

## BYLAW NO. 4805

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**A BYLAW OF THE CITY OF MEDICINE HAT** to establish a Code of Conduct for members of Council.

**WHEREAS** pursuant to section 146.1(1) of the *Municipal Government Act*, a council must, by bylaw, establish a Code of Conduct governing the conduct of councillors;

**AND WHEREAS** pursuant to section 153 of the *Municipal Government Act*, councillors have a duty to adhere to the Code of Conduct established by the 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 Medicine Hat;

**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 Medicine Hat, in the Province of Alberta, duly assembled, enacts as follows:

### 1. Short Title

- 1.1. This Bylaw may be referred to as the "Council Code of Conduct Bylaw".

### 2. Definitions

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

- (a) "Act" means the *Municipal Government Act*, R.S.A. 2000, c. M-26, and the Code of Conduct For Elected Officials Regulation, Alta Reg 200/2017 and any amendments or successor legislation;
- (b) "Administration" means the administrative and operational arm of the Municipality, comprised of the various departments and business units and including all employees who operate under the leadership and supervision of the City Manager;
- (c) "Administrative and Legislative Review Committee" means the Administrative and Legislative Review Committee of the Municipality, as it is established or reconstituted;
- (d) "Administrative Organization Bylaw" means Municipality Bylaw No. 4662, as amended or replaced from time to time;
- (e) "City Clerk" means the City Clerk of the Municipality, or their delegate;
- (f) "City Manager" means the chief administrative officer of the Municipality, or their delegate;
- (g) "City Solicitor" means the City Solicitor of the Municipality, or their delegate;

- (h) "Complainant" means any individual who meets at least one of the criteria in (i) through (vi) below, who has experienced or witnessed behaviour or an activity by a Member that they reasonably believe in good faith, is in contravention of this Bylaw:
  - (i) resides in Medicine Hat;
  - (ii) is an employee of the Municipality;
  - (iii) is a Member;
  - (iv) owns land in Medicine Hat;
  - (v) owns a business in Medicine Hat; or
  - (vi) works in Medicine Hat.
- (i) "Confidential Information" includes information in the possession of, or received in confidence by, the Municipality or Council that the Municipality or Council is prohibited from disclosing pursuant to legislation, court order or by contract, or is required to refuse to disclose under FOIPP or any other legislation, or any other information that pertains to the business of the Municipality, and is generally considered to be of a confidential nature, including but not limited to information concerning:
  - i) the security of the property of the Municipality;
  - ii) a proposed or pending acquisition or disposition of land, interests or estates in oil and gas assets (including mines or minerals), or other property;
  - iii) a tender that has or will be issued but has not been awarded;
  - iv) contract negotiations;
  - v) employment and labour relations;
  - vi) 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;
  - vii) law enforcement matters;
  - viii) litigation or potential litigation, including matters before administrative tribunals; and
  - ix) advice that is subject to solicitor-client privilege.
- (j) "Council" means the municipal council of the Municipality;
- (k) "Discrimination" or "Discriminate" means any act or omission based on race, religious beliefs, colour, gender, mental or physical disability, marital status, age, ancestry, place of origin, family status, source of income, sexual orientation, gender identity, or gender expression, that:
  - i) results in loss of or limit on opportunities to work;
  - ii) offends the dignity of the person, or
  - iii) both of the circumstances in subsections 2.1(k)i) and 2.1(k)ii).

Sexual Harassment is a form of gender discrimination and refers to behaviour that creates or permits a sexualized or sexually charged atmosphere and may be written, verbal, physical, online or electronic, a gesture or display, or any combination of these;

- (l) "FOIPP" 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;
- (m) "Harassment" or "Harass" means conduct or comment, either one-time or repeated that:
  - i) is demeaning, intimidating, threatening, or abusive;
  - ii) is not trivial or fleeting in nature;
  - iii) causes offence and should have reasonably been expected to offend; and
  - iv) undermines authority or respect in the workplace, or impairs work performance, or limits opportunities for advancement, or creates an intimidating, hostile or offensive work environment;
- (n) "Integrity Commissioner" means a person or persons external to the Municipality, appointed by Council to fulfill the duties of Integrity Commissioner under this Bylaw;
- (o) "Mayor" means the chief elected official of the Municipality as defined in the Act;
- (p) "Member" means a member of Council and includes a councillor or the Mayor;
- (q) "Municipality" means the municipal corporation of the City of Medicine Hat;
- (r) "Respondent Member" means a Member who is the subject of a complaint by a Complainant under this Bylaw; and
- (s) "Social Media" refers to freely accessible, third-party hosted, interactive web-based technologies used to produce, post and interact through text, images, video and audio to inform, share, promote, collaborate or network.

