



TOWN OF EDSON BYLAW NO. 2275

A Bylaw of the Town of Edson in the Province of Alberta, for the purpose of governing the conduct of Town Council, in accordance with section 146.1 of the *Municipal Government Act*, Chapter M-26 of the Statutes of Alberta 2000, as amended.

WHEREAS the Council of the Town of Edson wish to establish a code of conduct for its Members of Council to ensure interactions with town staff, members of the public and Members of Council are conducted in a fair, equal and respectful manner; and

WHEREAS Council wishes to provide a guideline for the conduct of a Member of Council while performing their duties of Council; and

WHEREAS the Town of Edson values fair, equal and respectful treatment of all persons, as well as fair, transparent, accessible, and responsive municipal government; and

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

1. CITATION

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

2. DEEFINITIONS

2.1 "Act" means the *Municipal Government Act*, RSA 2000, c. M-26 and amendments thereto, together with any regulations made thereunder.

2.2 "Complainant" means a person alleging, in accordance with the complaint processes established herein, that a Member has contravened this Bylaw.

2.3 "Investigator" means Council or the individual or body appointed or retained by Council to investigate and report on formal complaints made pursuant to this Bylaw.

2.4 "Member" means a Member of Council and includes a Councillor or the Mayor.

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- 2.5 “Respondent” means a Member who is alleged to have contravened this Bylaw, and against whom a complaint has been made in accordance with the complaint processes established herein.

3. REPRESENTING THE MUNICIPALITY

- 3.1 Members shall:

- a. act honestly and, in good faith, serve the welfare and interests of the Town as a whole;
- b. perform their functions and duties in a conscientious and diligent manner with integrity, accountability and transparency;
- c. conduct themselves in a professional manner with decorum and make every effort to participate diligently in the meetings of Council, committees of Council and other bodies to which they are appointed by Council; and
- d. conduct themselves in a manner that promotes public confidence.

- 3.2 No Member shall record any proceedings of Council or any committee of Council or any other body to which the Member is appointed by Council, without the express prior permission of the applicable body.

4. CONDUCT AT COUNCIL AND OTHER COMMITTEE MEETINGS

- 4.1 All persons in attendance at a Council or Committee meeting shall be treated and shall treat others with respect, including interactions between Members, town staff, and the public;

- 4.2 Any individual making a presentation to Council shall be treated fairly and be given the opportunity to state their case;

- 4.3 All individuals, including Members, town staff, and the public shall respect differing opinions and the right of others to express their opinion;

- 4.4 The Mayor or Chairperson of a meeting will not tolerate any behaviours contrary to sections 4.1 — 4.3 of this Bylaw and including rude, discourteous or disruptive comments or behaviours directed at another individual. Should an individual display any of these behaviours, the Mayor or Chairperson shall address the guilty party and request that they immediately stop such behaviour. If the behaviour persists, the Mayor or Chairperson may ask the guilty party to leave the meeting.

5. ORIENTATION AND ATTENDANCE AT TRAINING

- 5.1 Following a municipal election and within 90 days of the Member taking the oath of office, it shall be mandatory for each Member to attend at least one orientation training session, either hosted in-house or by another municipally recognized organization.

- 5.2 Any training sessions provided throughout the remainder of a Council's term, shall be attended at the option of each Member; however, attendance at such sessions is encouraged.

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6. TOWN POLICIES AND BYLAWS

- 6.1 All Members are required to observe the terms of all policies, procedures, and bylaws adopted by the Town of Edson.

7. RESPECT FOR THE DECISION MAKING PROCESS

- 7.1 Members shall demonstrate integrity and respect for the decision-making process of Council by:
- a. Respecting differing opinions and the right of others to express those opinions;
 - b. Communicating accurately and honestly the decisions of Town Council, even if they personally disagree with the majority decision made;
 - c. Refraining from making disparaging comments about other Members or about Council's decision making process;
 - d. Refraining from speculating or reflecting upon the motives of other Members in respect of their actions and decisions as a Member of Council;
- 7.2 Decision making authority lies with Council, and not with any individual Member. Council may only act by bylaw or resolution passed at a Council meeting held in public at which there is a quorum present. No Member shall, unless authorized by Council, attempt to bind the Town or give direction to any employee in Administration, agent, contractor, consultant or other service provider or prospective vendor to the Town, and must not, with or without Council authorization, exercise a power or function or perform a duty that is assigned, or has been delegated, to the Chief Administrative Officer.
- 7.3 Members shall conduct and convey Council business and all their duties in an open and transparent manner other than for those matters which by law are authorized to be dealt with in a confidential manner in a closed session, and in so doing, allow the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.

