

BY-LAW NUMBER 2018/05

BY-LAW NO. 2018/05 is a By-law of the County of Wetaskiwin No. 10 in the Province of Alberta, respecting the code of conduct of Councillors pertaining to the County of Wetaskiwin No. 10.

WHEREAS: Section 146.1 of the *Municipal Government Act*, revised Statutes of Alberta, 2000, Chapter M-26 and amendments thereto, authorizes the passing of By-laws to establish a code of conduct governing the conduct of Councillors;

WHEREAS: Section 146.1(5) of the *Municipal Government Act* authorizes the Minister of Municipal Affairs to make regulations in respect with the Code of Conduct of Councillors;

WHEREAS: Council has deemed it expedient and necessary to establish rules and provisions to regulate the conduct of the Councillors in Council Meetings, Council Committee Meetings and in carrying out their general duties as Councillor;

NOW THEREFORE, the Council of the County of Wetaskiwin No. 10 duly enacts as follows:

Part One

Interpretation

Section 1 Understanding

This By-law is called and will be referred to as “Councillor Code of Conduct By-law”.

Section 2 Definitions

In this By-law, unless the context otherwise identifies:

- 2.01 “Administration” means the Chief Administrative Officer of the County of Wetaskiwin No. 10 or the employee(s) accountable to and designated by the Chief Administrative Officer.

- 2.02 “Councillor” is an individual duly elected, under Section 147 to carry out the duties of Section 153 & 154 of the *Municipal Government Act* or amendments thereto, to represent the residents and ratepayers of the County and who also continues to hold office.

- 2.03 “Chair” means the person who has the authority to preside over a meeting. During a Council meeting this position, unless otherwise appointed by Council, will be filled by the Reeve.

- 2.04 “Chief Administrative Officer (CAO)” means the person appointed by Council to the position of CAO under the authority of Section 205 of the *Municipal Government Act*; or the individual(s) duly designated to perform the required functions of the by the CAO and for whom the CAO is accountable for.

- 2.05 “Committee” means a board or other body established by Council under Section 145 and 146 of the *Municipal Government Act*.

- 2.06 “Council” is the Reeve and Councillors as a whole duly elected in the County that hold office at a certain point in time.

- 2.07 “Council Chambers” is the primary meeting room referred to as Council Chambers in the County Administration building.

- 2.08 “County” is the municipal corporation of the County of Wetaskiwin No. 10 having jurisdiction under the *Municipal Government Act* and other applicable legislation.

- 2.09 "Deputy Reeve" is the Councillor appointed by Council, pursuant to Section 152 of the *Municipal Government Act* and this By-law, to act as Reeve in the absence or incapacity of the Reeve.
- 2.10 "General Election" means an election held for all the members of Council of an elected authority to fill vacancies caused by the passage of time, in accordance with the *Local Authorities Election Act*.
- 2.11 "Meeting" means a meeting of Council or a Committee of the County.
- 2.12 "Member" is a Member of a Committee duly appointed by Council, under the *Municipal Government Act*, to that Committee.
- 2.13 "Municipal Government Act (MGA)" means the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended or any legislation substituted thereto.
- 2.14 "Point of Order" is a statement by a Councillor or Member raising a departure from this By-law or other parliamentary procedure.
- 2.15 "Reeve" is a Councillor appointed by Council as the Chief Elected Official with duties as identified under Section 154 of the *Municipal Government Act* who continues to hold office.
- 2.16 "Resolution" is a motion that is presented, voted upon, and either passed or defeated by a majority thus becoming the direction of Council or a Committee.
- 2.17 "Vice-Chair" is the person who has the authority to preside at a meeting in the absence of the Chair. During a Council meeting this position, unless otherwise approved by Council, will be filled by the Deputy Reeve.

Section 3 Authority

- 3.1 This By-law applies to all organized bodies of the County. Committees created by Council are subject to the provisions of this By-law unless Council has given the Committee the power to establish procedures. Sections of this By-law which are governed by the *Municipal Government Act* may not be altered.
- 3.2 Procedure in any meeting is a matter of interpretation by the Chair.
- 3.3 If the provisions of any other By-law conflict with the rules outlined in this By-law, this By-law shall prevail.

Part Two

Code of Conduct Rules

Section 4 General

- 4.1 A Councillor cannot be disqualified or removed permanently from office for a breach of the Code of Conduct By-law.
- 4.2 Sanctions imposed under this By-law must not prevent a Councillor from fulfilling the legislated duties of a Councillor.
- 4.2 This By-law shall apply equally to all Councillors.

