

**BYLAW 6125**

**A BYLAW OF THE CITY OF LETHBRIDGE  
TO ESTABLISH A CODE OF CONDUCT FOR MEMBERS OF COUNCIL**

WHEREAS, pursuant to section 146.1 of the *Municipal Government Act*, a Council must, by bylaw, establish a code of conduct governing the conduct of members;

AND WHEREAS, pursuant to section 153 of the *Municipal Government Act*, members have a duty to adhere to the code of conduct established by Council;

AND WHEREAS the public is entitled to expect the highest standards of conduct from the members that it elects to Council for the City of Lethbridge;

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

AND WHEREAS a code of conduct ensures that members of Council share a common understanding of acceptable conduct extending beyond the legislative provisions governing the conduct of councillors;

NOW THEREFORE, THE COUNCIL OF THE CITY OF LETHBRIDGE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

**1. Title**

- 1.1. This Bylaw shall be known as the "Council Code of Conduct Bylaw".

**2. Definitions**

In this Bylaw, words have the meanings set out in the Act, except that:

- 2.1. "Act" means the *Municipal Government Act*, R.S.A. 2000, c. M-26, and associated regulations, as amended;
- 2.2. "Administration" means the administrative and operational arm of the City, comprised of the various departments and business units and including all employees who operate under the leadership and supervision of the City Manager;
- 2.3. "City" means the municipal corporation of the City of Lethbridge;
- 2.4. "City Manager" means the Chief Administrative Officer of the City, or their designate;

- 2.5. "Code" means Bylaw 6125, the Council Code of Conduct Bylaw for the City of Lethbridge;
- 2.6. "Complainant" means an individual who makes an Informal Complaint in accordance with section 17 of this bylaw, or a Formal Complaint in accordance with section 18 of this bylaw;
- 2.7. "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;
- 2.8. "Formal Complaint" means a request by City Council or a Member that an investigation into an event or series of events alleged to contravene the Council Code of Conduct Bylaw or any other procedures, rules or policies governing the ethical behaviour of Council, in accordance with section 18 of this bylaw;
- 2.9. "Informal Complaint" means a request by City Council or a Member, that a Member cease activities, behaviour and/or practices that contravene the Council Code of Conduct Bylaw or any other procedures, rules or policies governing the ethical behaviour of Council, in accordance with section 17 of this bylaw;
- 2.10. "Investigator" means Council or the individual or body established by Council to investigate and report on complaints regarding the conduct of Members of City Council, but will not include the City Manager or any member of Administration;
- 2.11. "Member" means a member of City Council, and includes a councillor and/or the Mayor.

### **3. Purpose**

The Purpose of the Council Code of Conduct Bylaw is to:

- 3.1. Establish standards for the ethical conduct of Members relating to their roles and obligations as representatives of the municipality and a procedure for the investigation and enforcement of those standards.

### **4. Representing the Municipality**

- 4.1. As leaders in the community, Members are held to a higher standard of behaviour and conduct and must be mindful that as public figures the lines between public and private behaviour are not readily apparent, nor easily distinguishable by the public at large.

4.2. In representing the municipality, Members shall:

- 4.2.1. act honestly and in good faith, serve the welfare and interests of the City as a whole;
- 4.2.2. perform their functions and duties in a conscientious and diligent manner with integrity, accountability and transparency;
- 4.2.3. conduct themselves in a professional manner with dignity and make every effort to participate diligently in the meetings of Council, committees of Council and other bodies to which they are appointed by Council;
- 4.2.4. arrange their private affairs and conduct themselves in a manner that promotes public confidence and will bear close public scrutiny.

## **5. Communicating on Behalf of Council**

- 5.1. A Member must not claim to speak on behalf of Council unless authorized to do so.
- 5.2. Unless Council directs otherwise, the Mayor is Council's official spokesperson and in the absence of the Mayor it is the Deputy Mayor, or if both are absent it is the Acting Mayor. All inquiries from the media regarding the official Council position on an issue shall be referred to Council's official spokesperson.
- 5.3. A Member who is authorized to act as Council's official spokesperson must ensure that their comments accurately reflect the official position and will of Council as a whole, even if the Member personally disagrees with Council's position.
- 5.4. No Member shall make a statement when they know that statement is false.
- 5.5. No Member shall make a statement with the intent to mislead Council or members of the public.

## **6. Respecting the Decision-Making Process**

- 6.1. Decision making authority lies with Council, and not with any individual Member. Council may only act by bylaw or resolution passed at a Council meeting held in public at which there is a quorum present. No Member shall, unless authorized by Council, attempt to bind the City or give direction to

Administration, agents, contractors, consultants or other service providers or prospective vendors to the City.

