

CITY OF COLD LAKE
BYLAW #618-AD-18

**A BYLAW OF THE CITY OF COLD LAKE IN THE PROVINCE OF ALBERTA, TO
ESTABLISH A COUNCIL CODE OF CONDUCT**

PURSUANT to section 146.1(1) of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, municipalities must establish a code of conduct bylaw that governs the conduct of councillors;

WHEREAS Council wishes to establish a code of conduct to set a standard of behavior and actions of City of Cold Lake councillors, in order to:

- Build and inspire public trust and confidence in local government by upholding high standards and ideals;
- Promote public confidence by respecting the process established by Council for communicating with the public on behalf of Council or the City;
- Support effective decision-making through the processes set out in legislation and local bylaws for making decisions, including respect for the role of the chair;
- Promote service of the public interest and show leadership by upholding legislation, local bylaws, and policies adopted by Council;
- Promote the treatment of Council members, municipal employees, and others with dignity, understanding and respect;
- Promote public trust by refraining from using information in a way that would be detrimental to the public interest;
- Promote public trust by refraining from exploiting the position of Councillor for private reasons or that would bring discredit to the office;
- Promote the priority of municipal interests over the individual interests of councillors, and to refrain from seeking to influence decisions for personal reasons;
- Promote stewardship and public trust by refraining from the use of municipal assets or resources for personal reasons; and
- Promote effective leadership and personal development by accessing training opportunities.

WHEREAS Councillors have an obligation to act in the best interests of the rate payers of the City of Cold Lake and make all decisions for the betterment of the Cold Lake community; and whereas no provision of the code of conduct shall be interpreted to conflict with this obligation;

NOW THEREFORE, pursuant to the authority of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the City of Cold Lake duly assembled, enacts:

SECTION 1 - TITLE

- 1.1 This Bylaw shall be cited as the “Councillor Code of Conduct Bylaw”.

SECTION 2 - DEFINITIONS

In this Bylaw:

- 2.1 “Act” means the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended;
- 2.2 “Administration” means staff of the City of Cold Lake;



- 2.3 “CAO” means the Chief Administrative Officer of the City of Cold Lake;
- 2.4 “City” means the municipal corporation of the City of Cold Lake, or the geographical area falling within the municipal boundaries of the City of Cold Lake, as the context requires;
- 2.5 “Conflict of Interest” means the situations which would breach Part 2 of the *Conflicts of Interest Act*, RSA 2000, c C-23 as defined in that *Act*;
- 2.6 “Council” and “Councillor” means all elected officials on the City of Cold Lake Council including the Mayor;
- 2.7 “Council Meeting” means Council meetings, Committee of the Whole meetings, Council Committee meetings, and at Special Council meetings;
- 2.8 “Gift or other advantage” means the definition used in section 2 of the *Conflict of Interest Act*, SC 2006, c 9:

Gift or other advantage means

- (a) an amount of money if there is no obligation to repay it; and
- (b) a service or property, or the use of property or money that is provided without charge or at less than its commercial value.

- 2.9 “Pecuniary Interest” means the definition used in section 170 of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended:

- (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.

SECTION 3 – CODE OF CONDUCT FOR COUNCILLORS

Representing the Municipality

- 3.1 Councillors shall uphold high standards and ideals by:
- 3.1.1 acting honestly and in good faith conducting themselves at all times in a manner befitting their position as an elected official and representative of the City;
 - 3.1.2 demonstrating fairness in all dealings, both personal and professional;
 - 3.1.3 demonstrating accountability and impartiality in all Council matters;
 - 3.1.4 considering the welfare and interests of the City as a whole and ensuring the welfare of the City as a whole supersedes the interest of any particular segment of the City.

Communicating on behalf of the Municipality

- 3.2 Councillors may make public statements on behalf of Council or the City when specifically authorized by Council to do so long as all applicable processes established by Council are followed.
- 3.3 Councillors may publicly express their opinions on Council matters so long as, the Councillor(s):
- 3.3.1 Ensure that it is clearly stated that the public statement reflects the personal opinion of the Councillor, not the opinion or position of Council;
 - 3.3.2 Does not undermine the standing of Council in the community;
 - 3.3.3 Ensure the statements are made with the utmost respect to the decision of Council, to all Councillor(s) and to any other person(s) associated with the decision.

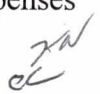
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- 3.4 Councillors shall not comment in public regarding the performance of any member of Administration, instead Councillors must refer any question of performance of Administration to the CAO.

