

BYLAW NO. 1034/17

BEING A BYLAW OF CLEARWATER COUNTY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING A CODE OF CONDUCT FOR COUNCIL, AND OTHER BODIES ESTABLISHED BY COUNCIL, THE CONDUCT OF COUNCILLORS AND THE CONDUCT OF MEMBERS OF OTHER BODIES ESTABLISHED BY COUNCIL.

WHEREAS Section 146.1(1) of the *Municipal Government Act*, as amended, a Council must, by Bylaw, establish a code of conduct governing the conduct of Councillors;

AND WHEREAS Section 146.1(3) of the *Municipal Government Act*, as amended, 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 Councillors;

AND WHEREAS Section 3 of the *Municipal Government Act* establishes Municipal Purposes;

AND WHEREAS Section 153 of the *Municipal Government Act* establishes General Duties of Councillors;

NOW, THEREFORE, upon compliance with the relevant requirements of the *Municipal Government Act*, the Council of the Clearwater County, Province of Alberta, duly assembled, enacts as follows:

1. TITLE

1.1. This Bylaw may be referred to as the "Code of Conduct Bylaw".

2. DEFINITIONS

In this Bylaw:

- 2.1 "Act" means the *Municipal Government Act*, R.S.A. 2000, Chapter M-26
- 2.2 "Administration" means the Chief Administrative Officer (CAO) and all municipal employees under the CAO's authority.
- 2.3 "Chair" means the Reeve, Deputy Reeve or other person authorized to preside over a meeting.
- 2.4 "CAO" means the Chief Administrative Officer of Clearwater County or designate.
- 2.5 "Conflict of Interest" means a pecuniary interest as described by s.170 of *Municipal Government Act* or a situation in which a member is in a position to derive personal benefit from actions or decisions made in their official capacity.
- 2.6 "Council" means the municipal Council of Clearwater County.
- 2.7 "Councillor" means a member of Council who is duly elected and continues to hold office and includes the Reeve.
- 2.8 "Council Committee" means any committee, board or other body established by Council by Bylaw under the Act.
- 2.9 "In-Camera" means a meeting or portion of a meeting of Council without the presence of the public where the matter to be discussed is within one of the exceptions to disclosure in Division 2, of Part 1 of the *Freedom of Information and Protection of Privacy Act*.
- 2.10 "Member" includes a Councillor or a non-elected individual appointee of a Council Committee w.
- 2.11 "Pecuniary Interest" means a pecuniary interest as defined within the *Municipal Government Act*.
- 2.12 "Reeve" means the Chief Elected Official of the County.

3. APPLICATION AND INTERPRETATION

- 3.1 The Code of Conduct attached as Schedule "A" to this Bylaw represents the Code of Conduct that is applicable to Councillors for Clearwater County, Member(s) of Council committees, or members of other Boards or bodies on which Clearwater County is represented.
- 3.2 The Code of Conduct attached as Schedule "A" to this Bylaw shall be observed in all proceedings of Council and Council Committees.
- 3.3 If there are any inconsistencies between this Bylaw and policies or procedures previously established by Clearwater County, this Bylaw shall take precedence.
- 3.4 Councillors shall use this Bylaw as a guide to conduct themselves in a manner that reflects the spirit and intent of the position of public trust that they hold.
- 3.5 This Bylaw shall be presented as part of Council's orientation at the beginning of each term of Council.
- 3.6 This Bylaw may be reviewed at any time to meet legislative requirements, or as required.
- 3.7 References to provisions of statutes, rules or regulations shall be deemed to include all references to such provisions as amended, modified or re-enacted from time to time.
- 3.8 Nothing in this Bylaw relieves any person from compliance with any other Bylaw or applicable federal or provincial law, regulation, or enactment.

4. SEVERABILITY

- 4.1 If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed and the remainder of the Bylaw shall be deemed valid.

5. EFFECTIVE DATE

- 5.1 This Bylaw comes into force and effect upon third and final reading.
- 5.2 Bylaw No. 1025/17 is hereby repealed.

