



CHESTERMERE

**BYLAW #002-24, ELECTED OFFICIALS
CODE OF CONDUCT BYLAW**

CITY OF CHESTERMERE

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CITY OF CHESTERMERE
PROVINCE OF ALBERTA
BYLAW #002-24

The purpose of the Code of Conduct is to provide standards for the conduct of Council Members relating to their roles and obligations as elected representatives of the City of Chestermere and a procedure for the investigation and enforcement of those standards. This Code of Conduct is one aspect of accountability and transparency both internally, as among Members and as between City Council and City Staff, as well as externally, with other orders of government, the media and the public at large.

WHEREAS under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta, Chapter M-26 and amendments thereto, City Council must pass bylaws outlining the conduct of City Council and Elected Officials and may pass bylaws governing the conduct of City Council Committees, Committee Members and Board Members;

AND WHEREAS the proper operation of democratic local government requires that Elected Officials be independent, impartial and duly responsible to the people and it is imperative that:

1. Local government decisions and policy be made through the proper channels of local government organizational structure;
2. Public office not be used for personal gain; and
3. The public have confidence in the integrity of local government and elected officials;

AND WHEREAS certain ethical principles should govern the conduct of Chestermere City Council Members in order that they shall maintain the highest standards in public office and faithfully discharge the duties of public office;

NOW, THEREFORE the Chestermere City Council duly assembled enacts as follows that:

1. TITLE

- 1.1. This Bylaw may be cited as the Chestermere "Elected Officials Code of Conduct Bylaw."

2. PURPOSE

- 2.1 The Intent of this Bylaw is to establish the standard of conduct and actions for City of Chestermere Elected Officials as an effort to maintain public confidence in a respect of local government.
- 2.2 This Code of Conduct provides a framework to guide ethical conduct in a way that upholds the integrity of the City and the high standards of professional conduct the public expects of its local government elected representatives. This Code of Conduct is intended to supplement existing legislation governing the conduct of Elected Officials, Committee Members and Board Members.
- 2.3 Along with the bylaws and policies of City Council, the following provincial and federal legislation governs the conduct of Elected Officials:
 - 2.3.1 Municipal Government Act
 - 2.3.2 Freedom of Information and Protection of Privacy Act
 - 2.3.3 Local Authorities Election Act
 - 2.3.4 Alberta Human Rights Act
 - 2.3.5 Occupational Health and Safety Act
 - 2.3.6 Criminal Code of Canada
- 2.4 This Bylaw applies to all interactions between Elected Officials as between each other, members of the public, and members of City Staff, including interactions by means of all forms of communication utilized by Elected Officials.
- 2.5 City Council recognizes the importance of ethical conduct as a critical success factor of an Elected Official, Committee Member or Board Member.
- 2.6 Each individual Elected Official shall uphold and comply with the Elected Officials Code of Conduct Bylaw and all other provincial and federal legislation governing the conduct of Elected Officials when carrying out their duties, attending meetings, engaging in City Council, Committee or Board business, or otherwise acting as an elected representative of the City of Chestermere.
- 2.7 The Code of Conduct is to be given a broad and liberal interpretation in accordance with applicable legislation. It is not possible to write a Code of Conduct that covers every scenario and, accordingly, Elected Officials, Committee Members and Board Members are to be guided by and conduct themselves in a manner that reflects the spirit and intent of this Code. Commentary and examples used in this Code of Conduct are illustrative and not exhaustive.

3. DEFINITIONS

- 3.1 "*Act*" means the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M- 26, and amendments thereto.
- 3.2 "*Applicant*" means the registered owner of land or his/her representative or agent certified as such applying for re-designation, subdivision or development approval of land situated within the City of Chestermere.
- 3.3 "*Bias*" means, in the context of legislative decision making, that the Elected Official has a closed mind and is incapable of persuasion, and in the context of quasi-judicial or administrative decision making, that a reasonable person, apprised of the facts would have a reasonable apprehension of bias on the part of the Elected Official as a consequence of that Elected Official's relationship to a person participating or interest in the matter at issue in the quasi-judicial or administrative process.¹
- 3.4 "*Board*" means a board of directors or similar governing entity of a regional service or planning commission, municipality corporation, foundation, association or other entity to which the Council has the authority to appoint representatives from time to time.
- 3.5 "*Board Member*" means an elected official appointed to a Board by City Council.
- 3.6 "*Bullying*" includes repeated and hostile or demeaning behaviour by an individual, either directly or through any medium whatsoever, where the behaviour results in harm, fear or distress to one or more individuals including, but not limited to, physical harm, psychological harm or harm to an individual's reputation.
- 3.7 "*CAO*" means the Chief Administrative Officer for the City of Chestermere.
- 3.8 "*City Staff*" means employees of the City of Chestermere who are led by the CAO.
- 3.9 "*Committee*" means a City Council committee, or committee by which an Elected Official has been appointed to in their capacity as a Member of City of Chestermere Council.
- 3.10 "*Committee Member*" means an elected official appointed by City Council to a Committee.

