

**BY-LAW #361 OF THE VILLAGE OF MORRIN TO ESTABLISH
A COUNCILLOR CODE OF CONDUCT AND ETHICS**

WHEREAS: Under and by the virtue of the authority conferred upon it by the Municipal Government Act, Chapter M-26, Section 146 and Section 153 and amendments thereto,

NOW THEREFORE: The Council of the Village of Morrin in the Province of Alberta, duly assembled, does enact the following:

Purpose

The intent of the Village of Morrin Councillor Code of Conduct by-law is to declare the standard of behaviour and actions for Village of Morrin elected officials. These standards are to ensure the highest public confidence in, and respect for local government, to ensure effective leadership in, and through, the elected Council, and to ensure that Council and Councillors act with the highest level of integrity and ethical behaviour.

Principles

1. This by-law will be used to guide the behaviour of Councillors and provide a mechanism of accountability.
2. Councillors agree to sign the Statement of Code of Conduct and Ethics as provided in Appendix "A".
3. The Statement of Code of Conduct and Ethics will be publicly displayed in the Council Chamber, on the Village website, and at initial signing and after each election, in the local print media.
4. Councillors agree that for a period of at least 12 months after leaving office, they will abide by this by-law, except those provisions related to confidentiality that will apply in perpetuity.

Policy Guidelines/Procedures:

1. Definitions

Conflict of Interest: means a situation where a Councillors personal or private interests actually, or may be, perceived as influencing the Councillor on a matter of public interest which is, or may be, before Council, including situations which may result in common law bias which included direct or indirect pecuniary interest, pre-judgement, close mindedness or undue influence. A Conflict of Interest situation also includes using the Councillors position, confidential information, Village of Morrin employees, materials or facilities, for personal or private gain or advancement or the expectation of personal or private gain or advancement. A Conflict of Interest may include advancing the personal or private interests of the Councillors family, friends, neighbours, or business associates. If a Council or Councillor does not believe the Councillor is free of bias there is a conflict of interest.

Pecuniary Interest: means those situations as defined and regulated by **Part 5, Division 6, of the Municipal Government Act, R.S.A. 2000, Chapter M-26.**

Code of Conduct and Ethics for Councillors

In providing for good governance of the community, the Morrin Village Council has adopted the following ethics to apply to all Councillors to ensure that they act honestly, in good faith and in the best interest of the Village as a whole.

1. Councillors agree to act honestly and in good faith at all times.
2. Councillors agree to respect the personal views of other Councillors.
3. Councillors agree to engage in respectful, fulsome, and healthy debate on ALL matters in Council meetings, Committee of the Whole meetings, Council Committee meetings, and at Special Council meetings.
4. Councillors agree to respect and support the decisions and resolutions of Council.
5. Councillors agree that they may publicly express their opinions on Council matters but not so as to undermine the standing of Council in the public and in the community.
6. Councillors agree that unless specifically authorized by Council to represent Council's position on any matter, a Councillor is to ensure that any public statements made are clearly stated to reflect the personal opinion of the Councillor, not the opinion or position of Council.
7. Councillors agree to adhere to the Pecuniary Interest requirements as established in **Part 5, Division 6 of the Municipal Government Act, R.S.A. 2000, Chapter M-26**.
8. Councillors agree to rigorously avoid situations which may result in claims of pecuniary interest, conflict of interest, or bias.
9. Councillors agree to act with integrity, professionalism, and respect when interacting with other Members of Council, other elected officials and government officials, Village Administration, contractors and members of the public.
10. Councillors agree to demonstrate fairness in all dealings, both personal and professional, and that their conduct is open to accountability to the community and to Council.
11. Councillors agree to demonstrate fairness, accountability, and impartiality in all Council matters.
12. Councillors agree to conduct themselves at all times in a manner befitting their position as an elected official and representative of the Village and be prepared to be held accountable for their actions.
13. Councillors agree to keep in the strictest confidence ALL matters discussed in private at a Council meeting, Committee as a Whole meeting, Council Committee meeting, Special Council meeting, or any matter discussed in confidence with another Councillor or Village Administration.
14. Councillors agree to not make improper use of his/her position as a Councillor by:
 - a. Gaining or attempting to gain or advance, directly or indirectly, a personal or private interest for him/herself or another person.
 - b. Causing or attempting to cause detriment to Village Council, any individual Councillor, any member of the Village Administration, any member of the public, or third parties.
 - c. Seeking personal benefit or gain from any information obtained through his/her position as Councillor.

