



**BYLAW NO.014-2021
OF THE TOWN OF SMOKY LAKE
IN THE PROVINCE OF ALBERTA**

A BYLAW OF THE TOWN OF SMOKY LAKE IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING A CODE OF CONDUCT FOR MEMBERS OF COUNCIL AND COMMITTEE MEMBERS REPRESENTING THE TOWN OF SMOKY LAKE

WHEREAS pursuant to Section 146.1 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, and any amendments, Council must, by Bylaw, establish a Code of Conduct governing the conduct of Councillors.

AND WHEREAS, pursuant to section 146.1(3) of the Municipal Government Act, a council may, by bylaw, establish a code of conduct governing the conduct of members of council committees and other bodies established by the council who are not councillors.

AND WHEREAS, pursuant to section 153 of the Municipal Government Act, Councillors have a duty to adhere to the code of conduct established by the council.

AND WHEREAS Council of the Town of Smoky Lake deems it advisable to establish a Code of Conduct for Members of Council and Committee Members that is consistent with the principles of transparent and accountable governance.

AND WHEREAS the Code of Conduct ensures the councillors and committee members share a common basis and understanding for acceptable conduct extending beyond the legislative provisions governing the conduct of councillors and committee members.

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

1. TITLE

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

2. DEFINITIONS

2.1 "Act" means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, and any amendments thereto.

2.2 "Administration" is any staff member of the Senior Management Team including the Town Manager.

2.3 "Bias" means the action of supporting or opposing a particular person or thing in an unfair way or allowing or being perceived to allow personal opinions to influence a decision.

- 2.4 “Censure Motion” means a motion passed by Council Prescribing consequences for non – compliance with the Code of Conduct Bylaw [Sample Censure Motion is included as Schedule “A” of this Bylaw].
- 2.5 “Closed Session” means in-camera private meeting. It involves a confidential meeting, or a portion of a meeting, taking place with only Councillors, the Town Manager, or any other person invited by Council, present.
- 2.6 “Council” means the municipal Council of the Town of Smoky Lake.
- 2.7 “Committee Member” means a non-elected person appointed by Council to a Council Board, Commission or Committee of Council.
- 2.8 “Councillor” is any member of Council duly elected pursuant to the Local Authorities Election Act, RSA 2000, Chapter L-21 and any amendments thereto.
- 2.9 “Investigator” means the Chief Administrative Officer for the Town of Smoky Lake, or any person designated by Council as an investigator.
- 2.10 “Pecuniary Interest” means those situations as defined in the Act.
- 2.11 “Town” means the Municipal Corporation of the Town of Smoky Lake.
- 2.12 “Town Manager” means the Chief Administrative Officer (CAO) for the Town of Smoky Lake, or their designate, as appointed by Council, within the meaning of the act.

3. PURPOSE

- 3.1 The purpose of this Code of Conduct is to provide standards for the conduct of Council and Committee Members related to their roles and obligations as elected and/or appointed representatives of the Town for the provision of ethical and effective leadership for the Town and its residents.

4. STANDARDS

- 4.1 Representation
 - 4.1.1 All Councillors and Committee Members shall act with integrity, professionalism and respect when interacting with other Councillors or Committee Members, Administration, other government officials and members of the public.
 - 4.1.2 All Councillors and Committee Members shall engage in respectful and relevant debate on matters of Council or Board meetings.
 - 4.1.3 All Councillors and Committee Members shall actively participate in all meetings respectfully, responsibly, and consistent with the approved procedures.
 - 4.1.4 All Councillors and Committee Members shall support the decision of Council or the Board.
 - 4.1.5 All Councillors and Committee Members shall act honestly and in good faith at all times.
 - 4.1.6 All Councillors and Committee Members shall demonstrate fairness, accountability, and impartiality on all matters.

- 4.1.7 All Councillors and Committee Members shall adhere to the law, bylaws, policies, and procedures of the Town.