### **3. Purpose and Application**

- 3.1. The purpose of this Bylaw is to establish standards for the ethical conduct of Members relating to their roles and obligations as representatives of the Municipality and to establish a procedure for the investigation and enforcement of those standards.

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

#### **4.1. Members must:**

- (a) act honestly and, in good faith, serve the welfare and interests of the Municipality as a whole;
- (b) perform their functions and duties in a conscientious and diligent manner with integrity, accountability and transparency;

- (c) 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;
- (d) arrange their private affairs and conduct themselves in a manner that promotes public confidence and will bear close public scrutiny; and
- (e) keep in confidence matters discussed in a closed session at a Council or Council committee meeting until discussed at a meeting held in public.

## **5. Communicating on Behalf of the Municipality**

- 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, unless otherwise designated by Council. All inquiries from the media regarding the official Council position on an issue must 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. A Member must not make a statement when they know that statement is false.
- 5.5. A Member must not make a statement with the intent to mislead Council or members of the public.
- 5.6. Use of Social Media
  - (a) As public figures and representatives of the Municipality, Members must exercise sound judgment and be prudent in what material they post on Social Media. As with any other communication, Members are accountable for content and confidentiality. Members should exercise caution when engaging in debate or making comments on contentious matters, as feelings and emotions can become enflamed very quickly.
  - (b) When engaged in matters pertaining to their roles as Members, in using Social Media, Members must not attempt to disguise or mislead as to their identity or status as an elected representative of the Municipality.
  - (c) Members must not use Social Media to publish anything that is dishonest, unsubstantiated, or misleading in any way when engaged in matters pertaining to their roles as Members.

## **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. A Member must not, unless authorized by Council, attempt to bind Council or the Municipality or give direction to

employees in Administration, agents, contractors, consultants or other service providers or prospective vendors to the Municipality.

- 6.2. Members must conduct and convey Council business and all their duties in an open and transparent manner other than for those matters which by law are authorized to be dealt with in a confidential manner in a closed 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 must accurately communicate the decisions of Council, even if they disagree with Council's decision, such that respect for the decision-making processes of Council is fostered.
- 6.4. Members must approach decision-making with an open mind that is capable of persuasion.

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

- 7.1. Members must uphold the law established by the Parliament of Canada and the Legislature of Alberta and the bylaws, policies and procedures adopted by the Municipality.
- 7.2. Members must respect the Municipality as an institution, its bylaws, policies and procedures and must encourage public respect for the Municipality, its bylaws, policies and procedures.
- 7.3. A Member must not encourage disobedience of any bylaw, policy or procedure of the Municipality in responding to a member of the public, as this undermines public confidence in the Municipality and in the rule of law.

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

- 8.1. A Member must:
  - (a) act in a manner that demonstrates fairness, respect for individual differences and opinions, and an intention to work together for the common good and in furtherance of the public interest;
  - (b) treat one another, employees of the Municipality and members of the public with courtesy, dignity and respect and without abuse, or intimidation;
  - (c) not use indecent, abusive, or insulting words or expressions toward another Member, any employee of the Municipality or any member of the public;
  - (d) not Discriminate;
  - (e) respect the fact that employees in Administration work for the Municipality 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;

- (f) foster an environment of trust by showing consideration for every person's values, beliefs and contributions, and supporting and encouraging public participation where appropriate;
- (g) demonstrate awareness of their own conduct, and consider how their words or actions may be perceived as offensive or demeaning;
- (h) demonstrate respect for the decision-making processes of the Municipality, accepting that a decision of Council is a decision of Council as a whole; and
- (i) demonstrate respect for the professional capacities of municipal employees, including employees' responsibility to provide unbiased and objective advice without undue influence from any individual Member or faction of Council.

**8.2. Members must not:**

- (a) involve themselves in matters of Administration, which fall within the jurisdiction of the City Manager as outlined in the Administrative Organization Bylaw;
- (b) use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any employee of the Municipality with the intent of interfering in the employee's duties, including the duty to disclose improper activity; or
- (c) maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of employees of the Municipality.