Code of Conduct - Actions/Application

Village of Morrin Councillors agree to act according to the following parameters:

Governance

1. A Council meeting, Committee of the Whole meeting, or Special Council meeting is the appropriate forum for healthy and diligent debate on all matters before Council, or anticipated to be before Council.
2. All Councillors will be given an in-depth opportunity to address matters before Council in a full, open, transparent, and professional manner with the goal of good governance through healthy debate.
3. Council decisions, resolutions, or direction, are made by the majority vote of Councillors. The decisions of Council must be accepted and respected by all Councillors regardless of any personal view of the decision(s) made.
4. Councillors making statements regarding their position on any matter regarding decisions of Council, must make those statements with the utmost of respect to the decision of Council, to Council, to any Councillor, and to any other person(s) associated with the applicable decision.
5. All Councillors shall feel confident to express their views in any Council session without the fear of interruption and shall feel confident in the Chair's impartiality in controlling the debate.

Expenditures

1. Councillors shall act responsibly when incurring expenses always mindful and respectful that public money must be used for public good.
2. Councillors shall avoid waste, abuse, and extravagance in the provision or use of public money.
3. Councillors shall be open and accountable with respect to all expenditures, Per Diems, and/or any and all other expenses incurred.
4. Councillors shall strictly adhere to all Village guidelines addressing expenses and reimbursement.
5. The Village will post all Councillor expenditures, Per Diems, and/or any and all other expenses incurred on the Village website for public viewing.
6. Councillors shall avoid situations where and expenditure can be questioned as inappropriate and may cause adverse reaction that may result in undermining the standing of Council in the public eye.

Interaction with Administration and the Public

1. Councillors will respect the professional opinions of the Village Administration and be mindful that the Chief Administrative Officer is exclusively responsible under the Municipal Government Act for directing staff.
2. Councillors shall not abuse relationships or interactions with the Village Administration and staff by attempting to take advantage of their position as Councillors. Councillors will at all times, refrain from any behaviour which is or may be perceived to be bullying of staff.
3. Requests for information will be directed to the Chief Administrative Officer or in the manner specified by the Chief Administrative Officer.
4. Councillors will treat all people with respect and courtesy and in good faith without bias;
 - a. Recognizing there are legitimate differences in opinions;
 - b. Equally regardless of race, culture, religion, language, gender, disability, or occupation;
 - c. Ensuring equity of service;
 - d. Providing adequate and substantive opportunity for persons to state their position on any matter before Council.
5. Councillors shall dress appropriately on all occasions when representing the Village at any private or public event.
6. Councillors will not be instigate, be involved with, or condone personal attacks on other Councillors, members of Administration, or members of the public.
7. Councillors will not comment in public regarding the performance of any member of Administration but will instead refer any question of performance of a staff member to the Chief Administrative Officer.
8. Prior to taking any action, Councillors should ask themselves whether their intended action will ultimately be supported by other Councillors and the Village. This test is designed to promote objectivity in the mind of a Councillor to best ensure appropriate conduct. Councillors will, if in doubt, consult the Mayor, the Deputy Mayor, or the Chief Administrative Officer prior to taking the planned action.

