

COUNTY OF ST. PAUL NO. 19

BY-LAW NO. 2018-13

A BYLAW TO ESTABLISH A CODE OF CONDUCT FOR COUNCILLORS

WHEREAS pursuant to Section 146.1(1) of the *Municipal Government Act*, R.S.A., 2000, Chapter M-26, as amended from time to time, a Council must, by bylaw, establish a code of conduct governing the conduct of councillors; and

WHEREAS the establishment of a Code of Conduct for members of Council is consistent with the principles of transparent and accountable government; and

WHEREAS a code of conduct ensures that a common basis of understanding for acceptable conduct is established for councillors beyond the statutory provisions governing the conduct of Councillors.

NOW THEREFORE, the Council of the County of St. Paul No. 19, in the Province of Alberta, duly assembled, enacts as follows:

1. TITLE

1.1 This Bylaw will be cited as the “Council Code of Conduct Bylaw”.

2. DEFINITIONS

2.1 In this bylaw, words have the meanings set out in the Act, except in the following cases:

- a. “Act” means the *Municipal Government Act*, R.S.A. 2000, c. M-26, and its associated regulations, as amended from time to time;
- b. “Administration” means the administrative and operational staff of the County of St. Paul No. 19;
- c. “Chief Administrative Officer” hereinafter referred to as CAO, means the person appointed by bylaw, or their designee, for the County pursuant to Section 205 of the Act;
- d. “Committee” means a Council Committee, board, commission, or other body established by Council under the Act;
- e. “County” means the municipal corporation of the County of St. Paul No. 19;
- f. “Council” means all members of County Council duly elected and currently holding office;

- g. "Council Investigator" means the person in charge of receiving the complaint and leading the Bylaws process. The Council Investigator is the Reeve, or in the perceived wrong doing of the Reeve, the Deputy Reeve. If the perceived wrongdoing affects both the Reeve and Deputy Reeve, Council will appoint an Investigator from among its members.
- h. "Councillor" means any duly elected member of Council including the Reeve and Deputy Reeve;
- i. "County Property" means the County's financial and non-financial assets including but not limited to land, vehicles, equipment, electronic devices and documents;
- j. "Confidential" or "Confidential Information" means any aspect of in-camera deliberations; information identified as confidential within the provisions of the Freedom of Information and Protection of Privacy Act (FOIP); and information subject to solicitor-client privilege;
- k. "Deputy Reeve" means the Councillor elected and appointed as Deputy Chief Elected Official by Council pursuant to Section 152 of the Act;
- l. "Director" means an employee of the County that reports directly to the CAO and may carry some delegated or designated duties of the CAO;
- m. "Executive Assistant" means an employee of the County holding the job title of Executive Assistant, reports directly to the CAO, and may carry some delegated or designated duties of the CAO;
- n. "FOIP" means the Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25, any associated regulations, and amendments or successor legislation;
- o. "In-camera" means a portion of a meeting closed to the public in accordance with the Act and FOIP;
- p. "Public" means a customer, ratepayer, resident, or visitor of the County;
- q. "Reeve" means the Councillor elected as Chief Elected Official pursuant to Section 150 of the Act.

3. GENERAL PURPOSE

- 3.1 The purpose of the Code of Conduct is to provide conduct standards to aid Councillors in performing their functions and obligations on Council and to outline a procedure for the investigation and enforcement of those conduct standards.
- 3.2 The Code of Conduct aligns with the County of St. Paul's Values, which are *Balance; Respect; Fairness; Integrity; Accountability; and Service*. These values shall govern how Councillors conduct themselves when making decisions, and how Councillors interact with each other and the Public.

- 3.3 The Code of Conduct shall:
- a. Set out clear expectations for the behaviour of Councillors;
 - b. Provide information to the Public regarding the behaviour they can expect from County Councillors;
 - c. Provide guidance to Councillors regarding the standard of conduct they are expected to exercise in their duties as elected officials; and
 - d. Provide a mechanism for responding to alleged breaches of this Code of Conduct.