4.2 Communication

- 4.2.1 The Mayor, or the Deputy Mayor in the absence of the mayor, shall be the media spokesperson for Council.
- 4.2.2 When communicating with the public and media, all Councillors shall represent the official policies and positions of Council.
- 4.2.3 When communicating on social media, all Councillors and Committee Members shall follow the guidelines and restrictions set out in the Town's policies.
- 4.2.4 All Councillors shall ensure that unless authorized by Council to represent Council's position on an issue, that any public statements are the personal opinion of the Councillor, not the opinion or position of Council.
- 4.2.5 The Chair, or Vice Chair in the absence of the Chair, shall be the media spokesperson for the Board.
- 4.2.6 When communicating with the public and media, all Committee Members shall represent the official policies and positions of the Board.
- 4.2.7 All Committee Members shall ensure that unless authorized by the Board to represent the Board's position on an issue, that any public statements are the personal opinion of the Committee Member, not the opinion or position of the Board.
- 4.2.8 Members shall accurately communicate the decisions of Council, even if they disagree with Council's decision, such that respect for the decision-making process of Council is fostered.
- 4.2.9 Notwithstanding 4.2.8 Council acknowledges and respects that Members have the legal right to express their opinions, whether those opinions are complimentary or critical, subject to those limits prescribed by law. In the circumstance that a recorded vote occurs Members may communicate their voting position, even if it is in opposition of the adopted resolution.
- 4.2.10 No Councillor or Committee Member shall make a statement when they know that statement is false.
- 4.2.11 No Councillor or Committee Member shall make a statement with the intent to mislead Council or members of the public.

4.3 Conduct

- 4.3.1 All Councillors and Committee Members shall respect the personal opinions of other Councillor and Committee Members.
- 4.3.2 All Councillors and Committee Members shall publicly express their personal opinions in such a manner that maintains respect for Council, or the Board, other Councillors or Committee Members and any decisions made by Council or the Board.

- 4.3.3 All Councillors and Committee Members shall avoid situations where it may be perceived that the Councillor or Committee Member is using their position on a Board to gain a personal benefit including, but not limited to, seeking the award of service or supply contracts, or influencing the hiring of town Administration.
- 4.3.4 All Councillors and Committee Members shall consider the welfare and interests of the Town as a whole.
- 4.3.5 Members 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.
- 4.3.6 A Member must not encourage disobedience of any bylaw, policy, or procedure of the Town in responding to a member of the public, as this undermines public confidence in the Town and in the rule of law.

4.4 Confidentiality

- 4.4.1 Members must:
 - a) keep in confidence matters discussed in private at a Council or Council committee meeting until the matter is discussed at a meeting held in public.
 - b) return all "closed session" documents at the end of the session to the Town Manager or if the "closed session" is in regard to the Town Manager, to the chair of the meeting.
- 4.4.2 In the course of their duties, Members may also become privy to confidential information received outside of a "closed session" meeting.
Members must not:
 - a) disclose or release by any means to any member of the public, including the media, any confidential information acquired by virtue of their office, unless the disclosure is required by law or authorized by Council to do so.
 - b) access or attempt to gain access to confidential information in the custody or control of the Town unless it is necessary for the performance of the Member's duties and is not otherwise prohibited by Council, and only then if the information is acquired through appropriate channels in accordance with applicable Council bylaws and policies.
- 4.4.3 Confidential information includes information in the possession of, or received in confidence by, the Town that the Town is prohibited from disclosing pursuant to legislation, court order or by contract, or is required to refuse to disclose under FOIP or any other legislation, or any other information that pertains to the business of the Town, and is generally considered to be of a confidential nature, including but not limited to information concerning:
 - a) the security of the property of the Town.
 - b) a proposed or pending acquisition or disposition of land or other property.
 - c) a tender that has or will be issued but has not been awarded.
 - d) contract negotiations.
 - e) employment and labour relations.

f) draft documents and legal instruments, including reports, policies, bylaws, and resolutions, which have not been the subject matter of deliberation in a meeting open to the public.

g) law enforcement matters.

h) litigation or potential litigation, including matters before administrative tribunals; and advice that is subject to solicitor-client privilege.

i) advice that is subject to solicitor-client privilege.

