

BYLAW 2702/G/24

A BYLAW OF THE TOWN OF STONY PLAIN, IN THE PROVINCE OF ALBERTA, TO ESTABLISH A CODE OF CONDUCT GOVERNING THE CONDUCT OF COUNCIL

WHEREAS, pursuant to section 146.1(1) of the *Municipal Government Act*, RSA 2000 c. M-26, and amendments thereto, a council must, by bylaw, establish a code of conduct governing the conduct of councillors; and

WHEREAS, pursuant to section 153(e.1) of the *Municipal Government Act*, councillors have a duty to adhere to the code of conduct established by council; and

WHEREAS, the establishment of a code of conduct for members of council is consistent with the principles of transparent and accountable government;

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

1.0.0 Title

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

2.0.0 Definitions

- 2.1.0 "Act" means the *Municipal Government Act*, RSA 2000, c. M- 26, and amendments thereto.
- 2.2.0 "Administration" means the administrative and operational arm of the Town, comprised of the various departments and business units and including all Town staff who operate under the leadership of the Chief Administrative Officer.
- 2.3.0 "Applicant" means the registered owner of land or their representative or agent certified as such applying for re-designation, subdivision or development approval of land situated within the Town of Stony Plain.
- 2.4.0 "Chief Administrative Officer" means the person appointed Chief Administrative Officer by Council pursuant to the Act, or delegate;
- 2.5.0 "Committee" means a committee, board, commission, or other body established by Council under the Act.
- 2.6.0 "Council" means the Mayor and Councillors of the Town of Stony Plain elected pursuant to the provisions set out in the *Local Authorities Election Act*.
- 2.7.0 "Councillor" means any member of Town of Stony Plain Council including the Mayor and Deputy Mayor.
- 2.8.0 "Develop" means re-designation, development, subdivision or other type of development as defined in the Act and/or the Town of Stony Plain Land Use Bylaw that will involve Council as the decision maker.
- 2.9.0 "Developer" means a person or company that Develops or proposes to Develop land situated within the Town of Stony Plain.
- 2.10.0 "Investigation" means the process of examining and determining the evidence and facts related to a Code of Conduct matter or a complaint made pursuant to this bylaw.
- 2.11.0 "Special Interest Groups" means a person, group of people, or an organization who attempt to influence Town policy or decision making in a way that benefits a particular set of interests, cause, or issue.
- 2.12.0 "Town" means the Town of Stony Plain.

3.0.0 Purpose

3.1.0 The purpose of this bylaw is to establish standards for the conduct of Councillors relating to their roles and obligations as elected representatives of the Town, and a procedure for the

Investigation and enforcement of those standards.

4.0.0 General Principles

4.1.0 Councillors shall:

- 4.1.1 act honestly and in good faith at all times;
- 4.1.2 demonstrate fairness and impartiality on all matters;
- 4.1.3 act with integrity, professionalism and respect when interacting with other Councillors, Town Administration, members of the public, and other government officials; and
- 4.1.4 uphold the integrity of public office and not make improper use of their position to:
 - a) gain or attempt to gain or advance, directly or indirectly, a personal or private interest for themselves, another person, or group;
 - b) attempt to influence any member, process, or outcome of an adjudicative body; and
 - c) cause or attempt to cause detriment to the Town, Council, any individual Councillor, any Committee, any individual Committee member, any member of Administration, any member of the public, or third parties.

5.0.0 Meeting Participation

5.1.0 Councillors shall:

- 5.1.1 actively participate in meetings respectfully, responsibly, and consistent with approved procedures.
- 5.1.2 engage in respectful, fulsome, and healthy debate on matters in Council or Committee meetings.
- 5.1.3 respect the personal opinions of other Councillors and Committee Members.
- 5.1.4 debate and discuss matters before Council or a Committee in a proper setting, at an official Council meeting or Committee meeting.

6.0.0 Use of Town Assets and Services

- 6.1.0 Use of Town electronic devices for personal use is allowed providing this use is in adherence with Town policies and bylaws.
- 6.2.0 Councillors may not engage Administration, resources, property, equipment, services, information, or supplies to pursue their private interest or the interest of someone they know.