Respecting the decision-making process

- 3.5 Councillors shall:
- 3.5.1 adhere to the decision-making processes set out in law including City bylaws;
 - 3.5.2 engage in respectful, fulsome, and healthy debate on all matters in Council Meetings;
 - 3.5.3 be impartial to discussion or presentation of any matter that requires a decision of Council;
 - 3.5.4 respect and support the decisions, resolutions, and direction of Council (made by majority vote of the Councillors) regardless of their personal view of the decision(s); and
 - 3.5.5 respect Council Meetings as the appropriate place to discuss and debate matters before Council.
- 3.6 Councillors shall not:
- 3.6.1 interrupt another Councillor or act in any way that could threaten another Councillor's right to feel confident to express his/her views at a Council Meeting;
 - 3.6.2 act in any way that would threaten another Councillor's right to address matters before Council in a full, open, transparent, and professional manner with the goal of good governance through healthy debate.
- 3.7 Councillors may meet with any person, including a person who may file an application/submission with the City in the future, a developer or special interest group, with the exception that
- 3.7.1 after Council has been notified that an application or submission has been filed where Council will have a decision making role in the approval process or a subsequent appeal, Councillors shall not discuss the application/submission with the applicant, developer or special interest group;
 - 3.7.2 after Council has been notified that a party has initiated legal action or is expected to initiate legal action, Councillors shall not discuss the matter with the applicant, developer or special interest group.
 - 3.7.3 Being notified for the purposes section 3.7 shall mean that the matter has been discussed by Council at a Council Meeting or Council has been formally made aware of an issue through briefing by the CAO.
- 3.8 Councillors may attend open houses or exchange information with potential applicants, developers, and special interest groups prior to a formal submission or application being submitted to Administration, however, the Councillor must,
- 3.8.1 Advise the person they have met with that:
 - 3.8.1.1 the Councillor can provide only general information on the process but cannot give any indication of the chance of success of the submission;
 - 3.8.1.2 they may wish to seek independent legal advice;
 - 3.8.1.3 they may wish to seek preliminary information prior to submitting their application by consulting with Administration;
 - 3.8.2 Forward any information received from an applicant, developer, or special interest group to the CAO who will record the information and determine whether further distribution or disclosure of the information is required; and
 - 3.8.3 Direct all development inquiries to Administration.

Adherence to policies, procedures and bylaws

- 3.9 Councillors shall uphold legislation, City bylaws, and policies.
- 3.10 Councillors shall avoid waste, abuse, and extravagance in the provision and use of public money remaining mindful that public money must be used for public good:
- 3.10.1 strictly adhering to all City guidelines addressing expenses and reimbursement;
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- 3.10.2 being open and accountable with respect to all expenditures, per diems, and/or any and all other expenses incurred;
- 3.10.3 avoiding situations where an expenditure can be questioned as inappropriate and may cause adverse reaction that may result in undermining the standing of Council in the public eye.

Respectful interactions with councillors, Administration, the public and others

- 3.11 Councillors shall treat all people equally with dignity and respect regardless of race, culture, religion, language, gender, disability, or occupation providing adequate and substantive opportunity for persons to state their position on any matter before Council and ensuring equity of service.
- 3.12 When interacting with administration, Councillors shall:
 - 3.12.1 respect the professional opinions of Administration and be mindful that the CAO is exclusively responsible for directing Administration;
 - 3.12.2 not abuse relationships or interactions with Administration by attempting to take advantage of their position as Councillors;
 - 3.12.3 refrain from any behaviour which is, or may be perceived as, bullying of Administration; and
 - 3.12.4 direct all requests for information to the CAO.
- 3.13 Councillors shall not instigate, be involved with, or condone personal attacks on other Councillors, Administration or members of the public.

Confidential information

- 3.14 Councillors shall keep in the strictest confidence (including not releasing, disclosing, publishing, or commenting on):
 - 3.14.1 all information received during, and matters discussed “in camera” at Council Meetings until such information is disclosed at a public meeting;
 - 3.14.2 all matter discussed in confidence with another Councillor or Administration;
 - 3.14.3 all private correspondence, both oral and written, between Councillors and with the CAO until the parties agree that the information should be made public;
 - 3.14.4 any information to be treated as confidential in accordance with the *Act*;
 - 3.14.5 any information subject to solicitor client privilege unless expressly authorized by Council, through a Council resolution, to make public.
- 3.15 Councillors shall not use any information provided to Council or to a Councillor, or any information they have knowledge of by virtue of their position as a Councillor that is not in the public domain:
 - 3.15.1 in a way that would be detrimental to the public interest;
 - 3.15.2 for any purpose other than to exercise their role as Councillor;
 - 3.15.3 in any way that could cause harm, detriment or embarrassment to Council, other Councillors, Administration, members of the public or third parties;
 - 3.15.4 for any reason that may create a benefit for themselves.
- 3.16 Councillors shall sign an Oath of Confidentiality attached as Appendix “A” to this Bylaw.
- 3.17 Councillors shall at all times, recognize and act in accordance with, the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25 regarding the access, use and release of personal information.