- 3.11 "*Develop*" means to apply for re-designation, development, subdivision or any other type of development as defined in the Act or the City of Chestermere Land Use Bylaw, where Council or members of Council will act as the decision maker.
- 3.12 "*Developer*" means a person or company that develops or proposes to develop land situated within the City of Chestermere.
- 3.13 "*Elected Official*" means a duly elected Member of the City of Chestermere Council.
- 3.14 "*Harassment*" includes, but is not limited to:
- 3.14.1 Written or verbal comments, posts, actions, gestures or other behaviours that are humiliating, offensive, hurtful or belittling.
 - 3.14.2 Bullying or intimidation
 - 3.14.3 Abuse of authority; or
 - 3.14.4 Attempting to discredit an Elected Official, a City Staff member, or member of the public by spreading false and potentially harmful information about them.
- 3.15 "*Investigator*" means an independent 3rd party investigator appointed by council resolution as set out in this Bylaw.
- 3.16 "*Pecuniary Interest*" has the same meaning as in the Act.
- 3.17 "*Review*" means the process of examining and determining the context and facts related to a complaint made pursuant to this Bylaw alleging that an individual is in breach of the Code of Conduct.
- 3.18 "*Special Interest Group*" means a person, group of people or an organization that attempts to influence City policy or decision making in a way that is intended to benefit a particular set of interests, cause or issue.
- 3.19 "*Sexual Harassment*" means unwanted sexual advances, requests for sexual favours or other verbal or physical conduct of a sexual nature that:
- 3.19.1 Implicitly or explicitly makes submissions to such conduct a term and condition of an individuals work;
 - 3.19.2 Affects access of employment;
 - 3.19.3 Creates an unwelcome, intimidating, hostile or offensive work environment;
 - 3.19.4 Intimidates, embarrasses, offends, coerces or humiliates an individual on the Workspace; or

3.19.5 Arises out of a relationship that is not based on mutual consent.

3.20 "Violence" means the threatened, attempted or actual conduct of a person that causes, or is likely to cause, physical injury whether at the worksite or work related.

3.21 For the purposes of subsections 3.19 and 3.20, "Workplace" shall include any location where City Council, Council Committee or Board meetings take place.

4. CODE OF CONDUCT-GENERAL PRINCIPLES

For the purpose of providing ethical and effective leadership for the City of Chestermere and its residents, the City of Chestermere City Council has adopted the following principles to ensure that all Elected Officials act honestly, in good faith and in the best interests of the City of Chestermere as a whole. Elected Officials shall abide to the following principles of conduct:

4.1 Act honestly, in good faith and in the best interests of the City as a whole.ⁱⁱ

4.2 Uphold the law established by the Federal Parliament and the Alberta Legislature and the bylaws and policies adopted by Council.

4.3 Carry out their duties in accordance with all applicable legislation, bylaws and policies pertaining to their position as an elected official.

4.4 Observe the highest standard of ethical conduct and perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.

4.5 Engage in respectful, fulsome and healthy debate on matters in City Council or Committee or Board meetings, approach decision-making with an open mind, and support the majority decision of City Council or the Committee or Board once determined.

4.6 Be respectful of personal opinions of other Elected Officials and the public, as well as the professional opinions of City Staff.

4.7 Unless authorized by Council to represent Council's position on an issue, ensure that any public statements are clearly stated to reflect the personal opinion of the Elected Official, not the opinion or position of Council.

4.8 Publicly express his/her personal opinions in such a manner that maintains respect for Council, other Elected Officials, and City Staff.

- 4.9 Strictly adhere to the Pecuniary Interest requirements as established in Part 5, Division 6, of the Act.ⁱⁱⁱ
- 4.10 Avoid situations which may result in a Conflict of Interest or Bias.
- 4.11 Avoid situations where it may be perceived that the Elected Official is using his/her position on Council to gain a personal benefit including but not limited to seeking the award of service or supply contracts or influencing the hiring of City of Chestermere Staff.
- 4.12 Act with integrity, professionalism and respect when interacting with other Elected Officials, City of Chestermere Staff, members of the public, and other government officials.
- 4.13 Actively participate in all meetings respectfully, responsibly and consistent with approved procedures.
- 4.14 Keep in strict confidence all matters discussed in closed session at a Council meeting and not disclose the matter until that matter is discussed at a public meeting of Council.^{iv}
- 4.15 Shall not make improper use of their position as an Elected Official to:
- 4.15.1 gain or attempt to gain or advance, directly or indirectly, a personal or private interest for themselves or another person;
 - 4.15.2 cause or attempt to cause detriment to the City of Chestermere, Council, any individual Elected Official, any Board or Committee, any individual Committee or Board Member, any member of City Staff, any member of the public or third party; or
 - 4.15.3 seek personal benefit or gain from any information obtained through their position as an Elected Official.

5. CODE OF CONDUCT-ACTIONS

Elected Officials shall abide by the following principles of conduct:

Decision Making

- 5.1 The appropriate forum for healthy and fulsome debate and discussion of matters before Council is during a Council, Committee or Board meeting.
- 5.2 All Elected Officials, Committee or Board Members should be given a full opportunity to address issues before Council in a full, open and professional manner to encourage and promote healthy debate of issues.

- 5.3 City Council decisions are made by majority vote by the Elected Officials. Council may only act by bylaw or resolution passed at a Council meeting held in public at which there is a quorum present, pursuant to sections 180 and 181 of the Act.
- 5.4 Committee or Board decisions are made by majority vote by the Committee or Board Members.
- 5.5 The decision of City Council, or a Committee or a Board must be accepted and respected by all Elected Officials and Committee or Board Members even if some individual Elected Officials or Committee or Board Members do not agree with the majority decision.
- 5.6 While an individual Elected Official or Committee or Board Member may publicly state that they did not vote with the majority of Council, Elected Officials 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.

