



# TOWN OF HINTON

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| <b>POLICY TITLE:</b>          | <b>COUNCIL MEMBERS &amp; TOWN MANAGER CONDUCT, STANDARDS &amp; RESPONSIBILITIES</b> |
| <b>POLICY #:</b>              | <b>089</b>  |
| <b>EFFECTIVE DATE:</b>        | <b>AUGUST 20, 2013</b>  |
| <b>ADOPTED BY COUNCIL ON:</b> | <b>AUGUST 20, 2013</b>  |

## POLICY STATEMENT

A basic function of the Council of the Town of Hinton is, at all times, to serve the community of Hinton and its stakeholders. Council and the Town Manager work collectively to provide open, transparent and accountable governance under the guidelines of the Community Sustainability Plan and for the common good for the citizens of Hinton. Hinton Town Council is committed to being a role model of sustainable governance based on the values of:

- Honesty
- Respect
- Integrity
- Service
- Open & Consultative

Councillors, citizens, stakeholders and the Town Manager have the right to work in, and shall create in all their behaviours, an environment based upon mutual respect, dignity and fairness, and one that is free from actions and behaviours that are contrary to respectful, dignified and fair treatment of the individual.

### 1. REASON FOR POLICY

To outline basic rules of conduct, responsibilities and accountability checks and balances for all elected Council members and Town Manager so that they may carry out their duties with impartiality and equality of service to all.

#### 1. Framework

- a) The Mayor and Councillors represent the political component of the Town called the Council, while the Town Manager constitutes the administrative and operational components of the municipal government of Hinton;
- b) The legal responsibilities, functions and powers of the Council and the Town Manager are inter-dependent and inter-related. The statutory powers of Council and the Town Manager are set out in the *Municipal Government Act*, R.S.A., 2000;

- c) Council is led by the Mayor who is the chief elected official as defined in the *Municipal Government Act*, R.S.A., 2000;
- d) Administration is led by the Town Manager who is the chief administrative officer as defined by the *Municipal Government Act*, R.S.A., 2000 and the Town Manager's Bylaw.

## 2. DEFINITIONS

"Administration" mean the employees of the Town of Hinton;

"Confidential Information" includes but is not limited to information:

- a) In the possession of the Town that the Town is either prohibited from disclosing, is required to refuse to disclose or exercises its discretion to refuse to disclose under the FOIP Act or other legislation; and
- b) Concerning matters that are permitted to be discussed in an in-camera meeting pursuant to the *Municipal Government Act*.

"Corporation" means the Town of Hinton;

"Council" means the Council of the Town of Hinton;

"Councillor" is a member of Council and includes the Mayor;

"Mayor" is the chief elected official of the Town of Hinton;

"Pecuniary Interest" is an interest in a matter that could monetarily affect a Councillor or an employer of the Councillor or an interest in a matter that the Councillor knows or should know could monetarily affect the Councillor's family, and as more particularly set out in Part 5, Division 6 of the *Municipal Government Act*;

"Town Manager" is the Council appointed Chief Administrative Officer.

## 3. APPLICATION & INTERPRETATION

Notwithstanding council approval of this policy, if anything provided for in this policy contradicts provincial legislation, then provincial legislation shall take precedence in application and interpretation.

## 4. STANDARDS

### 1. Conduct for Councillors:

- a) Represent the best interests of the community of Hinton: this accountability supersedes all other interests;
- b) Be responsible for excellence in governing and cultivate a sense of group responsibility;
- c) Respect the opinions and knowledge of individual Councillors to enhance the ability of the Council as a decision-making body;