7.0.0 Expenditures

7.1.0 Councillors shall:

- 7.1.1 act responsibly when incurring expenditures, and respect that public money must be used for the public good.
- 7.1.2 avoid waste, abuse and extravagance in the provision or use of public monies and resources.
- 7.1.3 be transparent and accountable with respect to all expenditures and use of public funds and resources.
- 7.1.4 strictly adhere to all Town of Stony Plain bylaws, policies and guidelines addressing expenditures and reimbursement.

8.0.0 Interactions

8.1.0 Councillors shall:

- 8.1.1 respect the professional opinions of Administration, as advisors to Council and Committees.
- 8.1.2 not abuse relationships or dealings with Administration by attempting to take advantage of their positions as Councillors .
- 8.1.3 refrain from bullying or harassing colleagues and Administration and will not engage in intimidation or coercive behaviours.
- 8.1.4 direct requests for information through the Chief Administrative Officer or designate.
- 8.1.5 treat all members of Administration and the public with professionalism, courtesy, dignity, and respect.
- 8.1.6 treat all individuals in good faith, without bias, and shall not discriminate against

any person on the basis of:

8.1.6.1 differences in personal opinions; or

8.1.6.2 race, ancestry, place of origin, colour, ethnic origin, culture, citizenship, religion, creed, language, gender, sexual orientation, age, family status, disability or occupation.

8.1.7 respect the responsibilities of the Chief Administrative Officer to hire, discipline and terminate staff and that all information pertaining to staff employment matters is considered confidential. No member(s) of Council, either as an individual or as a group, shall interfere with the Chief Administrative Officer's role in the hiring, disciplinary action or termination of any staff member by way of coercion, persuasion, threats, intimidation, bullying, or any other form of influence.

8.1.8 the Chief Administrative Officer shall immediately report any incident of this nature to Council as a whole during a closed meeting.

9.0.0 Orientation and Training

9.1.0 Councillors are required to attend:

9.1.1 orientation at the start of each Council term;

9.1.2 orientation following a by-election; and

9.1.3 any training organized at the direction of Council or mandated by the Province of Alberta.

10.0.0 Pecuniary Interest and Conflict of Interest

10.1.0 It is a Councillors personal responsibility to review and understand the Pecuniary Interest and Conflict of Interest provisions of the Act.

10.2.0 It is the individual responsibility of each Councillor to seek independent legal advice, at their own expense, for any potential Pecuniary Interest or Conflict of Interest matters.

10.3.0 If a Councillor believes that they have or may reasonably be perceived to have a Pecuniary Interest or Conflict of Interest in a matter before Council, they shall strictly adhere to the Pecuniary Interest or Conflict of Interest provisions of the Act.

11.0.0 Gifts

11.1.0 Councillors shall not accept gifts, hospitality, or other benefits that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved.

11.2.0 With the exception of token and minor gifts, having an estimated value under Two Hundred (\$200) Dollars, Councillors shall provide a written declaration to the Chief Administrative Officer detailing the acceptance of any gifts including the estimated value and donor of the gift.

11.3.0 Token and minor gifts can be accepted by Councillors, however, substantial or material gifts should either be refused or accepted on the condition that the gift is accepted on behalf of Council, and the gift will be formally disclosed by that Councillor to Council, and that the gift may be donated to a non-profit organization at Council's discretion.

11.4.0 This bylaw does not apply to gifts donated to the Town of Stony Plain community nor to gifts or hospitality that are received as a matter of protocol or social obligations that accompany the position of Councillor.

12.0.0 Development

12.1.0 Councillors 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 Town and shall:

12.1.1 state that any opinions expressed by the Councillor are personal and do not in any way represent Council's possible opinion or ultimate decision with respect to a potential Development;

12.1.2 make it clear to potential Applicants, Developers or Special Interest Groups that the

Councillor can provide only general information on the development application process but cannot give definitive advice about the Development's chance of success;

- 12.1.3 suggest that the Applicant, Developer, or Special Interest Group seek independent professional advice; and
- 12.1.4 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 Administration.
- 12.2.0 After a development application has been filed with the Town of Stony Plain, where Council will have a decision making role in the Development approval process or where a Councillor is a member of the Subdivision and Development Appeal Board and the matter may be appealed, Councillors should 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 or appeal hearing and decision being issued by Council, or the Subdivision and Development Appeal Board.
- 12.3.0 All Development inquiries should be directed to Administration.
- 12.4.0 Any information forwarded by an Applicant, Developer or Special Interest Group to a Councillor with respect to a pending development application should be forwarded to the Chief Administrative Officer, who will record the information received and determine what further distribution or disclosure of the information is required.
- 12.5.0 In the event that a development application should proceed to any type of court proceeding, no meeting between Councillors, Applicants, Developers or Special Interest Groups should take place.

