



TOWN POLICY

POLICY NUMBER: 1103

REFERENCE:

Council 092.03.12

ADOPTED BY:

Town Council
7 March 2012

PREPARED BY: Administration

DATE: 7 March 2012

TITLE: Mayor & Councillor Code of Ethics & Conduct Policy

POLICY STATEMENT

The Town of Strathmore Council recognizes that the electors of the Town of Strathmore elected Members of Council for the purpose of providing ethical and effective leadership for the Town of Strathmore and its residents.

Each individual Councillor of the Town of Strathmore Council hereby commits to upholding this Code of Ethics and Conduct for the purpose of ensuring that Councillors of the Town of Strathmore maintain a high level of integrity and ethics when carrying out their roles as Councillors for the Town of Strathmore.

GUIDING PRINCIPLES

- A. Council will review this Code of Ethics and Conduct annually at the Organizational Meeting to ensure that the Code of Ethics and Conduct is current and remains relevant to the day to day conduct of Council and individual Councillors.
- B. The purpose of this Code of Ethics and Conduct is to set principles and standards of conduct and integrity for Town of Strathmore Councillors and to inform the public and Town residents of the conduct they are entitled to expect from Town of Strathmore Councillors and to uphold public confidence in the function of Town of Strathmore Council.
- C. Councillors are expected to formally and informally review this Code of Ethics and Conduct and their adherence thereto on a regular and ongoing basis.

1. DEFINITIONS

1.1. Chief Administrative Officer means the person appointed by Council to carry out the powers, duties and functions of the position of chief administrative officer, or the person appointed by the chief administrative officer to act as his designate.

1.2. Conflict of Interest means a situation where a Councillor's personal or private interests actually, may or may be perceived as influencing the Councillor on a matter of public interest before Town Council, including situations which may result in common law bias which include direct or indirect pecuniary interest, pre-judgment, close mindedness or undue influence.

A Conflict of Interest situation also includes using the Councillor's position, confidential information or Town of Strathmore 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 interests of the Councillor's family, friends or business associates.

1.3. Councillor(s) means an individual elected member of the Town of Strathmore Council and includes the chief elected official (Mayor).

1.4. Deputy Chief Administrative Officer means the person appointed by the chief administrative officer to act as his designate.

1.5. 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.

2. CODE OF ETHICS AND CONDUCT FOR COUNCILLORS

For the purpose of providing ethical and effective leadership for the Town of Strathmore and its residents, the Town of Strathmore Council has adopted the following principles to ensure that all Councillors act honestly, in good faith and in the best interests of the Town of Strathmore as a whole.

The Town of Strathmore Councillors each agree and commit to the following principles:

- 2.1.** To act honestly and in good faith at all times,
- 2.2.** To engage in respectful, fulsome and healthy debate on matters in Council meetings and then support the decision of Council,
- 2.3.** To respect the personal opinions of other Councillors,
- 2.4.** To publically express his/her personal opinions in such a manner that maintains respect for Council, other Councillors and any decisions made by Council or a Council committee,
- 2.5.** Unless authorized by Council to represent Council's position on an issue, to ensure that any public statements are clearly stated to reflect the personal opinion of the Councillor, not the opinion or position of Council,
- 2.6.** To strictly follow the Pecuniary Interest requirements as established in Part 5, Division 6 of the *Municipal Government Act*, R.S.A. 2000 Chapter M-26,
- 2.7.** To avoid situations which may result in a Conflict of Interest,
- 2.8.** To avoid situations where it may be perceived that the Councillor is using his/her position on Council to gain a personal or pecuniary benefit.

2.9. To refrain from seeking the award of written service or supply contracts or applying for positions of employment with the Town of Strathmore while holding the position of Town of Strathmore Councillor in order to avoid any public perception that the Councillor is using his/her position on Council to gain a personal or pecuniary benefit. It is acknowledged and agreed that the Town of Strathmore will not award any written service or supply contracts nor make offers of employment to any person who holds the position of Town of Strathmore Councillor.