READ A FIRST TIME this 12th day of December, 2017.

READ A SECOND TIME 12th day of December, 2017.

PERMISSION FOR THIRD READING grant this 12th day of December, 2017.

READ A THIRD AND FINAL TIME this 12th day of December, 2017.


REEVE


INTERIM CHIEF ADMINISTRATIVE OFFICER

Schedule A - Bylaw 1034/17

CODE OF CONDUCT

GOVERNING PRINCIPLES

The Public expects the highest standards of personal and professional conduct from Members elected to Clearwater County Council or appointed to Council Committees.

This Code of Conduct sets out guidelines for the ethical and interpersonal conduct of Members.

Clearwater County requires that Councillors and Committee Members conduct themselves so as to maintain the honour and respect of their position and to not engage in actions which are, or could be reasonably perceived as, damaging to the trust, confidence and faith of the public.

Councillors and Committee Members must always seek to advance the good of Clearwater County as a whole, for which they serve, and shall truly, faithfully and impartially exercise the duties and responsibilities of their position to the best of their knowledge and ability.

Councillors and Committee Members must adhere to all Council policies, respecting the Municipality and its Bylaws.

CODE OF CONDUCT

Members will:

Foster Respect for Decision-making Process

1. Maintain the highest standards in public office and faithfully discharge the duties of their office in accordance with the requirements and obligations set out in the legislation of the Province of Alberta;
2. Accurately and adequately communicate the attitudes and decisions of the Council, or the Committee, even if the Member disagrees with the decision, such that respect for Council's decision-making processes is fostered; and
3. Communicate concerns amongst the presence of the entire Council or Committee body and when publicly expressing personal opinions, doing so in a manner that maintains respect for other Members and any decisions made by Council or Committee.

Release of Confidential Information

4. Use confidential information only in their role as a Member of Council or Council Committee, and not for the personal profit of themselves or any other person;
5. Communicate confidential information only when authorized to do so;
6. Hold in strict confidence all information concerning matters dealt with during in-camera meetings;
 - a. A Member shall not, either directly or indirectly, release, make public or in any way divulge any such information or any aspect of the in-camera deliberations to anyone, unless expressly authorized by Council or required by law to do so.
7. Inform themselves of and strictly adhere to the provisions of the *Freedom of Information and Protection of Privacy Act*;
8. Not release information subject to solicitor-client privilege, unless expressly authorized by Council or required by law to do so; and,
9. Not release, disclose, publish, comment on or misuse confidential information (information that they have knowledge of by virtue of their position as a Member) that is not in the public domain, including emails and correspondence from other Members or third parties such that it may cause detriment to Clearwater County, Council, Committees or others, or benefit or detriment to themselves or others.

Release of Information to Public and Media

10. Acknowledge that official information related to decisions and resolutions made by Council or Committee will normally be communicated to the public

and the media by the Reeve, or Chair of the Committee, or by the CAO or by other administrative staff as delegated by the CAO.

- a. Members must keep in mind they are always a representative of the Clearwater County, and Members are encouraged to identify when views expressed are theirs alone and not official Clearwater County communication.

Avoid Conflict of Interest*

11. Use their position for the good of the community and not to secure special privileges, favours or exemptions for themselves or any other person;
12. Not use any influence of office for any purpose other than official duties;
13. Not solicit, demand or accept the services of any municipal employee, or individual providing services on a contract for service, for re-election or re-appointment purposes, or to gain employment with the County for themselves, family members or close associates;
14. Not use any information gained in the execution of office that is not available to the general public for any purpose other than official duties;
15. Not engage in any activity, pecuniary or otherwise, which is incompatible or inconsistent with the ethical discharge of official duties in the public interest;
16. Not place themselves in a position of obligation to any person or organization which might reasonably benefit from special consideration or may seek preferential treatment;
17. Not give preferential treatment to any person or organization in which a Councillor has a pecuniary interest;
18. Not influence any administrative, Council or Committee decision or decision-making process involving or affecting any person or organization in which a member has a pecuniary interest; and,
19. Not use municipal materials, equipment, facilities or employees for personal gain or for any private purpose.