- 6.2. Members shall conduct and convey Council business and all their duties in an open and transparent manner other than for those matters in an *in camera* session, and in so doing, allow the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.
- 6.3. Members shall accurately and respectfully communicate the decisions of Council, even if they disagree with Council's decision, such that the Member upholds the decision-making processes of Council.

## **7. Adherence to Legislation, Policies, Procedures and Bylaws**

- 7.1. Along with the bylaws and policies of the City, Members shall uphold the law established by the Parliament of Canada and the Legislature of Alberta, including the following legislation that governs the conduct of Members:
  - 7.1.1. *Municipal Government Act*;
  - 7.1.2. *Freedom of Information and Protection of Privacy Act*;
  - 7.1.3. *Local Authorities Election Act*;
  - 7.1.4. *Alberta Human Rights Act*;
  - 7.1.5. *Occupational Health and Safety Act*; and
  - 7.1.6. *Criminal Code of Canada*.
- 7.2. Members shall sign a declaration regarding the Council Code of Conduct Bylaw at the swearing in ceremony of each term, and as a matter of process after any amendments made to the Code.
- 7.3. Members shall respect the City as an institution, its bylaws, policies and procedures and shall encourage public respect for the City, its bylaws, policies and procedures.
- 7.4. Members should encourage the public to adhere to City bylaws, policies and procedures.

## **8. Respectful Interactions with Members, Staff, the Public and Others**

- 8.1. Members shall act in a manner that demonstrates fairness, respect for individual approaches, differences and opinions. Members shall work together for the common good and in furtherance of the public interest.

- 8.2. Members shall treat one another, employees of the City and members of the public with courtesy, dignity and respect and without abuse, bullying or intimidation.
- 8.3. No Member shall use indecent, abusive, or insulting words or expressions toward another Member, any employees of the City or any member of the public.
- 8.4. No Member shall speak in a manner that is discriminatory to any individual referencing characterizations such as race, religious beliefs, colour, gender, physical or mental ability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.
- 8.5. Members shall respect that Administration works for the City 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.
- 8.6. Members must not:
  - 8.6.1. involve themselves in matters of Administration, which fall within the jurisdiction of the City Manager;
  - 8.6.2. use, or attempt to use, their authority to interfere or attempt to interfere in the employees' duties; or
  - 8.6.3. maliciously or falsely injure the reputation of City employees.
- 8.7. Members must not directly or indirectly request, induce, encourage, or aid Administration to do something which, if done by the Member, would be a breach of this code.

## **9. Confidential Information**

- 9.1. Confidential information includes information in the possession of, or received in confidence by, the City that the City is prohibited from disclosing pursuant to legislation, court order or by contract, or that the City is required to refuse to disclose under FOIP or any other legislation, or any other information that pertains to the business of the City, and is generally considered to be of a confidential nature, including but not limited to information concerning;
  - 9.1.1. the security of the property of the City;

- 9.1.2. a proposed or pending acquisition or disposition of land or other property;
  - 9.1.3. a tender that has or will be issued but has not been awarded;
  - 9.1.4. contract negotiations;
  - 9.1.5. employment and labour relations;
  - 9.1.6. draft documents and legal instruments including reports, policies, bylaws and resolutions that have not been the subject matter of deliberation in a meeting open to the public;
  - 9.1.7. law enforcement matters;
  - 9.1.8. litigation or potential litigation, including matters before administrative tribunals; and
  - 9.1.9. advice that is subject to solicitor-client privilege.
- 9.2. Members must keep in confidence matters discussed *in camera* at a Council or Council committee meeting until the matter is discussed at a meeting held in public.
- 9.3. In the course of their duties, Members may also become privy to confidential information received outside of an *in camera* meeting. Members must not:
- 9.3.1. 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;
  - 9.3.2. access or attempt to gain access to confidential information in the custody or control of the City 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; or
  - 9.3.3. use confidential information for personal benefit or for the benefit of any other individual or organization.
- 9.4. Members must keep all confidential information confidential in perpetuity.

9.5. With respect to the public's right under FOIP to access City records and information and their own information, Members must:

9.5.1. not interfere with the City's administration of FOIP;

9.5.2. produce and provide records responsive to a FOIP request; and

9.5.3. not alter or destroy a record upon notice that the record is subject to a FOIP request.

## **10. Conflicts of Interest**

10.1. 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.

