

**BYLAW 17-13
TOWN OF BLACK DIAMOND**

A BYLAW OF THE TOWN OF BLACK DIAMOND, IN THE PROVINCE OF ALBERTA, TO ESTABLISH A CODE OF CONDUCT FOR MEMBERS OF COUNCIL, COUNCIL COMMITTEES AND OTHER BODIES ESTABLISHED BY THE COUNCIL

WHEREAS Municipal councils must, by bylaw, establish a code of conduct governing the conduct of councillors, pursuant to the Municipal Government Act, R.S.A. 2000 Chapter M-26 as amended from time to time; and

WHEREAS Municipal council may establish a code of conduct governing the conduct of members of council committees and other bodies established by the council pursuant to the Municipal Government Act, R.S.A. 2000 Chapter M-26 as amended from time to time; and

WHEREAS the elected officials of the Town of Black Diamond recognize that they have an obligation to serve the public in a conscientious and diligent manner; understanding that the function of council members is to seek the common good of the municipality as a whole and acknowledging that they are held to a higher standard of ethical behaviour and conduct due to the trust that has been placed in them; and

WHEREAS, the Council for the Town of Black Diamond wishes to exercise its authority pursuant to the Municipal Government Act to enact a bylaw to provide for the Code of Conduct for Members of Council, Council Committees and Other Bodies Established by the Council;

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

1. TITLE

1.1. This Bylaw may be cited as the “Code of Conduct Bylaw”.

2. DEFINITIONS

- 2.1. “*Act*” means the Municipal Government Act, R.S.A. 2000 Chapter M-26, as amended from time to time.
- 2.2. “*Bylaw*” means a bylaw of the Town of Black Diamond.
- 2.3. “*Chief Administrative Officer*” or “*CAO*” means the person appointed to the position of Chief Administrative Officer by Council.
- 2.4. “*Code of Conduct*” means the Town of Black Diamond Code of Conduct for Members of Council, Council Committees and Other Bodies Established by Council.
- 2.5. “*Committee*” means a board, commission, authority, task force or any other public body established by Council.
- 2.6. “*Confidential Information*” means any information that is prohibited from being disclosed under Alberta’s Freedom of Information and Protection of Privacy Act (FOIPP) and also includes any information received by a Member in confidence by virtue of their position on Council, a Council Committee or other body established by the Council, as well as matters discussed in meetings that have been closed to the

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public (in-camera), unless those matters have subsequently been made public by Council.

- 2.7. "Council" means the Council of the Town of Black Diamond.
- 2.8. "Integrity Commissioner" or "Commissioner" means the individual appointed by Council to receive, assess, investigate and adjudicate complaints regarding breach of the Code of Conduct.
- 2.9. "Member" is intended to include both Members of Council and Members of Council Committees or other bodies established by the Council.
- 2.10. "Member of Council" means a duly elected Member of Council and includes the Mayor and Deputy Mayor.
- 2.11. "Member of Council Committee or other body established by the Council" means a member of a committee, board, authority, task force or other body duly appointed by Council.
- 2.12. "Town" means the Corporation or the Town of Black Diamond.

3. CODE OF CONDUCT

- 3.1. That the *Code of Conduct for Members of Council, Council Committees and Other Bodies Established by the Council* is attached hereto as "Schedule A" and forms part of this bylaw.

4. PROCEDURE FOR COMPLAINTS, INVESTIGATIONS AND SANCTIONS

- 4.1. That the *Procedure for Complaints, Investigations and Sanctions Regarding Breach of the Code of Conduct*, is attached hereto as "Schedule B" and forms part of this bylaw.

5. AMENDMENTS

- 5.1. That amendments or additions to the *Code of Conduct for Members of Council, Council Committees and Other Bodies Established by the Council* (Schedule A) or the *Procedure for Complaints, Investigations and Sanctions Regarding Breach of the Code of Conduct* (Schedule B) will require an amendment to this Bylaw.

6. INTERPRETATION

- 6.1. Terms which are not defined in the Code of Conduct Bylaw will be given their ordinary meaning.
- 6.2. Within the text of the Code of Conduct Bylaw:
 - a) use of a pronoun or determiner which indicates one gender shall include all genders unless the context requires otherwise, and
 - b) use of the singular shall include the plural and the plural shall include the singular as the context requires.