Conduct at Meetings

- 5.7 Elected Officials shall conduct themselves with decorum and make every effort to participate diligently in the meetings of Council, Committees and Boards to which they are appointed by Council.
- 5.8 Elected Officials shall comply with the provisions of the Procedural Bylaw, or any other rules of meeting procedure applicable to the body to which they have been appointed by Council.
- 5.9 Elected Officials shall act in a manner that demonstrates fairness, respect for individual differences, and an intention to work together for the common good and in furtherance of the public interest.
- 5.10 Elected Officials shall endeavour to conduct and convey Council business and all their duties in an open and transparent manner other than for those matters which by virtue of legislation are authorized to be dealt with in a confidential manner in an in-camera (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.
- 5.11 Elected Officials have a duty, by virtue of statute and bylaw, to participate in Meetings of Council and Committee of the Whole, and an obligation to attend meetings of other Committees and Boards to which they are appointed by Council. Failure to attend as required may lead to the disqualification from any Committee and other body through resolution in a Meeting of Council.

- 5.12 Elected Officials have a statutory duty to vote on all matters put to a vote unless the Elected Official is required or permitted to abstain pursuant to the Act.^v

Use of City Assets and Services

- 5.13 Elected Officials' use of City electronic devices for personal use is allowed providing this use is in compliance with City social media and information technology policies.
- 5.14 Elected Officials shall not use any other City resources, property, equipment services, information or supplies to pursue their private interests or the private interests of a third party.
- 5.15 Electronic communication devices provided by the City are the property of the City, and shall, at all times, be treated as the City's property. Elected Officials are hereby notified that they are to have no expectation of privacy in the use of these devices and further that:
- 5.15.1 all emails or messages sent or received on City devices are subject to FOIP;
 - 5.15.2 all files stored on Municipal devices, all use of internal email and all use of the Internet through the City's firewall may be inspected, traced or logged by the City;
 - 5.15.3 in the event of a complaint pursuant to this Code of Conduct, Council may require that any or all of the electronic communication devices provided by the City to Elected Officials may 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.
- 5.16 No Elected Official shall use any property, equipment, services or supplies of the City, including email, Internet services, or any other electronic communication device, if the use could be offensive or inappropriate.
- 5.17 No Elected Official shall obtain financial gain from the use or sale of City-developed intellectual property (for example, inventions, creative writings and drawings), computer programs, technological innovations, or other patent, trademark or copyright held by the City. Members acknowledge and do not dispute that all such property remains exclusively that of the City.
- 5.18 No Member shall use information gained in the execution of their duties that is not available to the general public, for any purposes other than the Member's official duties.

Expenditures

- 5.19 When incurring expenditures, Elected Officials shall act responsibly and respect that public money must be used for the public good.
- 5.20 Elected Officials shall avoid waste, abuse and extravagance in the provision or use of public monies and resources.
- 5.21 Elected Officials shall be transparent and accountable with respect to all expenditures.
- 5.22 Elected Officials shall strictly adhere to all City of Chestermere bylaws, policies and guidelines addressing expenditures and reimbursement.

Expenditures Interaction with City Staff and the Public

- 5.23 Elected Officials shall respect the professional opinion of City Staff and treat all Staff members with professionalism, courtesy and respect.
- 5.24 Elected Officials shall not abuse relationships or dealings with City Staff by attempting to take advantage of their positions as Elected Officials. Elected Officials will, at all times, refrain from behaviour that may be perceived to be Bullying of Staff including behaviour exhibiting intimidation and coercion.
- 5.25 Requests for information shall at all times be directed through the CAO or his/her designate in accordance with section 153(d) of the Act and the Administrative Directive entitled City Council and Staff Communications Guidelines. Formal direction to the CAO must be through Resolution of Council.
- 5.26 An Elected Official shall not:
 - 5.26.1 Involve themselves in matters of City Staff. This is the jurisdiction of the CAO, in accordance with section 201(2) of the Act, including providing direction on the conducting of City operations to Staff members;
 - 5.26.2 Use or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any Staff member with the intent of interfering in the City Staff member's duties; or
 - 5.26.3 Maliciously or falsely injure the professional or ethical reputation, or employment prospects of City Staff.
- 5.27 Elected Officials shall treat all members of the public with professionalism, courtesy and respect.
- 5.28 Elected Officials shall refrain from making disparaging comments about City Staff in public.

- 5.29 Elected Officials shall treat all individuals in good faith and without bias and shall not discriminate against any person, including City Staff members, on the basis of:
- 5.29.1 differences in personal opinions; or
 - 5.29.2 race, ancestry, place of origin, colour, ethnic origin, culture, citizenship, religion, creed, language, gender, sexual orientation, age, family status, disability or occupation.
- 5.30 Council fully recognizes that it is the sole responsibility of the CAO to hire, discipline and terminate Staff members and that all information pertaining to Staff employment matters is strictly confidential. No Elected Official shall interfere with the CAO's role in the hiring, disciplinary action or termination of any City Staff member. The CAO shall immediately report any incident of interference or intended interference with his or her management of City Staff to Council as a whole during a closed session meeting.

Expenditures Attendance at Orientation and Other Training

- 5.31 Elected Officials must attend:
- 5.31.1 orientation within ninety (90) days of taking their Oath of Office as mandated by section 201.1 of the Act; and
 - 5.31.2 unless excused by Council, any other training organized at the direction of Council for the benefit of the Elected Officials, including but not limited to a general orientation session hosted by the City within the Elected Official's first year of office, and any specific Committee or Board orientation provided either by the City or the organization for which the Elected Official is a member of the Board.
- 5.32 Elected Officials may independently attend training or conferences of their choosing so long as the content of the training or conference is relevant to the exercise of the Elected Official's functions, duties or powers and the cost of attendance will not cause the Elected Official to exceed his or her individual Elected Official's budget and account.

