



COUNTY OF BARRHEAD NO. 11

PROVINCE OF ALBERTA

BY-LAW NO. 3-2017

Council Code of Conduct Bylaw

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A BYLAW OF THE COUNTY OF BARRHEAD NO. 11, IN THE PROVINCE OF ALBERTA, TO ESTABLISH A CODE OF CONDUCT GOVERNING THE CONDUCT OF COUNCILLORS.

WHEREAS, the *Municipal Government Act* requires Council to establish, by bylaw, a Code of Conduct for Councilors; and

WHEREAS, the Council of the County of Barrhead No. 11 considers it necessary and wishes to provide for the establishment of a set of principles and standards for members of Council that reflect the values of the County and guides them in performing their duties and responsibilities as elected officials.

NOW THEREFORE, under the authority of the *Municipal Government Act, Revised Statutes of Alberta 2000, and amendments thereto*, the Council of the County of Barrhead No. 11, in the Province of Alberta, duly assembled, enacts as follows:

1. SHORT TITLE

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

2. PURPOSE

The purpose of this bylaw is to establish rules for all members of Council to conduct themselves in a professional, courteous and ethical manner that promotes and maintains public confidence in Council's ability to perform their functions with integrity.

3. DEFINITIONS

In this bylaw,

- a) "CAO" means Chief Administrative Officer within the meaning of the *MGA* and is the person appointed to the position by resolution of Council.
- b) "Contractor" means an individual or firm or other entity that is engaged by the County to provide a service to the County on a fee for services basis.
- c) "Council" means all members of Council including the Reeve and Councillors duly elected and holding office in the County of Barrhead No. 11.
- d) "Councillor" means a member of the Council of the County duly elected under the *Local Authorities Election Act*, who continues to hold office.
- e) "Confidential Information" includes but is not limited to:
 - i) information in the possession of the County that the County is either prohibited from disclosing or is required to refuse to disclose or exercises its discretion to refuse to disclose under the *FOIP Act*; or
 - ii) information concerning matters that are permitted to be discussed in an in-camera meeting pursuant to the *MGA*.
- f) "County" means the County of Barrhead No. 11 incorporated under the laws of Alberta.
- g) "County Property" means County employee time, financial and non-financial assets including but not limited to land, vehicles, equipment, material, paper or electronic documents, tools, electronic equipment, computers, internet services and intellectual property.
- h) "Employee" means an employee of the County of Barrhead No. 11.
- i) "FOIP" means *Freedom of Information and Protection of Privacy Act*.



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- j) "In Camera" means a portion of a meeting of Council which is closed to the public in accordance with the *MGA* and *FOIP*.
- k) "*MGA*" means *Municipal Government Act*, R.S.A. 2000, c. M-26 as amended.
- l) "Pecuniary Interest" means an interest in a matter that could monetarily affect a Councillor, or a member of their immediate family (spouse, children, parents or parents of spouse) or a business which employs the Councillor or in which the Councillor has an interest or as further set out in the *MGA*.
- m) "Reeve" means the Councillor appointed as the Chief Elected Official of the County pursuant to the *MGA*.

4. RESPONSIBILITIES AND VALUES

Councillors shall perform their duties and responsibilities as elected officials according to the following core values.

4(1) Integrity

To the best of their ability, Councillors:

- a) shall represent the official policies and positions of the Council. When presenting their personal opinions or positions, Councillors shall explicitly state that those opinions or positions do not represent the Council or County,
- b) will, when interacting with the public and the media, support decisions and resolutions of Council,
- c) will preserve the integrity and impartiality of Council, and
- d) will think independently and refrain from forming allegiances or factions within Council.

4(2) Serve the Public Interest

Councillors shall:

- a) work for the common good of the residents and taxpayers of the County and not for any private or personal interest,
- b) seek to serve the public interest by upholding the letter of the laws and policies established by the federal and provincial government as well as the policies and bylaws that Council imposes on itself, and
- c) inform themselves of public issues, listen attentively to public discussions before the Council, and make decisions based upon the merits and substance of the matter at hand.

4(3) Maintain Impartiality

Impartiality is a principle of justice, holding that decisions should be based on objective criteria, rather than based on bias, prejudice, or preferring the benefit to one person over another for improper reasons. Councillors shall:

- a) perform their duties of office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny,
- b) 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 *MGA*,



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- c) not place themselves under any financial obligation that may influence them in discharging their duties and responsibilities as Councillor, and
- d) consider all points of view and available information when making decisions.