Pecuniary Interest

1. The decision with respect to whether or not any Councillor may have a Pecuniary Interest is the individual Councillors decision to make. The Councillor may discuss this with Council and seek the advice of the Mayor or the Chief Administrative Officer.
2. It is the individual responsibility of each Councillor to seek independent legal advice, at their own cost, with respect to any situation which may result in Pecuniary Interest.
3. Should a Councillor believe that he/she may have or may reasonably be perceived to have a Pecuniary Interest in a matter before Council or Council Committee, he/she shall follow the Pecuniary Interest disclosure and procedure requirements as established in **Part 5, Division 6 of the Municipal Government Act, R.S.A. 2000 Chapter M-26** including:
 - a. Stating the general nature of his/her Pecuniary Interest at the meeting prior to any discussion of the matter. This shall be done on every occasion the matter arises before Council or Council Committee.
 - b. The Councillor shall not discuss the matter with Council, other Councillors, Council Committee, or Council Committee members either publicly or privately.
 - c. The Councillor shall leave Council Chambers, or any meeting room in which a meeting is being held, should the matter be discussed and shall not return until such time as discussion has ended or voting on the matter has been concluded.
 - d. Councillors with Pecuniary Interest in any matter may stay in the Council Chambers, or any meeting room in which a meeting is being held, if the Councillor is seated in the gallery and addresses Council or the Council Committee in the capacity as a taxpayer, elector, or owner and if the Councillor has the right to be heard pursuant to the **Municipal Government Act** or any other enactment.
4. When a Councillor believes that he/she may have a Pecuniary Interest in a matter before Council or Council Committee, he/she shall notify the Mayor or Chair of the meeting prior to the matter being considered, that he/she has a Pecuniary Interest in the matter.

Conflict of Interest

1. The decision with respect to whether or not any Councillor may have a Conflict of Interest is the individual Councillors decision to make. The Councillor may discuss this with Council and seek the advice of the Mayor or the Chief Administrative Officer.
2. Should a Councillor believe that he/she may have or may reasonably be perceived to have a Conflict of Interest in a matter before Council or Council Committee, he/she shall:
 - a. Stating the general nature of his/her Conflict of Interest at the meeting prior to any discussion of the matter. This shall be done on every occasion the matter arises before Council or Council Committee.
 - b. The Councillor shall not discuss the matter with Council, other Councillors, Council Committee, or Council Committee members either publicly or privately.
 - c. The Councillor shall leave Council Chambers, or any meeting room in which a meeting is being held, should the matter be discussed and shall not return until such time as discussion has ended or voting on the matter has been concluded.
 - d. Councillors with stated Conflict of Interest in any matter may stay in the Council Chambers, or any meeting room in which a meeting is being held, if the Councillor is seated in the gallery and addresses Council or the Council Committee in the capacity as a taxpayer, elector, or owner and if the Councillor has the right to be heard pursuant to the **Municipal Government Act** or any other enactment.
3. When a Councillor believes that he/she may have a Conflict of Interest in a matter before Council or Council Committee, he/she shall notify the Mayor or Chair of the meeting prior to the matter being considered, that he/she has a Conflict of Interest in the matter.
4. The acceptance of certain gifts may create a Conflict of Interest. Apart from token gifts, having a value under \$10.00, Councillors are required to declare in writing to the Chief Administrative Officer the acceptance or rejection of any gifts.
5. Whilst token gifts may be accepted, material gifts of reasonable value should either be rejected or conditionally accepted (on behalf of Council) on the basis that the donor be informed that the gift will be donated to a local charity. This does not apply to gifts of appreciation, symbolic donations, gifts of protocol, or social obligation, which are received by a Councillor on Council's behalf. Such gifts will be forwarded to the Chief Administrative Officer who will temporarily or permanently publicly display the gift at an appropriate location for the community to enjoy.
6. It is the individual responsibility of each Councillor to seek independent legal advice, at their own cost, with respect to any situation which may result in a Conflict of Interest.

Bias

1. A Councillor shall be impartial to discussion or presentation of any matter that requires a decision of Council.
2. 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 the Village and the Councillor must:
 - a. Make it clear to the potential applicant, developer, or special interest group that the Councillor can provide only general information on the process, but cannot give any indication of the chance of success of the submission.
 - b. Suggest that the applicant, developer, or special interest group seek independent professional advice.
 - c. If applicable, encourage potential applicants, or developers to seek preliminary information on their submission by consulting with the Village Administration.
3. Once an application or submission has been filed with the Village and where Council will have a decision making role in the approval process or where the Councillor may sit on a Board or a Committee that may hear any subsequent appeal, Councillors will not meet with the applicant, developer, or special interest group. Councillors will not meet with the applicants, developers, or special interest groups prior to any Public Hearing or formal consideration by Council of the application, submission, or appeal hearing and decision being issued by Council or an Appeal Board.
4. All development inquiries will be directed to the Village Administration.
5. Any information forwarded by an applicant, developer, or special interest group to a Councillor with respect to a pending application or submission, shall be forwarded to the Chief Administrative Officer who will record the information and determine whether further distribution or disclosure of the information is required.
6. In the event that any application, submission, or action should proceed to any type of legal action or court proceeding, no meeting is allowed between Councillors, applicants, developers, special interest groups, or any other entity initiating or involved with the legal action.

