided for complainants.

11.4 Councillors shall not discriminate against anyone on the basis of their race, ancestry, place of origin, colour, citizenship, creed, gender, sexual orientation, age, record of offences, marital status, family status, disability, religious beliefs or source of income, as well as for any other reasoning as outlined in the *Alberta Human Rights Act*, as amended from time to time.

12.0 GIFTS AND BENEFITS

12.1 Councillors shall not accept gifts, loans, fees, or any other personal benefit that may compromise their independence or judgement or give the impression their impartiality has been compromised.

12.2 Receipt of gifts can result in a perceived conflict of interest. With the exception of token and minor gifts having an estimated value below One Hundred Fifty ($150.00) Dollars, Councillors shall provide a written declaration to Council detailing the acceptance of any gifts including the estimated value and donor of the gift.

12.3 For the purposes of this Section, the following will not be considered gifts for which a Councillor must provide written declaration to Council:

12.3.1 compensation that is authorized by law or Town of Taber policies and procedures;

12.3.2 political contributions received by a Councillor in compliance with the *Local Authorities Election Act*;

12.3.3 travel and subsistence which has been provided by Federal, Provincial, regional, or local governments, or otherwise paid by a conference, seminar or event organizer where the Councillor is either speaking or attending in an official capacity, as long as Council has authorized the attendance;

12.3.4 food and beverage consumed at banquets, receptions, or similar events if the Councillor's attendance serves a legitimate public purpose and the value is reasonable; or,

12.3.5 sponsorships and/or donations for community events or initiatives for which a Councillor either organizes or is aiding, as long as Council has endorsed and/or authorized the event.

12.4 While token and minor gifts can be accepted by a Councillor, substantial or material gifts should either be rejected by Councillors or only accepted on the condition that the gift is accepted on behalf of Council and donated to a non-profit organization, that is not associated with the Councillor.

12.5 This Bylaw does not apply to gifts donated to the Town of Taber community nor to gifts or hospitality that are normally received as a matter of protocol or social obligations that normally accompany the position of Councillor and that are not related to any particular transaction or activity of the Town of Taber or decision by Council.

12.6 Any gifts specifically for the Town of Taber which are presented to a Councillor must be disclosed to Council and given to Administrative Staff for safekeeping and display in the Town office.

12.7 Councillors may present gifts with the official Town logo to Town colleagues, people participating in public functions, or visiting delegations at the discretion of Council and Administrative Staff, and as budgetary restrictions allow.

13.0 OFFICIAL CORRESPONDENCE AND MATERIALS

13.1 Materials, letters, and correspondence are the property of the Town of Taber and shall not be taken out of the Town office for any reason.

13.2 Section 13.1 shall not apply to magazines, training materials, cards, or small gifts sent to individual Councillors.

13.3 The Town of Taber official letterhead and the Office of the Mayor letterhead are property of the Town of Taber and shall not be used or reproduced by individual Councillors except as authorized by Council.

13.4 A copy of any correspondence sent or received by a Councillor shall be provided to Administrative Staff for record keeping purposes.

13.5 Only the Mayor or Deputy Mayor shall sign correspondence that is printed on the official Mayoral Letterhead, unless otherwise authorized by Council.

14.0 POLITICAL ACTIVITY

14.1 Under the *Canadian Charter of Rights and Freedoms*, Councillors have the right to take part in political activities, be a member of a political party, and support a candidate for political office.

14.2 Councillors may not participate in political activities while carrying out their official duties as a Councillor

14.3 If a Councillor is elected to the House of Commons, the Legislative Assembly of Alberta, or the Senate, the Councillor must resign from Town Council.

14.4 No Councillor shall use Town Property for any election campaign or campaign-related activities.

14.5 No Councillor shall compel, either directly or indirectly, Administrative Staff to engage in partisan political activities, nor shall they subject Staff to threats or discrimination for refusing to engage in such activities.

15.0 PUBLIC STATEMENTS AND MEDIA RELATIONS

15.1 The Mayor shall be the point of contact for media inquiries relating to Council unless otherwise directed by Council.

15.2 When speaking to the public or the media, Councillors shall represent the official policies and positions of Council as a whole.

15.3 When making statements regarding their own personal opinions or positions, Councillors shall explicitly state that they are not officially speaking on behalf of Council as a whole. For the purposes of this Code of Conduct, a "statement" includes anything communicated by a Councillor via electronic means, including through the use of social media.