2.10. To incur expenses in a responsible manner,

2.11. To act with integrity, professionalism, and respect when interacting with other Members of Council, administration, members of the public and other government officials,

2.12. To consider the welfare and interests of the Town of Strathmore as a whole,

2.13. To actively participate in all Council and Council committee meetings with integrity and in good faith,

2.14. To keep in confidence all matters discussed in private at a Council committee meeting until that matter is discussed at a public meeting,

2.15. To demonstrate fairness, accountability and open mindedness on all matters,

2.16. To not make improper use of his/her position as a Councillor to:

2.16.1. gain or attempt to gain or advance, directly or indirectly, a personal or private interest for him/herself or another person,

2.16.2. cause or attempt to cause detriment to the Town of Strathmore, the Town of Strathmore Council or any individual Councillor,

2.16.3. cause or attempt to cause detriment to any member of the Town of Strathmore administration or staff, or

2.16.4. seek personal benefit or gain from any information obtained through his/her position as a Councillor.

3. CODE OF ETHICS AND CONDUCT IN PRACTICE

3.1. Council Decisions

3.1.1. The appropriate forum for healthy and fulsome debate and discussion of matters before Council is in Council meetings.

3.1.2. All Councillors should be given a full opportunity to address issues before Council in a full, open and professional manner to encourage and promote healthy debate of issues.

3.1.3. Council decisions are made by majority vote by the Councillors. The decision of Council must be accepted and respected by all Councillors even if some individual Councillors do not agree with the majority decision.

3.1.4. While an individual Councillor may publically state that he/she did not vote with the majority of Council on an issue, this type of statement must be made in a manner that respects Council, Council's decision and other members of Council.

3.2. Councillor Expenditures

3.2.1. When incurring expenditures, Councillors shall act responsibly and respect that public monies must be used for the public good.

3.2.2. Councillors shall avoid waste, abuse and extravagance in the provision or use of public monies and resources.

3.2.3. Councillors shall be open and accountable with respect to all expenditures.

3.2.4. Councillors shall strictly adhere to all Town of Strathmore guidelines addressing expenditures and reimbursement.

3.3. Dealings with Town administration, staff and members of the public

3.3.1. Councillors shall respect the professional opinion of Town administration and staff.

3.3.2. Councillors shall not abuse relationships or dealings with Town administration or staff by attempting to take advantage of their position as Councillors. Councillors will, at all times, refrain from behaviour which may be perceived to be bullying of staff.

3.3.3. Requests for information shall be directed through the Chief Administrative Officer or his designate.

3.3.4. Councillors may meet with the Chief Administrative Officer or his designate at any time, however, Councillors shall not meet with any staff member(s), nor discuss municipal business at any time, without the Chief Administrative Officer or his designate present.

3.3.5. Councillors will treat all people with professionalism, courtesy and respect.

3.3.6. Councillors will treat all people in good faith and without bias and shall not discriminate against any person on the basis of:

3.3.6.1. differences in personal opinions, or

3.3.6.2. race, ancestry, place of origin, colour, ethnic origin, culture, citizenship, religion, creed, language, gender, sexual orientation, age, family status, disability or occupation.

3.3.7. It is recognized that it is the sole responsibility of the Chief Administrative Officer to hire, discipline, and terminate staff, and that all information pertaining to staff employment matters is considered confidential. No member of Council, either as an individual or as a group, shall interfere with the Chief Administrative Officers role in the hiring, disciplinary action, or termination of any staff member, by way of coercion, persuasion, threats, intimidation, bullying, or any other form of

influence. The Chief Administrative Officer shall immediately report any incident of this nature to Council as a whole.

3.4. Pecuniary Interest

3.4.1. It is the individual responsibility of each Councillor to be aware of the Pecuniary Interest provisions and the disclosure and procedure requirements as established in Part 5, Division 6 of the Municipal Government Act, R.S.A. 2000 Chapter M-26.

3.4.2. It is the individual responsibility of each Councillor to seek independent legal advice with respect to any situation which may result in a Pecuniary Interest, at his/her own expense.