4.4.4 No Member shall use confidential information for personal benefit or for the benefit of any other individual organization.

4.4.5 In the course of their duties, Councillors and Committee Members may also become privy to confidential information received outside of a "Closed Session" meeting. This information shall be treated in the same manner as closed session information.

4.5 Pecuniary Interest

4.5.1 All Councillors and Committee Members shall adhere to the pecuniary interest requirements as established in the Act.

4.5.2 The decision with respect to whether or not the elected official or Committee Member may have a pecuniary interest is the individual Councillor or Committee Member's decision.

4.5.3 All Councillors and Committee Members shall not make improper use of their position as an elected official or Committee Member to seek personal benefit or gain from any information obtained as an elected official or Committee Member.

4.6 Training

4.6.1 All Councillors and Committee Members shall complete the necessary orientation and/or training for elected officials or Committee Members offered by the Town within Ninety (90) days of taking the Oath of Office.

4.6.2 All Councillors are encouraged to complete additional courses and/or attend workshops that may be deemed beneficial in fulfilling their responsibilities as elected officials.

4.7 Respectful Interactions with Members, Staff, the Public and Others

4.7.1 Members shall act in a manner that demonstrates fairness, respect for individual differences and opinions, and an intention to work together for the common good and in furtherance of the public interest.

4.7.2 Members shall treat one another, employees of the Town and members of the public with courtesy, dignity, and respect and without abuse, bullying or intimidation.

4.7.3 No Member shall use indecent, abusive, or insulting words or expressions toward another Member, any employee of the Town or any member of the public.

4.7.4 No Member shall speak in a manner that is discriminatory to any individual based on the person's 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.

- 4.7.5 Members shall respect the fact that employees in Administration work for the Town as a corporate body and are charged with making recommendations that reflect their professional expertise and a corporate perspective and that employees are required to do so without undue influence from any Member or group of Members.
- 4.7.6 Members shall obtain information about the operation or Administration of the Town from the Town Manager, or a person designated by the Town Manager, in accordance with the Act and adhere to any policy or bylaw that refers to the conduct or ethics of Members.
- 4.7.7 Members must not:
 - a) involve themselves in matters of Administration, which fall within the jurisdiction of the "Town Manager".
 - b) use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any employee of the Town with the intent of interfering in the employee's duties; or
 - c) maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of employees of the Town.

5. CONFLICTS OF INTEREST

- 5.1 All Councillors and Committee Members shall avoid the occurrence (or a situation) where a Councillor or Committee Member's personal or private interests actually may be, or may be perceived as being, influencing the Councillor on a matter of public interest before Town Council, including occurrences which may result in common law bias, including direct or indirect pecuniary interest, prejudgment, close mindedness, or undue influence.
- 5.2 A conflict of interest situation also includes using the Councillor's position, confidential information or Town employees, materials, or facilities for personal or private gain or advancement or the expectation of personal or private gain or advancement.
- 5.3 A conflict of interest may include advancing the interests of the Councillor's family, friends, neighbours, or business associates to the detriment of the Town.
- 5.4 Members have a statutory duty to comply with the pecuniary interest provisions set out in Part 5, Division 6 of the Act, and a corresponding duty to vote unless required or permitted to abstain under the Act or another enactment.
- 5.5 Members shall approach decision-making with an open mind that is capable of persuasion.
- 5.6 It is the individual responsibility of each Member to seek independent legal advice, at the Member's sole expense, unless otherwise determined by Council, with respect to any situation that may result in a pecuniary or other conflict of interest.