Section 5 Conduct of Councillors

- 5.1 Every Councillor while representing the municipality must:
- (a) represent the municipality as a whole,
 - (b) unless otherwise determined through resolution, all official communication on behalf of the municipality shall be provided to the media through the Reeve,
 - (c) respect the decision-making process and support the decision of the majority of Council,
 - (d) adhere to policies, procedures and bylaws,
 - (e) be respectful in their interactions with Councillors, staff, the public and others,
 - (f) hold confidential information in strict confidence,
 - (g) declare conflicts of interest and pecuniary interests,
 - (h) not use improper use of influence as a Councillor,
 - (i) not use municipal assets and services unless authorized by Policy,
 - (j) attend orientation sessions provided to Council unless excused by resolution of Council,
 - (k) attend training as authorized by Council.
- 5.2 Any Councillor wishing to speak during a meeting shall obtain the approval of the Chair before speaking.
- 5.3 When a Councillor is addressing an issue, every other Councillor shall:
- (a) remain quiet and seated,
 - (b) not interrupt the speaker, except on a Point of Order or a Point of Procedure, and
 - (c) not carry on a private conversation.
- 5.4 A Councillor making an address at the meeting shall:
- (a) not make any derogatory or inflammatory remarks directly or indirectly to an official of the County or the public,
 - (b) not speak negatively to the outcome of a vote,
 - (c) not speak in any manner deemed unacceptable by the chair,
 - (d) shall upon request of the Chair provide the source of any information provided for Council's benefit.
- 5.5 Any Councillor wishing to leave Council Chambers during a meeting shall rise and await the permission of the Chair before proceeding.
- 5.6 A Councillor must be seated, remain seated and be silent from the time the question is called until after the vote is declared.
- 5.7 A Councillor making an address shall assume responsibility for any statement given to outside individuals, organizations or media in reference to Council happenings.

Section 6 Calling a Councillor to Order during Meetings

- 6.1 When the Chair calls a Councillor to order, the Councillor shall remain seated. After the Chair has ruled on the Point of Order, the Councillor will have a chance to explain the action or statement resulting in the call to order.
- 6.2 In the event that the Councillor refuses to co-operate when called to order, the Chair shall request the Deputy Reeve or if unavailable a designate, make a motion to remove the unruly member either:
- (a) for the balance of the meeting,
 - (b) until a time stated in the motion, or

- (c) until the Councillor makes an apology acceptable to Council for the unruly behavior.
- 6.3 If the Resolution is passed the Chair must direct the Councillor to leave Council Chambers and/or the County Administration Building.
- 6.4 When the Chair has directed a Councillor to leave and the Councillor makes a satisfactory apology and explanation for the behavior, Council may, through Resolution, allow the offending Councillor to remain.
- 6.5 Any Councillor called to order and the subsequent actions will be recorded in the meeting minutes.

Section 7 Complaint Process

- 7.1 Anyone is able to make a complaint against a Councillor alleging a breach of the Councillor Code of Conduct providing:
 - (a) it is done in writing and identifies the complainant, and
 - (b) it is addressed to the Reeve, unless the complaint is against the Reeve, then it shall be addressed to the Deputy Reeve.
- 7.2 The Reeve shall investigate the complaint in relation to the Councillor Code of Conduct By-law unless the complaint is in relation to the Reeve at which time the Deputy Reeve will investigate.
- 7.3 If the complaint is determined to have validity, the Reeve or Deputy Reeve shall present sanction options to Council and a decision shall be made by Resolution of Council.
- 7.4 All decisions shall be placed in the Councillors personnel file.

Section 8 Sanctions

- 8.1 The following are a list of sanctions that Council may impose upon a Councillor if they breach the Councillor Code of Conduct:
 - (a) a letter of reprimand addressed to the Councillor,
 - (b) requesting the Councillor to issue a letter of apology,
 - (c) publication of a letter of reprimand or request for apology and the Councillor's response,
 - (d) a requirement to attend training,
 - (e) suspension or removal of the appointment of a Councillor as the Reeve under Section 150(2) of the *Municipal Government Act*,
 - (f) suspension or removal of the appointment of a Councillor as the Deputy Reeve or Acting Reeve under Section 152 of the *Municipal Government Act*,
 - (g) suspension or removal of the Reeve's presiding duties under Section 154 of the *Municipal Government Act*,
 - (h) suspension or removal from some or all council committees and bodies to which council has the right to appoint members,
 - (i) reduction or suspension of remuneration as defined in Section 275.1 of the *Municipal Government Act* corresponding to a reduction in duties, excluding allowances for attendance at council meetings.

Section 9 **Review**

9.1 This By-law must be reviewed by Council within 90 days following a General Election.

Read a **FIRST** time this 6th , day of February, 2018 A.D.

Read a **SECOND** time this 6th day of February, 2018 A.D.

Read a **THIRD** and final time this 13th day of March, 2018 A.D.

Original Signed
REEVE

Original Signed
CHIEF ADMINISTRATIVE OFFICER