8. RELEASE OF CONFIDENTIAL INFORMATION

- 8.1 All information deemed to be private and confidential under the Act, Freedom of Information and Protection of Privacy Act (FOIP Act), or solicitor client privilege shall be kept in the strictest of confidence. No Member shall directly or indirectly release or make public any information deemed to be confidential.
- 8.2 Release of any private and confidential information must be authorized by Council or required under the Law.

9. COMMUNICATING ON BEHALF OF THE MUNICIPALITY

- 9.1 A Member must not imply or claim to speak on behalf of Council unless authorized to do so.

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- 9.2 Unless Council directs otherwise, the Mayor is Council's official spokesperson and in the absence of Mayor it is the Deputy Mayor. All inquiries from the media regarding the official Council position on an issue shall be referred to Council's official spokesperson.
- 9.3 A Member who is authorized to act as Council's official spokesperson must ensure that their comments accurately reflect the official position and will of Council as a whole, even if the Member personally disagrees with Council's position. Unless the communication is of a routine nature, or is a matter of such urgency that an immediate response is required, all official correspondence to be sent on behalf of Council must be reviewed and approved by Council prior to being issued.
- 9.4 No Member shall make a statement when they know that statement is false.
- 9.5 No Member shall make a statement with the intent to mislead Council or members of the public.
- 9.6 Members shall accurately communicate the decisions of Council, even if they disagree with Council's decision, such that respect for the decision-making processes of Council is fostered.
- 9.7 During the regular course of business, decisions and resolutions of Council relating to Council or Committee meetings will be communicated to the public and media by the Town's Communications Coordinator. Any press release done by the Town or any updates to the Town Social Media sites shall also be done by the Communications Coordinator.

10. SOCIAL MEDIA

- 10.1 When using social media, all Members shall adhere to any and all Town of Edson Policies with respect to the use of social media.
- 10.2 As public figures and representatives of the Town, Members must exercise sound judgment and be prudent in what material they post on social media. As with any other communications, Members are accountable for content and confidentiality.
- 10.3 Members shall not attempt to disguise or mislead as to their identity or status as an elected representative of the Town when using social media.
- 10.4 Members shall not use social media to publish anything that is dishonest, untrue, unsubstantiated, offensive, constitutes harassment or is misleading in any way.

11. RESPECTFUL WORKPLACE

- 11.1 All Members shall be committed to fostering an environment of dignity, respect and equality in all interactions between stakeholders, Town staff and amongst other Members. This shall be accomplished by:
- a. maintaining a polite, courteous and respectful manner at all times;
 - b. recognizing and respecting diversity and differing opinions;
 - c. respecting the right of Administration to present information and advice that may not align with

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Council's views.

12. RESPECTING THE SEPARATION OF ROLES OF COUNCIL AND ADMINISTRATION

- 12.1 All Members shall respect and acknowledge the separation of roles between Town Council and Town staff. Council shall demonstrate such acknowledgment by:
- a. Refraining from giving direction or instruction to any municipal employee or contractor of the Town, except where this direction is being given to the CAO and is representative of a recommendation or decision of Council;
 - b. Directing all questions and/or concerns to the CAO directly, and where appropriate and directed by the CAO, may include a General Manager;
 - c. Not requesting, demanding or accepting services of any municipal employees or contractors for personal gain;
 - d. Ensuring situations do not occur where a friendship or social relationship with a municipal employee could be interpreted as creating undue influence, access to information, conflict of interest, or to undermine the authority of the CAO;
 - e. Not providing any opinion with respect to performance of a municipal employee, with the exception of the CAO, including not expressing opinions with respect to a municipal employee's promotion, termination or sanction.