External Communications

- 5.33 Council acknowledges and respects that Members have the right to express their personal opinions, whether those opinions are complimentary or critical, subject to those limits prescribed by law. However,
- 5.33.1 an Elected Official must not purport to speak on behalf of Council unless authorized to do so;
 - 5.33.2 unless Council directs otherwise, the Mayor is Council's official spokesperson and in the absence of the Mayor it is the Deputy Mayor;

5.33.3 an Elected Official 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 Elected Official disagrees with Council's position;

5.33.4 no Elected Official shall make a statement they know is false or recklessly make a statement that is false;

5.33.5 no Elected Official shall make a statement with the intent to mislead Council or members of the public;

5.33.6 all inquiries from the media regarding the official Council position on an issue shall be referred to Council's official spokesperson; and

5.33.7 all inquiries from the media regarding the administration of the City shall be referred to the CAO.

Use of Social Media

5.34 Once posted to social media, any material or comment is accessible to anyone with an Internet connection, effectively in perpetuity. As public figures and representatives of the City, Elected Officials should act with discretion and exercise caution with respect to the material they post on social media.^{vi}

5.35 No Elected Official shall attempt to disguise or mislead as to their identity or status as a representative of the City when using social media.

5.36 No Elected Official shall use social media to publish anything that is dishonest, hateful, untrue, unsubstantiated, offensive, disrespectful, constitutes harassment, or is defamatory or misleading in any way.

Pecuniary Interest

5.37 It is the Elected Official's personal responsibility to review and understand the Pecuniary Interest provisions of the Act.

5.38 The decision with respect to whether or not the Elected Official may have a Pecuniary Interest is the individual Elected Official's decision to make.

5.39 It is the individual responsibility of each Elected Official to seek independent legal advice, at his or her own expense, with respect to any situation that may result in a Pecuniary Interest.

5.40 If an Elected Official believes that they may have or may reasonably be perceived to have a Pecuniary Interest in a matter before City Council or a Committee or a Board, they shall strictly adhere to the Pecuniary Interest provisions under the Act.

- 5.41 Where an Elected Official believes that they may have a Pecuniary Interest in a matter before City Council or a Committee or a Board, they should notify the Mayor or Chair of the meeting of the pecuniary interest before the matter is considered.

Conflict of Interest

- 5.42 The decision with respect to whether or not an Elected Official has a Conflict of Interest is the individual Elected Official's responsibility.
- 5.43 It is the individual responsibility of each Elected Official to seek independent legal advice, at their own expense, with respect to any situation that may result in a Conflict of Interest.
- 5.44 Receipt of gifts can result in a perceived Conflict of Interest. With the exception of minor gifts, being gifts having an estimated value of one hundred dollars (\$100.00) or less, Elected Officials, Committee or Board Members shall provide a written declaration to City Council detailing the acceptance of any gifts including the estimated value and donor of the gift.
- 5.45 Minor gifts can be accepted by Elected Officials, Committee or Board Members, however substantial or material gifts should either be rejected by Elected Officials, Committee or Board Members or accepted on the condition that the gift is accepted on behalf of the City to be either published, publicly displayed or donated to a non-profit organization as deemed appropriate by the CAO.
- 5.46 This Bylaw does not apply to gifts donated to the City of Chestermere community nor to gifts or hospitality that are normally received as a matter of protocol or social obligations that normally accompany the position of Elected Official, Committee or Board Member and that are not related to any particular transaction or activity of the City or Chestermere or decision by City Council.
- 5.47 Elected Officials, Committee or Board Members shall not engage in any activity that is incompatible or inconsistent with the ethical discharge of an Elected Official's, Committee or Board Member's duties and obligations as an Elected Official or Committee or Board Member in the City of Chestermere.

Bias

- 5.48 Elected Officials shall, to the extent required by law, dependent upon the nature of the decision they are called upon to make, endeavour to participate in the decision- making process free from Bias.
- 5.49 Elected Officials may attend open houses or exchange communication with potential Applicants, Developers and Special Interest Groups prior to the submission of a Development application being submitted to the City of Chestermere and should:

- 5.49.1 state that any opinions expressed by the Elected Official are personal and do not in any way represent Council's opinion or ultimate decision with respect to potential Development
- 5.49.2 either refrain from providing information related to the development application process or, ensure that it is made clear to potential Applicants, Developers or Special Interest Groups that the Elected Official can provide only general, non-binding information on the Development application process but cannot advise or comment on a Development's chance of success;
- 5.49.3 suggest that the Applicant, Developer or Special Interest Group seek independent professional advice; and
- 5.49.4 if applicable, encourage potential Applicants, Developers or Special Interest Groups to seek preliminary information on their Development proposal by utilizing the pre-application process with City Staff.
- 5.50 After a Development Application has been filed with the City of Chestermere, where City Council, a Committee or Board will have a decision making role in the Development approval process or where an Elected Official, Committee or Board Member is a member of the body where the matter may be appealed, Elected Officials, Committee or Board Members must not meet with the Applicants, Developers or Special Interest Groups to discuss the Development prior to the public hearing, formal consideration of the Development application by Council, the Committee or Board or appeal hearing and decision being issued by Council, the Committee or Board or the Subdivision and Development Appeal Board.
- 5.51 All Development inquiries should be directed to the CAO.
- 5.52 Elected Officials must refuse to accept any information forwarded by an Applicant, Developer or Special Interest Group to the Elected Official with respect to a pending Development Application, but in the event that such information is inadvertently received, it should be forwarded to the CAO, who will record the information received and determine what further distribution or disclosure of the information is required.
- 5.53 In the event that a Development Application should proceed to any type of court proceeding, no meeting between Elected Officials and Applicants, Developers or Special Interest Groups shall take place.