**Harassment**

**8.3. Council Members must not engage in Harassment of other Members of Council, employees of the Municipality or members of the public.**

**8.4. Members must not engage in Sexual Harassment of any person.**

**9. Confidential Information**

- 9.1. Members must refrain from disclosing or releasing any Confidential Information acquired by virtue of their office except when required by law or authorized by Council.
- 9.2. In the course of their duties, Members may also become privy to Confidential Information received outside of a closed session. Members must not:
  - (a) 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;
  - (b) access or attempt to gain access to Confidential Information in the custody or control of the Municipality unless it is necessary for the performance of the Member's duties and is not otherwise prohibited by Council, and only then if the Confidential Information is acquired through appropriate channels in accordance with applicable Council bylaws and policies; or

- (c) use Confidential Information for personal benefit or for the benefit of any other individual or organization.

**10. Pecuniary 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. Declaring a pecuniary interest:

- (a) The determination as to whether or not a Member has a pecuniary interest is made by the particular Member involved. Where a Member has determined that a pecuniary interest exists, that Member must comply with the requirements set out in section 172 of the Act.
- (b) 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, subject to any City policy or Council approval for the reimbursement of the Member's legal expenses.

**11. Conflicts of Interest**

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

11.2. Members must not engage in any activity, pecuniary or otherwise, which is incompatible or inconsistent with the ethical discharge of official duties in the public interest. Without limiting the generality of the foregoing, Members must not use any information gained in the execution of office that is not available to the members of the public for any purpose other than official duties.

**12. Improper Use of Influence**

12.1. A Member must not use the influence of the Member's office for any purpose other than for the exercise of the Member's official duties.

12.2. A Member must not 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.

12.3. Members must not contact or otherwise attempt to influence members of any adjudicative body regarding any matter before it relating to the Municipality.

12.4. Members must refrain from using their positions to obtain employment with the Municipality for themselves, family members or close associates.

**13. Use of Municipal Assets and Services**

- 13.1. Members are stewards of public resources and must avoid waste, abuse and extravagance in the use of public resources.
- 13.2. Members must use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Member, subject to the following limited exceptions:
  - (a) municipal property, equipment, service, supplies and staff resources that are available to members of the public may be used by a Member for personal use upon the same terms and conditions as members of the public, including booking and payment of any applicable fees or charges; and
  - (b) electronic communication devices, including but not limited to desktop computers, laptops, tablets and smartphones, which are supplied by the Municipality to a Member, may be used by the Member for personal use, provided that the use is not for personal gain, offensive or inappropriate.

**14. Orientation and Other Training Attendance**

- 14.1. Every Member must attend the orientation training offered by the Municipality within ninety (90) days after the Member takes the oath of office.
- 14.2. Every Member is encouraged to attend any other training organized at the direction of Council for the benefit of Members throughout the Council term.

**15. Remuneration and Expenses**

- 15.1. Members must 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.
- 15.2. Members must 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.
- 15.3. Gifts received by a Member on behalf of the Municipality as a matter of official protocol which have significance or historical value for the Municipality must be left with the Municipality when the Member ceases to hold office.

**16. Complaint and Informal Resolution Process**

- 16.1. A Complainant may address the prohibited conduct as follows:
  - (a) advise the Respondent Member that the behaviour or activity contravenes this Bylaw;



- (b) encourage the Respondent Member to acknowledge and agree to stop the behaviour or activity and to avoid future occurrences of the behavior or activity;
- (c) keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;
- (d) if applicable, confirm to the Respondent Member their satisfaction with the response of the Respondent Member; or, if applicable, advise the Respondent Member of their dissatisfaction with the response;
- (e) consider the need to pursue the matter in accordance with the formal complaint process outlined in Section 18 below, or in accordance with another applicable judicial or quasi-judicial process or complaint procedure.

## **17. Mediation**

- 17.1. All Complainants are encouraged to initially pursue an informal complaint procedure as the first means of stopping and remedying a behaviour or activity that is prohibited by this Bylaw.
- 17.2. The Complainant may request the City Clerk or the City Manager to assist in an informal discussion of the alleged complaint with the Respondent Member in an attempt to resolve the issue.
- 17.3. The Complainant and the Respondent Member may choose to pursue formal mediation. If the Complainant and the Respondent Member agree to mediation, they must jointly select a mediator. If they cannot agree on the choice of mediator or if the selected mediator is not available to commence the mediation within thirty (30) days, the City Manager in consultation with the City Solicitor must select a mediator.
- 17.4. Costs of the mediation process are the responsibility of, and must be paid by, the Municipality.
- 17.5. If the mediator concludes at any time that a mediated resolution of the complaint is not possible, the mediator must send the file to the Integrity Commissioner for the complaint to proceed to investigation under the formal complaint process. The mediator will not provide any report or assessment on the issue.
- 17.6. If a complaint is settled on terms satisfactory to the Complainant and the Respondent Member as a result of mediation, the complaint file must be closed.
- 17.7. It is not a precondition or a prerequisite that a Complainant must pursue an informal complaint process before pursuing the formal complaint process.

