



**BYLAW NO.007-2022
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 the public is entitled to expect the highest standards of conduct from the members that it elects to Council for the Town of Smoky Lake.

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” means the administrative and operational arm of the Municipality, comprised of the various departments and business units and including all employees who operate under the leadership and supervision of the CAO;

- 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 “CAO” means the Chief Administrative Officer of the Municipality, or their delegate;
- 2.5 “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];
- 2.6 “Closed Session” means in-camera private meeting. It involves a confidential meeting, or a portion of a meeting, taking place with only Councillors, the CAO, or any other person invited by Council, present;
- 2.7 “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 “FOIP” means the Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25, any associated regulations, and any amendments or successor legislation;
- 2.9 “Investigator” means Council or the individual or body established by Council to investigate and report on complaints;
- 2.10 “Member” means a Member of Council duly elected who continues to hold office, pursuant to the provisions of the Local Authorities Act, or a Member of a Committee duly appointed by Council, under the Municipal Government Act, to that Committee;
- 2.11 “Municipality” means the municipal corporation of the Town of Smoky Lake;
- 2.10 “Pecuniary interest” means those situations as defined in the Act;

3. PURPOSE

- 3.1 The purpose of this Code of Conduct is to provide standards for the ethical conduct of Council and Committee Members related to their roles and obligations as elected and/or appointed representatives of the Municipality and a procedure for the investigation and enforcement of those standards;

4. REPRESENTATING THE MUNICIPALITY

4.1 Member’s shall:

- 4.1.1 Act with integrity, professionalism and respect when interacting with other Members, Administration, other government officials and members of the public;
- 4.1.2 Engage in respectful and relevant debate on matters of Council or Board meetings;
- 4.1.3 Actively participate in all meetings respectfully, responsibly, and consistent with the approved procedures;
- 4.1.4 Support the decision of Council or the Board;

- 4.1.5 Act honestly and in good faith at all times;
- 4.1.6 Demonstrate fairness, accountability, and impartiality on all matters;
- 4.1.7 Adhere to the law, bylaws, policies, and procedures of the Municipality;
- 4.1.8 Perform their functions and duties in a conscientious and diligent manner with integrity, accountability and transparency;
- 4.1.9 Act honestly and, in good faith, serve the welfare and interests of the Municipality as a whole;
- 4.1.10 Arrange their private affairs and conduct themselves in a manner that promotes public confidence and will bear close public scrutiny.

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 Members shall represent the official policies and positions of Council/Council Committee;
- 4.2.3 When communicating on social media, all Members shall follow the guidelines and restrictions set out in the Municipality's policies;
- 4.2.4 All Members shall ensure that unless authorized by Council/Committee to represent Council's/Committee's position on an issue, that any public statements are the personal opinion of the Member, not the opinion or position of Council/Committee;
- 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 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;
- 4.2.7 No Member shall make a statement when they know that statement is false;
- 4.2.8 No Member shall make a statement with the intent to mislead Council or members of the public.

4.3 Confidentiality

- 4.3.1 Members must:
 - i. 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;
 - ii. return all "closed session" documents at the end of the session to the CAO or if the "closed session" is in regard to the CAO, to the chair of the meeting.
- 4.3.2 In the course of their duties, Members may also become privy to confidential information received outside of a "closed session" meeting.

4.3.3 Members must not:

- i. 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;
- ii. Access or attempt to gain access to confidential information in the custody or control of the Municipality 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;
- iii. Use confidential information for personal benefit or for the benefit of any other individual or organization.

4.3.3 Confidential information includes information in the possession of, or received in confidence by, the Municipality that the Municipality 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 Municipality, and is generally considered to be of a confidential nature, including but not limited to information concerning:

- i. The security of the property of the Municipality;
- ii. A proposed or pending acquisition or disposition of land or other property;
- iii. A tender that has or will be issued but has not been awarded;
- iv. Contract negotiations;
- v. Employment and labor relations;
- vi. 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;
- vii. Law enforcement matters;
- viii. Litigation or potential litigation, including matters before administrative tribunals; and advice that is subject to solicitor-client privilege;
- ix. Advice that is subject to solicitor-client privilege.

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

4.3.5 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.

4.4 Pecuniary Interest and Conflicts of interest

4.4.1 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;

- 4.4.2 Members shall approach decision-making with an open mind that is capable of persuasion;
- 4.4.3 Members are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends or associates, business or otherwise;
- 4.4.4 It is the individual responsibility of each Member to seek independent legal advice, at the Member's sole expense, with respect to any situation that may result in a pecuniary or other conflict of interest.

4.5 Improper Use of Influence

- 4.5.1 No Member shall use the influence of the Member's office for any purpose other than for the exercise of the Member's official duties;
- 4.5.2 No Member shall act as a paid agent to advocate on behalf of any individual, organization or corporate entity before Council or a committee of Council or any other body established by Council;
- 4.5.3 Members shall not contact or otherwise attempt to influence members of any adjudicative body regarding any matter before it relating to the Municipality;
- 4.5.4 Members shall refrain from using their positions to obtain employment with the Municipality for themselves, family members or close associates. Members are ineligible to apply or be considered for any position with the Municipality while they hold their elected position and for one year after leaving office.

4.6 Orientation and Other Training

- 4.6.1 All Members shall complete the necessary orientation and/or training for elected officials or Committee Members offered by the Municipality 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 Remuneration and Expenses

- 4.7.1 Members shall be transparent and accountable with respect to all expenditures and strictly comply with all municipal bylaws, policies and procedures regarding claims for remuneration and expenses;
- 4.7.2 Members are stewards of public resources and shall avoid waste, abuse, and extravagance in the use of public resources.