Use of Disclosure of Information

- 5.54 Elected Officials shall not use information gained through their position on Council for any private or personal benefit or gain.
- 5.55 Elected Officials shall inform themselves of and strictly adhere to the provisions of the *Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c F-25*, and any amendments thereto, with respect to the access to, gathering, use and disclosure of information.

- 5.56 Elected Officials shall not release, disclose, publish or comment on confidential information including any information received during an in-camera meeting until such information is disclosed at a public meeting as part of an approved agenda.
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- 5.57 Elected Officials shall not disclose or release information that is subject to solicitor client or litigation privilege unless expressly authorized to do so by Council.
- 5.58 Elected Officials shall not misuse confidential information that is not in the public domain, including e-mails and correspondence from other Elected Officials, Committee or Board Members or third parties such that it may cause or potentially cause harm, detriment or embarrassment to the City of Chestermere, City Council, other Elected Officials, a Committee or Board, other Committee or Board Members, City Staff, members of the public or third parties.

6. HARASSMENT/SEXUAL HARASSMENT/VIOLENCE-FREE WORKPLACE^{viii}

- 6.1 City Council is committed to discouraging behaviour that creates an unproductive or poisoned work environment.
- 6.2 Elected Officials are required to read and strictly adhere to the City's Workplace Violence and Harassment Policy.
- 6.3 Elected Officials shall, with due consideration to the division of responsibilities between Council and City Staff, abide by the following principles:
- 6.3.1 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 Elected Official is unacceptable and such conduct will not be tolerated.
- 6.3.2 Attend educational or training sessions addressed to Harassment and Workplace Violence.
- 6.3.3 Ensure that all incidents of Harassment/Sexual Harassment/Violence are investigated in an objective and timely manner.
- 6.3.4 Taking necessary action in response to such incidents including, where required, ensuring that incidents are reported to the proper law enforcement authorities; and
- 6.3.5 Ensuring that appropriate support is provided for complaints

- 6.4 In the event that problems encountered in the Workplace arise from unintentional miscommunication or misunderstanding, Elected Officials and City Staff are encouraged to resolve differences through direct communication and with the least formality possible. When direct communication fails or if the issue is of a more serious nature, either party is encouraged to advise:
- 6.4.1 in the case of City Council, the Mayor (or Deputy-Mayor if the Mayor is involved);
 - 6.4.2 in the case of a Committee or Board, the Chair (or Vice-Chair if the Chair is involved); and
 - 6.4.3 in the case of an employee, both the Director of Corporate Services and the CAO. In a situation arising from a complaint regarding an employee, it is the CAO who is ultimately responsible for any resulting investigation.
 - 6.4.4 Should there be no resolution, the complainant may choose to follow the complaint procedure laid out in this Bylaw.

Complaint Process

- 6.5 The purpose of this Complaint Process is:
- 6.5.1 to protect the public interest,
 - 6.5.2 to enforce this Code of Conduct,
 - 6.5.3 to provide a means by which complaints about an Elected Official can be dealt with in a fair and expeditious way, and
 - 6.5.4 to preserve the integrity of Council.
- 6.6 A complaint alleging a breach of the Code of Conduct may be made by any person^{ix} that has identified or witnesses any action or omission that they reasonably believe, in good faith, constitutes a contravention of the Code of Conduct.

Formal Process

- 6.7 Council shall appoint an Investigator by resolution following a competitive procurement process. The selected Investigator must:
- 6.7.1 Not be a current employee or contractor of the City of Chestermere as of the time of appointment; and
 - 6.7.2 Have municipal experience such that such person can appropriately perform an investigation.
- 6.8 A formal complaint must be submitted in writing directly to the investigator either my mail or email, or by using the Code of Conduct Complaint Form outlined in Schedule A/ If Any complaints are submitted to the City, the CAO shall direct the

complainant to submit their complaint directly to the Investigator. Formal Complaints shall meet the requirements:

- 6.8.1 Provide the full name of the complainant;
 - 6.8.2 Provide contact information for complainant;
 - 6.8.3 Identify the name of the Elected Official who allegedly breached the Code and the nature of the alleged complaint in such a manner as to provide reasonable and probable grounds for the allegation, including the specific sections of the Code of Conduct that were breached and a detailed description of the facts, as they are known to the complainant, that give rise to the allegation; and
 - 6.8.4 Identify any witnesses of and records relating to the incident.
- 6.9 Upon receipt of a complaint, the Investigator shall conduct a preliminary review of the complaint to determine whether to proceed with a formal investigation of the complaint to determine whether to proceed with a formal investigation of the complaint or to dispose of the complaint in a summary manner.
- 6.10 In the course of the preliminary review, the Investigator, may require the Elected Official to answer any inquiries or to provide any records or other information the Investigator considers relevant for the purposes of the review, and that Elected Official may Comply.
- 6.11 The preliminary review must consider:
- 6.11.1 whether the complaint is within scope of this Bylaw,
 - 6.11.2 the context and intent of the complaint to ensure the legitimacy of the complaint, and
 - 6.11.3 whether any further action in relation to the complaint will serve the purposes of the Complaint Process as set out in Section 6.5.
- 6.12 Upon completion of the preliminary review, the Investigator may:
- 6.12.1 summarily dispose of the complaint and recommend to Council that no further action be taken, or
 - 6.12.2 Confirm in writing to the CAO that a formal investigation will be conducted and conduct a formal investigation.
- 6.13 The Investigator may request additional information from the complainant before determining whether to proceed with a formal investigation of the complaint or to dispose of it in a summary manner.
- 6.14 If the Investigator determines that the complaint does not appear to be a complaint relating to non-compliance with the Code of Conduct or that the complaint is addressed by other legislation, the Investigator shall advise the CAO and Council, in writing that the matter is not within the jurisdiction of this Bylaw or within the authority of the Investigator to process and shall provide the CAO and

Council with reasons for the conclusion along with referral to the legislation that may govern the complaint if known to the Investigator.

