

BYLAW 6203

A BYLAW OF THE CITY OF LETHBRIDGE TO ESTABLISH A CODE OF CONDUCT FOR
CITIZEN MEMBERS APPOINTED TO BOARDS, COMMISSIONS, AND COMMITTEES

WHEREAS, pursuant to section 146.1(3) of the *Municipal Government Act*, a Council may, by bylaw, establish a code of conduct governing the conduct of members of council committees and other bodies established by the Council who are not councilors;

AND WHEREAS the establishment of a code of conduct for members of council committees and other bodies established by the Council is consistent with the principles of transparent and accountable government;

AND WHEREAS a code of conduct sets an ethical standard of behavior for members of council committees and other bodies established by the Council;

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 "Code of Conduct for Citizen Members Bylaw" or "Code."

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" has the same meaning as in Bylaw 6099, the City Manager Bylaw;
- 2.3. "City" means the corporation of the City of Lethbridge;
- 2.4. "City Manager" has the same meaning as in Bylaw 6099, the City Manager Bylaw;
- 2.5. "Committees" means any council committee or other body established by council;
- 2.6. "Confidential Information" means any information (oral or written) that is received in during a meeting or any part of a meeting that is closed to the public;
- 2.7. "Conflict of Interest" means a situation when a citizen Member has a private or personal interest sufficient to influence or to appear to influence the objective exercise of their duties;
- 2.8. "Declaration" means the form of declaration attached to this Bylaw as Schedule "A";
- 2.9. "External Committee" means a board, commission, committee or other body not established by the city council but whose membership includes a council appointee and without limiting the generality of the foregoing specifically includes the City of Lethbridge Library Board;
- 2.10. "Member" means a citizen appointed to a Committee;

- 2.11. "Political Activity" means being a candidate for elected office, campaigning for a candidate for elected office, fundraising for an election campaign, promoting a political party or special interest cause.

3. Purpose and Application

- 3.1. The purpose of the Code of Conduct for Citizen Members Bylaw is to establish standards for the ethical conduct of members.
- 3.2. This Bylaw does not apply to council members as they are governed by the Council Code of Conduct Bylaw.
- 3.3. This Bylaw does not apply to any External Committees or the Lethbridge Police Commission.

4. General Duties of Members

- 4.1. Members shall:

- 4.1.1. act honestly and in good faith;
- 4.1.2. perform their functions and duties in a conscientious and diligent manner with integrity, accountability and transparency;
- 4.1.3. conduct themselves in a professional manner with dignity and make every effort to participate diligently on the Committees to which they are appointed;
- 4.1.4. conduct themselves in a manner that promotes public confidence and will bear close public scrutiny;
- 4.1.5. treat one another, city councilors, employees of the City and members of the public with courtesy, dignity and respect and without abuse, bullying or intimidation;
- 4.1.6. complete a Declaration prior to participating in any Committee work;
- 4.1.7. 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.

- 4.2. Members shall not:

- 4.2.1. 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;
- 4.2.2. involve themselves in matters of Administration, which fall within the jurisdiction of the City Manager or in the case of the Galt Museum & Archives, and the jurisdiction of the Chief Executive Officer of the Galt Museum & Archives and Fort Whoop Up Interpretive Centre;

- 4.2.3. use, or attempt to use, their authority to interfere or attempt to interfere in the employee's duties;
- 4.2.4. maliciously or falsely injure the reputation of the City or the employees; or
- 4.2.5. 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.

5. RESPONSIBILITIES

5.1. City Council to:

- 5.1.1. appoint Members to Committees as required;
- 5.1.2. remove any Members that are not complying with this Bylaw.

5.2. City Clerk to:

- 5.2.1. coordinate the recruitment and appointment of individuals to Committees;
- 5.2.2. retain the completed Declarations of the Members appointed to the Committees;
- 5.2.3. provide an orientation to Members annually after the Organization Meeting.

5.3. Committees to:

- 5.3.1. carry out their responsibilities in accordance with all applicable policy and legislation.

5.4. Committee Chairs to:

- 5.4.1. manage the performance evaluation of Members;
- 5.4.2. participate in the recruitment of Members with City Council;
- 5.4.3. report to City council on any Member that is not complying with this Bylaw in accordance with Section 12;
- 5.4.4. assist Members to determine whether a situation in question constitutes a Conflict of Interest;
- 5.4.5. determine whether gifts and benefits received by Members are acceptable;
- 5.4.6. receive any alleged breach and follow the process outlined in Section 8.

5.5. Members to:

- 5.5.1. receive a copy of the Code of Conduct for Citizen Members Bylaw and complete a Declaration that they agree to adhere to the standards described in the Bylaw no later than thirty (30) days following their initial appointment to a Committee and following any subsequent re-appointment;

- 5.5.2. submit the completed Declaration to the City Clerk;
- 5.5.3. not speak on behalf of city of Lethbridge, city council or the Committee unless authorized to do so;
- 5.5.4. attend orientations and training which is necessary to conduct their duties.
- 5.5.5. comply with the rules of disclosure of confidential information.

