

THE CITY OF SPRUCE GROVE

BYLAW C-1106-20

COMMITTEE CODE OF CONDUCT BYLAW

WHEREAS, pursuant to the *Municipal Government Act*, RSA 2000 cM-26 and amendments thereto, a council may, by bylaw, establish a code of conduct governing the code of conduct of members of council committees and other bodies established by the council who are not councillors;

WHEREAS, council wishes to establish a code of conduct for Quasi-judicial Bodies established pursuant to the *Municipal Government Act*, RSA 2000 cM-26 and amendments thereto;

AND WHEREAS, the establishment of a code of conduct for Committee Members is consistent with the principles of transparent and accountable government; and

AND WHEREAS, a code of conduct ensures that Committee Members share a common understanding of acceptable and ethical conduct;

NOW THEREFORE, the Council for the City of Spruce Grove, duly assembled hereby enacts as follows:

1. BYLAW TITLE

1.1 This bylaw is called "Committee Code of Conduct Bylaw".

2. DEFINITIONS

2.1 "Administrative Liaison" means the member of Administration appointed by the City Manager to provide support and guidance to the Committee.

2.2 "Advisory Body" means a Committee established by Council to provide advice to Council on matters referred by Council.

2.3 "Committee Chair" means the Committee Member who provides leadership and direction to the Committee and presides over the Committee meetings.

2.4 "City" means the municipal corporation of the City of Spruce Grove in the Province of Alberta.

- 2.5 “Committee” means a Council appointed Governing Body, Advisory Body, or Quasi-judicial Body whether known as a board, commission, committee, tribunal or task force.
- 2.6 “Committee Member” means members of the public who are appointed to sit on a Committee for a defined term.
- 2.7 “Confidential Information” means information that a Committee Member has a legal duty not to disclose. It also includes information that is not public, and the disclosure of which could reasonably harm the interests of individuals or organizations, including the City. Confidential Information does not include information that has previously been made publicly available.
- 2.8 “Conflict of Interest” means any situation including, but not limited to a pecuniary (financial), occupational, or familial situation in which a Committee Member’s objectivity, judgement or ability to act in the best interests of the Committee or the community may be affected or appear to be affected. The interests of Immediate Relatives of a Committee Member are also considered to be in the interests of the Committee Member.
- 2.9 “Council” means the Council of the City of Spruce Grove elected pursuant to the *Local Authorities Election Act*, RSA 2000 cL-21.
- 2.10 “Gift” means gifts, gratuities, cash, promotional items, entertainment, prizes, hospitality, use of assets or property, or anything of value (cash or in kind) from anyone who has business or is seeking business with the City, or who conducts activities that are regulated by the City, or who has interests that may be substantially affected by the actions of the City.
- 2.11 “Governing Body” means a Committee established by Council to provide oversight on matters referred by Council and to make decisions on behalf of Council.
- 2.12 “Immediate Relative” means a Committee Member’s spouse or adult interdependent partner, a Committee Member’s sibling, a Committee Member’s children, the parents of a Committee Member, and the parents of a Committee Member’s spouse or adult interdependent partner.
- 2.13 “Quasi-judicial Body” means a tribunal which holds hearings to resolve disputes, regulate activities, adjudicate on matters and determine legal rights and benefit.

2.14 “Record” means a record of information in any form including books, documents, maps, drawings, photographs, letters, vouchers and papers, sound recordings, videotapes, electronic files, electronic mail transmissions, word processing files, databases and spreadsheets, and any other information that is written, photographed, recorded or stored in any manner, but does not include software or any mechanism that produces records.

3. GENERAL

3.1 The Committee Code of Conduct:

- (a) sets out clear expectations for the behavior and ethical conduct of Committee Members;
- (b) provides guidance to Committee Members regarding the standard conduct they are expected to exercise in their duties as appointed Committee Members; and
- (c) provides a mechanism for responding to alleged breaches of the Committee Code of Conduct.

3.2 This bylaw applies only to members of the public appointed to Committees. Councillors appointed to a Committee shall abide by the Council Code of Conduct Bylaw.

