

**Bylaw No. 957-2017**  
**COUNCIL CODE OF CONDUCT BYLAW**

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**A BYLAW OF THE CITY OF LEDUC IN THE PROVINCE OF ALBERTA, TO ESTABLISH A CODE OF CONDUCT FOR MEMBERS OF COUNCIL OF THE CITY OF LEDUC**

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**WHEREAS**, The *Municipal Government Act*, R.S.A. 2000, Chapter M-26, Section 145(b), of the Revised Statutes of Alberta, 2000, states that A council may pass Bylaws in relation to the procedure and conduct of council, council committees and other bodies established by council, the conduct of councillors and the conduct of members of council committees and other bodies established by the council.

**THEREFORE**, the Council of the City of Leduc in the Province of Alberta duly assembled, hereby enacts as follows:

**PART I: BYLAW TITLE**

1. That bylaw shall be known as the "Council Code of Conduct" Bylaw.

**PART II: PURPOSE AND DEFINITIONS**

2. This Council Code of Conduct Bylaw sets a standard each member of Council can be expected to meet. The Code enables members of Council to carry out their duties, powers and functions in such a way that protects, and maintains, the City of Leduc's reputation and integrity while in service to the public. The Code is a supplement to:
  - a. *The Municipal Government Act*
  - b. *The Freedom of Information and Protection of Privacy Act*
  - c. *The Alberta Human Rights Act*
  - d. *The Local Authorities Election Act*
  - e. *The Conflicts of Interest Act (Alberta)*
  - f. *The Criminal Code of Canada*
  - g. The City of Leduc Council Procedures Bylaw
3. Act: *Municipal Government Act*
4. City: the Municipal Corporation of the City of Leduc
5. City Manager: the Chief Administrative Officer of the City, as appointed pursuant to the *Municipal Government Act*, or their delegate.

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- 6. City Solicitor: the Solicitor for the City.
- 7. Council: the Council of the City.
- 8. Council Remuneration Committee: a committee of Council with the mandate to review the compensation paid to members of Council and recommend reasonable changes as required.
- 9. Relative: a Council member's spouse, child, parent, sibling, grandparent, grandchild, guardian, aunt, uncle, niece, nephew, or legal dependent, including in-laws, common law, and step relationships.

**PART III: APPLICATION**

- 10. This Bylaw applies to all members of Council, including the Mayor.

**PART IV: COUNCIL CONDUCT**

**Statement of Values**

- 11. Members of Council:
  - a. Are committed to performing their functions with integrity, accountability and transparency;
  - b. Are responsible for complying with all applicable legislation, by-laws and policies pertaining to their position as an elected official;
  - c. Recognize that the public has a right to open government and transparent decision-making;
  - d. Shall at all times serve and be seen to serve the interests of their constituents and the City in a conscientious and diligent manner; and
  - e. Shall approach decision-making with an open mind.

**Respect of the Decision Making Process**

- 12. Members of Council are elected to make decisions for the municipality about services, policies and programs, with each Member having an equal voice and one vote. Members of Council work together to find acceptable outcomes by:
  - a. Actively participating in the decision-making process;

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- b. Showing respect for each member and their views; and
  - c. Valuing diverse expertise, experience and knowledge that exists among members of Council.
13. A Council decision is the decision of the municipality and the decision must be respected. Members of Council continue to show respect for their colleagues, and the decision making process, by avoiding personal, or group, criticism both at and away from Council meetings.

**Communication Protocols and Council's Spokesperson(s)**

14. The City of Leduc strives to communicate with media and the public in an accurate, consistent and timely consistent manner. In that regard, Council authorizes the Mayor, or the Deputy Mayor in the Mayor's absence, to speak on behalf of the City of Leduc and Leduc City Council when communicating with the public and/or the media.

**Conduct Respecting Administration**

15. Members of Council are committed to creating, and sustaining, a vibrant, healthy, safe and caring work environment. Under the direction of the City Manager, Administration serves Council as a whole. There are distinct and specialized roles of Administration both in carrying out their responsibilities and in dealing with Council. Members of Council shall be respectful of the role of Administration to provide advice based on political neutrality and objectivity, and with undue influence from any individual member of Council. Should members of Council have any questions, or concerns, of Administration, those questions or concerns shall directed through the City Manager.