4.8 Gifts and Hospitality

- 4.8.1 Members 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;
- 4.8.2 Members may accept hospitality, gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation. If the value of the hospitality, gift or benefit exceeds \$300 this shall be reported to the CAO and/or Mayor and a decision from Council shall be sought by the Councillor;

- 4.8.3 Gifts received by a Member on behalf of the Municipality as a matter of official protocol which have significance or historical value for the Municipality shall be left with the Municipality when the Member ceases to hold office.

4.9 Election Campaigns

- 4.9.1 No Member shall use any facilities, equipment, supplies, services, municipal logo or other resources of the Municipality for any election campaign or campaign-related activity;

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

- 4.10.1 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;
- 4.10.2 Members shall treat one another, employees of the Municipality and members of the public with courtesy, dignity, and respect and without abuse, bullying or intimidation;
- 4.10.3 No Member shall use indecent, abusive, or insulting words or expressions toward another Member, any employee of the Municipality or any member of the public;
- 4.10.4 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;
- 4.10.5 Members shall respect the fact that employees in Administration work for the Municipality 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;
- 4.10.6 Members shall obtain information about the operation of Administration from the CAO, or a person designated by the CAO, in accordance with the Act and adhere to any policy or bylaw that refers to the conduct or ethics of Members.
- 4.10.7 Members must not:
 - i. Involve themselves in matters of Administration, which fall within the jurisdiction of the CAO;
 - ii. Use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any employee of the Municipality with the intent of interfering in the employee's duties; or
 - iii. Maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of employees of the Municipality.

5. USE OF MUNICIPAL ASSETS AND SERVICES

- 5.1 Members shall use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Member, subject to the following limited exceptions:
 - i. Municipal property, equipment, service, supplies and staff resources that are available to the general public may be used by a Member for personal use upon the same terms and conditions as members of the general public, including booking

and payment of any applicable fees or charges;

- ii. Electronic communication devices, including but not limited to desktop computers, laptops, tablets and smartphones, which are supplied by the Municipality to a Member, may be used by the Member for personal use, provided that the use is not for personal gain, offensive or inappropriate.

6. Information Complaint Process

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

7. FORMAL COMPLAINT PROCESS

- 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");
- 7.2 All complaints shall be made in writing and shall be dated and signed by an identifiable individual;
- 7.3 All complaints shall be addressed to the Mayor or Investigator;
- 7.4 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;
- 7.5 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;
- 7.6 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;
- 7.7 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;

- 7.8 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;
- 7.9 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;
- 7.10 A Member who is the subject of an investigation is entitled to be represented by legal counsel, at the Member's sole expense;
- 7.11 The CAO shall never be the investigator of a Council Code of Conduct complaint.

8. COMPLIANCE AND ENFORCEMENT

- 8.1 Members shall uphold the letter and the spirit and intent of this Bylaw;
- 8.2 Members are expected to co-operate in every way possible in securing compliance with the application and enforcement of this Bylaw;
- 8.3 No Member shall:
 - i. Undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to Council or to any other person;
 - ii. Obstruct Council, or any other person, in carrying out the objectives or requirements of this Bylaw.
- 8.4 Sanctions that may be imposed on a Member, by Council, upon a finding that the Member has breached this Bylaw may include:
 - i. A letter of reprimand addressed to the Member;
 - ii. Requesting the Member to issue a letter of apology;
 - iii. Publication of a letter of reprimand or request for apology and the Member's response;
 - iv. Suspension or removal of the appointment of a Member as the chief elected official under section 150(2) of the Act;
 - v. Suspension or removal of the appointment of a Member as the deputy chief elected official or acting chief elected official under section 152 of the Act;
 - vi. Suspension or removal of the chief elected official's presiding duties under section 154 of the Act;
 - vii. Suspension or removal from some or all Council committees and bodies to which council has the right to appoint members;
 - viii. Reduction or suspension of remuneration as defined in section 275.1 of the Act corresponding to a reduction in duties, excluding allowances for attendance at council meetings;

- ix. Any other sanction Council deems reasonable and appropriate in the circumstances provided that the sanction does not prevent a Member from fulfilling the legislated duties of a Councillor and the sanction is not contrary to the Act.

9. REVIEW

9.1 This Bylaw shall be brought forward for review at the beginning of each term of Council, when relevant legislation is amended, and at any other time that Council considers appropriate to ensure that it remains current and continues to accurately reflect the standards of ethical conduct expected of Members.

10. REPEAL

10.1 Bylaw No.014-2021 and any previous Code of Conduct policies or bylaws are hereby rescinded.

11. EFFECTIVE DATE

11.1 This Bylaw shall come into force and effect on the final date of passing thereof.

READ a FIRST time this 12 Day of December, 2022.

READ a SECOND time this 23rd Day of January, 2023.

READ a THIRD and FINAL time this 23rd Day of January, 2023.

Original Signed.

Amy Cherniwchan
Mayor

Original Signed

Dawn Phillips
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 Municipality's representative and acting as the Municipality'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 Municipality'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 Municipality's representative and acting as the Municipality'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 Municipality'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 Municipality'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 Municipality'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.007-2022
- Schedule "B"
Municipality of the Town of Smoky Lake
Formal Complaint Form – Code of Conduct – Council, Boards and
Committees

This form may 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