Conflicts of Interest and/or Pecuniary Interest

- 3.18 Councillors shall rigorously avoid situations which may result in claims of pecuniary interest, conflict of interest or bias.
- 3.19 Councillors shall not exploit the position of Councillor for private reasons or any reason that would bring discredit to Council.
- 3.20 Councillors shall adhere to all pecuniary interest requirements in the *Act* (including disclosure and procedure requirements) where s/he may have (or may reasonably be perceived to have) a pecuniary interest.

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- 3.21 In respect of pecuniary interests, it is each Councillor's responsibility to:
- 3.21.1 Decide whether or not s/he has a pecuniary interest, however, the Councillor may discuss their decision with Council and/or seek the advice of the Mayor and/or CAO;
 - 3.21.2 Seek independent legal advice, at their own cost, with respect to any situation which may result in pecuniary interest;
 - 3.21.3 Notify the Mayor or Chair of the meeting prior to the matter being considered, if a Councillor believes s/he may have a pecuniary interest in the matter.
- 3.22 If a Councillor believes s/he may have or may reasonably be perceived to have a conflict of interest, it is that Councillor's responsibility to:
- 3.22.1 Decide whether or not s/he has a conflict of interest, however, the Councillor may discuss their decision with Council and/or seek the advice of the Mayor and/or CAO;
 - 3.22.2 Seek independent legal advice, at his/her own cost, if s/he wishes;
 - 3.22.3 Notify the Mayor or Chair of the meeting of the potential conflict prior to the matter being considered (each time the matter arises before Council);
 - 3.22.4 Not discuss the matter with any Councillor publically or privately;
 - 3.22.5 Leave the meeting room if the matter is discussed and not return until discussion has ended or voting on the matter has been concluded; with the exception that, Councillors with a stated conflict of interest may stay in the meeting room, if the Councillor is seated in the gallery and addresses Council as a taxpayer, elector, or owner or if the Councillor has the right to be heard pursuant to the *Act* or any other enactment.
- 3.23 Councillors shall not accept a fee, gift or other benefit that is connected, directly or indirectly, with the performance of the Councillor's duties, subject to the following exception:
- 3.23.1 Councillors may accept gifts of appreciation, courtesy, symbolic donations, gifts of protocol or social obligation in accordance with section 7(3)(a), 7(3)(b) and 7(3)(c) of the *Conflicts of Interest Act*, RSA 2000, c C-23.
- 3.24 Should a Councillor be offered a gift exceeding the value indicated in section 7(3)(a), 7 (3)(b), 7(3)(c) of the *Conflicts of Interest Act*, RSA 2000, c C-23 the Councillor shall inform the CAO of the offer.

Improper use of influence

- 3.25 Councillors shall not seek to influence decisions for personal reasons or make improper use of his/her position as a Councillor by:
- 3.25.1 Gaining or attempting to gain or advance, directly or indirectly, a personal or private interest for him/herself or another person;
 - 3.25.2 Causing or attempting to cause detriment to Council, any Councillor, any member of Administration, the public, or third parties;
 - 3.25.3 Seeking personal benefit or gain from any information obtain through his/her position as Councillor.

Use of municipal assets and services


- 3.26 Councillors shall not use municipal assets or resources for personal reasons or personal profit.
- 3.27 During a general election, Councillors shall not use, authorize or request that Administration use public resources in any way that could
- 3.27.1 influence the electorate except to support the actual election process;
 - 3.27.2 provide an undue advantage for any candidate;
 - 3.27.3 be used for campaigning purposes (even if the use of City equipment, facilities or resources had otherwise been used as a part of the regular delivery of their duties).
- 3.28 During an election, Councillors shall not use City assets for campaigning or in any way that could result in an advantage to their campaign.

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Orientation and other training attendance

- 3.29 Councillors shall become informed about the business of Council and all legislative requirements. Should a councillor become aware that he/she does not understand the business of Council, it is the Councillors responsibility to take all necessary steps to educate themselves so they may perform their duties.
- 3.30 Councillors shall access training opportunities for professional development.
- 3.31 Councillor orientation provided by administration following an election shall be mandatory. If extenuating circumstances prevent a Councillor from attending the mandatory training, it is the Councillor's responsibility to make alternate arrangements.