4(4) Accountability

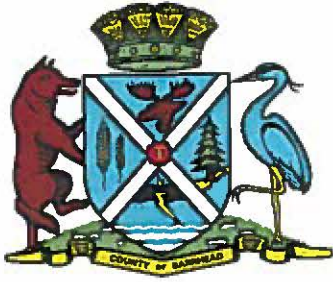
Councillors themselves have the primary responsibility to assure that ethical standards are understood and met and that the public can continue to have full confidence in the integrity of the County. Councillors must govern their conduct in accordance with the requirements and obligations as set out in the *MGA* or any other relevant provincial or federal legislation. In performing their duties, Councillors must abide by any Council policy, bylaw, process or rule of order established by Council. Councillors shall:

- a) commit to ethical and lawful conduct, including proper use of authority and appropriate decorum when acting as Councillors,
- b) not take action beyond the powers granted by the *MGA* without having the necessary authority from Council to do so,
- c) participate when appointed as a member of a committee, board, or a commission, and shall inform Council of the activities of that committee, board, or commission, and
- d) devote time, thought and attention to the duties of a Councillor in order to render effective and knowledgeable service.

4(5) Respectful Interactions with Others

The County promotes and expects respectful and responsible behaviors when interacting with each other, with employees, contractors, and with the public during the course of County business. Councillors shall:

- a) support the maintenance of a positive and constructive work environment for residents, businesses and County employees,
- b) refrain from abusive conduct, personal charges or verbal attacks upon the character or motive of other Councillors, boards, commissions, committees, employees, contractors, or the public,
- c) recognize and value diversity by refraining from behavior that discriminates against anyone on the basis of their race, ancestry, place of origin, color, citizenship, creed, gender, sexual orientation, age, record of offences, marital status, family status, disability, religious beliefs, or source of income, pursuant to the *Alberta Human Rights Act* as amended from time to time,
- d) be polite, courteous, and respectful of others at all times,
- e) treat others equitably and fairly,
- f) respect the democratic decision-making process,
- g) debate in a manner that is respectful, considerate and healthy and limit the debate to the topic that is directly related to the motion on the table,
- h) have the option to respectfully disagree with other Members of Council,
- i) present themselves in an attire, to a standard as agreed upon by Council, and consistent with the meeting or event, all while demonstrating professionalism, and
- j) refrain from the inappropriate use of cell phones or personal electronic devices during Council meetings.



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4(6) Respect for Separation of Roles of Council and Employees

Councillors shall at all times conduct themselves in a manner that reflects the separation of roles and responsibilities between Council and Employees. To effectively demonstrate respect for the separation of roles, Councillors shall:

- a) refrain from giving direction to any employee or contractor, with the exception of the CAO,
- b) ensure that direction provided to the CAO represents a position or decision of Council,
- c) convey all concerns or requests for action or information directly to the CAO, and where appropriate as agreed to by the CAO, provide a copy to a department head employee without committing the municipality to any specific course of action expenditure or use of municipal resources,
- d) not solicit, demand or accept the services of any employee or contractor,
- e) avoid situations in which a friendship, social relationship or social interaction with an employee may be seen to create undue influence, access to information, conflict of interest, or to undermine the authority of the CAO,
- f) not express any opinion on the performance of any employee with the exception of the CAO, nor advocate for the promotion, sanction, or termination of any employee. Comments or opinions regarding employees shall be directed to the CAO and the Reeve if necessary, and
- g) avoid negative public comments regarding County employees and their performance.

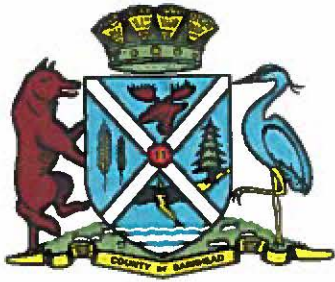
5 Conflict of Interest Avoidance

The Council Code of Conduct herein described addresses a broad range of topics under conflict of interest, including acceptance of gifts and other benefits and pecuniary interest within the meaning of the *MGA*.

5(1) Regulating Activities

Councillors shall not engage in any activity, financial or otherwise which is incompatible or inconsistent with the ethical discharge of official duties in the public interest. Activities that pose a real risk of conflict and shall be avoided by Councillors include, but are not limited to:

- a) use of influence of office for any purposes other than official duties,
- b) use of their position to obtain employment for themselves, family members or close associates,
- c) acting as an agent before Council or any committee, board or commission of Council,
- d) use of any information gained in the execution of office that is not available to the general public for any purpose other than for official duties,
- e) placing themselves in a position of obligation to any person or organization which might reasonably benefit from special consideration or may seek preferential treatment,
- f) giving preferential treatment to any person or organization in which a Councillor has a financial interest,
- g) influencing any Employee or Council decision or decision-making process involving or affecting any person or organization in which a Councillor has a financial interest,



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- h) making unreasonable or unintended use of corporate materials, equipment, facilities or Employees for personal gain or for any private purpose,
- i) failing to disclose pecuniary interests as outlined in the *MGA*, or
- j) failing to disclose their affiliations or interest with an organization that may affect their decision making on matters before Council regarding that organization.