13. DISCRIMINATION

- 13.1 Members shall not discriminate against anyone on the basis of their race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.

14. CONFLICTS OF INTEREST

- 14.1 No Member shall put themselves in a situation or engage in any activity, financial or otherwise, which would put them in conflict of interest with the performance of their official duties as a Member. This includes, but is not limited to:
- a. use of their influence of office for any reason other than the execution of official duties;
 - b. use information gained through their execution of official duties not available to the public for any reason other than in their role as a Member;
 - c. seek or obtain preferential treatment because of their official position or give preferential treatment to an individual or organization in their capacity as a Member;
 - d. influence any decision or decision—making process of municipal employees or Council that pertains to or includes any individual or organization which a Member or Members have a pecuniary interest;
 - e. make unreasonable or excessive use of Town materials, equipment, facilities or employees for personal gain or purpose.
- 14.2 Should a Member have a pecuniary interest (as defined in the *Act*), it must be disclosed in accordance with the *Act*.

TOWN OF EDSON BYLAW NO. 2275**15. ACCEPTANCE OF GIFTS**

- 15.1 No Member shall accept or solicit any gift or benefit of any kind, personally or through a family member or friend, which is connected directly or indirectly with the performance of duties of office. Members are not precluded from accepting:
- a. rewards, gifts, or benefits not connected with the performance of duties of office;
 - b. political contributions that are accepted in accordance with applicable law(s);
 - c. reasonable quantities of food and beverages at banquets, receptions, ceremonies or similar events.
 - d. food, lodging, transportation, and/or entertainment provided by other levels of government or by other local governments, boards or commissions;
 - e. a reimbursement of reasonable expenses incurred in performance of duties of office;
 - f. token gifts such as souvenirs, mementoes, and commemorative gifts that are given in recognition of service or for attending an event;
 - g. gifts that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of office.
- 15.2 Members shall refrain from accepting gifts, favours, or promises of future benefits that may compromise their independence or impartiality.
- 15.3 Members shall not accept invitations from municipal contractors or potential contractors to attend special events that may be viewed as creating an unreasonable level of access or indebtedness.

16. USE OF MUNICIPAL ASSETS AND SERVICES

- 16.1 Members shall use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Member, subject to the following limited exceptions:
- a. municipal property, equipment, service, supplies and staff resources that are available to the general public may be used by a Member for personal use upon the same terms and conditions as members of the general public, including booking and payment of any applicable fees or charges; and
 - b. electronic communication devices, including but not limited to desktop computers, laptops, tablets and smartphones, which are supplied by the Town to a Member may be used by the Member for personal use, subject to the terms and conditions described below.
 - i. When using electronic communication devices provided by the Town, all Members shall adhere to any and all Town of Edson Policies with respect to the use these devices.
- 16.2 Electronic communication devices provided to Members by the Town are the property of the Town, and shall, at all times, be treated as the Town's property. Members are hereby notified that they are to have no expectation of privacy in the use of these devices and further that:
- a. in the event of a complaint pursuant to this Bylaw, the investigator may require that any or all of the electronic communication devices provided by the Town to Members be confiscated and inspected as part of the investigation including downloading information which is considered relevant to the investigation. All email messages or Internet connections may be retrieved.

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- 16.3 No Member shall use any Town property, equipment, services or supplies, including email, internet services, or any other electronic communication device, if the use could be illegal, offensive or inappropriate.
- 16.4 Unless otherwise authorized by a policy of the Town of Edson or by provincial legislation, upon ceasing to hold office, a Member shall immediately deliver to the Town any money, book, paper, thing or other property of the Town that is in the Member's possession or under the Member's control including, without restriction, any record created or obtained by virtue of the Member's office other than a personal record or constituency record as those terms are used in the FOIP Act.

17. BREACHES**17.1 COMPLAINT SYSTEM**

- a. Any person (Member, Administration, or public) who has identified or witnessed conduct by a Member that the person reasonably believes, in good faith, is in contravention of this Bylaw, may make a complaint. It is recognized that complaints may vary in severity, complexity, and whether they are admitted or denied. As a result, complainants are given the option of an informal or formal complaint process.