6. Conflict of Interest

- 6.1. In the performance of their duties, Members must avoid Conflicts of Interest.
- 6.2. If a Member is in doubt about whether any situation involves a Conflict of Interest, the Member must seek guidance from the Chair at the earliest possible opportunity. The Chair will determine whether the situation in question constitutes a Conflict of Interest.
- 6.3. Should the Chair determine that such a Conflict of Interest exists, then the following steps will be taken:
 - 6.3.1. If the Conflict of Interest is declared outside of a meeting of the Committee, then the Member must formally, in writing, declare the Conflict of Interest stating the reason to the Chair, and must abstain from any discussions related to the matter and from attempting to influence a vote on the matter.
- 6.4. If the Conflict of Interest is declared during a meeting of the Committee, then the following steps will be taken:
 - 6.4.1. The Member must leave the room in which the meeting is being held and not return to the meeting until all discussion and voting related to the matter are concluded; and
 - 6.4.2. The Member's Conflict of Interest declaration must be recorded in the Minutes of the Committee meeting.
- 6.5. If a Member believes that another Member of their Committee is in a Conflict of Interest, then the Member must inform the Chair at the earliest possible opportunity. If a Member believes that the Chair is in a Conflict of Interest, then the Member must inform the Vice-Chair at the earliest possible opportunity.

7. Confidential Information

- 7.1. Members must not disclose confidential information (verbal or written) by any means, unless the Member is authorized to do so by law or in accordance with 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.
- 7.2. Members must not use confidential information acquired during their appointment to a Committee for their personal use or gain, or for the personal use or gain of their family, friends or associates.

- 7.3. Members must not use confidential information following the completion of their term on a Committee for their personal use or gain, or for the personal use or gain of their family, friends, or associates.

8. Acceptance and Disclosure of Gifts and Benefits

- 8.1. Members must not solicit a gift or a benefit, by virtue of their position on a Committee for their personal use or for the personal use of their family, friends or associates.
- 8.2. 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.
- 8.3. Members may accept gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation.
- 8.4. Any gift or benefit that exceeds \$250.00 in value must be disclosed annually.
- 8.5. Gifts or benefits, that are connected directly to a Member's duties on a Committee, must be disclosed to the Chair at the earliest possible opportunity.

9. Conduct at Meetings

- 9.1. Members must be aware of their Committee's mandate, and their governing legislation, bylaws, and any other policies and procedures.
- 9.2. Members must attend all meetings, except those where approval for absence was granted by the Committee or where the Member is required to take a leave of absence in accordance with this Bylaw.
- 9.3. Members must conduct themselves in accordance with the established policies and procedures for the conduct of their Committee's meeting.

10. Use of City and Committee Property, Technology, and Resources

- 10.1. Members shall use City property, equipment, services, supplies and staff resources only for the performance of their duties as a Member.
- 10.2. 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 term and conditions as a member of the general public, including booking and payment of any applicable fees or charges.
- 10.3. Members must not use City property, equipment, services, supplies and staff resources for personal gain or for the gain of their family, friends, and associates.
- 10.4. Members must return all City property, equipment, services, supplies and staff resources upon completion of their term.

11. Political Activity

- 11.1. Members must not use City property, equipment, services, supplies and staff resources for any Political Activity.

12. Breaches

- 12.1. Any alleged breach of the Code must be reported in writing to the Chair. In the case that the alleged breach is related to the Chair, then it must be reported to the Vice-Chair.
- 12.2. Where an alleged breach is reported to the Chair, or the Vice-Chair depending on the circumstance, the Chair and/or Vice-Chair, will take the following actions:
 - 12.2.1. Provide the Member whose conduct is alleged to have breached this Bylaw with the case against them in writing and with an opportunity to respond in writing;
 - 12.2.2. Considering only the written allegations against the Member and the Member's written response, make a determination in writing whether the Code has been breached.
- 12.3. Where the Chair has determined the Code has been breached, the Chair and/or the Vice-Chair may add the breach to the Closed Session portion of the Agenda of the next scheduled meeting, or call a special meeting.
- 12.4. If warranted, the Committee, as a whole, may direct the Chair, or Vice-Chair to bring forward a written report to city council. The report will be forwarded to the Closed Session portion of the City Council Agenda, and must include the following:
 - 12.4.1. Written allegation and Member's response;
 - 12.4.2. Finding of the Chair and copy of relevant minutes;
 - 12.4.3. the Committee's recommendation to council; and
 - 12.4.4. the subject Member's written submission responding to Committee's recommendation unless they have declined to make such a submission.
- 12.5. Having regard only to the written report, if council is satisfied that a breach of this Bylaw occurred, council may by resolution:
 - 12.5.1. suspend the Member for a period of time deemed appropriate by Council; or
 - 12.5.2. revoke the Member's appointment on the Committee.

13. Coming into Force

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

READ A FIRST TIME this 24th day of February, A.D. 2020.

C.A. Spearman (Sgd.)

Bonnie L. Hilford (Sgd.)

MAYOR

CITY CLERK

READ A SECOND TIME this 14 day of DECEMBER, A.D. 2020.

C.A. Spearman
MAYOR

B. L. Hilford
A/ CITY CLERK

READ A THIRD TIME this 14 day of DECEMBER, A.D. 2020.

C.A. Spearman
MAYOR

B. L. Hilford
A/ CITY CLERK

SCHEDULE "A"



CITY OF
Lethbridge

Declaration

**Code of Conduct for Citizen Members Appointed to City Council
Committees**

Complete this Declaration no later than thirty (30) days following your initial appointment to a City of Lethbridge Board, Commission or Committee (Declarations for re-appointment are not required unless a break in service or appointment to a new Board, Commission or Committee). The completed Declaration is to be forwarded to the City Clerk's Office.

I, _____, Member of
(Full Name)

(Name of Board, Commission or Committee)

declare that I have read and understand the Code of Conduct for Citizen Members Bylaw, and agree to adhere to the standards described in this Bylaw.

(Signature)

(Date)