

BYLAW 2024-21

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF ESTABLISHING COMMITTEE ELIGIBILITY AND CODE OF
CONDUCT**

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

TITLE

- 1 This bylaw shall be known as Committee Eligibility and Code of Conduct Bylaw 2024-21.

INTERPRETATION

- 2 In this bylaw:
- a) "Conflict of Interest" means a circumstance where
 - (i) a matter could affect a private interest of the public member or an employer of the public member, or
 - (ii) the public member knows or should know that the matter could affect a private interest of the public member's family;
 - (iii) a matter could appear to affect a public member's objectivity, judgment, or ability to act in the best interests of the Council Committee or the community.
 - b) "Confidential Information" means information that a public member has a legal duty not to disclose.
 - c) "Council Committee" means council committee as defined in section 1(1)(f) of the Municipal Government Act, as amended;
 - d) "Pecuniary Interest" means pecuniary interest as defined in section 170 of the *Municipal Government Act*, as amended;

PURPOSE

- 3 This bylaw establishes a standard of conduct and actions for persons appointed by Council as public members of Council Committees and is intended to promote transparent and accountable government.

ELIGIBILITY

- 4 To be eligible for public membership on a Council Committee, a person must
- a) be a resident of Canmore,
 - b) be at least eighteen years of age,

- c) be free of any perceived or real Pecuniary Interest or Conflict of Interest with respect to the objectives, decisions, or operations of the committee,
 - d) have no known history of unethical behaviour, malpractice, or violations of professional standards,
 - e) not be in arrears with taxes, utilities, or any other financial commitment to the Town, and
 - f) have no current or outstanding violation tickets or other unresolved enforcement matters.
- 5 A public member is not eligible for continuing a term on the Council Committee and/or for reapplying for the next subsequent term on that committee if the public member
- a) fails to attend three consecutive meetings of the committee, unless that absence is caused through illness or is authorized in advance by resolution of the committee; or
 - b) ceases to meet the eligibility requirements set out in this bylaw.

ADHERENCE TO GOVERNING DOCUMENTS

- 6 Public members must uphold the law established by the Parliament of Canada and the Legislature of Alberta and all municipal bylaws, policies, and procedures.

RESPECTFUL INTERACTIONS

- 7 While serving on a Council Committee, public members must
- a) recognize that the function of a Council 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 Council Committee to which they are appointed,
 - c) exercise their duties in an impartial manner while making objective decisions, rather than subjective decisions based on bias or prejudice,
 - d) perform their functions and duties in a conscientious and diligent manner with integrity, accountability, and transparency,
 - e) treat fellow public members, members of council, members of administration, and the public with respect and courtesy,
 - f) act in a diligent manner including preparing for, attending, and making an earnest effort to actively participate in meetings,
 - g) conduct themselves in a professional and transparent manner and refrain from engaging in conduct that is disruptive to the meeting,

- h) treat each other fairly, recognizing and valuing the diversity among public members, and
- i) communicate and work with fellow public members in an open and honest manner, while promoting a spirit of cooperation by listening to and respecting those opinions that may differ.

CONFIDENTIAL INFORMATION

- 8 Public members must collect, use, retain, and disclose Confidential Information only for purposes consistent with the use for which it was collected.
- 9 Public members must protect Confidential Information from disclosure and take reasonable care to prevent access to Confidential Information by unauthorized persons, including prevention of the overhearing of electronic meeting attendance.
- 10 Any physical records containing Confidential Information that are provided to public members must be returned to the administrative member assigned to the Council Committee when they are no longer required.
- 11 Public members must not use Confidential Information with the intent to cause harm or detriment to the Town, members of Council, or any other person or body.
- 12 Public members must not take personal advantage of, or use for their own benefit, corporate or financial opportunities learned about through access to Confidential Information.