**Confidentiality**

16. Members of Council will not disclose, or release by any means, any confidential information acquired by virtue of their office, in either written or verbal form, except when required by law or authorized by Council to do so. Nor will members of Council use confidential information for personal or private gain.
17. After leaving office, members of Council shall continue to keep confidential information acquired as a member of Council.
18. Members of Council will not interfere in any way with a determination made by the head of the Freedom of Information and Protection of Privacy for the City of Leduc.

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**Conflict of Interest**

19. It is difficult to anticipate every conflict of interest a member of Council may encounter. However, members of Council must govern their conduct in accordance with the requirements and obligations as set out in legislation, and strive to avoid any activities in which their personal interests may come into conflict, or may appear to conflict, with the interest of the City of Leduc. Doing so will ensure residents continue to have confidence in the integrity of members of Council and the City of Leduc. Members of Council have a duty to avoid a conflict of interest, to account for their conduct, to report a conflict of interest, and take appropriate action to mitigate a conflict of interest.

**Employment of Relatives**

20. In the event that a relative of a member of Council is being considered for employment:
- a. Administration will maintain sound hiring practices ensuring the recruitment process has been followed and has not been unduly influenced. Nor will there be an opportunity to jeopardize financial control(s).
  - b. Members of Council are responsible for disclosing any existing or potential conflicts to the City Manager as soon as they become aware of the conflict.
  - c. Administration is committed to disclosing to Council, any potential conflicts that may arise as part of the recruitment process.

**Improper Use of Influence**

21. Members of Council should be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, both apparent and real. No member of Council shall use the influence of their office for any purpose other than for the exercise of their official duties.

**Use of Municipal Property and Services**

22. In order to fulfill their roles as elected representatives, members of Council have access to municipal resources such as property, equipment, services, staff and supplies. No member of Council shall use, or permit the use of City land, facilities, equipment, supplies, services, staff or other resources (for example, City-owned materials, websites, or a Member of Council Constituency Services Budget) for activities other than purposes connected with the discharge of Council duties or City business.

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23. No Member shall obtain financial gain from the use or sale of City-developed intellectual property, computer programs, technological innovations, or other patent, trademark, copyright held by the City.
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25. No Member shall obtain financial gain from the use or sale of City-developed intellectual property, computer programs, technological innovations, or other patent, trademark, copyright held by the City

**Election Related Activity**

26. Members of Council are required to conduct themselves in accordance with the *Local Authorities Elections Act*. The use of municipal resources, both actual municipal property and staff time, for election-related activity is not permitted. This applies to both the promotion and opposition to the candidacy of a person for elected office. Election-related activity applies, not only to a member of Council's personal campaign for office, but also other campaigns for municipal, provincial and federal office.

**Expenses**

27. The Council Remuneration Committee will complete an in depth review of the compensation paid to members of Council following each municipal election, and an annual review in each of the three years between municipal elections. After each review, the Council Remuneration Committee will recommend reasonable changes to Council remuneration ensuring the highest standards of fairness and transparency are maintained.

**Gifts and Hospitality**

28. Members of Council are called upon to assist and support various charities, service clubs, and other non-profit and community-based associations. In considering accepting an invitation, or purchasing tickets to, an event, members of Council should also consider the organizer. Acceptance of an invitation, or purchase of tickets to events, should be reviewed to consider whether attendance at the event is being offered by someone whose interests could be

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affected by a decision the member of Council could be called upon to make. Members of Council should also consider whether accepting an invitation from a particular organization would, or would appear, to place the member of Council under an actual, or perceived, obligation.

**Complaint System**

29. Any individual who reasonably believes, in good faith, that a member of Council has contravened the Bylaw may make complaint. It is recognized that complaints may vary in severity, complexity and whether they are admitted or denied. As a result, Complainants are given the option of an informal, or formal, complaint process.