3.4.3. If a Councillor believes that he/she may have or may reasonably be perceived to have a Pecuniary Interest in a matter before Council or a 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:

3.4.3.1. Stating the general nature of his/her Pecuniary Interest at the meeting prior to any discussion of the matter. This will be done on every occasion that the matter arises before Council or Council committee,

3.4.3.2. Refraining from discussing the matter with Council,

3.4.3.3. Subject to 4, leaving the room in which the meeting is held prior to the matter being discussed until discussion and voting on the matter has concluded,

3.4.4. The decision with respect to whether or not the Councillor may have a Pecuniary Interest is the individual Councillor's decision to make.

3.4.5. Where a Councillor believes that he/she may have a Pecuniary Interest in a matter before Council or a Council committee, he/she should:

3.4.5.1. Notify the Mayor or Chair of the meeting before the matter is considered that the Councillor has a Pecuniary Interest in the matter,

3.4.5.2. Complete the "Disclosure of Pecuniary Interest" form attached as Schedule "A" prior to the consideration of the matter at the meeting. The "Disclosure of Interest" form shall be received by the Mayor or Chair of the meeting, be read into the meeting minutes and delivered by the Mayor or the Chair to the Chief Administrative Officer or his designate. The Chief Administrative Officer shall file and maintain the "Disclosure of Interest" forms.

3.5. Conflict of Interest

3.5.1. Receipt and giving of gifts can result in a perceived Conflict of Interest. With the exception of token and minor gifts (having an estimated value under \$50.00), Councillors shall

provide a written declaration to the Chief Administrative Officer detailing the acceptance of any gifts including estimated value and the donor of the gift.

3.5.2. While token and minor gifts can be accepted by Councillors, substantial or material gifts, (over \$50.00), should either be rejected by Councillors or accepted on the condition that the gift is accepted on behalf of Council and donated to a local charity.

3.5.3. This policy does not apply to gifts donated to the Town of Strathmore, nor to gifts or hospitality that are normally received as a matter of protocol or social obligations that normally accompany the position of Councillor and which are not related to any particular transaction or activity of the Town of Strathmore or decision by Town of Strathmore Council.

3.5.4. Councillors shall not engage in any activity which is incompatible or inconsistent with the ethical discharge of a Councillor's duties and obligations as an elected official in the Town of Strathmore.

3.5.5. The decision with respect to whether or not the Councillor may have a Conflict of Interest is the individual Councillor's decision to make.

3.5.6. It is the individual responsibility of each Councillor to seek independent legal advice with respect to any situation which may result in a Conflict of Interest.

3.6. Use and Disclosure of Information

3.6.1. Councillors shall not use information gained through their position on Council for any private or personal benefit or gain.

3.6.2. Councillors shall inform themselves of and strictly adhere to the provisions of the Freedom of Information and Protection of Privacy Act, R.S.A. 2000, Chapter F-25 with respect to the access to, gathering, use and disclosure of information.

3.6.3. Councillors shall not release, disclose, publish or comment on confidential information including any information received during an "in camera" meeting until such information is disclosed at a public meeting. This obligation continues in perpetuity.

3.6.4. Councillors shall not release information that is subject to solicitor-client privilege unless expressly authorized by Council or required by law to do so.

3.6.5. 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 e-mails and correspondence from other Councillors or third parties such that it may cause harm, detriment or embarrassment to the Town of Strathmore, Council, other Councillors, Town of Strathmore administration or staff, members of the public or third parties or such that it may create a benefit to themselves the Town of Strathmore, Council, other Councillors, Town of Strathmore administration or staff, members of the public or third parties.

3.6.6. Public or media statements or the release of information conveying the Town of Strathmore's position or decisions on matters, issues and decisions made by the Town of Strathmore will only be communicated under the authorization of the chief administrative officer, or in the case of the Mayor, as agreed upon by a majority of Council.

4. END OF POLICY

Schedule A
Disclosure of Pecuniary Interest Form

Name of Councillor: _____

Date of Council/Committee Meeting: _____

Agenda Item No.: _____

Agenda Item Description: _____

Describe general nature of Pecuniary Interest:

Dated this ____ **day of** _____, **20**__.

Signature of Councillor: _____