3.3 Committee Members shall not assume that any unethical activities not covered by or specifically prohibited by this bylaw, or by any legislation are therefore condoned. If in doubt about actions they may be contemplating, Committee Members are encouraged to seek advice from the Committee Chair or the Administrative Liaison.

3.4 Committee Members shall affirm a declaration to uphold the Code of Conduct, attached as Schedule “A”.

4. ADHERENCE TO LEGISLATION

4.1 Committee Members shall uphold the law established by the Parliament of Canada and the Legislature of Alberta and the bylaws, policies and procedures adopted by Council.

5. REPRESENTING THE CITY

5.1 When representing the City, Committee Members shall:

- (a) recognize that the function of a Committee is, at all times, service to their community and the public;
- (b) act honestly and in good faith, while promoting the public interest and advancing the mandate of the Committee;
- (c) exercise their duties in an impartial manner while making objective decisions, rather than subjective decisions based on bias or prejudice; and
- (d) perform their functions and duties in a conscientious and diligent manner with integrity, accountability and transparency.

6. RESPECTFUL INTERACTIONS

6.1 Committee Members shall:

- (a) treat fellow Committee Members, Councillors, Administration and the public with respect and courtesy;
- (b) act in a diligent manner including preparing for, attending and making an earnest effort to actively participate in meetings;
- (c) conduct themselves in a professional and transparent manner, and shall refrain from engaging in conduct that is disruptive to the meeting;
- (d) treat each other fairly, recognizing and valuing the diversity among Committee Members; and
- (e) communicate and work with fellow Committee Members in an open and honest manner, while promoting a spirit of cooperation by listening to and respecting those opinions that may differ.

7. CONFIDENTIAL INFORMATION

7.1 Committee Members shall not:

- (a) use Confidential Information acquired during their appointment for their personal use or gain, or the personal use or gain of any other person; nor
 - (b) disclose Confidential Information, verbal or written, unless the Committee Member is authorized to do so by law.
- 7.2 Committee Members shall report any unauthorized disclosure or access of Confidential Information to the Administrative Liaison as soon as the Committee Member becomes aware such an incident has occurred.
- 7.3 Ethical guidelines related to Confidential Information apply in perpetuity.

8. CONFLICTS OF INTEREST

- 8.1 Committee Members shall avoid Conflicts of Interest, or any situations that could give rise to a potential or perceived Conflicts of Interest.
- (a) Where a Committee Member believes they have a Conflict of Interest, they shall declare the Conflict of Interest and the general nature thereof.
 - (b) If a Committee Member is not certain whether there is a real or perceived Conflict of Interest, they shall bring it forward to the Committee.
 - (c) It is the responsibility of every Committee Member who is aware of a real or perceived Conflict of Interest on the part of a fellow Committee Member to raise the issue for clarification, first with the Committee Member in question, and if still unresolved, with the Committee Chair.
 - (d) The Committee will determine by majority vote if a Conflict of Interest exists. The Committee Member potentially in conflict shall be absent from the discussion and shall not vote on the issue of whether a Conflict of Interest exists.
 - (e) Where a Committee Member has declared a Conflict of Interest in a matter or a majority of the Committee has voted that a Conflict of Interest exists for a specific Committee Member in a matter, the affected Committee Member shall leave the meeting room for the duration of any discussion on the matter, abstain from participating in

any discussion on the matter, not attempt to influence the outcome, and shall not vote on the matter.

9. IMPROPER USE OF INFLUENCE

9.1 Committee Members shall not:

- (a) use their position to secure special privileges, Gifts, favours or exemptions for themselves or any other person or organization; nor
- (b) use their position to advance their personal interests or the interests of any person or organization with whom or with which they are associated.

10. ACCEPTANCE OF GIFTS

10.1 Committee Members must not accept Gifts that would, to a reasonable member of the public, appear to be in gratitude for influence or to induce influence.

10.2 Committee Members may accept Gifts that normally accompany the responsibilities of their Committee duties and are received as a result of protocol or social obligation, provided the Gift does not exceed \$300.00.