- 6.15 The Investigator shall not be under an obligation to proceed with an investigation where the Investigator determines that the complaint is frivolous, vexatious or not made in good faith, or that there are no reasonable and probable grounds upon which to conduct or continue a full investigation.
- 6.16 Upon commencing the investigation, the Investigator shall provide written notice to the Elected Official who is the subject of the complaint, detailing the nature of the complaint and provide any supporting documentation that accompanied the complaint, including the complaint itself, and advising the Elected Official that they may respond in writing within thirty (30) days.
- 6.17 For the purpose of conducting an investigation, an Investigator may:
- 6.17.1 to attend meetings, in person or electronically, with the Investigator or others,
 - 6.17.2 to answer any questions the Investigator may have relating to the investigation and to answer the questions under oath, and
 - 6.17.1.3 to give the Investigator any records, information or things that, in the opinion of the Investigator, are or may be relevant to the investigation that the Elected Official possesses or that are under the control of the Elected Official, and
 - 6.17.1.4 may require the Elected Official or request from any person to temporarily give up possession of any records, information or things described in clause 6.18.1 to allow the Investigator to make a copy, examine or perform tests on them.
- 6.18 Once the investigation is complete, the Investigator shall prepare a written report outlining the complaint received, findings, identified contraventions of the Code of Conduct, and any recommendations as to corrective action or sanctions. The Investigator shall provide the written report to the CAO and Council, within thirty (30) days from the date of the receipt of the complaint, to which appropriate action will be taken. The Investigator may request an extension of up to fourteen (14) days of the CAO and council, if required.
- 6.19 Funds for the cost of the Investigator will be drawn from Council's budget using Contracted Services and/or Legal Expenses line items. Final costs shall be publicly disclosed to Council.
- 6.20 Elected Officials are responsible for cooperating with investigations and respecting the confidentiality related to the investigation process.
- 6.21 No Elected Official shall take retaliatory action against a complainant or any person with the intention of dissuading or punishing the person for participating in the complaint process.

7. CORRECTIVE ACTION

- 7.1. Upon receipt of the Investigator's report, confirming that a complaint has been substantiated, in whole or in part, Council shall, either at the next regularly scheduled Council meeting, or at a Special Council meeting called for this purpose, proceed in closed session to hear from the Investigator and review the Report and to determine the appropriate response to the identified contraventions of the Code of Conduct.
- 7.2. Notwithstanding that the Elected Official may have provided a response to the complaint under Section 6.17, before Council determines how to respond to the Investigator's report, the Elected Official shall be provided the opportunity to speak to the complaint before Council, before any decision on the outcome of the complaint is made by Council.
- 7.3. Council is not bound by the Investigator's report including any recommendation to impose a sanction. Consideration and discussion on sanctions shall be conducted in the absence of the Elected Official subject of the complaint.
- 7.4. Where Council determines that the contraventions of the Code of Conduct identified in the Investigator's report, having consideration to such factors as whether the Elected Official's actions were inadvertent, whether the Elected Official exercised due diligence in attempting to avoid the contraventions, whether the contraventions were isolated or represent a continuing pattern of conduct, and the resulting harm arising from the contraventions, warrant the imposition of formal consequences against the Elected Official, Council may proceed to impose sanctions against that Elected Official.
- 7.5. Sanctions that may be imposed against an Elected Official include, but are not limited to:
 - 7.5.1 demand for a formal written public apology to be included in the minutes of a Council meeting;
 - 7.5.2 verbal reprimand;
 - 7.5.3 written public reprimand by way of motion of censure;
 - 7.5.4 restriction on travel and representation on behalf of Council, including attendance at conventions, Alberta Municipalities meetings, and other intergovernmental or third-party meetings and events, other than for the purpose of meeting with and representing constituents as an elected member of Council;
 - 7.5.5 restrictions on means by which documentation may be provided to the Elected Official, including restriction on access to electronic copies and requirement for use of watermarked or other trackable paper documents;
 - 7.5.6 restrictions on access to City property or information outside of any access for the purpose of attending a Regular or Special Meeting of Council;