13.0.0 Confidentiality

13.1.0 Councillors shall:

- 13.1.1 inform themselves of and strictly adhere to the provisions of the *Freedom of Information and Protection of Privacy Act*, RSA 2000, Chapter F-25, and any amendments thereto, with respect to the access to, gathering, use and disclosure of information.
- 13.1.2 keep in confidence all matters discussed in a closed meeting of Council until that matter is discussed at a public meeting or as otherwise required by law.
- 13.1.3 refrain from using information gained through their position on Council for any private or personal benefit or gain.
- 13.1.4 refrain from the release, disclose, publish or comment on confidential information including any information received during a closed meeting until such information is disclosed at a public meeting as part of an approved agenda. This obligation continues in perpetuity. Councillors shall not release information that is subject to solicitor-client privilege unless expressly authorized by Council or required by law to do so.
- 13.1.5 refrain from the misuse of confidential information that they have knowledge of by virtue of their position as a Councillor or Committee member that is not in the public domain, including e-mails and correspondence from other Councillors, or third parties such that it may cause harm, detriment or embarrassment to the Town of Stony Plain, Council, other Councillors, a Committee, Administration, members of the public, or third parties.

14.0.0 Communication

- 14.1.0 Public or media statements or the release of information conveying the Town of Stony Plain's position or decisions on matters made by the Council will only be communicated by the Mayor, or in their absence the Deputy Mayor, or in the absence of both the Mayor and Deputy Mayor, the Acting Mayor.
- 14.2.0 Individual public statements must be clear that they reflect the personal opinion of the Councillor and not the official position of the Council or Committee.

- 14.3.0 Personal opinions will be expressed in a manner that maintains respect for Council or the Committee, other Councillors, Committee members, or Town Administration and the decisions made by the Council or Committee.

15.0.0 Legal Compliance

- 15.1.0 Councillors shall uphold the law established by the Parliament of Canada and the Legislature of Alberta and the bylaws, policies and procedures adopted by Council.
- 15.2.0 Councillors shall respect the Town as an institution, its bylaws, policies, and procedures and shall encourage public respect for the Town, its bylaws, policies, and procedures.
- 15.3.0 Councillors shall comply with the Code of Conduct Bylaw.

16.0.0 Informal Complaint Process

- 16.1.0 Council shall attempt to hold each other accountable, and will report potential violations of the Code of Conduct Bylaw using one or more of the following options:
- 16.1.1 A Councillor who perceives or is aware of a potential violation of the Code of Conduct may speak directly with the person.
- 16.1.2 A Councillor may discuss concerns of a violation of the Code of Conduct with the Mayor or Deputy Mayor.
- 16.2.0 A Councillor who receives a concern about their conduct, will in good faith attempt to informally resolve the matter if practical to do so. If the Councillor believes the matter should be addressed through the formal complaint process, or if an informal resolution is not reached, the Councillor will suggest the individual file a formal complaint under Section 17.0.0.
- 16.3.0 Councillors may report a Code of Conduct concern to Council in a closed portion of a meeting. Council may support a dispute resolution process, such as mediation, in an effort to resolve a concern in an expedient, peaceful, and confidential manner.
- 16.4.0 Council may request an external Investigation into a Code of Conduct matter, even if a formal complaint has not been received.

17.0.0 Formal Complaint Process

- 17.1.0 Any individual who reasonably believes, in good faith, that a Councillor has contravened this bylaw may make a formal complaint alleging a breach of the Code of Conduct. An individual referenced in this clause includes Councillors, staff members, or members of the public.
- 17.2.0 The alleged violation must have taken place within 60 days of filing the complaint.
- 17.3.0 A formal complaint must be made in writing addressed to the Chief Administrative Officer, including the refundable fee prescribed in Section 18.0.0. The written complaint shall contain the following information,:
- a) name and contact information of the complainant;
 - b) date of occurrence;
 - c) provisions of this bylaw that the complainant believes were contravened;
 - d) copies of any letters, memos, e-mail messages, or other documents or material that support the complaint; and
 - e) names of any witnesses.
- 17.4.0 Upon receipt of a formal complaint, the Chief Administrative Officer will complete an initial assessment. Complaints that:
- a) are not about a current Councillor;
 - b) allege criminal activity;
 - c) allege a violation of the Act or *Freedom of Information or Protection of Privacy Act*; or
 - d) are more properly covered by other applicable legislative appeal, complaint, or court processes;
- will be immediately refused, and the complainant will be advised in writing, with reasons, and provided information regarding other processes, if applicable.