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7. SEVERABILITY

7.1. It is the intention of the Council of the Town of Black Diamond that each section of this Bylaw should be considered as being separate and severable from all other sections. Should any section or part of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall be effective and enforceable.

This Bylaw will take force and effect upon third and final reading and signing thereof.

READ A FIRST TIME this 6th day of September A.D. 2017.

READ A SECOND TIME this 6th day of SEPTEMBER A.D. 2017.

READ A THIRD AND FINAL TIME this 6 day of SEPTEMBER A.D. 2017.



MAYOR



LEGISLATIVE SERVICES MANAGER

SEPTEMBER 6, 2017
Date signed

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**THE TOWN OF BLACK DIAMOND
CODE OF CONDUCT FOR MEMBERS OF COUNCIL, COUNCIL COMMITTEES
AND OTHER BODIES ESTABLISHED BY THE COUNCIL**

1. PURPOSE AND PRINCIPLES

- 1.1.** The purpose and intent of this Code of Conduct is to establish standards of conduct for Members of Council, Council Committees and other bodies established by the Council so that they may carry out their entrusted duties with diligence and impartiality while maintaining the highest standard of integrity.
- 1.2.** The Code is intended to supplement existing superior legislation and municipal by-laws and policies that govern the conduct of Members of Council, Council Committees and other bodies established by the Council.
- 1.3.** The key principles underlying this Code of Conduct are as follows:
- a)** The public should have confidence that the elected and appointed officials of the Town of Black Diamond operate from a basis of integrity, justice, courtesy and propriety and will carry out their duties in a fair, impartial and transparent manner;
 - b)** Holding public office is a privilege and responsibility and Members shall put the interests of the residents and rate payers of the municipality as a whole above personal interests;
 - c)** Members should demonstrate respect for the law and for the policies, procedures and processes of the Town of Black Diamond;
 - d)** Members have a duty to treat members of the public, representatives from other agencies or municipalities, each other and staff with respect and dignity and without abuse, bullying or intimidation;
 - e)** Members of Council, Council Committees and other bodies established by the Council must exercise due care in the treatment of any Confidential Information obtained through their elected or appointed positions.

2. COMPLIANCE WITH CODE OF CONDUCT

- 2.1.** This Code of Conduct applies to all Members of Council and Members of Council Committees and other bodies established by the Council and all Members must observe and comply with all provisions of the Code of Conduct as well as other policies and procedures established by Council which affect the Member.
- 2.2.** Members of Council shall sign and agree to comply with the Code of Conduct at or prior to the first meeting of Council after their election to office.
- 2.3.** Members of Council Committees or other bodies established by the Council of the Town of Black Diamond who are not Members of the Town of Black Diamond Council or the Council of another municipality, shall sign and agree to comply with the Town of Black Diamond Code of Conduct on or before attending their first

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committee meeting. Members of Council Committees or other bodies established by the Council who are Members of a Council of another municipality will adhere to their own municipality's Code of Conduct for Members of Council.

- 2.4. Members of Council of the Town of Black Diamond, who are Members of another municipality's Council Committee or other body created by the Council of that municipality, are expected to adhere in their dealings with that committee to the Town of Black Diamond Code of Conduct for Members of Council, Council Committees and Other Bodies Established by the Council.
- 2.5. Members of Council Committees or other bodies established by the Council who are not Members of a municipal council who fail to sign and agree to comply with the Code of Conduct may be required to relinquish their position on the Committee.
- 2.6. All Members shall respect the processes for complaints and investigations under the Code of Conduct and cooperate fully with these processes.
- 2.7. No Member shall threaten or undertake any act of reprisal against a complainant or a person providing information in the investigation of an alleged violation of the Code of Conduct.