- 7.5.7 removal from appointment as Deputy Mayor;
 - 7.5.8 removal from committees and boards to which the Elected Official has been appointed;
 - 7.5.9 removal from Chair of a committee to which the Elected Official was appointed, even where the Elected Official is not removed from the committee;
 - 7.5.10 directing the Elected Official to attend training addressed to ethics and conduct of Elected Officials;
 - 7.5.11 reduction or suspension of remuneration corresponding to a reduction in duties, including a restriction on Council remuneration to a per meeting rate for attendance at Regular or Special Meetings of Council at \$125 per meeting; and
 - 7.5.12 any other sanction that Council deems reasonable and appropriate in the circumstances provided that the sanction does not prevent a Councillor from fulfilling their legislated duties and that the sanction is not contrary to the Act.
- 7.6. Sanctions shall be imposed on a Councillor by a resolution of Council passed at a meeting held in public upon finding that a Councillor has contravened this Bylaw.
- 7.7. In the case of a contravention of the Code of Conduct by the Mayor, Council may impose additional sanctions, including but not limited to:
- 7.7.1 removal of Mayor from the position of presiding officer for Council and Council Committee meetings;
 - 7.7.2 removal of Mayor's *ex officio* membership of Council Committees under section 154(2) of the Act;
 - 7.7.3 restriction of the Mayor's authority to speak on behalf of Council and the City;
 - 7.7.4 restriction of the Mayor's authority to formally represent the City in dealings with the public, other local authorities, municipalities and levels of government;
 - 7.7.5 removal of the Mayor's additional compensation received for performing the duties of Mayor, and restricting the Mayor to the same remuneration as any other Elected Official; and
 - 7.7.6 removal of the Mayor's signing authority, except signing authority in relation to bylaws as set out by section 213(3) of the Act.
- 7.8 All Elected Officials must sign a statement (outlined in Schedule B) acknowledging that they have read, understand and agree to abide by the Elected Officials Code of Conduct Bylaw at the time of swearing-in. Failing to do so will result in being sanctioned.


8. REPEAL

- 8.1 Bylaws 003-19 and Bylaw 005-23, being the Elected Officials Code of Conduct Bylaw and the Amending Elected Officials Code of Conduct Bylaw are hereby rescinded.

9. COMING IN FORCE

- 9.1 This Bylaw shall come into force on the day that it receives third and final reading.

READ A FIRST TIME IN COUNCIL this 9th of January, 2024
READ A SECOND TIME IN COUNCIL this 23rd of January, 2024
READ A THIRD TIME IN COUNCIL this 23rd of January, 2024


Official Administrator


Interim CAO

Endnotes

ⁱ Examples of bias in quasi-judicial or administrative decision making include but are not limited to:

- (a) Relationships with persons involved in the matter: Where the Elected Official or Committee or Board Member has a "sufficiently close" personal relationship with someone who has a direct interest in the outcome of the decision, that relationship may give rise to a "reasonable apprehension of bias". This relationship can be both positive and negative in nature.
- (b) A pecuniary interest in the outcome of the matter.
- (c) Outside knowledge or involvement with the matter: The primary concerns in this scenario is that the Elected Official will be unable to avoid making use of information that they obtained outside the hearing thereby violating the rule that all parties "must know the case to be met" and be given full opportunity to respond to all relevant information that may form the basis of City Council or a Committee or Board 's decision; and
- (d) Comments or behavior indicating a lack of impartiality: If an Elected Official, Committee or Board Member makes any comments or engages in any activity or behaviour which may cause a reasonable person to conclude that the decision-maker is not is capable of acting in an impartial manner in the process, this may result in a finding of bias.

ⁱⁱ Section 153(a) of the *Municipal Government Act* ⁱⁱⁱ Division 6 Pecuniary Interest of Councillors of

the *Municipal Government Act*

Definitions

169 In this Division,

- (a) "corporation", "director", "distributing corporation", "officer", "shareholder", "voting rights" and "voting shares" have the meanings given to them in the [Business Corporations Act](#);
- (b) "councillor's family" means the councillor's spouse or adult interdependent partner, the councillor's children, the parents of the councillor and the parents of the councillor's spouse or adult interdependent partner;
- (c) "spouse" means the spouse of a married person but does not include a spouse who is living separate and apart from the person if the person and spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order.

RSA 2000 cM-26 s169;2002 cA-4.5 s60;2014 c8 s17

Pecuniary interest

170(1) Subject to subsection (3), a councillor has a pecuniary interest in a matter if

- (a) the matter could monetarily affect the councillor or an employer of the councillor, or
- (b) the councillor knows or should know that the matter could monetarily affect the councillor's family.

(2) For the purposes of subsection (1), a person is monetarily affected by a matter if the matter monetarily affects

- (a) the person directly,
- (b) a corporation, other than a distributing corporation, in which the person is a shareholder, director or officer,

- (c) a distributing corporation in which the person beneficially owns voting shares carrying at least 10% of the voting rights attached to the voting shares of the corporation or of which the person is a director or officer, or
 - (d) a partnership or firm of which the person is a member.
- (3) A councillor does not have a pecuniary interest by reason only of any interest
- (a) that the councillor, an employer of the councillor or a member of the councillor's family may have as an elector, taxpayer or utility customer of the municipality,
 - (b) that the councillor or a member of the councillor's family may have by reason of being appointed by the council as a director of a company incorporated for the purpose of carrying on business for and on behalf of the municipality or by reason of being appointed as the representative of the council on another body,
 - (c) that the councillor or member of the councillor's family may have with respect to any allowance, honorarium, remuneration or benefit to which the councillor or member of the councillor's family may be entitled by being appointed by the council to a position described in clause (b),
 - (d) that the councillor may have with respect to any allowance, honorarium, remuneration or benefit to which the councillor may be entitled by being a councillor,
 - (e) that the councillor or a member of the councillor's family may have by being employed by the Government of Canada, the Government of Alberta or a federal or provincial Crown corporation or agency, except with respect to a matter directly affecting the department, corporation or agency of which the councillor or family member is an employee,
 - (f) that a member of the councillor's family may have by having an employer, other than the municipality, that is monetarily affected by a decision of the municipality,
 - (g) that the councillor or a member of the councillor's family may have by being a member or director of a non-profit organization as defined in [section 241\(f\)](#) or a service club,
 - (h) that the councillor or member of the councillor's family may have
 - a. by being appointed as the volunteer chief or other volunteer officer of a fire or ambulance service or emergency measures organization or other volunteer organization or service, or
 - b. by reason of remuneration received as a volunteer member of any of those voluntary organizations or services,
 - (i) of the councillor, an employer of the councillor or a member of the councillor's family that is held in common with the majority of electors of the municipality or, if the matter affects only part of the municipality, with the majority of electors in that part,
 - (j) that is so remote or insignificant that it cannot reasonably be regarded as likely to influence the councillor, or
 - (k) that a councillor may have by discussing or voting on a bylaw that applies to businesses or business activities when the councillor, an employer of the councillor or a member of the councillor's family has an interest in a business, unless the only business affected by the bylaw is the business of the councillor, employer of the councillor or the councillor's family.
- (4) Subsection (3)(g) and (h) do not apply to a councillor who is an employee of an organization, club or service referred to in those clauses.