4. COUNCIL CODE OF CONDUCT

- 4.1 The Council Code of Conduct will address the following matters:

a. Representing the County

When representing the County, all Councillors shall:

- i. Work for the common good of the Public while promoting the public interest and advancing the mandate and long-term interests of the County;
- ii. Conduct Council business in an open and transparent manner that promotes public confidence and trust, recognizing that an individual Councillor cannot exercise individual authority over County business;
- iii. Exercise their duties with care, diligence and the skill that a reasonably prudent person would exercise in comparable circumstances;
- iv. Exercise their duties by placing the interests of the County ahead of their personal interests; and
- v. Exercise their duties in an impartial manner while making objective decisions rather than subjective decisions based on bias or prejudice.

b. Communicating on Behalf of the County

Regarding communicating on behalf of the County, the following will occur:

- i. The Reeve, or in their absence the Deputy Reeve, is the official spokesperson for the Council;

- ii. Councillors may communicate with the Public, but will not present their opinions and positions on issues as those of the County Council; and
- iii. All Councillors acknowledge that official information related to the decisions of Council will be communicated to the community and the media on behalf of the Council as a whole.

c. Respecting the Decision-making Process

All Councillors shall:

- i. Foster respect for the democratic decision-making process; and
- ii. Work towards the effective and consistent application of Council decisions.

d. Adherence to Policies, Procedures and Bylaws

All Councillors shall:

- i. Respect and adhere to the established policies, procedures, and bylaws of the County thereby showing commitment to performing their duties with diligence and care.

e. Respectful Interaction with Councillors, Staff, the Public and Other Members of Society

All Councillors shall:

- i. Treat fellow Councillors, Administration staff and the Public with respect and courtesy;
- ii. Demonstrate a high standard of personal integrity and honesty;
- iii. Communicate and work with fellow Councillors in an open and honest manner while promoting a spirit of cooperation through listening to and respecting those opinions that may differ;
- iv. Conduct themselves in a manner that reflects the separation of roles and responsibilities between Council and Administration;
- v. Refrain from giving direction to any municipal employee or contracted resource, except through the CAO;
- vi. Convey all concerns or requests for action or information directly to the CAO or as permitted by this Bylaw, communicate with the Executive Assistant or a Director without committing the County to any specific course of action, expenditure, or use of municipal

resources outside of the County's established policies, procedures, or budget. The CAO reserves the right to approve a list of municipal employees that Council has permission to directly communicate with;

- vii. Avoid any situation in which a friendship, social relationship or social interaction with a member of staff may be seen to create undue influence, access to information, conflict of interest, or to undermine the authority of the CAO;
- viii. Not express opinions on the performance of any municipal employee except for the formal CAO performance evaluation, as specifically required by the Act; and
- ix. Not advocate for the promotion, sanction, or termination of any municipal employee.

f. Confidential Information

All Councillors shall:

- i. Hold in strict confidence all information concerning matters deemed confidential and shall not, either directly or indirectly, release, make public or in any way divulge any information which is deemed to be confidential unless expressly authorized by Council or required by law to do so; and
- ii. Swear an Oath of Confidentiality, attached as Appendix "A".

g. Conflict of Interest, Pecuniary Interest and Gifts and Hospitality

No Councillor shall engage in any activity which is incompatible or inconsistent with the ethical conduct of their official duties. These activities include but are not limited to:

- i. The use of any influence from their position for any purpose other than official duties;
- ii. The use of any information gained in the execution of the office that is not available to the public for any purpose other than for official duties;
- iii. The placing of themselves in a position of obligation to any person or organization that might reasonably benefit from special consideration or may seek preferential treatment;
- iv. The influencing of any Council decision or decision-making process affecting a Councillor's family or organization in which a Councillor has a financial interest;

- v. Councillors may accept hospitality, gifts or benefits that normally accompany the responsibilities of office and are received as the result of protocol or social obligation; and
- vi. Gifts received by a Councillor on behalf of the County as a matter of official protocol which have significance or historical value for the County shall be left with the County.

h. Improper Use of Influence

- i. No Councillor shall use the influence of their office for any purpose other than for the exercise of their official duties;
- ii. No Councillor shall act as a paid agent to advocate on behalf of any individual, organization or corporate entity before Council or a Committee of Council or any other body established by Council;
- iii. Councillors shall not contact or otherwise attempt to influence members of any adjudicative body regarding any matter before it relating to the County;
- iv. Councillors shall refrain from using their positions to obtain employment with the County for themselves, family members or close associates. Councillors are ineligible to apply or be considered for any position with the County while they hold their elected position and for one year after leaving office; and
- v. No Councillor shall use any facilities, equipment, supplies, services, municipal logos or other resources of the County for any election campaign or campaign-related activity.

i. Use of Municipal Assets and Services

- i. No Councillor shall use or attempt to use the County's property, funds, services, or information for personal benefit or the benefit of another individual.

j. Orientation and Other Training Attendance

- i. Councillors are strongly encouraged to attend the orientation sessions and training opportunities as provided post election and during their term of office.