3. GENERAL PERSONAL CONDUCT

- 3.1. Members shall strive for excellence in the performance of their duties of Council, Council Committees or other bodies established by the Council.
- 3.2. As representatives of the Town of Black Diamond, Members will, at all times, conduct themselves in all their affairs with integrity so as to reflect positively on the municipality and promote public confidence.
- 3.3. Members of Council shall carry out their duties with impartiality, putting the interests of the residents and rate payers of the whole municipality above personal interests.
- 3.4. Members will take particular care to ensure that during meetings of Council, Council Committees or other bodies established by the Council, they do not make comments that could be offensive to other Members, staff or the public or that could be construed as sexist, racist or otherwise discriminatory.
- 3.5. Members will conduct municipal business and their duties in an open and transparent manner so that the public can understand the process and rationale that has been used to make decisions.
- 3.6. Members of Council shall show respect for other Members of Council, for decisions and the decision making process of Council and for Council procedures as outlined in the Town of Black Diamond Procedure Bylaw.

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- 3.7. The venue for discussions on matters before Council, a Council Committee or other body established by the Council is within their respective meetings. Members shall not engage in debate with each other via public mediums such as letters to the editor, blogs or social media.
- 3.8. Members are expected to use good judgement as to what is appropriate use of electronic social media and must not communicate anything that could harm the reputation of the Town of Black Diamond. Providing personal comments on matters before the Town Council, Council Committees or other bodies established by the Council on social media is inappropriate.
- 3.9. If a difference or conflict arises between Members is not easily resolved, processes outlined in the Procedure Bylaw and best practices in conflict resolution shall be employed in order to resolve the issue and maintain working relationships among Members.

4. OBLIGATIONS OF MEMBERS

- 4.1. Members must conduct themselves in accordance with the requirements and obligations set out in municipal, provincial and federal legislation or regulations, including but not limited to the following:
- a) Alberta Human Rights Act;
 - b) Alberta Local Authorities Election Act;
 - c) Canadian Human Rights Act;
 - d) Criminal Code of Canada;
 - e) Freedom of Information and Protection of Privacy Act;
 - f) Town of Black Diamond Procedure Bylaw;
 - g) Municipal Government Act;
 - h) Occupational Health and Safety Act, Regulation and Code, including the Town of Black Diamond Health and Safety Program.
- 4.2. As outlined in the Municipal Government Act, Members of Council have a duty to participate in council meetings, council committee meetings and meetings of other bodies to which they are appointed by Council.
- 4.3. All Members are expected to be suitably prepared for meetings of Council or any Committee or other body established by the Council on which they serve.
- 4.4. All Members must attend orientation or training sessions as offered by the municipality.

5. AVOIDANCE OF CONFLICTS OF INTEREST

- 5.1. Members of Council shall disclose any pecuniary or personal interest that may influence or appear to influence their decision in a matter that comes before the Council.

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- 5.2. Members of a Council Committee or other body established by the Council shall disclose any pecuniary or personal interest that may influence or appear to influence their decision in a matter that comes before the Committee or other body on which they serve.
- 5.3. Members shall remove themselves from the proceedings regarding any matter in which they have a pecuniary interest.
- 5.4. Members shall not influence or attempt to influence a decision in a matter that they have a pecuniary or personal interest which comes before Council, a Council Committee or other body established by the Council on which they serve.
- 5.5. Members shall not place themselves in a position of obligation to any person or organization which may benefit from special consideration or preferential treatment from Council, a Council Committee or other body established by the Council.
- 5.6. Members shall not allow their personal interests or connection to volunteer organizations to influence their impartiality with respect to the duties they carry out as Members of Council, a Council Committee or other body established by the Council.
- 5.7. Members shall not engage in any activity that is incompatible with the ethical performance of their official duties in the public interest, as members of Council, as Council Committee or other body established by the Council.

6. USE OF MUNICIPAL ASSETS AND SERVICES

- 6.1. Members shall use municipal assets and services for activities relevant to their role as Members of Council, a Council Committee or other body established by the Council, and in accordance with any applicable municipal policy or procedure.
- 6.2. Members shall use municipal computers, smart phones or other related technology devices or systems, including email and internet, in accordance with the municipality's policies and procedures.
- 6.3. Members of Council shall not use the property, land, facilities, equipment, supplies, services or other resources of the municipality for any election campaign or campaign-related activities, unless otherwise authorized by policy or bylaw.
- 6.4. No Member of Council shall use the services of persons for election-related purposes during hours in which those persons are receiving compensation from the municipality.
- 6.5. No Member shall obtain personal or financial gain or advantage through the use of municipal assets or services or from municipally developed intellectual property.