Confidentiality

1. Information provided to Council and to Councillors will not be used for any purpose other than to exercise their role as a Councillor.
2. Councillors will not release any information which is to be treated as confidential in accordance with the **Municipal Government Act** and will, at all times, recognize the **Freedom of Information and Protection of Privacy Act** regarding the access, use, and release of personal information.
3. Councillors will treat all private correspondence, both oral and written, between other Councillors, between themselves and the Chief Administrative Officer, as confidential until the parties agree that the information can or should be made public.
4. Councillors shall not release, disclose, publish, or comment on confidential information including, but not limited to, any information received during an "in camera" meeting until such information is disclosed at a public meeting. This obligation continues in perpetuity.
5. Councillors shall not release any information that is subject to solicitor-client privilege unless expressly authorized by Council, through a Council resolution, to do so.
6. Councillors shall not misuse confidential information which they have knowledge of by virtue of their position as Councillor that is not in the public domain, including emails and correspondence from other Councillors or third parties such that it may cause harm, detriment, or embarrassment to the Village Council, other Councillors, Village Administration, members of the public or third parties. Councillors shall not use confidential information that it may create a benefit for themselves.

Use of Village Resources during a General Election Period

1. Public resources must not be used in any way that would influence the electorate in an election, except in regard to supporting the actual election process. Council and individual Councillors commit to complying with the following procedures:
 - a. Council will not authorize or request the Village, print, publish (including digitally on the internet), or distribute an electoral advertisement, unless it only contains information regarding the election process. Any electoral advertisement that can be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on -
 - i. The election
 - ii. A candidate in the election; or
 - iii. An issue submitted to, or otherwise before the voters in connection with the election.
2. Council and individual Councillors will ensure that Village resources are not used inappropriately in any way that may influence voting during an election period, or provide an undue advantage for any candidate during a general election period from Nomination Day until the end of the Council term.
3. The Chief Administrative Officer will ensure that all members of staff are advised in regards to the application of this policy.
 - a. No Village staff will, as part of their employment with the Village, undertake any activity that may affect voting in the election, except where it relates only to the election process and is authorized by the Chief Administrative Officer.
 - b. No councillor shall ask, or shall there be any direction, motion, or resolution from Council for staff or a staff member to authorize, use, or allocate a Village resource for any purpose that may influence voting in an election, except where it relates to the election process and is authorized by the Chief Administrative Officer.
4. In applying these principles, Council and individual Councillors understand that the following will be normal practice during any municipal election period (Nomination Day to the end of the Council term):
 - a. Public events scheduled between Nomination Day and the end of the Council term will only be organized and operated by the Village, if they are part of the normal services or operation of the Village.
 - b. Speeches or any other form of communications for the Mayor, the Deputy Mayor, and all other Councillors will only be prepared by staff in relation to events that are part of the normal services or operations of the Village and shall not contain any reference to the forthcoming election or potential or actual candidates.
 - c. Media services and advice, including media releases, will not be provided for Councillors by Village staff during the time between Nomination Day and the end of the Council term.
 - d. Village publications, newsletters, website, or social media, will not feature photographs or quotes from Councillors other than those that were previously available prior to Nomination Day.
 - e. Village logo's or stationary will not be used or allowed to be used by Councillors for any correspondence that in any way relates to, or references, the election.