iv Section 153(e) of the *Municipal Government Act*

v Section 183 of the *Municipal Government Act*

Note: an Elected Official is required to abstain from voting where they have a pecuniary interest in a matter or has been absent from all of a public hearing, and is permitted to decide to abstain from voting where they were absent for part of a public hearing.

vi As with any other communications, Elected Officials are accountable for content and confidentiality. Utmost care should be exercised in debates or comments on contentious matters, as feelings and emotions can become enflamed rapidly.

vii See Note IV

viii Additional Comments on Workplace Violence:

- (a) Acts of Violence can take the form of physical contact or the threat of Violence, either overt or covert. Abuse in any form erodes the mutual trust and confidence that are essential to the City's operational effectiveness. Acts of Violence destroy individual dignity, lower morale, create fear and break down work unit cohesiveness.
- (b) Acts of Violence may occur as a single event or may involve a continuing series of incidents. Violence can involve both men and women and may be directed by or towards Elected Officials, Committee or Board Members, City Staff, customers and members of the general public.
- (c) Any incident involving Workplace Violence constitutes an accident that has the potential of causing serious injury to a worker pursuant to the Occupational Health and Safety Act. As a result, the City must investigate the incident and prepare and maintain a report.

ix Any Elected Official, member of City Staff or member of the public.

x Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying 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 in the Bylaw.

xi Investigations should be carried out with reference to the following:

- (a) Incidents should be investigated as promptly as possible;
- (b) Only those individuals considered necessary to verifying the complaint should be interviewed in order to maintain the confidentiality of the complainant and the respondent to the greatest extent possible.
- (c) In all cases, both the complainant and the respondent will be interviewed and the respondent will be advised of the allegations they face and provided with an opportunity to respond. The respondent should be notified of the complaint within five (5) working days of receipt of the complaint and be provided a reasonable opportunity to respond to the complaint in writing either by mail, email or facsimile;
- (d) Individuals with knowledge of the incident should be encouraged not to discuss the details with others so as to maintain the integrity of the investigation process; and
- (e) The safety of the complainant should be a paramount consideration throughout the investigation process.

Schedule A



CHESTERMERE

NOTE: the process in which Councillor complaints undergo follow the provisions set out in City of Chestermere Bylaw 003-19, being the Elected Officials Code of Conduct Bylaw and amendments thereto.

PART A) Your contact information

Your first name		Your last name		
Mailing address				
Town or City		Province		Postal Code
Home phone number	Cell phone number		Work phone number	
At which number(s) can we reach you during the day?		Home	Work	Cell

PART B) Your Complaint

Please indicate in the section below the nature of your complaint including a detailed description of the facts that give rise to the complaint, name of the Elected Official, and specific sections of the Code of Conduct that were breached, and identify any witness and records relating to the complaint.

This personal information is being collected in accordance with the provisions of Bylaw 003-19, being the Elected Officials Code of Conduct, for the purposes of conducting a formal complaint, and as such is deemed to be an activity of the City of Chestermere. The personal information is collected under the authority of Section 33(c) of the Freedom of Information and Protection of Privacy Act, and will be used only for the purpose identified. If you have any questions or concerns about the collection or use of information you may contact the FOIP Coordinator at City Hall, 105 Marina Road, Chestermere, AB T1X 1V7 or call (403) 207-7050.

Once complete, forward this Complaint Form to the Investigator directly. The Investigator's contact information is provided on the City's website. Upon receipt, the Investigator will conduct a preliminary review of the complaint in accordance with the Elected Officials Code of Conduct Bylaw and amendments thereto.

You, the complainant, will be notified by the City and/or the Investigator with further information regarding your complaint.

Signature

Date

This personal information is being collected in accordance with the provisions of Bylaw 003-19, being the Elected Officials Code of Conduct, for the purposes of conducting a formal complaint, and as such is deemed to be an activity of the City of Chestermere. The personal information is collected under the authority of Section 33(c) of the Freedom of Information and Protection of Privacy Act, and will be used only for the purpose identified. If you have any questions or concerns about the collection or use of information you may contact the FOIP Coordinator at City Hall, 105 Marina Road, Chestermere, AB T1X 1V7 or call (403) 207-7050.

Schedule B



CHESTERMERE

I _____, hereby solemnly swear that I have read, understand, and agree to abide by the contents of Bylaw 002-24, being the Code of Conduct for Elected Officials.

Councillor X