**Members who have a Conflict of Interest in a matter before Council shall disclose the general nature of their interest and follow the procedure set out in s.172 of the MGA.*

Acceptance of Gifts Prohibited

20. Not solicit, accept, offer or agree to accept a commission, reward, gift, advantage or benefit of any kind, personally or through a family member or friend, which is connected directly or indirectly with the performance or duties of office.

The following are recognized as exceptions:

- i. Token or minor gifts valued at less than \$100 (such as corporate logoed items or commemorative gifts), or gifts involving tickets for event attendance of no more than \$300; cash or prizes from "luck of the draw" events (e.g. raffles, door prizes) or other advantages from any person or organization not connected directly or indirectly with the performance or duties of office.
 - ii. Political contributions that are otherwise offered, accepted and reported in accordance with applicable law;
 - iii. Food and beverages at banquets, receptions, ceremonies or similar events;
 - iv. Services provided without compensation by persons volunteering their time;
 - v. Food, lodging, transportation and entertainment provided by other levels of governments or by other local governments, boards or commissions;
 - vi. A reimbursement of reasonable expenses incurred in the performance of duties or office, in accordance with Clearwater County's *Council and Board Remuneration* policy or *Travel and Subsistence for Staff and Council* policy;
Gifts that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of office.
21. Any gifts with an estimated value of \$100 or more will be reported on Elected Official Expense Report, noting the approximate value and the person or organization providing the gift, event ticket, etc.

Avoidance of Waste

22. Avoid waste, abuse and extravagance in the provision or use of public resources, and shall identify and discuss any misuse of which the Member is aware with the Reeve, Council, Council Committee Chair or the CAO.

Treat Every Person with Dignity, Understanding and Respect

23. Abide by the provisions of the Human Rights Code and, in doing so, shall treat every person, including other Members, municipal employees, individuals providing services on a contract for service, students on placements, and the public, with dignity, understanding and respect for the right to equality and the right to an environment that is safe and free from harassment, discrimination and disrespect;
24. Not discriminate against anyone on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, gender, sexual orientation, age, record of offences, marital status, same sex partnership status, family status, or disability;
25. Not to engage in harassment or vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome; and,
26. Maintain a high level of respectful dialog with other Members of Council, the CAO, Council Committee members, Administration, and stakeholders.

Leadership and Governance

27. Commit to ethical, businesslike and lawful conduct, including proper use of authority and appropriate decorum when acting as a Member;
28. Participate actively, openly, and transparently in the democratic process;
29. Preserve the integrity and impartiality of Council, or the Council Committee, when working with other levels of government;
30. Provide leadership, through the governance process and not take on responsibilities delegated to Administration;
31. Limit interactions with municipal staff to direction provided through the CAO;
32. Attend Councillor orientation, or Council Committee orientation, and other training sessions offered by the municipality;
33. Protect the reputation of the Council, the Council Committee and Administration;
34. Uphold the intent of this Bylaw and govern their actions accordingly; and,
35. For a period of 12 months after leaving office or Council Committee, abide by the guidelines listed above, except those related to confidential information, which shall apply in perpetuity.

COMPLIANCE / COMPLAINTS

Responsibilities

All Members shall cooperate in any investigation made pursuant to this Bylaw. If any Member becomes aware of breach of this Code of Conduct by, or an allegation of breach of this Code of Conduct against, any other Member, it is the Member's responsibility to report the breach of this Code of Conduct or the allegation to the Reeve or Deputy Reeve.

It is the responsibility of the Reeve or Deputy Reeve to forward all complaints in accordance with the Complaint Process detailed below.

Members shall not assume that any unethical activity or activity that is not in the best interest of the County, not covered by or specifically prohibited by this Code of Conduct, or any legislation, are therefore condoned.