- f.** Information on the Village website and social media, shall be limited to current Councillor photographs, and any other information that was previously available prior to Nomination Day. References on the Village website and social media shall be limited to the process and conducting an election.
 - g.** No Councillor shall submit and no claim will be processed for expenses incurred for campaigning purposes. Claims will only be accepted if the expenditure is within Village policy for the Councillor conducting their regular Councillor duties.
- 5.** Equipment and facilities, and any other Village resource provided to Councillors as part of the regular delivery of their duties will not be used for campaigning purposes.
- 6.** Where Councillors have Village funded services, such as cell phones, land lines, email accounts, tablets, and internet connections, and where it is impractical for the Village to discontinue their use of these during an election, Councillors will reimburse the Village for any usage of those services during an election period, exceeding normal usage.

Dispute Resolution and Disciplinary Procedures

1. From time to time difficulties may occur in relationships between individual Councillors. It is expected that Councillors in this situation will use their best efforts to resolve such issues so that they do not interfere with the effective functioning of Council.
2. Councillors shall not use public forums to discuss issues they may have or be having with each other or with Council.
3. Where there are issues that cannot be resolved between the parties and the view of the Mayor is that the impact or potential impact is such that the good governance of the Village may be affected, then a decision to proceed to dispute resolution or discipline will be required by a resolution of Council.
4. Resolution procedures are as follows:
 - a. The Mayor shall discuss the issues with the relevant Councillor(s) and attempt to mediate an outcome acceptable to both parties. Should the dispute involve the Mayor, the Deputy Mayor will undertake the action.
 - b. Councillors will at all times, attempt to resolve their issues without the need for external assistance as a demonstration of unity and teamwork.
 - c. Should a matter not be resolved after internal mediation has taken place, Councillors are able to seek advice from the Chief Administrative Officer in an attempt to find solutions.
 - d. Should the matter still remain unresolved, the Mayor, at his/her discretion, may request in writing to the Chief Administrative Officer, to appoint an external professional mediator to assist Council to work through the issues with the relevant parties. In the event the dispute involves the Mayor, this decision will be made by the Deputy Mayor.
 - e. Should after external mediation, the matter still remain unresolved, an independent arbitrator shall be appointed by Council to work with the parties and develop recommendations on how the dispute can be resolved.
 - f. Council shall consider these recommendations in a meeting closed to the public in accordance with the Municipal Government Act, and may, on return to the open meeting, adopt a resolution based on the arbitrator's recommendations.
 - g. All Councillors will abide by these resolutions.
5. In the unlikely event that a Councillor has clearly violated any of the terms of the Village of Morrin Councillor Code of Conduct or any provisions of the Municipal Government Act then the Mayor may recommend to Council that disciplinary action may be taken on the offending Councillor. In the event that the Mayor is the offending Councillor then this recommendation will be made by the Deputy Mayor.

Disciplinary procedures are as follows:

 - a. For a Councillors first offence Council may choose to privately discuss the matter and may recommend no further action. Should further action be taken then the penalty may be the loss of all or some of the offending Councillors appointed committees.
 - b. For a second offence the penalty shall be the loss of all the Councillors Committees, all conference attendance including AAMDC (Albera Association of Municipal Districts and Counties) and FCM (Federation of Canadian Municipalities) conventions.
 - c. For a third offence all of the above and a \$500 penalty. Penalty to be deducted from the Councillors monthly honorarium.

- d. For all other offences all of (a) and (b) and a \$1000 penalty. Penalty to be deducted from the Councillors monthly honorarium.
- e. Should a Councillor have three or more offences, in addition to the above penalties, Council will direct a letter to be sent to the Minister of Municipal Affairs, requesting an investigation into the conduct of the Councillor and requesting his/her removal from Council.

This By-Law shall come into effect upon the Third and Final Reading.

Read a First time this 18th day of July, 2018

Read a Second time this 18th day of July, 2018

Read a Third time and passed this 18th day of July, 2018



Howard Helton
Mayor



Annette Plachner
CAO

APPENDIX "A"

STATEMENT OF CODE OF CONDUCT AND ETHICS

I, _____, do solemnly swear to uphold the Village of Morrin Councillor Code of Conduct and Ethics at all times while serving as a municipally elected official representing the Village of Morrin. I have read and understand the Councillor Code of Conduct and Ethics By-Law #361 and further agree to ALL the terms and conditions as specified in the by-law.

Dated at Morrin, Alberta, this _____ day of _____, 2018