10.2. Members shall approach decision-making with an open mind that is capable of persuasion.

10.3. Members are to be free from undue influence and not act in order to gain financial or other benefits for themselves, family, friends or associates, business or otherwise.

10.4. Members will not, in the exercise of an official power, duty or function, give preferential treatment to any individual or organization if a reasonably well-informed person would conclude that the preferential treatment was advancing a private interest.

10.5. 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.

## **11. Improper Use of Influence**

11.1. 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.

11.2. 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.

- 11.3. Members shall not contact or otherwise attempt to influence individual members of any adjudicative body regarding any matter before it relating to the City.
- 11.4. Members shall refrain from using their positions to obtain employment with the City for themselves, family members or close associates. Members are ineligible to serve any position with the City while they hold their elected position.

## **12. Use of Municipal Assets and Services**

- 12.1. Members shall use City property, equipment, services, supplies and staff resources only for the performance of their duties as a Member, subject to the following limited exceptions:
  - 12.1.1. City property, equipment, services, 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 a member of the general public, including booking and payment of any applicable fees or charges;
  - 12.1.2. Electronic communication devices, including but not limited to desktop computers, laptops, tablets and smartphones, which are supplied by the City to a Member, may be used by the Member for personal use, provided that the use is not detrimental to the City.
- 12.2. No Member will obtain financial gain from the use or sale of City-developed intellectual property (for example, inventions, creative writings, and drawings), computer programs, technological innovations, or other patent, trademark or copyright held by the City. Members acknowledge and do not dispute that all such property remains exclusively that of the City.

## **13. Orientation and Other Training Attendance**

- 13.1. Every Member must attend the orientation training offered by the City within ninety (90) days after the Member takes the oath of office. Attendance at any additional training sessions throughout the Council term is discretionary.
- 13.2. Members may attend training/conferences of their choosing in alignment with Mayor and Councillor budgets as well as City Council Policy.

## **14. Remuneration and Expenses**

- 14.1. Members are stewards of public resources and shall use them responsibly.



- 14.2. 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.

## **15. Gifts and Hospitality**

- 15.1. 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.
- 15.2. Gifts received by a Member on behalf of the City as a matter of official protocol which have significance or historical value for the City shall be left with the City when the Member ceases to hold office.
- 15.3. Members may accept gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation.
- 15.4. Any gift or benefit that exceeds \$250.00 in value must be disclosed annually.

## **16. Social Media**

- 16.1. Members must identify when the views expressed are theirs alone and not official City communication even via private channels.
- 16.2. Members using any social media account shall post a caveat into the information section of their profiles where possible signifying that the views expressed are their own and may not necessarily represent official City communication.
- 16.3. No Member shall attempt to disguise or mislead as to their identity or status as an elected representative of the City when using social media.
- 16.4. Members should act with discretion and be judicious in what material they post on social media. Members are accountable for content and confidentiality, and care should be exercised in online debates or comments on contentious matters.
- 16.5. Members will abstain from the use of social media, electronic mail, and instant messaging applications to receive any information pertaining to Council deliberations during meetings of Council and Council committees.

- 16.6. To avoid confusion with any website or social media account used for the Members' duties, Members who choose to create or use websites or social media accounts for campaign communications must include, for the duration of the campaign, a clear statement on each campaign website or social media account's home page that the website or account is being used for election campaign purposes.

## **17. Informal Complaints**

- 17.1. Members must pursue the Informal Complaint procedure as the first means of remedying conduct that they believe violates the Code.
- 17.2. Any Member who has identified or witnessed conduct by a Member that the Member reasonably believes, in good faith, is in contravention of the Code may address the prohibited conduct by:
  - 17.2.1. advising the Member that the conduct violates the Code and encouraging the Member to stop;
  - 17.2.2. 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 another Member;
  - 17.2.3. encourage the Member to acknowledge and agree to stop the prohibited behaviour or activity and to avoid future occurrences of the prohibited behaviour or activity;
  - 17.2.4. document the incidents including dates, times, locations, other persons present, and any other relevant information; and
  - 17.2.5. if applicable, confirm the Member's satisfaction with the response of the Member or, if applicable, advise the Member of dissatisfaction with the response.