15.4 Official information related to resolutions and decisions made by Council shall be communicated to the community either by Council as a whole (through the Mayor or designate as Council's spokesperson) or by the CAO or his/her designate.

15.5 Councillors shall conduct themselves respectfully and professionally in their interactions with representatives of the media.

15.6 Councillors shall acknowledge the media's critical role in transparent government. To that end, Councillors shall not make negative remarks regarding the media in Council meetings or in public and shall strive to foster an open and honest working relationship with the media.

16.0 PURCHASING

16.1 A Councillor shall not purchase anything or expend any money on behalf of the Town unless first approved by Council.

16.2 Council may retain the services of legal counsel, in a manner consistent with the Town's Legal Services Policy, where the matter for which those services relates is the retention, evaluation, suspension or termination of the CAO.

17.0 COMPLAINT PROCEDURE

Informal Complaint Procedure

17.1 Where the Mayor or Deputy Mayor or a Councillor identifies, witnesses or is made aware of a behaviour or activity of a Councillor that they reasonably believe, in good faith, is in contravention of this Code of Conduct, the Mayor or Deputy Mayor or the Councillor, as the case may be, may address the prohibited behaviour or activity themselves in the following informal and private manner:

17.1.1 advise the Councillor that the behaviour or activity appears to contravene this Code of Conduct;

17.1.2 encourage the Councillor to acknowledge and agree to stop the prohibited behaviour or activity and to avoid future occurrences of the prohibited behaviour or activity;

17.1.3 document the incidents including dates, times, locations, other persons present, and any other relevant information;

17.1.4 request the Mayor to assist in informal discussion of the alleged complaint with the Councillor in an attempt to resolve the issue. In the event that the Mayor is the subject of, or is implicated in a complaint, request the assistance of the Deputy Mayor;

17.1.5 if applicable, confirm to the Councillor satisfaction with the response of the Councillor or, if applicable, advise the Councillor of dissatisfaction with the response; and,

17.1.6 consider the need to pursue the matter in accordance with the formal complaint procedure outlined below, or in accordance with any other applicable judicial or quasi-judicial process or complaint procedure.

Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying a behaviour or activity that they believe violates this Code of Conduct. However, an individual is not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure outlined below.

Formal Complaint Procedure

17.2 Any individual who identifies or witnesses a behaviour or activity by a Councillor that they reasonably believe, in good faith, is in contravention of this Code of Conduct may file a formal complaint.

17.3 All complaints shall be made in writing, using, the form attached as Schedule "A" to this Bylaw and shall be dated and signed by an identifiable individual.

17.4 If a Councillor is suspected of breaching this Code by another Councillor, attention will be brought to the Mayor using the form as outlined in Schedule "A."

17.5 If the Mayor is suspected of being in breach of this Code by another Councillor, the Deputy Mayor shall be notified using the form as outlined in Schedule "A."

17.6 If a Councillor is suspected of being in breach of this Code by Administrative Staff or a member of the public, the Chief Administrative Officer shall be notified. The Chief Administrative Officer will be responsible for filling out the form in Schedule "A" and bringing it to the Mayor or Deputy Mayor's attention.

17.7 Each formal complaint submitted shall be placed as a closed session item at the next available Council Meeting.

17.8 Neither the CAO nor any Councillor shall knowingly submit a Request for Review based on false information.

17.9 All matters relating to investigations shall be discussed in closed session, and Council shall decide on the necessary steps to reach a resolution if a breach of this Bylaw is confirmed.

17.10 Council has the responsibility to investigate all formal complaints and to determine the validity of each complaint. In order to determine the validity of a complaint, Council may choose to initiate any combination of the following:

17.10.1 interview(s) with affected parties at a closed session meeting;

17.10.2 a review of the evidence submitted by the complainant; or,

17.10.3 request that a third party investigative firm or company conduct investigations into the alleged breach.