SECTION 4 – ACCOUNTABILITY

- 4.1 Any resident, business owner, or taxpayer of the City of Cold Lake may make a complaint if s/he has reason to believe a Councillor may have violated section 3 of this Bylaw by completing the Elected Official Complaint Form (attached as Appendix "B") and providing it to the Manager of Legislative Services as per the form's instructions. The complainant must:
 - 4.1.1 provide their name when making the complaint;
 - 4.1.2 make the complaint within sixty (60) days from the date on which the complainant knew, or ought to have known, that the breach of the code of conduct occurred; complaints that the code of conduct was breached more than 60 days prior, will not be considered.
- 4.2 All complaints received by a Councillor in accordance with section 4.1 shall be processed in accordance with this Bylaw.
- 4.3 A copy of the completed Elected Official Complaint Form will be delivered to the Councillor who is alleged to have breached the Code of Conduct.
- 4.4 The Mayor (or Deputy Mayor) shall call and Chair a special in-camera Council Meeting to determine the validity of the complaint, during which:
 - 4.4.1 All Councillors shall be provided with a copy of the Complaint Form and given an opportunity to ask questions;
 - 4.4.2 The Councillor alleged to have breached the Code of Conduct shall answer questions from the other Councillors and be given an opportunity to respond to the allegations and provide additional information concerning the allegations;
 - 4.4.3 The Chair may determine that additional information is required to determine the validity of the complaint;
 - 4.4.4 The complaint shall be deemed valid by a two-thirds majority vote of the members of Council, who are present, no later than forty-five (45) days following receipt of the complaint.
- 4.5 Where a complaint is deemed to be valid in accordance with section 4.4, the appropriate sanction shall be determined by a two-thirds majority vote of the members of Council, who are present when the complaint is considered, from any or all of the following options:
 - 4.5.1 a letter of reprimand addressed to the Councillor;
 - 4.5.2 requesting the Councillor to issue a letter of apology;
 - 4.5.3 publication of a letter of reprimand or request for apology and the Councillor's response;
 - 4.5.4 a requirement to attend training;
 - 4.5.5 suspension or removal of the appointment of a Councillor as the deputy Mayor or acting Mayor under section 152 of the *Act*;
 - 4.5.6 suspension or removal of the Mayor's presiding duties under section 154 of the *Act*;
 - 4.5.7 suspension or removal from some or all council committees and bodies to which council has the right to appoint members;
 - 4.5.8 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.

- 4.6 In accordance with section 146.1(4) of the *Act*, a Councillor must not be disqualified or removed from office for a breach of the Code of Conduct.

SECTION 5 – OATH OF OFFICE & STATEMENT OF ETHICS

- 5.1 Councillors shall swear/affirm an oath of office in accordance with section 156 of the *Act*, and the *Oaths of Office Act*, RSA 2000, c O-1 s. 2 attached as Appendix “C” to this Bylaw.
- 5.2 Councillors shall swear/affirm a Statement of Code of Ethics and Conduct attached as Appendix “D” to this Bylaw.

SECTION 6 – REVIEW

- 6.1 This bylaw shall be reviewed at least every four (4) years.

SECTION 7 – ENACTMENT

- 7.1 This Bylaw shall come into full force and effect at the beginning of the day on which it receives third and final reading.

FIRST READING passed in open Council duly assembled in the City of Cold Lake in the Province of Alberta, this 27th day of March, A.D. 2018, on motion by Councillor Lefebvre.

**CARRIED
UNANIMOUSLY**

SECOND READING passed in open Council duly assembled in the City of Cold Lake in the Province of Alberta, this 27th day of March A.D. 2018, on motion by Councillor Soroka.

**CARRIED
UNANIMOUSLY**

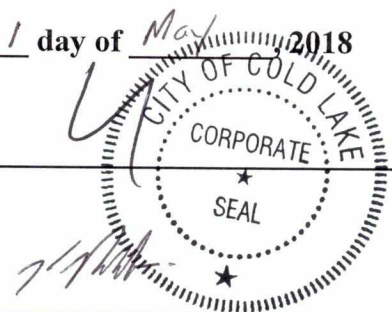
THIRD AND FINAL READING passed as amended in open Council duly assembled in the City of Cold Lake, in the Province of Alberta, this 24th day of April, A.D. 2018, on motion by Councillor Grau.