Complaint Process - Councillors

All complaints must be submitted in writing to the Reeve or Deputy Reeve and may be made by:

- a) Councillor(s);
- b) Committee member(s)
- c) the CAO;
- c) municipal employee(s); or
- d) a member of the public.

The Reeve or Deputy Reeve shall forward all complaints to Council "in confidence" and shall include the Councillor(s) about whom the complaint is made. The Member who is subject of complaint is to provide a written response to complaint, to be provided to Council.

All formal complaints under this Section, shall be investigated by the Reeve or Deputy Reeve or their designate and dependent on the nature of allegation, a

third-party investigator may be retained. The Member(s) concerned shall be notified of investigation in order that they may provide evidence to the investigator.

All proceedings of Council regarding the investigation shall be "in camera".

If, after receipt of investigation report, Council believes that the Member(s) concerned may have breached a provision of this Bylaw, it shall advise the Member(s) of this, and give them an opportunity to make oral or written submission to Council.

If Council concludes that the Member(s) concerned breached a provision of this Bylaw, it may, in its sole discretion, decide the sanctions to be imposed.

The Member(s) concerned shall be advised by Council of their conclusion and decision.

Sanctions - Councillors

If Council determines that a complaint reviewed under this Bylaw is valid then Council, by resolution, may impose one or more of the following sanctions against the offending Member:

- A written warning from Reeve, Deputy Reeve and/or Council;
- Require a verbal, written or public apology;
- Require additional training on ethical and/or respectful conduct;
- Restrict how confidential documents are provided;
- Limit travel/representation on behalf of Council;
- Require the return of municipal property;
- Restrict access to municipal facilities;
- Revoke some or all of the Councillor's appointments;
- Reporting of misconduct to Alberta Municipal Affairs, agency/commission or authority of jurisdiction (i.e. RCMP)
- Other consequences as deemed appropriate and necessary, but not including the disqualification of a Councillor.

Any retaliation against the complainant will not be tolerated and will be treated as a serious breach of this Code of Conduct.

Complaint Process – Council Committee Members

All complaints must be submitted in writing to the Reeve or Deputy Reeve and may be made by:

- a) Committee member(s);
- b) Councillor(s);
- c) municipal employee(s); or
- d) a member of the public.

The Reeve or Deputy Reeve shall forward all complaints to Council "in confidence" and shall include the Committee Member(s) about whom the complaint is made. The Member who is subject of complaint is to provide a written response to the complaint, to be provided to Council.

All formal complaints under this Section, shall be investigated by the Reeve or Deputy Reeve or their designate and dependent on the nature of allegation, a third-party investigator may be retained. The Member(s) concerned shall be notified of investigation in order that they may provide evidence to the investigator.

All proceedings of Council regarding the investigation shall be "in camera".

If, after receipt of investigation report, Council believes that the Committee Member(s) concerned may have breached a provision of this Bylaw, it shall advise the Member(s) of this, and give them an opportunity to make oral or written submission to Council.

If Council concludes that the Member(s) concerned breached a provision of this Bylaw, it may, in its sole discretion, decide the sanctions to be imposed.

The Committee Member(s) concerned shall be advised by Council of their conclusion and decision.

Sanctions – Council Committee Members

If Council determines that a complaint reviewed under this Bylaw is valid then Council, by resolution, may impose one or more of the following sanctions against the offending Committee Member:

- A written warning from Reeve, Deputy Reeve and/or Council.
- Require a verbal, written or public apology.
- Require additional training on ethical and/or respectful conduct.
- Restrict how confidential documents are provided.
- Revoke appointment of the Committee member.
- Reporting of misconduct to Alberta Municipal Affairs or agency or authority of jurisdiction (i.e. RCMP)

Any retaliation against the complainant will not be tolerated and will be treated as a serious breach of this Code of Conduct

Acknowledgement

By signing this Code of Conduct, I state that I have read and fully understand the contents of the Code of Conduct Bylaw.

Member's Name

Member's Signature

(please print)

Witness Name

Witness Signature

(please print)

Dated: _____