- d) Decide for the common good of the residents of the Town of Hinton and not for any private or personal interest. Councillors shall inform themselves of public issues, listen attentively to public discussions before Council and focus on the business at hand and shall make decisions based upon the merits and substance of the matter at hand;
- e) Accurately and adequately communicate the rationale and decisions of Council and represent the official policies and positions of the Council even if they disagree. When representing their personal opinions or positions, Councillors shall explicitly state that those opinions do not represent the Council or Town;
- f) Ensure all decision making considers the best interests of the majority of citizens, while recognizing that the needs and voices of the minority(s) need to be thought through and reflected in such decisions;
- g) Be well informed by:
- Listening to the community
  - Review background information and advice made available by Administration prior to rendering a decision;
  - Seek further input and ask questions when unsure of the issues or uncertain as to the preferred course of action;
- h) Discuss and debate issues in a courteous, civil and rational manner with a minimum of rhetoric;
- i) Respect the democratic process when consensus cannot be reached and communicate Council decisions when interacting with public, media or other entities;
- j) Refrain from making any commitments on behalf of council or the Town of Hinton to individual citizens or groups, other than to take the request up with council or the Town Manager and to respond appropriately;
- k) Actively participate in the decision-making process with the expectation that attendance at Council meetings takes precedence over other board/committee meetings, conferences, seminars;
- l) Avoid conflict of interest. Councillors shall not use their official positions to influence government decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a pecuniary interest under the *Municipal Government Act*. Councillors must not place themselves under any financial obligation that may influence them in discharging their duties and responsibilities as Councillors. Councillors will disclose their affiliations or interest with an organization that may affect their decision making on matters before Council regarding that organization and shall physically remove themselves from the meeting;
- m) Hold in strict confidence all information concerning matters dealt with at in-camera meetings and shall not, either directly or indirectly, release, make public or in any way divulge such information or any aspect of the in-camera deliberations to anyone, unless expressly authorized by Council or required by law to do so;

- n) Not release information in contravention of the provisions of the *Freedom of Information and Protection of Privacy Act*;
- o) Not release information subject to solicitor-client privilege, unless expressly authorized by Council, legal representation or required by law to do so;
- p) Not misuse confidential information (information they have knowledge of by virtue of their position as Council member) that is not in the public domain, including e-mails and correspondence from other Councillors or third parties such that it may cause detriment to the Town of Hinton, Council or others, or benefit or detriment to themselves or others.
- q) Lead, establish and maintain a positive and constructive environment for residents, stakeholders, businesses and Town employees. Councillors shall refrain from abusive conduct, public comments on staff performance, personal charges or verbal attacks upon the character or motive of other members of Council, citizens, stakeholders, boards/committees or staff and deal with Administration performance concerns by communicating them to the Town Manager.
- r) Act as good stewards of the community and as public servants of the citizenry through ethical and professional conduct;
- s) Not use their position to secure special privileges, favors or advantages for themselves or any other person;
- t) Not engage in any activity, financial or otherwise, which is incompatible or inconsistent with the ethical discharge of official duties in the public interest;
- u) Behave in ways that avoid waste, abuse and extravagance in the provision or use of public resources;
- v) Commit to disclosing to the appropriate authorities and/or to Council any behavior or activity of which they become aware that may qualify as corruption, abuse, fraud, bribery or any other violation of the law or this policy;

## **2. Conduct for the Town Manager:**

### **Relationship with Council**

- a) Conduct himself as the Town's chief policy advisor in an honest and ethical manner;
- b) Ensure that the Mayor and Councillors are accorded respect in all personal and public comments;
- c) Treat members of Council with respect and integrity;
- d) Provide advice on all issues which is professionally sound, ethical, legal and in accordance to the policies and objectives of Council;
- e) Share information to all Councillors when deemed appropriate in responding to a request from one Councillor;

- f) Lead, establish and maintain a positive and constructive environment for Councillors, residents, stakeholders, businesses and Town employees. The Town Manager shall refrain from abusive conduct, public comments on staff performance, personal charges or verbal attacks upon the character or motive of Councillors, citizens, stakeholders, boards/committees or staff;

### **Administrative Duties**

- g) Act on the will of Council as a whole only (vs. individual councillor) as established by resolutions, policies and bylaws of Council and keep Council informed on progress, recommend changes and new matters for the strategic plan and work programs on a regular basis;
- h) Forward any complaints or concerns regarding council to the appropriate area and individual so that reasonable and prompt follow-up is assured;
- i) Ensure that Council is made aware of the full picture with regard to each issue, at least to the extent that Administration is aware of such information, and ensure that Council has access to the reasonable decision options as well as the recommendation of the Town Manager;
- j) Seek to ensure that Council is aware of any key issues as they arise.

## **5. RESPONSIBILITIES**

### **1. Mayor:**

- a) Coordinates Council decisions, acts as Council spokesperson, facilitates Council/Administrative interface, and performs the duties of the chief elected official to the best of his or her ability as per the *Municipal Government Act*, R.S.A., 2000;
- b) Assures the integrity of the Council's process and represents the Council to outside parties;
- c) Facilitate the decision making process to seek informed consent by ensuring that everyone is heard;
- d) To monitor Council meeting effectiveness through Councillor input;
- e) Advise the Councillor and/or Council when a Councillor's activities are adversely affecting Council teamwork, Council/Administration relationships or relationships with citizens or stakeholders;
- f) Advise the Town Manager when the Town Manager's activities are adversely affecting Council teamwork, Council/Town Manager relationships or relationships with citizens or stakeholders.