17.2 INFORMAL COMPLAINT PROCESS

- a. Any person who has identified or witnessed conduct by a Member that the person reasonably believes, in good faith, is in contravention of this Bylaw may address the prohibited conduct by:
- i. advising the Member that the conduct violates this Bylaw and encouraging the Member to stop,
 - ii. requesting the Mayor to assist in informal discussion of the alleged complaint with the Member in an attempt to resolve the issue. In the event that the Mayor is the subject of, or is implicated in a complaint, the person may request the assistance of the Deputy Mayor.
- b. Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying conduct that they believe violates this Bylaw. However, an individual is not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure outlined below.

17.3 FORMAL COMPLAINT PROCESS

- a. Any person who has identified or witnessed conduct by a Member that the person reasonably believes, in good faith, is in contravention of this Bylaw may file a formal written complaint. Such complaint shall be submitted to the Mayor, or Deputy Mayor if the Mayor is the subject of the complaint, and must adhere to the following guidelines:
- i. be in writing, dated and signed by the submitting Member or individual;
 - ii. include any supporting documentation or information, including any additional witnesses.

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- iii. set out reasonable and probable grounds for the allegation that the Member has contravened this Bylaw, including a detailed description of the facts, as they are known, giving rise to the allegation.
 - iv. be delivered personally or by sending the complaint by mail, e-mail, fax or courier.
 - b. Any complaint submitted not meeting the above criteria shall be returned to the submitting individual.
 - c. On receipt of a complaint, it will be added as a confidential agenda item at the next regular meeting of Council or a special meeting called to consider the complaint.
 - i. In the period 60 days prior to the date of a Municipal Election, Council may direct that an investigation currently underway be suspended. Within 45 days of taking the oath of office, the Mayor, or Deputy Mayor if the Mayor is the subject of the complaint, will add the complaint as a confidential agenda item at a regular or special meeting of Council, and Council will determine how to proceed with the matter.
 - ii. The Mayor, or Deputy Mayor if the Mayor is the subject of the complaint, may refuse to hear a complaint received in the period 60 days prior to the date of a Municipal Election. Within 45 days of taking the oath of office, the Mayor, or Deputy Mayor if the Mayor is the subject of the complaint, will add the complaint as a confidential agenda item at a regular or special meeting of Council per s. 17.3.c.
 - iii. Notwithstanding s. 17.3.c.i-ii, if the Member who is the subject of a complaint no longer holds office following a Municipal Election, the complaint or investigation will be dismissed.
 - d. On receipt of a formal complaint, Council shall take such steps as it may consider appropriate in the circumstances, which may include:
 - i. establishing an ad hoc committee of Council to investigate the complaint and report to Council;
 - ii. authorizing a third party investigator be retained to investigate the complaint and report to Council; or
 - iii. if the material facts are not in dispute or the alleged misconduct is admitted by the Member(s) whose conduct is in question, proceeding to make a determination on the validity of the complaint without further investigation.
 - iv. if Council determines in its reasonable discretion that the complaint is frivolous, vexatious, or made in bad faith, dismissing the complaint.

17.4 INVESTIGATION

- a. Formal investigations must be conducted in a fair, timely, and confidential manner that respects the principles of procedural fairness and natural justice. The procedure for a formal investigation shall be as follows:
 - i. The investigator shall provide written notice of the investigation to the complainant and the respondent Member. The respondent will also receive a copy of the written complaint, any related materials, and will be required to submit a written response to the allegations(s) to the investigator within fourteen days.
 - ii. The investigator shall provide a copy of the respondent's response to the complainant, along with a request for a reply within fourteen days.
 - iii. If necessary, after reviewing all submitted materials, the investigator may speak to any witness involved, access and examine other documents or electronic materials, or take any other necessary steps in order to appropriately conduct the investigation or come to a potential resolution.