5. COMPLAINT PROCESSES

5.1 *Informal Complaint Process:*

Any person, in good faith, who has identified or witnessed conduct by a Councillor that the person reasonably believes is in contravention of this Bylaw may address the prohibited conduct by doing the following:

- a. Advising the Councillor that their conduct violates this Bylaw and to encourage the Councillor to stop; or
- b. Requesting that a Council Investigator assist in holding an informal discussion regarding the alleged complaint with the Councillor to resolve the issue.

5.2 Individuals are encouraged to pursue this informal complaint process as the first means of correcting conduct that they believe violates this Bylaw. However, an individual is not required to complete this informal complaint process prior to pursuing the formal complaint process, as outlined below.

5.3 *Formal Process:*

Any person, in good faith, may report perceived wrongdoing or make a complaint alleging a breach of the Council Code of Conduct by a Councillor by completing the Elected Official Complaint Form, attached as Appendix "B".

- 5.4** The completed form must be dated, include the Complainant's name, and be signed. An anonymous report or complaint shall be considered invalid. The complaint must set out reasonable and probable grounds for the allegation that the Councillor has contravened this Bylaw, including a detailed description of the facts, as they are known, giving rise to the allegation.
- 5.5** The form may be mailed, hand-delivered to the County's office, or emailed to the County Investigator. If a physical copy is submitted, the form must be placed in a sealed envelope and marked "Confidential". All reasonable attempts shall be made to keep the reports and complaints confidential until a full investigation is completed to protect both the Complainant and Councillor.
- 5.6** A Complainant may withdraw the filed complaint at any point after its submission.
- 5.7** Complaints shall not be received from September 1st to October 31st of an election year.

6. COMPLAINT PROCEDURE

- 6.1** Upon receipt of a complaint under this Bylaw the following procedure will be followed:
- a. The Complainant shall receive a letter from the Council Investigator stating that their complaint has been received and is in the process of being reviewed;
 - b. The Council Investigator shall contact the Councillor accused of conduct breach both verbally and in writing. The Councillor shall receive a copy of the submitted complaint and will be notified of the date set for the Special Meeting scheduled to address the alleged breach of this Bylaw. The Councillor under complaint shall be given a minimum of seven (7) days from the time of notification to prepare a response. The Councillor under investigation shall not contact the complainant for the duration of the investigation period;
 - c. The Council Investigator shall contact the CAO and schedule a Special Meeting to address the alleged breach of this Bylaw;
 - d. The Council Investigator shall notify Council of the Special Meeting and communicate its purpose to address a breach of the Code of Conduct;
 - e. The CAO and Executive Assistant shall be present for the opening of the Special meeting, leave for the in-camera portion, and return for the motion coming out of the in-camera session to administer and take minutes of the meeting;
 - f. During the Special Meeting, Council shall review the complaint received while in-camera. The accused Councillor shall attend the in-camera session addressing the Councillor alleged of the breach as a delegation. The Councillor under complaint shall leave the meeting after presenting their response and may not take part in the deliberations thereafter;
 - g. Council shall review the facts as presented and depending on the nature of the complaint. Should Council come to a decision, they shall choose one of the following actions:
 - i. dismiss the complaint as invalid under the Code of Conduct;
 - ii. dismiss the complaint as frivolous or vexatious; or
 - iii. determine that the complaint is valid and impose sanctions.

- h. Following Council's decision, both the accused Councillor and Complainant shall be notified by the Council Investigator, in writing, of Council's decision within forty-eight (48) hours;
- i. If sanctions are imposed, the written decision shall dictate the imposed sanctions. The Council Investigator shall follow-up to ensure the sanctions were followed;
- j. If Council is unable to come to a decision, they shall choose one of the following actions:
 - i. request legal opinion regarding the complaint; or
 - ii. request the County's legal counsel or another third party to investigate the complaint and report to Council through the Council Investigator.
- k. If the complaint requires a legal opinion, legal investigation, or third-party investigation, Council shall direct the CAO to connect the Council Investigator with the County's legal service providers or the third-party investigator; and
- l. Once Council has obtained the necessary information through legal counsel or a third-party investigator a second special meeting shall be scheduled, and Council shall follow the steps laid out in Section 6.1 d. through 6.1 h., ultimately rendering a decision and if required, imposing and enforcing sanctions.