PECUNIARY INTEREST AND CONFLICT OF INTEREST

- 13 When a public member believes they have a Pecuniary Interest, in a matter before the committee, the public member may disclose the general nature of the interest prior to or during any discussion of the matter.
- 14 When a public member believes they have a Conflict of Interest or perceived Conflict of Interest in a matter before the committee, the public member may disclose the general nature of the interest prior to or during any discussion of the matter.
- 15 If a public member discloses a Pecuniary Interest, Conflict of Interest, or perceived Conflict of Interest, the public member must, if present, leave the room in which the meeting is being held until discussion and voting on the matter are concluded.
- 16 The disclosure of a public member's Pecuniary Interest, Conflict of Interest, or perceived Conflict of Interest and their abstention must be recorded in the minutes of the meeting.
- 17 Any public member who is aware of a Pecuniary Interest, Conflict of Interest, or perceived Conflict of Interest on the part of a fellow public member who has not disclosed the interest must follow the complaint process as set out in this bylaw.

- 18 Public members must not accept or provide any gift, benefit, or favour in exchange for special consideration or influence, or where it may be perceived by a reasonable person to be in exchange for special consideration or influence.
- 19 Gifts of protocol items that have significance or historical value received on behalf of the Town are the property of the Town and not the public member who accepted the item.

COMMUNICATING ON BEHALF OF THE TOWN OR COUNCIL COMMITTEE

- 20 Public members must not communicate to the media on behalf of the Town or Council Committee.
- 21 All official information and recommendations from a Council Committee will be reported to Council by the member of Council or member of administration appointed to the Council Committee.
- 22 Any decisions of Council based on a Council Committee’s recommendations will be communicated to the public and media on behalf of Council by the mayor or designee or by the Town’s Communication’s department.
- 23 If posting on social media regarding a Council Committee or Town-related matters, public members must state clearly that they are speaking for themselves and not on behalf of a Council Committee or the Town.

USE OF MUNICIPAL ASSETS AND RESOURCES

- 24 Public members must not use any Town 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.
- 25 Public members must only use Town resources, property, equipment, technology, supplies, and records in performance of their duties as a public member.
- 26 Public members must return any Town resources, property, equipment, technology, and supplies to the Town upon completion of their term.

COMPLAINTS PROCESS

- 27 Any public member, member of Council, member of administration, or person who has witnessed or identified conduct by a public member that they reasonably believe, in good faith, is in contravention of this bylaw may address the contravention by any or a combination of:
 - a) advising the public member that their conduct violates this policy and by encouraging the public member to correct their conduct; or
 - b) requesting that the member of administration appointed to the Council Committee facilitate an informal discussion with the public member regarding the alleged contravention to resolve the issue; or

- c) submitting, in writing, a complaint to the mayor that sets out the facts giving rise to the complaint.
- 28 If a complaint is received in accordance with section 27(c),
- a) the mayor may assess the complaint or appoint an independent third-party investigator to assess the complaint and make a recommendation to Council;
 - b) Council shall consider any alleged contraventions or the conclusions of an investigation in a meeting closed to the public.
- 29 If Council determines a public member has contravened this bylaw, Council may impose one or more of the following sanctions:
- a) a letter of reprimand from Council to the public member who contravened this bylaw,
 - b) require the public member who contravened this bylaw to issue a letter of apology; or
 - c) suspend or remove the public member from the Council Committee.

ENACTMENT/TRANSITION

- 30 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 31 This bylaw comes into force on the date it is passed.

FIRST READING: September 3, 2024
 SECOND READING: September 3, 2024
 THIRD READING: September 3, 2024

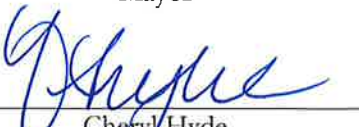
Approved on behalf of the Town of Canmore:



 Sean Krausert
 Mayor

September 3, 2024

 Date



 Cheryl Hyde
 Manager, Municipal Clerk's Office

September 3, 2024

 Date

Bylaw approved by: 