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- iv. A Member who is the subject of an investigation shall be afforded procedural fairness, including an opportunity to respond to the allegations, within a reasonable time, before Council deliberates and makes any decision or any sanction is imposed.
 - (A) A Member who is the subject of an investigation is entitled to be represented by legal counsel, at the Member's sole expense.
- v. The investigator shall bring the results of the investigation to Council during a Council Meeting. The discussions and deliberations with respect to the complaint must be conducted in closed session, and all discussions shall remain confidential under the applicable section(s) of the FOIP Act. During such closed session deliberations, both the complainant and the respondent shall be given the opportunity to present their case.
 - (A) The investigator's results must contain a summary of the allegations, the findings and their conclusion as to whether the complaint is substantiated.
- vi. At any time, the complainant may withdraw their complaint and the investigator shall cease their investigation. Furthermore, should a resolution be found prior to the investigator's completion of the formal investigation, and both the complainant and the respondent agree in writing that the complaint has been resolved, the investigator shall cease his or her investigation and consider the matter complete.

17.5 COMPLIANCE AND ENFORCEMENT

- a. 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 behaviours as set out in this Bylaw.
- b. No person shall:
 - i. Threaten or undertake any act of reprisal against a person initiating an inquiry or complaint under this Bylaw, or against a person who provided information to the investigator in the context of an investigation.
 - ii. Obstruct Council, or any other person, in carrying out the objectives or requirements of this Bylaw.
 - iii. alter or destroy documents, or alter or erase electronic communications, related to a matter under investigation under this Bylaw.
 - iv. refuse to respond to the investigator when questioned regarding an investigation.
- c. After review and consideration of all materials submitted by the investigator, Council may decide:
 - i. the materials submitted do not demonstrate a breach of this Bylaw and thus the complaint shall be dismissed;
 - ii. the materials submitted demonstrate only a small, insignificant breach of this Bylaw and thus no sanctions shall be administered; or
 - iii. the materials submitted demonstrate a breach of this Bylaw and thus sanctions shall be administered.
- d. Remedial action is intended to be corrective, serve as a deterrent, and follow the principle of progressive discipline. Prior to imposing any remedial action, Council should take into consideration the nature and severity of the violation as well as whether the Member has previously violated this Bylaw. In the event that Council does find that a breach of this Bylaw has occurred, Council may by resolution take any of the following action(s):
 - i. request a letter of apology from the Member to the impacted individual(s);
 - ii. issue a written reprimand to the Member;
 - iii. publication of item 17.5.d.i and/or 17.5.d.ii in the local newspaper(s);

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- iv. suspension or removal from some or all Council committees and boards to which such Member has been appointed;
 - v. suspension or dismissal of the Member from the position of Deputy Mayor or Chairperson of a Committee;
 - vi. reduction or suspension of remuneration as defined in section 275.1 of the *Act*, corresponding to a reduction in duties (excluding the allowance to attend Council meetings);
 - vii. suspension or removal of the Chief Elected Official's presiding duties as described under section 154 of the *Act*; and/or
 - viii. mandatory training on ethical and respectful conduct to be provided by a third party either at the expense of the Town or the Member.
 - ix. any other remedial action Council deems reasonable and appropriate in the circumstances provided that the remedial action must not prevent a Member from fulfilling the legislated duties of a Member.
- e. All of Council must be present at the closed session meeting during discussion of the suspected or substantiated breach of this Bylaw and when voting on a motion to proceed with sanctions, a majority vote of Council is required.
 - f. Any action taken by Council should include a time frame and what remedial action is required.
 - g. At a closed session meeting of Council, a Member who is the subject of remedial action shall inform Council when the remedial action(s) have been satisfied.
 - h. Time shall remain of the essence during the investigation, deliberations and resolution, of the complaint.

18. REVIEW

- 18.1 This Bylaw shall be reviewed every four (4) years, commencing from the date of third reading of this Bylaw, and such review shall be noted by a resolution of Council.

19. SEVERABILITY

- 19.1 If any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 19.2 In any place where this Bylaw conflicts with any Provincial Act or Regulation, the latter shall govern.

20. EFFECTIVE DATE

- 20.1 Bylaw No. 2212 and Bylaw No. 2228 are hereby repealed.
- 20.2 This Bylaw shall come into effect upon third reading.

READ a first time this 15th day of February, 2022.

READ a second time this 15th day of February, 2022.

PLACED for third reading this 15th day of February, 2022.

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READ a third time and finally passed this 15th day of February, 2022.

Mayor Kevin Zahara

Christine Beveridge, CAO