7. SANCTIONS

- 7.1** Council may impose the following sanctions on a Councillor who contravenes the Council Code of Conduct:
- a. Issue a letter of reprimand addressed to the Councillor(s);
 - b. Issue an order for the Councillor(s) to issue a letter of apology;
 - c. Publish a letter of reprimand;
 - d. Impel a public apology from the Councillor
 - e. Impel the Councillor to attend relevant training;
 - f. Suspend or remove the Councillor from the position of Deputy Reeve or acting Reeve under Section 152 of the Act;
 - g. Suspend or remove the Chief Elected Official's presiding duties under Section 154 of the Act;

h. Suspend or remove the Councillor from some or all council committees and bodies to which Council has the right to appoint members;

i. Reduce or suspend remuneration as defined in Section 275.1 of the Act to reflect a reduction in duties, excluding allowances for attendance at council meetings.

7.2 In accordance with Section 146.1(4) of the Act, sanctions imposed cannot under any circumstances prevent a Councillor from fulfilling their legislative duties, nor can a Councillor be disqualified or removed from office for a breach of this code.

8. COUNCIL REQUIREMENTS

8.1 Councillors shall swear a statement to uphold the Code of Conduct, attached as Appendix "C".

9. LEGISLATIVE REVIEW

9.1 The Council Code of Conduct Bylaw must be reviewed every four (4) years, following a general municipal election, when relevant legislation is amended, and at any other time that Council considers appropriate to ensure that it remains current and continues to accurately reflect the standards of ethical conduct expected of Councillors.

10. ENACTMENT

This Bylaw shall come into effect upon the date of the final passage thereof.

Read a first time in Council this 6th day of July, A.D. 2018.

Read a second time in Council this 6th day of July, A.D. 2018.

Read a third time in Council this 6th day of July, A.D. 2018.

(Original signed by Reeve S. Upham)

REEVE

(Original signed by CAO S. Kitz)

CHIEF ADMINISTRATIVE OFFICER

APPENDIX A – SAMPLE OATH OF CONFIDENTIALITY



Elected Official - Oath of Confidentiality

Council Code of Conduct

I, _____ of _____ solemnly swear / affirm to the following during and after my term as an elected official with the County of St. Paul No. 19:

1. I acknowledge that any information that I may obtain from, or through my access to, the County of St. Paul No. 19 facilities is deemed confidential information.
2. I will not use, disclose, communicate or transfer any confidential information, except as required in the performance of my role.
3. I will not allow any unauthorized person(s) to inspect or have access to any record containing confidential information, regardless of media format.
4. I will not discuss confidential information when a member of the public is present.
5. I will not leave confidential information in open view of any member(s) of public.
6. I will not report any unauthorized access of confidential information to the County as soon as I become aware that such an incident occurred.
7. I understand that this oath / affirmation survives the conclusion of my term as an elected official and that noncompliance could result in repercussions in accordance with the Council Code of Conduct bylaw, and I may be fined and/or face civil penalties should I breach this agreement even after my term is ended.

I acknowledge that I have read, understood and voluntarily agree to these terms.

Dated at the County of St. Paul Office, Alberta, this _____ of _____, 20_____.

Councillor

Chief Administrative Officer

APPENDIX C – SAMPLE CODE OF CONDUCT STATEMENT



Elected Official – Code of Conduct Statement

Council Code of Conduct

I, _____ of _____ solemnly swear / affirm to the following during my term as an elected official within the County of St. Paul:

1. I will uphold the County of St. Paul's Code of Conduct at all times.
2. I have read and understand the County of St. Paul's Bylaw 2018-13, Council Code of Conduct Bylaw, and further agree to all terms and conditions as specified.

I acknowledge that I have read, understood and voluntarily agree to these terms.

Dated at the County of St. Paul Office, Alberta, this _____ of _____, 20_____.

Councillor

Chief Administrative Officer