17.11 Disciplinary actions may be taken against any Councillor found to be in breach of the Code of Conduct. Appropriate disciplinary action will be imposed by Council by resolution. The sanctions imposed by Council may include, but will not be limited to:

17.11.1 a public apology issued by the Councillor, either verbally or in writing;

17.11.2 a letter of reprimand addressed to the Councillor and recorded in the minutes of the Council meeting at which the reprimand is issued, in addition to any other form of public notification of the reprimand that Council may elect to utilize;

17.11.3 mandatory training pertaining to the type of offence (i.e.: harassment, ethical, or legal training);

17.11.4 where applicable, the return of any inappropriate or unreported gift or benefit;

17.11.5 suspension or removal of the Councillor from some or all Council committees and bodies to which Council has the right to appoint members;

17.11.6 suspension or removal of the appointment of the Councillor as the deputy chief elected official or acting chief elected official under section 152 of the *Municipal Government Act*;

17.11.7 suspension or removal of the Mayor's presiding duties under section 154 of the *Municipal Government Act;*

17.11.8 suspension or removal of the Mayor from his/her membership on council committees or other bodies under section 154(2) of the MGA.

17.12 The Council resolution must detail a timeframe for all disciplinary actions along with the specified disciplinary actions.

17.13 Disqualification of a Councillor from Council shall only be in accordance with Section 174 of the *Municipal Government Act.*

18.0 TRAINING

18.1 In accordance with Section 201.1 of the *Municipal Government Act*, all Councillors must take part in orientation training as organized by Administrative Staff within ninety (90) days after the Councillor takes the oath of office.

18.2 Training shall be provided at Town cost.

18.3 All Councillors shall continually strive to attend training opportunities in order to improve their knowledge and skills in regards to municipal governance. In this regard, Councillors shall participate in a minimum of 2 training opportunities per year.

19.0 REVIEW OF CODE OF CONDUCT

19.1 This Code of Conduct and any related bylaws must be reviewed and updated at least once every 4 years starting from the date when the Code of Conduct is passed.

20.0 SEVERABILITY

20.1 If any Section or parts of this 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 Sections or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

21.0 RESCINDED OR AMENDED BYLAWS

Bylaw No. 1-2018 is hereby repealed in its entirety.

22.0 EFFECTIVE DATE

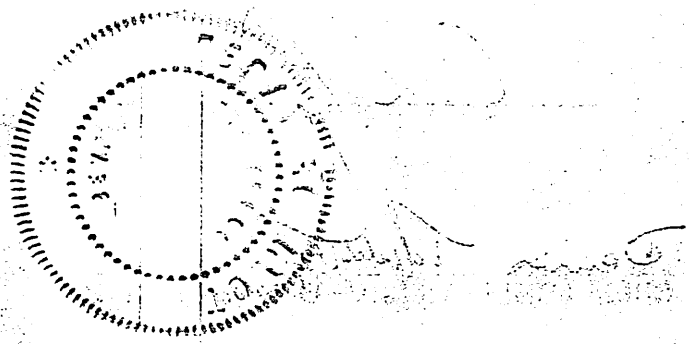
This Bylaw shall take effect on the day of the final passing and the signatures of the chief elected official and duly authorized designated officer thereof.

RES. 65/2022 Read a first time this 28th day of February, 2022.
RES. 66/2022 Read a second time this 28th day of February, 2022.
RES. 68/2022 Read a third time and finally passed this 28th day of February, 2022.

TOWN OF TABER

MAYOR

CHIEF ADMINISTRATIVE OFFICER (C.A.O)



TOWN OF TABER
BYLAW NO. 3 – 2022

Schedule 'A'

REQUEST FOR REVIEW

In accordance with Bylaw 3-2022, if a Councillor or the Chief Administrative Officer suspects another Councillor or the Mayor of acting in breach of the Council Code of Conduct, he or she may request an official review of those actions.

This Request for Review must be submitted in writing with reasons for the review in accordance with Section 17 of Bylaw 3-2022.

The Chief Administrative Officer shall place a completed Request for Review on the agenda for the next available Council meeting.

The requestor, as defined within Section 17 of Bylaw 3-2022, is solely responsible for submitting a complete Request for Review and supporting information.

Name of Councillor to be reviewed: _____

Reason(s) for Requesting Review:

_____
_____
_____
_____
_____
_____
_____

Evidence Submitted (list any attachments made to this page):

_____
_____
_____
_____
_____
_____

By signing below, I acknowledge that the information provided on this form is true and accurate to the best of my knowledge. I also understand that knowingly submitting a false Request for Review may result in disciplinary actions.

Signature of Requestor: _____ Date Request was submitted: _____