## **18. Formal Complaint Process**

- 18.1. A Complainant may file a formal complaint with the Integrity Commissioner via the Municipality's website or by contacting the City Clerk department to obtain contact information for the Integrity Commissioner,, if:

- (a) the Complainant reasonably believes in good faith that a Member has contravened this Bylaw; or
- (b) an informal resolution of the complaint was initiated by the Complainant, but the complaint could not be resolved informally.

18.2. A complaint must be made in writing, dated and legibly signed.

18.3. The complaint must contain the following information:

- (a) the name of the Complainant and the Respondent Member;
- (b) the date of the conduct which is the subject of the complaint;
- (c) the nature of the conduct which is the subject of the complaint; and
- (d) other relevant information to the complaint, which may include the names of witnesses.

18.4. A complaint under this Bylaw must be filed with the Integrity Commissioner not later than ninety (90) days after the date the Complainant became aware of the conduct giving rise to the complaint.

## **19. Formal Complaint Initial Assessment**

19.1. Within seven (7) days of receiving a complaint under this Bylaw, the Integrity Commissioner must:

- (a) notify the Respondent Member and provide them with a copy of this Bylaw and the complaint; and
- (b) advise Council of the receipt of a complaint at the next Council meeting during the closed session.

19.2. The Integrity Commissioner must conduct an initial assessment of the complaint.

19.3. Following an initial assessment, the Integrity Commissioner may dismiss a complaint in the following circumstances:

- (a) the complaint is frivolous,
- (b) the complaint is vexatious,
- (c) the complaint is not made in good faith,
- (d) the complaint is without grounds or there are insufficient grounds for conducting an investigation,
- (e) the Complainant is out of time in accordance with section 18.4,
- (f) the conduct is covered by other applicable legislative appeal, complaint or court process, or
- (g) the complaint is otherwise outside the scope of this Bylaw.

19.4. The Integrity Commissioner may request further information from the Complainant to assist in determining whether there are reasonable grounds for believing that the Respondent Member has breached this Bylaw.

- 19.5. Within thirty (30) days of receipt of a complaint, the Integrity Commissioner must make a determination under section 19.3 and notify the Complainant, the Respondent Member and Council in writing providing reasons if the Integrity Commissioner dismisses the complaint. The Integrity Commissioner may extend the thirty (30) day period under this section 19.5 if it is not practically possible to make a determination within that time period.
- 19.6. A determination under section 19.3 made by the Integrity Commissioner is final and may not be reviewed or reconsidered by Council.
- 19.7. Prior to making a determination under section 19.3, the Integrity Commissioner may inform the Complainant and the Respondent Member of the option to attempt a voluntary dispute resolution process to try to resolve the complaint.
- 19.8. For the purposes of an initial assessment conducted under this section or an investigation under section 20, if communication between Council and the Integrity Commissioner is necessary, the Chair of the Administrative and Legislative Review Committee shall be Council's sole point of Contact with the Integrity Commissioner, unless the Chair is the subject of the complaint, in which case the vice Chair will be the sole point of contact with Council.
- 19.9. Except as expressly authorized by this Bylaw, all proceedings regarding an initial assessment of a complaint must be kept confidential.
- 19.10. The Municipality is responsible for the costs of the assessment conducted by an Investigator.

## **20. Investigation**

- 20.1. If the Integrity Commissioner does not dismiss the complaint after the initial assessment, the Integrity Commissioner must conduct an investigation of the complaint.
- 20.2. The Integrity Commissioner may conduct the investigation as considered appropriate, but the process must include fair process for the Respondent Member, including the opportunity to seek legal counsel and for the Respondent Member to provide a response to the complaint.
- 20.3. The Integrity Commissioner may request further information from the Complainant to assist in determining whether there are reasonable grounds for believing that the Respondent Member has breached this Bylaw. The Respondent Member is entitled to disclosure of all relevant information gathered during an investigation.
- 20.4. Once all relevant information regarding the complaint has been provided to the Respondent Member by the Integrity Commissioner, the Respondent Member will have ten (10) business days to provide the Integrity Commissioner with a written response to the allegations, including any supporting documents. This deadline may be extended by the Integrity Commissioner if the Integrity Commissioner concludes that it is not practically possible for the Respondent Member to provide a response within that time period.