30. **Informal Complaint:**

- a. An informal complaint is appropriate for quick problem solving where the parties can seek agreement and shared understanding of how to avoid problems in the future.
- b. Any individual who reasonably believes, in good faith, that a member of Council has contravened the Bylaw may wish to address the prohibited conduct by:
  - I. advising the member of Council that the behaviour or activity contravenes the Code of Conduct;
  - II. encourage the member of Council to stop the prohibited behaviour or activity;
  - III. keep a written record of the incident(s), including dates, times, locations, other persons present, and any other relevant information;
  - IV. request that the Mayor assist in informal discussions with the member of Council in an attempt to resolve the issue. In the event the Mayor is the subject, or is implicated in a complaint, request the assistance from the Deputy Mayor;
  - V. if applicable, confirm to the member of Council their satisfaction with the response of the member of Council, or, if applicable, their dissatisfaction with the response; and
- c. Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying conduct that they believe violates this Bylaw. However, an individual is not required to complete this informal complaint

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procedure prior to pursuing the formal complaint procedure outlined below.

**31. Formal Complaint:**

- a. Any individual who reasonably believes, in good faith, a Member has contravened the Bylaw may make a formal complaint as follows:
  - I. All complaints shall be made in writing. The Complainant may complete a Statement of Complaint document (Attachment "A") which can be obtained from the Office of the City Clerk.
  - II. The Complaint must:
    - set out reasonable grounds and probable grounds for the allegation;
    - provide a detailed account of the facts as the Complainant understands them;
    - provide information on witnesses, if any and if known.
  - III. The completed Statement of Complaint must be addressed to the Office of the City Clerk.

**32. Review of Complaint**

- a. The Office of the City Clerk shall forward the Complaint, without added comment, to the City Solicitor ("Solicitor") OR a Complainant may file the completed Complaint in a sealed envelope, with the Office of the City Clerk, and the Complaint shall be forwarded, unopened, to the Solicitor.
- b. A Complaint shall not be made available to the public except as may be required and authorized under the *Freedom of Information and Protection of Privacy Act*, the provisions of this By-law or any other applicable law.
- c. Upon receiving a Complaint filed in accordance with this By-law, the Solicitor shall notify the member(s) of Council to whom the Complaint is directed of the fact and nature of the complaint.
- d. The Solicitor shall conduct a preliminary review of the Complaint as follows to determine whether to proceed to investigation or dispose of the Complaint:
  - i. The Solicitor may request further information from the Complainant as part of the preliminary review.

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- ii. If the Complaint is not, on its face, a complaint relative to the Code of Conduct or the complaint is covered by other legislation or a complaint procedure under another Council policy, the Solicitor shall advise the Complainant, in writing, that the matter is not within the jurisdiction of the Solicitor. The advice will provide reasons and referrals to the appropriate authority as the Solicitor considers appropriate.
- iii. If the Solicitor considered the Complaint to be frivolous or vexatious, that it is not made in good faith or that there are no grounds, or insufficient grounds, for conducting an investigation the Solicitor may choose not to conduct an investigation, terminate the investigation or may dispose of the Complaint in a summary manner. The Solicitor's decision will be provided in writing to the Complainant and Council.

**33. Inquiry into a Complaint Regarding a Member of Council:**

- a. If the complaint was not dismissed, the Solicitor shall take such steps as is considered appropriate to investigate and may attempt to settle the Complaint. Steps to investigate may include having a third party ("third party") certified to handle such matters, investigate the Complaint. All proceedings of the Solicitor and/or the third party regarding the investigation shall be confidential.
- b. The Solicitor and/or third party shall, upon conclusion of the investigation, provide Council and the member of Council who is the subject of the Complaint, the results of the investigation.
- c. A member of Council who is the subject of an investigation shall be afforded procedural fairness, including the opportunity to respond to the allegations before Council deliberates and make any decision or any sanction is imposed.
- d. A member of Council who is the subject of an investigation is entitled to be represented by legal counsel, at the member of Council's sole expense.

**Compliance with the Code of Conduct**

- 34. Members of Council are accountable to the public through the four-year election process and must govern their conduct in accordance with the requirements of the *Municipal Government Act* or any other Act of the Province of Alberta or Government of Canada