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7. USE OF INFLUENCE OF OFFICE

- 7.1. No Member shall use the influence of his or her position on Council, a Council Committee or other body established by the Council for any purpose other than for the exercise of his or her official duties.
- 7.2. Members shall not use their position to obtain employment or contracts with the municipality for themselves, family members or close associates.

8. ACCEPTANCE OF GIFTS OR BENEFITS

- 8.1. Acceptance of gifts or benefits by a Members shall be in accordance with federal and provincial legislation, and must be accepted or reported in accordance with any Town of Black Diamond policy or procedure.
- 8.2. Members shall ensure that they do not place themselves in a position of obligation to any person or organization which may benefit from special consideration or preferential treatment from Council, a Council Committee or other body established by the Council through the acceptance of gifts or benefits.

9. INTERACTIONS WITH MUNICIPAL STAFF

- 9.1. Council's sole employee is the Chief Administrative Officer (CAO); Members of Council will respect the CAO's authority to direct staff.
- 9.2. Members will treat municipal staff with dignity, understanding and respect and will adhere to any Town of Black Diamond policies, procedures or directives in order to ensure that the municipal work environment is free from discrimination, bullying and harassment.
- 9.3. No Member shall use, or attempt to use, their authority for the purpose of influencing any staff member with the intent of interfering in staff's duties.
- 9.4. No Member shall maliciously or falsely impugn or injure the professional or ethical reputation of staff, and all Members shall show respect for the professional capacities of the staff of the municipality.
- 9.5. No Members shall compel staff to engage in partisan political activities or subject staff to threat or discrimination for refusing to participate in such activities.

10. INTERACTIONS WITH OTHER AGENCIES OR MUNICIPALITIES AND THE PUBLIC

- 10.1. In the performance of their duties, Members will treat representatives of other agencies or municipalities and members of the public with dignity, understanding and respect and will adhere to any/all Town of Black Diamond policies, procedures

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or directives put in place to ensure that workplace environments are free from discrimination, bullying and harassment.

11. CONFIDENTIAL INFORMATION

- 11.1. Personal information collected by the Town of Black Diamond will only be used for the purpose for which it was collected, and only disclosed if such disclosure complies with Alberta's Freedom of Information and Protection of Privacy Act (FOIPP).
- 11.2. Members are encouraged to acquire an understanding of the principles of FOIPP.
- 11.3. Members shall not release information subject to solicitor-client privilege without express authorization from Council unless required by law to do so.
- 11.4. Members shall not release or divulge any matters discussed while in-camera including any aspect of the in-camera deliberations to anyone, unless expressly authorized by Council or required by law to do so.
- 11.5. Members who speak or write publicly are responsible for ensuring that they do not divulge Confidential Information.
- 11.6. The responsibility for protecting Confidential Information includes the responsibility for ensuring that documents or digital information are not directly or indirectly made available to unauthorized persons.
- 11.7. No Member shall use Confidential Information for personal gain or benefit, or for the personal gain or benefit of any other person or body.
- 11.8. A Member's responsibility for maintaining confidentiality extends beyond the term of office or the period of appointment.

12. IMPLEMENTATION

- 12.1. The *Code of Conduct for Members of Council, Council Committees and Other Bodies Established by the Council* and the *Procedure for Complaints Investigations and Sanctions Regarding Breach of the Code of Conduct* will be adopted by bylaw as required by Section 146.1 of the Municipal Government Act, or as amended from time to time.
- 12.2. Amendments or additions to the Code of Conduct or the *Procedure for Complaints Investigations and Sanctions Regarding Breach of the Code of Conduct* will require an amendment to the Code of Conduct Bylaw.
- 12.3. Council will review the Code of Conduct on an annual basis at the Organizational Meeting to ensure it is current and remains relevant to the day-to-day conduct of Members.