- 20.5. Upon a Complainant's complaint being directed to investigation, the Integrity Commissioner may inform the Complainant and the Respondent Member of the option to attempt a voluntary dispute resolution process to try to resolve the complaint.
- 20.6. The Integrity Commissioner must complete the investigation as soon as possible in the circumstances and in any event no later than ninety (90) days from the date of the completion of the initial assessment, unless the Integrity Commissioner determines that doing so is not practically possible, subject to any suspension under section 20.7.
- 20.7. Despite any other provision in this Bylaw regarding the timing to deal with a formal complaint, if the Integrity Commissioner receives a complaint regarding a Member within two (2) months before a general municipal election, the obligations under this Bylaw are suspended until after the first organizational meeting of Council following the general municipal election.

**21. Member Conduct not in Breach**

- 21.1. If after reviewing all pertinent information the Integrity Commissioner determines on a balance of probabilities that the Respondent Member did not violate this Bylaw, the Integrity Commissioner will advise Council, the Complainant and the Respondent Member of the decision, in writing, and will not disclose the fact of the investigation except as set out in this section 21.1.
- 21.2. The Integrity Commissioner's decision that a Respondent Member did not violate this Bylaw is final and may not be reviewed or reconsidered by Council.

**22. Member Conduct in Breach**

- 22.1. If after reviewing all pertinent information the Integrity Commissioner determines on a balance of probabilities that the Respondent Member did violate this Bylaw, the Integrity Commissioner will:
  - (a) prepare a written report explaining their decision that the Member violated this Bylaw;
  - (b) make a recommendation as to the appropriate sanction;
  - (c) if the Integrity Commissioner determines that a contravention of this Bylaw occurred but:
    - i) the Respondent Member took all reasonable steps to prevent it; or
    - ii) the breach was trivial or committed through inadvertence or a genuine error of judgment,the Integrity Commissioner must state this in their decision and recommend that no sanction be imposed;
  - (d) advise the City Manager that the Integrity Commissioner has a decision to be provided in a verbal report to Council in the closed session of the next Council meeting;

- (e) not less than twenty-four (24) hours nor more than forty-eight (48) hours prior to the start of the Council meeting at which the verbal report is to be considered, provide a copy of the decision, on a strictly confidential basis, to the Respondent Member;
- (f) provide all other Members with a copy of the decision on a strictly confidential basis at the same time the Integrity Commissioner provides their verbal report to Council; and
- (g) following the closed meeting the Integrity Commissioner's decision will be reviewed and redacted in compliance with FOIPP and made publicly available.

22.2. The Integrity Commissioner's decision that a Respondent Member violated this Bylaw is final and may not be reviewed or reconsidered by Council. Despite the finality of the Integrity Commissioner's decision on whether a Respondent Member violated this Bylaw, Council must decide at a regular Council meeting or a special Council meeting called to discuss the item whether to adopt the Integrity Commissioner's recommendation as to sanction or whether to substitute a different lesser or greater sanction.

### **23. General**

- 23.1. The Municipality is responsible for the costs of the investigation conducted by an Integrity Commissioner.
- 23.2. Except as expressly authorized by this Bylaw, all proceedings regarding the investigation must be kept confidential.
- 23.3. A Respondent Member is entitled to be represented by independent legal counsel, at the Member's sole expense, subject to Council approval for the reimbursement of the Member's legal expenses.

### **24. Advice and Recommendations**

- 24.1 A Member may request the Integrity Commissioner to give advice and recommendations on any matter respecting obligations of the Member under this Bylaw.
- 24.2 The Integrity Commissioner may, in writing, provide the Member with advice and recommendations, which:
  - (a) shall state the material facts either expressly or by incorporating facts stated by the Member;
  - (b) shall be based on the facts referred to in clause (a); and
  - (c) may be based on any other considerations the Integrity Commissioner considers appropriate.
- 24.3 Advice and recommendations under this section are confidential until released by or with the consent of the Member.

24.4 The Integrity Commissioner may make any inquiries that the Integrity Commissioner considers appropriate in order to provide advice and recommendations under section 24.1.