17.5.0 The Chief Administrative Officer may:

- a) engage the services of a qualified, external investigator to conduct an Investigation of the complaint; or
- b) refer the complaint to Council for direction.

17.6.0 The Chief Administrative Officer or designate will inform both parties that an Investigation has commenced.

17.7.0 Investigations will be carried out in accordance with the following:

- a) complaints will be investigated as promptly as possible.
- b) only those individuals necessary to verifying the complaint will be interviewed in order to maintain confidentiality of the complainant and the respondent to the greatest extent possible, during the process.
- c) both the complainant and the respondent will be interviewed.
- d) the respondent will be advised of any allegations made against them and will be given an opportunity to respond to the allegations.
- e) the respondent will be given at least five working days to respond to the complaint in writing.
- f) Councillors, and staff will cooperate fully with the Investigation process, and will not take any retaliatory, punitive, or obstructive action against a complainant or investigator.
- g) the investigator may end an Investigation at any time if the investigator is of the opinion that a complaint is frivolous, vexatious or malicious, or for any other reason that the investigator finds appropriate. In this event, the investigator will notify the Chief Administrative Officer and provide the reason/s why the Investigation was discontinued.

17.8.0 Upon the completion of an Investigation, the Investigator will:

- a) notify both the complainant and respondent that the Investigation is complete;
- b) provide an Investigation report to Council;
- c) the report will describe the Investigation process, findings, and determination if a breach of the code of conduct occurred or not; and
- d) if a breach of the code of conduct is determined, the report will include recommended sanctions.

18.0.0 Refundable Fee

18.1.0 A complainant shall pay to the Town a refundable fee in the amount of \$100.00 upon the filing of a formal complaint.

18.2.0 The fee payable under clause 18.1.0 shall be refunded to the complainant upon completion of the Investigation under section 17.0.0, except as may otherwise be required under this bylaw.

18.3.0 Where a complaint is found to be frivolous, vexatious, or not made in good faith under section 17.7.0, the fee shall not be refunded.

19.0.0 Limitation Period

19.1.0 Complaints received or under Investigation within 60 days prior to a municipal election will be suspended until after election day.

20.0.0 Sanctions

20.1.0 Council may impose sanctions on a Councillor if an Investigation determines that a breach of the Code of Conduct occurred. Sanctions may include, but are not limited to the following:

- a) restrict or limit duties, privileges, and responsibilities of the office;
- b) limit compensation;
- c) require public funds to be repaid to the municipality;
- d) require property to be returned to the municipality;
- e) removal from committees, or appointments;
- f) restrict communications with Administration, third parties, or other entities;
- g) restrict attendance at conferences;
- h) issue a letter of reprimand, which may be published;
- i) require a letter of apology, which may be published;

- j) require training and proof of attendance;
- k) provide a public verbal or written warning;
- l) provide a private verbal or written warning;
- m) any other sanction or requirement Council may decide upon.

21.0.0 General

21.1.0 This bylaw will be interpreted broadly.

21.2.0 This bylaw applies to all forms of communication.

21.3.0 This bylaw applies to all Town of Stony Plain Council members. Each individual member is expected to uphold this Code of Conduct Bylaw when carrying out their respective duties.

22.0.0 Severability

22.1.0 If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion will be severed, and the remainder of the bylaw is deemed valid.

23.0.0 Review

23.1.0 This bylaw shall be reviewed within its fourth year, being 2028, or as deemed necessary.

24.0.0 Repeal

24.1.0 Bylaw 2637/G/20 is hereby repealed.

25.0.0 Effective Date

25.1.0 This bylaw shall take full force and effect on the date it is passed.

Read a first time this 12th day of November, AD 2024.

Read a second time this 12th day of November, AD 2024.

Given unanimous consent this 12th day of November, AD 2024.

Read a third time this 12th day of November, AD 2024.



Mayor William Choy



Ann Laing
General Manager, Corporate Services