10.3 Gifts received by a Committee Member on behalf of the City or the Committee as a matter of official protocol which have significance or historical value for the City shall be left with the Administrative Liaison when the Committee Member is no longer a member of the Committee.

11. COMMUNICATING ON BEHALF OF THE CITY OR COMMITTEE

11.1 Committee Members shall not communicate to the media on behalf of the City.

11.2 Governing Bodies and Quasi-judicial Bodies

- (a) Only the Committee Chair may communicate with the media on behalf of the Committee.

11.3 Advisory Bodies

- (a) Committee Members shall not communicate with the media on behalf of the Committee.
- (b) All official information and recommendations from a Committee will be communicated by the Chair to Council, unless a Committee Member has been authorized by the Chair to communicate to Council.
- (c) Any decisions of Council based on Committee recommendations will be communicated to the public and media on behalf of Council by the Mayor or by the City's Corporate Communication's department.

12. USE OF SOCIAL MEDIA

- 12.1 If posting on social media regarding Committee or City related matters, Committee Members shall state clearly that they are speaking strictly for themselves and not for the Committee or the City.

13. USE OF MUNICIPAL ASSETS AND SERVICES

- 13.1 Committee Members shall not use any City resources, property, equipment, services, technology, information or supplies to advance their personal interests or the interests of any person or organization with whom or with which they are associated.
- 13.2 Committee Members shall only use City resources, property, equipment, technology, supplies and Records in performance of their duties as a Committee Member.
- 13.3 Committee Members shall return to the Administrative Liaison any resources, property, equipment, technology, supplies and Records upon completion of their term.

14. COMPLAINTS PROCESS

- 14.1 Any Committee Member, member of Council, or person who has witnessed or identified conduct by a Committee Member that they reasonably believe, in good faith, is in contravention of this bylaw may address the prohibited conduct by:

- (a) advising the Committee Member that their conduct violates this bylaw and by encouraging the Committee Member to correct their conduct;
- (b) requesting the Chair assist in holding an informal discussion with the Committee Member regarding the alleged complaint to resolve the issue;
 - (i) if the Chair is the subject of a complaint, the assistance of the Vice-Chair may be requested.
- (c) submitting, in writing, a formal complaint to the Mayor setting out the facts giving rise to the allegation of wrong-doing of a Committee Member.
 - (i) The Mayor may appoint an independent third party investigator to assess the complaint and make a recommendation to Council whether or not an investigation is warranted.
 - (ii) Council shall consider the alleged breaches or the conclusions of an investigation in a closed meeting of Council.

15. COMPLIANCE AND ENFORCEMENT

15.1 Sanctions that may be imposed on a Committee Member by Council, upon finding that a Committee Member has contravened this bylaw may include:

- (a) a letter of reprimand addressed to the Committee Member;
- (b) requesting the Committee Member issue a letter of apology; or
- (c) suspension or removal of the Committee Member from their appointed Council Committee.

16. SEVERABILITY

16.1 Every provision of this bylaw is independent of all other provisions and if any provision is declared invalid by a Court, then the invalid provisions

shall be severed and the remainder provisions shall remain valid and enforceable.

17. EFFECTIVE DATE

17.1 This bylaw shall come into force and effect when it receives third reading and is duly signed.

First Reading Carried 9 March 2020

Second Reading Carried 23 March 2020

Third Reading Carried 23 March 2020

Date Signed 20 April 2020

Mayor

City Clerk

SCHEDULE "A"

COMMITTEE CODE OF CONDUCT DECLARATION

I certify that I have read, understand, and agree to the terms set forth in the City's Committee Code of Conduct Bylaw in its entirety.

I further certify that I have received a copy of the Committee Code of Conduct Bylaw.

I acknowledge that as a Committee Member I am expected to be professional and to demonstrate a high standard of conduct at all times.

I further acknowledge that a violation of the Committee Code of Conduct Bylaw may result in my removal from the Committee.

Signature

Date

Name (Please Print)

Witness Signature

Date

Witness Name (Please Print)