## **18. Formal Complaints & Investigations**

- 18.1. Any Member who has identified or witnessed conduct by a Member that the Member reasonably believes, in good faith, is in contravention of the Code may file a Formal Complaint in accordance with the following procedure:

- 18.1.1. All complaints shall be made in writing and shall be dated and signed by the Member or Members;
- 18.1.2. The name of any witnesses to the incident;
- 18.1.3. All complaints shall be addressed to the Investigator;
- 18.1.4. The complaint must set out the grounds for the allegation that the Member has contravened this Code, including a detailed description of the facts, as they are known, giving rise to the allegation;
- 18.2. Complaints must be received within fifteen (15) days of the date of the incident or the date when the Complainant became aware of the incident. The Investigator may use discretion if they determine that a delay occurred in good faith, or if an extension of the deadline is in the public interest.
- 18.3. The Mayor, or if the Mayor is involved in the complaint, the Deputy Mayor, shall receive all complaints and present them at the next scheduled *in camera* meeting of Council.
- 18.4. If the facts, as reported, include the name of one or more Members who are alleged to be responsible for the breach of the Code, the Member or Members concerned shall receive a copy of the complaint submitted to the Investigator.
- 18.5. A committee of three (3) randomly selected Members who are not involved in the complaint will review the contents of the complaint and determine the need for an investigation. The committee may choose to act as the Investigator, or appoint a third party as the Investigator.
- 18.6. Upon receipt of a complaint under the Code, 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 shall be notified of the Investigator's decision.
- 18.7. If the Investigator decides to investigate the complaint, the Investigator shall take such steps as they may consider appropriate, which may include seeking legal advice. All such steps of the Investigator regarding the investigation shall be confidential.

- 18.8. 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.
- 18.9. The Investigator shall report to the Complainant and the Member upon completion of the Investigator's report no later than ninety (90) days after receiving the Formal Complaint.
  - 18.9.1. The ninety (90) day timeline may be extended by the Investigator depending upon the nature and complexity of the investigation.
  - 18.9.2. Reasonable notice of the extension will be provided to the Complainant, the Member and Council as a whole.
- 18.10. Where the Formal Complaint is substantiated in whole or in part, the Investigator shall also report to Council outlining the findings, and any recommended corrective action.
- 18.11. Where the Investigator has determined that there has been no contravention of the Code, there will be no report to the public, unless the Member who is the subject of the investigation wishes it to be reported publicly.
- 18.12. If the Investigator determines that there has been no contravention of the Code or that a contravention occurred although the Member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgment made in good faith, the Investigator shall so state in the report and shall recommend that no penalty be imposed.
- 18.13. All reports from the Investigator to Council are strictly confidential and shall be considered by Council *in camera*.
- 18.14. The Investigator's reports will be made available to the public only if Council determines it is necessary to discuss the matter in the public Council meeting.
- 18.15. The Investigator in a report to Council on whether a Member has violated the Code shall only disclose such matters as the Investigator's opinion are necessary for the purposes of the public report.
- 18.16. Council may by resolution determine the sanctions applicable to the subject of the complaint.

- 18.17. A Member who is the subject of an investigation is entitled to be represented by legal counsel, at the Member's sole expense if found in violation. If not found in violation, the cost is to be borne by the City.

## **19. Compliance and Enforcement**

- 19.1. Members are expected to co-operate in every way possible in securing compliance with the application and enforcement of the Code.
- 19.2. No Member shall:
- 19.2.1. 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;
  - 19.2.2. Obstruct Council, or any other person, in carrying out the objectives or requirements of the Code.

## **20. Sanctions**

- 20.1. Sanctions that may be imposed on a Member, by Council, upon finding that the Member has breached the Code may include:
- 20.1.1. A letter of reprimand addressed to the Member;
  - 20.1.2. Requesting the Member to issue a letter of apology;
  - 20.1.3. Publication of a letter of reprimand or request for apology and the Member's response;
  - 20.1.4. Suspension or removal of the appointment of a Member as the Deputy Mayor or Acting Mayor under section 152 of the Act;
  - 20.1.5. Suspension or removal of the Mayor's presiding duties under section 154 of the Act;
  - 20.1.6. Suspension or removal from some or all Council committees and bodies to which Council has the right to appoint members;
  - 20.1.7. 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;

20.1.8. 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 that the sanction is not contrary to the Act.

## 21. Review

21.1. The Code 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.

## 22. Severability

22.1. If any provision of this Bylaw is found to be invalid, the invalid provision shall be severed and the remainder of the Bylaw shall remain in full force and effect.

## 23. Coming into Force

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

READ A FIRST TIME this 25<sup>th</sup> day of June, 2018  
CA Spear MAYOR Greenfield CITY CLERK

READ A SECOND TIME this 23 day of July, 2018  
CA Spear MAYOR Greenfield CITY CLERK

READ A THIRD TIME this 23 day of July, 2018  
CA Spear MAYOR Greenfield CITY CLERK