24.5 If a Member has, with respect to advice and recommendations under section 24.1:

- (a) communicated the material facts to the Integrity Commissioner; and
- (b) complied with any recommendations contained in the advice and recommendations of the Integrity Commissioner,

the Integrity Commissioner will dismiss any complaint arising from those facts and the compliance of the Member with the written recommendation of the Integrity Commissioner. Despite 24.3, in the dismissal, the Integrity Commissioner may indicate the reason for the dismissal is the Member's compliance with the advice and recommendations of the Integrity Commissioner, but the Integrity Commissioner shall not include the specific advice or recommendations in the advice under s. 21.1.

## **25. Sanctions**

25.1. During the regular Council meeting or a special Council meeting at which sanction will be discussed, the following process shall apply:

- (a) The Respondent Member may provide oral comments to Council in addition to any written response provided. The Respondent Member is entitled to have legal counsel present during the Council meeting, at the Respondent Member's sole expense. Council may ask questions of the Respondent Member.
- (b) Once the Respondent Member has completed any oral comments, the Respondent Member and legal counsel for the Respondent Member, if any, and the Complainant if the Complainant is a Member, must leave the meeting.
- (c) Following the departure of the individuals identified in subsection 25.1(b), Council must determine the appropriate sanction having regard for the severity and frequency of the conduct.

25.2. Sanctions that may be imposed on a Respondent Member, by Council, upon a finding by an Integrity Commissioner that the Respondent Member has breached this Bylaw may include:

- (a) a letter of reprimand addressed to the Respondent Member;
- (b) requesting the Respondent Member to issue a letter of apology;
- (c) publication of a letter of reprimand or request for apology and the Respondent Member's response;
- (d) suspension or removal of the appointment of a Respondent Member as the deputy chief elected official or acting chief elected official under section 152 of the Act;
- (e) suspension or removal of the chief elected official's presiding duties under section 154 of the Act;

- (f) suspension or removal from some or all Council committees and bodies to which Council has the right to appoint members; reduction or suspension of remuneration payable to the Respondent Member corresponding to a reduction in duties, excluding allowances for attendance at council meetings;
- (g) any other sanction Council deems reasonable and appropriate in the circumstances provided that the sanction does not prevent a Respondent Member from fulfilling the legislated duties of a councillor and the sanction is not contrary to the Act.

## **26. Compliance and Enforcement**

- 26.1. Members must uphold the letter and the spirit and intent of this Bylaw.
- 26.2. Members are expected to co-operate in every way possible in securing compliance with the application and enforcement of this Bylaw.
- 26.3. Members must not:
  - (a) 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; or
  - (b) obstruct Council, or any other person, in carrying out the objectives or requirements of this Bylaw.

## **27. Review**

- 27.1. This Bylaw must be brought forward for review at the beginning of each term of Council at least once every four (4) years from the date that this Bylaw is passed, 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.

## **28. Interpretation**

- 28.1. In this Bylaw, the words "shall" and "must" denote a mandatory intention. The word "may" is permissive.

## **29. Repeal and Coming Into Force**

- 29.1. Subject to section 30.1, Bylaw No. 4492 is repealed.
- 29.2. This Bylaw comes into force on the date it is passed.

## **30. Transitional**

- 30.1 Any code of conduct complaint brought against a Member where the allegation involves conduct that occurred prior to the date this Bylaw comes into force will be dealt with in accordance with Bylaw No. 4492.
- 30.2 Any complaints received about Member conduct where the allegation involves conduct that occurred on or after the date this Bylaw comes into force will be held

in abeyance until such time as a new Integrity Commissioner is hired by Council. The procedural deadlines set out in sections 19.1, 19.6 and 20.6 shall not apply until an Integrity Commissioner commences work for the Municipality. A public notice will be placed on the Municipality's website to notify the public of the date the Integrity Commissioner commences work for the Municipality.

**READ A FIRST TIME** in open Council on March 4, 2024.

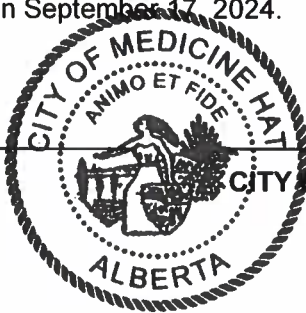
**READ A SECOND TIME** in open Council on September 16, 2024.

**READ A THIRD TIME** in open Council on September 16, 2024.

**SIGNED AND PASSED** on September 17, 2024.

*Linnsie Clark*

**MAYOR: Linnsie Clark**



**CITY CLERK: Taralyn Aaserud**