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- 12.4.** Council will appoint an Integrity Commissioner who will be responsible for accepting, assessing, investigating and adjudicating complaints or requests for investigation regarding breach of the Code of Conduct.
- 12.5.** The process for appointing the Integrity Commissioner will be the same process as for appointments to Council Committees or other bodies established by Council.
- 12.6.** The position of Integrity Commissioner will be a paid contract position, with an appropriate hourly rate of pay or daily per diem, to be established by Council at the time of appointment. The Commissioner may also be reimbursed for expenses approved by the Mayor, or the Deputy Mayor or any 2 members of Council who are not the subject of any complaint under investigation.
- 12.7.** The term for an Integrity Commissioner will be 4 years; a Commissioner may be re-appointed at the end of their first term, but may not serve more than two (2) consecutive terms.
- 12.8.** If at any time it is determined by Council that the Integrity Commissioner has a conflict of interest or has acted in an unfair or unethical manner, Council may require the Commissioner to relinquish their position.
- 12.9.** Complaints and requests for investigations into allegations that a Member has breached the Code of Conduct will follow the procedure outlined in the *Procedure for Complaints Investigations and Sanctions Regarding Breach of the Code of Conduct*, Schedule B of the Code of Conduct Bylaw.

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**TOWN OF BLACK DIAMOND
PROCEDURE FOR COMPLAINTS, INVESTIGATIONS AND SANCTIONS
REGARDING BREACH OF THE CODE OF CONDUCT**

Where a member of the public, a Member of Council, a Member of a Council Committee or other body established by the Council, or an employee of the Town of Black Diamond, has reasonable grounds to believe that a Member has breached this Code, a complaint or request for inquiry may be submitted in confidence to the Integrity Commissioner or to a designated alternate in the absence of the Commissioner.

All complaints or requests for inquiries must be in writing and should include:

- a. the complainant's name and contact information;
- b. the name of the Member(s) to whom the complaint relates;
- c. the nature of the alleged contravention;
- d. the specific provision(s) of the Code allegedly contravened;
- e. names of any witnesses to the alleged contravention;
- f. any other supporting documentation that will assist the Commissioner in evaluating the complaint.

The Commissioner may refuse to undertake an investigation if the complainant fails to provide sufficient documentation to support their complaint.

If after reviewing the complaint, if the Commissioner determines that the complaint is an allegation of a criminal nature consistent with the Criminal Code, he will inform the complainant that the allegation must be made through the appropriate police service.

If the complainant is a Member or municipal staff, the Commissioner will review the complaint to determine if it falls under any Town of Black Diamond harassment or respectful workplace policies, procedures or directives intended to ensure a working environment free of discrimination, bullying and harassment. If it does, the Commissioner will advise the complainant to contact the appropriate party (CAO, Manager or Supervisor) to initiate the process outlined in the applicable policy, procedure or directive.

Formal investigation of any complaint will be at the discretion of the Commissioner. If the Commissioner finds the allegations to be frivolous or unsubstantiated he or she may decline to conduct an investigation and will inform the complainant of this decision.

If it is found that an investigation is warranted, the Member whose conduct is in question will be provided with a copy of the complaint and supporting documentation and be given the opportunity to provide a written response to the allegations being made.

Once the investigation is complete, the Commissioner will submit a written report which may include statements from both the complainant and the Member who is the subject of the complaint as well as a recommendation for appropriate sanctions (if any) to the Council of the Town of Black Diamond. The report will be discussed at an in-camera session of Council. Neither the Member who is the subject of the complaint, nor the complainant may attend this in-camera session but they may submit written statements to the Commissioner

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for consideration and inclusion in the report to Council, if they choose to do so. Council (excluding the Member who is subject of the complaint) will then determine what sanctions (if any) will be imposed. In the event that all of Council are the subjects of the complaint, it will fall to the Commissioner to determine what sanctions (if any) will be imposed.

The Commissioner may recommend that Council impose any of the following sanctions:

- Require a written or verbal public apology;
- Require additional training on ethical and/or respectful conduct;
- Return of property or reimbursement of its value or of monies spent;
- Removal from membership of a Committee;
- Removal as chair of a Committee;
- Reporting the misconduct to Alberta Municipal Affairs or another appropriate authority; or
- Other consequences as deemed appropriate and necessary but not including disqualification of a Member of Council.

The results of an investigation by the Commissioner and the imposition (or lack of the imposition) of sanctions by Council or the Commissioner have no appeal mechanism and are to be considered final.