6. USE OF MUNICIPAL ASSETS AND SERVICES

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

7. FORMAL COMPLAINT PROCESS AGAINST A MEMBER OF COUNCIL OR COMMITTEE

- 7.1 Any person and/or any Member who has identified or witnessed conduct by a member that the person and/or Member reasonably believes, in good faith, is in contravention of this Bylaw may file a formal complaint in accordance with the following procedure (See Schedule "B"):
 - 7.1.1 All complaints shall be made in writing and shall be dated and signed by an identifiable individual.
 - 7.1.2 All complaints shall be addressed to the Chief Administrative Officer (known as the "Investigator").
 - 7.1.3 The complaint must 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.
 - 7.1.4 If the facts, as reported, include the name of one or more Members who are alleged to be responsible for the breach of this Bylaw, the Member or Members concerned shall receive a copy of the complaint submitted to the Investigator.
 - 7.1.5 Upon receipt of a complaint under this Bylaw, the Investigator shall review the complaint and decide whether to proceed to investigate the complaint or not. If the Investigator is of the opinion that a complaint is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, the Investigator may choose not to investigate or, if already commenced, may terminate any investigation, or may dispose of the complaint in a summary manner. In that event, the complainant and Council, if Council is not the Investigator, shall be notified of the Investigator's decision.
 - 7.1.6 If the Investigator decides to investigate the complaint, the Investigator shall take such steps as it may consider appropriate, which may include seeking legal advice. All proceedings of the Investigator regarding the investigation shall be confidential.

- 7.1.7 If the Investigator is not Council, the Investigator shall, upon conclusion of the investigation provide the Council and the Member who is the subject of the complaint, the results of the Investigator's investigation.
- 7.1.8 A Member who is the subject of an investigation shall be afforded procedural fairness, including an opportunity to respond to the allegations before Council deliberates and makes any decision or any sanction is imposed.
- 7.1.9 A Member who is the subject of an investigation is entitled to be represented by legal counsel, at the Member's sole expense.

8. SANCTIONS AGAINST A MEMBER OF COUNCIL

- 8.1 Council may impose sanctions on a Councillor who contravenes the Code of Conduct as follows:
 - 8.1.1 A letter of reprimand.
 - 8.1.2 Request a letter of apology.
 - 8.1.3 Request to attend training.
 - 8.1.4 Suspension or removal from the Mayor or Deputy Mayor position.
 - 8.1.5 Suspension or removal from some or all Council Committees.
 - 8.1.6 Restrict the privileges of attending conferences and workshops at the Town's expense.
 - 8.1.7 Reduction or suspension of remuneration as Council may deem appropriate and in accordance with the Act.

9. SANCTIONS AGAINST A COMMITTEE MEMBER

- 9.1. The Board may impose sanctions on a Committee Member who contravenes the Code of Conduct as follows:
 - 9.1.1 A letter of reprimand.
 - 9.1.2 Request a letter of apology.
 - 9.1.3 Request to attend training.
 - 9.1.4 Suspension or removal from the Chair or Vice Chair position.
 - 9.1.5 Suspension or removal from some or all Board committees.
 - 9.1.6 Restrict the privileges of attending conferences and workshops at the Board's expense.
 - 9.1.7 Retraction of the Committee Member to the Board by Council.

10. REVIEW

- 10.1 The Code of Conduct Bylaw must be reviewed following a general municipal election, or at a minimum of every four (4) years.

11. EFFECTIVE DATE

11.1 This Bylaw shall come into force and effect on third and final reading.

11.2 Bylaw No.004-18 and any previous Code of Conduct policies or bylaws are hereby rescinded.

READ a FIRST time this 22nd Day of November 2021.

READ a SECOND time this 22nd Day of November 2021.

READ a THIRD and FINAL time with the UNANIMOUS CONSENT OF ALL COUNCILLORS this 22nd Day of November 2021.

Original Signed.

Amy Cherniwchan
Mayor

Original Signed.

Adam Kozakiewicz
Chief Administrative Officer

Bylaw 014-2021
- Schedule "A"
Censure Motion Examples

In determining an appropriate Censure Motion, Council should have some practical rationale for doing so in the interest of proportionality and fairness. Once a Censure Motion has been passed, only a motion of Council can rescind the Censure Motion unless the Motion was date specific.