5(2) Regulating Acceptance of Gifts

Members of Council shall not:

- a) take advantage of services or opportunities for personal gain by virtue of their public office that are not available to the public in general,
- b) solicit or accept a reward, gift 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,
- c) accept gifts, favors or promises of future benefits that might compromise their independence of judgement or action or give the appearance of being compromised, nor
- d) accept invitations from a contractor, or potential contractor, to attend special events that may be viewed as creating an unreasonable level of access or indebtedness.

5(3) Exemptions to Acceptance of Gifts or Benefits

Examples of gifts or benefits that are recognized as exceptions and therefore may be accepted by Councillors are as follows:

- a) rewards, gifts or benefits not connected with the performance or duties of office,
- b) political contributions that are accepted in accordance with applicable law,
- c) reasonable quantities of food and beverages at banquets, receptions, ceremonies or similar events,
- d) services provided without compensation by persons volunteering their time,
- e) food, lodging, transportation and entertainment provided by other levels of government or by boards, committees or commissions, or conference, seminar or event organizer where the Councillor is either speaking or attending in an official capacity,
- f) reimbursement of reasonable expenses incurred in the performance of duties or office; token gifts such as souvenirs, mementoes and commemorative gifts that are given in recognition of service or for attending an event, or
- g) gifts that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of office.

5(4) Disclosure of Acceptance of Gifts or Benefits

Acceptance of any gift or benefit of a value greater than \$500.00 must be disclosed to Council at a duly convened meeting and shall be noted in the minutes.



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6 CONFIDENTIAL INFORMATION

6(1) Holding In-Camera Meetings

The *MGA* requires Council and Council committees to conduct County business in public with the exceptions to disclosure in the *FOIP Act*.

6(2) Treatment of Information Received in Confidence

In addition to the statutory duties set out in the *MGA* and *FOIP Act*, Councillors shall:

- a) hold in strict confidence all information concerning matters deemed confidential that was acquired by virtue of their office in oral, written or electronic form unless expressly authorized by Council or when required by law to do so,
- b) refrain from use of confidential information for personal or private gain, or for the gain of relatives or any person or corporation, and
- c) refrain from accessing or attempting to gain access to confidential information in the custody of the County unless it is necessary for the performance of their duties and not prohibited by Council policy, bylaw or prevailing legislation.

6(3) Release of Information to the Public or Media

- a) Councillors acknowledge that official information related to the decisions of Council will normally be communicated to the community and the media by:
 - i. Council as a whole,
 - ii. Reeve or by his/her designate, or
 - iii. CAO or by his/her designate.
- b) Expectations for treatment of confidential information, or the release of information, is the same for all channels of communication such as verbal, written and electronic including social media.

6(4) Obligations after leaving office

After leaving office, Councillors shall continue to keep confidential information acquired as a Councillor confidential until such time it is deemed to be public or is made public by the County.

7 DURING MUNICIPAL ELECTION PERIODS

To ensure that Councillors do not receive any undue benefit by virtue of being an incumbent, during the period between Nomination Day and the date of the election, Councillors shall:

- a) refrain from using County property, equipment, supplies, services or other resources of the County for any election campaign or campaign related activities,
- b) only have access to County buildings or facilities for campaign related activities that are normally available for rental to the public and which have been arranged through the normal rental process,
- c) be prohibited from using the services of County employees for purposes related to the election during hours in which those County employees receive any compensation from the County,
- d) refrain from using County postage or other resources for mass mailings of any kind,



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- e) refrain from referring to themselves in campaign advertisements as Councillor or using County business cards or other County materials in which they are identified as Councillor,
- f) refrain from organizing activities in which Members of Council receive heightened access to the public that is beyond the normal business of the County, and
- g) strictly adhere to all of the rules that govern candidates in local elections as defined in the *Local Authorities Election Act* or any other legislation as it relates.