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35. Members of Council agree to uphold this Bylaw and govern themselves accordingly, in order to enhance ethical conduct and the credibility and integrity of Council in the community.
36. During Council Orientation, which is conducted after every municipal election, each member of Council will be provided with a copy of the Council Code of Conduct and will be requested to sign the Statement of Commitment (Attachment "B") acknowledging that he or she has read the Council Code of Conduct and supports it.
37. No member of Council shall:
- 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.
  - b. Obstruct Council, the Solicitor, the third party, or any other person, in carrying out the objectives or requirements of this Bylaw.
38. Should a member of Council breach the Council Code of Conduct, the possible course of action available to Council include, but are not limited to:
- a. A letter of reprimand addressed to the member of Council
  - b. Requesting the member of Council issue a letter of apology to the impacted individual(s)
  - c. Suspension or removal from Council Committees and bodies to which Council has a right to appoint members
  - d. Suspension or removal from a position of Deputy Chief Elected Official or Chairperson of a Committee 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. Educational training on ethical and respectful conduct provided by a 3<sup>rd</sup> party
  - g. Any other sanction Council deems reasonable and appropriate in the circumstances provided that the sanction does not prevent a member of Council from fulfilling the legislated duties of a Councillor and the sanction is not contrary to the *Act*.

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**PART V: ENACTMENT**

This Bylaw shall come into force and effect when it receives Third Reading and is duly signed.

READ A FIRST TIME IN COUNCIL THIS 21 DAY OF AUGUST, 2017.

READ A SECOND TIME IN COUNCIL THIS 23 DAY OF APRIL, 2018.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 23 DAY OF APRIL, 2018.

"Original Signed"

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**Bob Young**  
**MAYOR**

"Original Signed"

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**Sandra Davis**  
**CITY CLERK**

April 23, 2018

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Date Signed



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**FORMAL COMPLAINT UNDER THE COUNCIL CODE OF  
CONDUCT BYLAW NO. 957-2017**

NAME OF COMPLAINANT:

I, \_\_\_\_\_  
(full name of individual signing and filing this Complaint)

Of \_\_\_\_\_  
(full municipal address)

HEREBY MAKE THIS COMPLAINT AGAINST:

(Name of Member(s) of Council alleged to have contravened the Council  
Code of Conduct for Members of the City Council of the City Of Leduc)

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The Complainant is (choose appropriate description of Complainant):

- acting on behalf of and pursuant to the direction of, the City Council;
- a Member of City Council;
- a City employee;
- a City resident;
- a person or body which has business, institutional or other premises in the City.

I, [or the Complainant, if different from the person filing this Complaint]  
have/has knowledge of the statements made in this Complaint, by reason  
of:

- my personal observations;
- my personal knowledge;
- documentation and/or records attached;

other information etc.

I have reasonable and probable grounds to believe that the following Member(s) of the City Council of the City of Leduc has/have contravened the Code of Conduct, as follows:

Name of Member(s):

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Date(s) and time(s) of Contravention:

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Conduct:

Set out statements of fact in the space below or, if you require more space, please attach an additional page or pages, numbered consecutively, with a statement at the top of each additional page or pages that the contents form part of this Complaint.

If you wish to include documents or other exhibits to support this Complaint, please refer to them as "Exhibit A", "B", etc., and attach them to this statement of Complaint;

If you are relying on the information of others, please indicate this and identify the source of the information, by name, with contact information, if possible.

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Please specify the number of additional pages attached, and any other available sources of information.

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Names of any other persons who may have witnessed the contravention(s), and particulars of their contact information:

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MY PERSONAL CONTACT INFORMATION:

Address:

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Telephone Number: \_\_\_\_\_

Cell-phone Number: \_\_\_\_\_

Email address: \_\_\_\_\_

Any other contact information:

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This Statement of Complaint is made and filed for the purpose of making a Complaint regarding the conduct of one or more Members of the City Council of the City of Leduc. This Statement has been filed for consideration by the City Solicitor, for his or her consideration, and for no other or improper purpose.

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Signature of Complainant

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Date

Personal information on this form is being collected in accordance with the *Freedom of Information and Protection Privacy Act* Sections 33 (a) and (c), and the *Municipal Government Act*. The personal information will be used strictly for the purpose of investigations under the Council Code of Conduct Bylaw No. 957-2017. Please contact the FOIP Coordinator with any questions regarding the collection of this information at (780) 980-7177.



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**STATEMENT OF COMMITMENT TO THE  
COUNCIL CODE OF CONDUCT**

I, \_\_\_\_\_  
(Councillor's Full Name)

Declare that as an elected Member of the City of Leduc City Council, I  
acknowledge and support the Council Code of Conduct Bylaw No. 957-2017 for  
Members of Council.

Signed: \_\_\_\_\_

Declared this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Before: \_\_\_\_\_ Position: \_\_\_\_\_