**CARRIED
UNANIMOUSLY**

Executed this 1 day of May, 2018

MAYOR

CHIEF ADMINISTRATIVE OFFICER



Appendix "A"



City of
Cold Lake

Elected Official – Oath of Confidentiality

I, _____ of _____ solemnly swear/affirm to the following during and after my term as an elected official with the City of Cold Lake:

1. I acknowledge that any information that I may obtain from, or through my access to, the City of Cold Lake facilities is deemed to be confidential information.
2. I will not use, disclose, communicate or transfer any confidential information, except as required in the performance of my role.
3. I will not allow any unauthorized person(s) to inspect or have access to any record containing confidential information, regardless of media format.
4. I will not discuss confidential information when a member of the public is present.
5. I will not leave confidential information in open view of any member(s) of the public.
6. I will report any unauthorized access of confidential information to the City as soon as I become aware that such an incident has occurred.
7. I will not remove any records containing confidential information from the City of Cold Lake property, unless expressly authorized in writing to do so, and I will return such records upon conclusion of my term as an elected official or as requested by the City.
8. I understand that this oath/affirmation survives the conclusion of my term as an elected official and that noncompliance could result in repercussions in accordance with the Council Code of Conduct Bylaw, and I may be fined and/or face civil penalties should I breach this agreement even after my term has ended.

I ACKNOWLEDGE that I have read, understood and voluntarily agree with these terms.

SWORN/AFFIRMED BEFORE ME

on _____, 20____
at _____ Cold Lake _____, Alberta.

Commissioner for Oaths
in and for Alberta

Signature of Elected Official

5513 - 48 Avenue, Cold Lake, AB • T9M 1A1 • Rb: 780-594-4494 • Fax: 780-594-3480

Information on this form is collected for the sole use of the City of Cold Lake and is protected under the authority of the *Freedom of Information and Protection of Privacy Act*, Sec. 33 (c) which regulates the collection, use and disclosure of personal information.

Form 12-DD-04

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ELECTED OFFICIAL COMPLAINT FORM
(Section 4 of Bylaw No. 618-AD-18, Council Code of Conduct)

Mayor and Council, City of Cold Lake
5513 48 Avenue
Cold Lake, AB, T9M 1A1

Person Making Complaint

Name: _____

Address: _____

Phone: (H) _____ (W) _____ E-Mail: _____

I would like to make a complaint that an elected official of the City of Cold Lake has breached Bylaw No. 618-AD-18, Council Code of Conduct. I make this complaint in accordance with section 4 of that Bylaw.

Complaint Information

Name of Councilor(s): _____

The situation that gives rise to the complaint occurred on: _____

Section of Bylaw No. 618-AD-18, Council Code of Conduct that was breached: _____

Please explain the actions/inactions of the Councilor related to the complaint:

Please note that this form will be provided to the City of Cold Lake Manager of Legislative Services. This complaint will be processed in accordance with the Bylaw No. 618-AD-18, Council Code of Conduct.

Signature

Date

Please return your complete form to the Manager of Legislative Services
at City Hall or by email to: electedofficialcomplaints@coldlake.com

5513 - 48 Avenue, Cold Lake, AB • T9M 1A1 • Ph: 780-594-4494 • Fax: 780-594-3480

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City of
Cold Lake

Elected Official – Oath of Office

*Municipal Government Act, RSA 2000, c M-26, as amended s. 156
Oaths of Office Act, RSA 2000, c O-1 s. 2*

CITY OF COLD LAKE

OATH OF OFFICE

*I, _____, swear that I will diligently,
faithfully, and to the best of my ability, execute
according to law the office of _____.*

So help me God.

SWORN BEFORE ME

at the City of Cold Lake)

in the Province of Alberta)

this ___ day of ___, 20___)

Elected Official

Barrister & Solicitor, Notary Public

5513 - 46 Avenue, Cold Lake, AB • T9M 1A1 • Ph: 780-594-4494 • Fax: 780-594-3480

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Form 12-DD-07

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Elected Official – Statement of Code of Ethics and Conduct

I, _____ of _____ solemnly swear/affirm to the following during my term as an elected official with the City of Cold Lake:

- 1. I will uphold the City of Cold Lake Council Code of Conduct at all times.
- 2. I have read and understand City of Cold Lake Bylaw No. 618-AD-18, Council Code of Conduct Bylaw, and further agree to all the terms and conditions as specified.

I ACKNOWLEDGE that I have read, understood and voluntarily agree with these terms.

SWORN/AFFIRMED BEFORE ME

on _____, 20____
at _____ Cold Lake _____, Alberta.

Commissioner for Oaths
in and for Alberta



Signature of Elected Official

5513 – 48 Avenue, Cold Lake, AB • T9M 1A1 • **Ph:** 780-594-4494 • **Fax:** 780-594-3480

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