### **2. Deputy Mayor:**

- a) Advise the Mayor when the Mayor's activities are adversely affecting Council teamwork, Council/Town Manager relationships or relationships with citizens or stakeholders.

### 3. Councillors:

- a) Provide direction, make strategic policy decisions, represent the public interest and perform the duties of a Councillor to the best of their ability as per the *Municipal Government Act*, R.S.A., 2000;
- b) Provide links between the municipal corporation and its citizens;
- c) Direct, inspire and hold accountable the municipal corporation through the establishment of governance policies reflecting Council's values and priorities about outcomes to be achieved;
- d) Govern their conduct in accordance with the requirements and obligations set out in the applicable Legislation of Canada and Alberta and the Bylaws and Policies of the Town;
- e) Include regular reviews and conduct an annual self-evaluation of Council's performance in accordance with its governance policies, processes and priorities;
- f) Listen carefully to the concerns of the community via the Council's performance review and seek to improve any deficiencies on an ongoing basis;
- g) Hire, supervise and terminate the Town Manager. Council has one employee: the Town Manager;
- h) Advise the Mayor or personnel committee when the Town Manager's activities are adversely affecting Council teamwork, Council/Town Manager relationships or relationships with citizens or stakeholders.
- i) Provide effective leadership by guiding the corporation and municipality through annual or long-term goals and priorities, ensure linkage between the budget approval process and the strategic plan process, agree to reasonable policies which reflect, in their view, the best interests of the majority of citizens;
- j) Use training opportunities to maintain and increase existing knowledge and skills in municipal governance;
- k) Enforce measures needed to govern with excellence, which will include matters such as attendance (ie. Absenteeism, public image at events/functions etc.), preparation, corporate values, respect of roles and each other and ensure ongoing governance excellence;
- l) Share and promptly communicate concerns of Councillor conduct with the Mayor and/or all of Council in a manner that preserves the unity of the "Council Team";
- m) Report misconduct or allegations of misconduct against any other member, or against an employee of the Town;
- n) Admit to mistakes of substance made by a Councillor or by Council as a whole and take corrective action;

- o) Collectively adopt and individually sign an oath in the form prescribed as Schedule “A” Code of Ethics attached to this policy upon assuming office, pledging to uphold the policies and laws of the Town, the Province of Alberta and the Government of Canada upon assuming office.

#### 4. Town Manager:

- a) Responsible for the hiring, managing and terminating of all the employees of the Town;
- b) Lead and direct Administration to:
  - i) Provide a consistent format and be proactive in providing a full range of information, background, issues defined, available options or implications in the Requests for Decision reports required for decision-making;
  - ii) Implement Council’s directions and strategic plan, provide decision-making advice and communicate customer needs.
- c) Admit to mistakes of substance made by the Town Manager or Administration and take corrective action;
- d) Direct the actions of Administration so that they are in accordance with the policies and objectives of Council;
- e) Listen carefully to the concerns of Council via the Town Manager’s performance review and seek to improve any deficiencies on an ongoing basis;
- f) Maintain a current understanding of applicable municipal legislation and leadership, as well as relevant programs, policies and initiatives of the provincial and federal governments;
- g) Follow-up on Administration activities that harm relationships with Councillors, citizens or stakeholders.

#### 6. ORGANIZATIONAL TOOLS & PROCESSES

The following are examples of tools and processes that contribute to a successful working relationship between Council and the Town Manager:

- a) A corporate business planning process which implements the strategic direction set by Council and tracks/evaluates results;
- b) Verbal reports to Council regarding Town Manager’s activities and sense of community issues;
- c) Comprehensive agendas which include Requests for Decision that provide the information required for decision-making;
- d) Clear and concise direction to the Town Manager through resolutions made at Council meetings;

- e) Verbal updates from the Mayor and Councillors regarding community issues, Councillor activities and training, council committee proceedings;
- f) Inter-governmental and communications planning;
- g) A clear understanding of the Town Manager's role, activities and capacity;
- h) An up-to-date organizational chart (clear chain of command) that includes organizational hierarchy flexibility to deal with urgent matters in the absence of the CAO;
- i) Timely responses to public inquiries/needs;
- j) A Council Procedure Bylaw;
- k) Regular self-evaluations of conduct and follow-up.