Censure Motions by position are as follows:

Mayor:

1. Restrict or limit the mayor's power such as presiding over Council meetings and/or being a member of all Council committees.
2. Direct the Deputy Mayor to assume the mayor's official obligations and responsibilities including chairing meetings, calling special meetings, signing bylaws and cheques.
3. Redirect the Mayor's additional compensation for performing the above duties to the Deputy Mayor.
4. Restrict the Mayor from attending meetings as the Town's representative and acting as the Town's spokesperson.
5. Restrict the Mayor in his/her communications with Administration and third parties such as the Provincial or Federal governments and other municipalities.
6. Direct the Mayor to adhere to the statutory obligations under the Municipal Government Act and the Town's Code of Conduct Bylaw.
7. Restrict the Mayor from attending FCM, AUMA and/or other conferences.
8. Any other sanction or requirement Council may decide upon.

Deputy Mayor:

1. Restrict or limit the Deputy Mayor's power such as chairing Council meetings when the mayor is absent or chairing any Committees of Council and/or being a member of all Council committees.
2. Direct one of the Councillors to assume the Deputy Mayor's official obligations and responsibilities in the absence of the mayor, including chairing meetings, calling special meetings, signing bylaws and cheques.
3. Restrict the Deputy Mayor from attending meetings as the Town's representative and acting as the Town's spokesperson.
4. Restrict the Deputy Mayor in his/her communications with Administration and third parties such as the Provincial or Federal governments and other municipalities.
5. Direct the Deputy Mayor to adhere to the statutory obligations under the Municipal Government Act and the Town's Code of Conduct Bylaw.
6. Restrict the Deputy Mayor from attending FCM, AUMA and/or other conferences.
7. Any other sanction or requirement Council may decide upon.

Councillors:

1. Restrict or limit the Councillor's power such as chairing Council Committee meetings and/or being a member of all Council committees.
2. Restrict the Councillor in his/her communications with Administration and third parties such as the Provincial or Federal governments and other municipalities.
3. Direct the Councillor to adhere to the statutory obligations under the Municipal Government Act and the Town's Code of Conduct Bylaw.
4. Restrict the Councillor from attending FCM, AUMA and/or other conferences.
5. Any other sanction or requirement Council may decide upon.

Board Members:

1. Restrict or limit the Board Member's power such as chairing Board meetings.
2. Restrict the Board Member in his/her communications with Administration and third parties such as the Provincial or Federal governments and other municipalities.
3. Direct the Board Member to adhere to the statutory obligations under the Municipal Government Act and the Town's Code of Conduct Bylaw.
4. Restrict the Board Member from attending conferences.
5. Repeal the appointment of the Board Member to a Board.
6. Any other sanction or requirement Council may decide upon.



Bylaw No.014-2021
- Schedule "B"
Municipality of the Town of Smoky Lake
Formal Complaint Form – Code of Conduct – Council, Boards and
Committees

This form will be used to request an Integrity Commissioner to review a complaint of an alleged contravention of the Code of Conduct.

Submit completed request to either:

Chief Administrative Officer -
Town of Smoky Lake
P.O Box 460
Smoky Lake, AB. T0A 3C0
cao@smokylake.ca

Assistant Chief Administrative Officer -
Town of Smoky Lake
P.O Box 460
Smoky Lake, AB. T0A 3C0
finance@smokylake.ca

Applicant Information

First Name:	Last Name:
Address:	Town/City:
Postal Code:	Phone #:
Name of Councillor who allegedly contravened the Code of Conduct:	E-mail Address:

Details of Alleged Contravention

Date(s) and location(s) of alleged contravention(s): Provision of the Code of Conduct allegedly contravened:

Describe below what facts support your complaint and attach documents which support your complaint:
(use separate page if required):

Names and contact information of any witnesses (include anyone with knowledge of the incident):

Signature:

Date Prepared (year/month/day):

For Office Use Only

Date Received
(year/month/day):
Request Number:
Comments:

Personal information contained on this form is collected under the authority of the Municipal Freedom of Information and Protection of Privacy Act and will be used for the purpose of responding to the complaint review request