8 COMMITMENT & PROCEDURES

- 8(1) Councillors shall, upon assuming office and annually each year thereafter at the organizational meeting of Council,
 - a) be provided with a copy of this Bylaw, and
 - b) subscribe to the 'Statement of Commitment to the Council Code of Conduct' in the form prescribed in Schedule "A" attached hereto and forming part of this by-law, as an acknowledgment that the Councillor has read and supports the Council Code of Conduct herein described.
- 8(2) Councillors shall not assume that any unethical activities not covered by or specifically prohibited by the ethical guidelines of conduct herein described, or by any other legislation, are therefore condoned.
- 8(3) Councillors agree to uphold the intent of this Bylaw and to govern their actions accordingly.
- 8(4) Councillors shall cooperate in any investigation made pursuant to this Bylaw.
- 8(5) Councillors shall commit to disclosing to the appropriate authorities and/or to Council any behavior or activity of which they become aware of that may qualify as corruption, abuse, fraud, bribery or any other violation of this Bylaw or any other law.
- 8(6) Council shall deal with any such complaints regarding breaches of the Council Code of Conduct in accordance with the Complaint Process outlined in Section 9 herein and, if required, shall impose any such sanctions as outlined in Section 10 herein.
- 8(7) All discussions surrounding alleged and substantiated violations of this bylaw shall be conducted in an in-camera meeting of Council with the intent that discussion shall remain confidential under the appropriate sections of the *FOIP Act*.
- 8(8) A decision to take action or apply sanctions to an offending Councillor requires a resolution of Council passed with two-thirds (2/3) majority vote of the total number of Councillors, excluding the offending Councillor.
- 8(9) Any costs or inconvenience, legal or otherwise, arising from a breach or sanction imposed are solely at the cost of the offending Councillor.

9 COMPLAINT PROCESS

- 9(1) A complaint made under the Council Code of Conduct must be in writing and may be made either by:
 - a) a Councillor,
 - b) the CAO,
 - c) an employee, or
 - d) a member of the public.



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- 9(2) The CAO shall forward all complaints to Council in confidence including the Councillor about whom the complaint is made.
- 9(3) The Councillor who is the subject of the complaint is given the opportunity to provide Council with a written response to the complaint.
- 9(4) Upon receipt of a complaint, the Council shall meet “in-camera” excluding the Councillor concerned, and the Council in its sole discretion may decide:
- a) to take no further action on the complaint received, or
 - b) to further investigate the complaint and if so, the Council shall appoint an independent investigator to conduct the further investigation and all proceedings relating to the further investigation, including any meeting of Council, shall be ‘in-camera’.
- 9(5) If after receipt of the report of the independent investigator, the Council in its sole discretion may conclude:
- a) that the allegation of complaint is unfounded and that the Council take no further action on the complaint received, or
 - b) that the Councillor concerned may be disqualified from Council under the provisions of the MGA, and the Council may take any action pursuant to the *MGA*; or
 - c) that the Councillor concerned has breached the Council Code of Conduct, and in such case, the Council must in writing notify the Councillor concerned of its conclusion.
- 9(6) If Council concludes that the Councillor concerned is responsible for a breach of confidentiality, or a breach of any other provision of this Bylaw, Council may in its sole discretion decide that sanctions in accordance with this bylaw be imposed and the Council must provide notice of its conclusion in writing to the Councillor concerned.
- 9(7) Notwithstanding that this process is conducted ‘in-camera’, Council decisions are made in public pursuant to the *MGA*.
- 9(8) Notwithstanding these procedures, any member of Council, municipal employee or the public may make an allegation of breach of this Code of Conduct against a Council member directly to the Human Rights Commission, Municipal Affairs or the RCMP.

10 SANCTIONS

- 10(1) Councillors have a duty to help create a responsive, accessible, transparent and fair municipal government.
- 10(2) Councillors have a duty to question whether a Councillor is violating legislation, ethics or respectful behavior as set forth in this Bylaw.
- 10(3) Council will impose sanctions on a Councillor who is found to have breached any provision of the Council Code of Conduct, which may include, but not be limited to:
- a) Requiring the Councillor to provide a written and/or verbal apology to the impacted individual,
 - b) Directing the Reeve to provide either a verbal or written reprimand to the Councillor, or in the case where the Reeve is found to have breached the Code of Conduct, directing the Deputy Reeve to provide the verbal or written reprimand to the Reeve,



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- c) Removal of the Councillor from Council Committees, Commissions or appointments to boards,
 - d) Dismissal of the Councillor from a position of Reeve, Deputy Reeve or Chairperson of a Committee,
 - e) Restriction of the Councillor's access to County owned facilities except for Council or Committee meetings,
 - f) Restriction of the Councillor's access to electronic devices owned by the County,
 - g) Restriction of the Councillor's access to confidential communications or documents from the County,
 - h) Require the Councillor to undertake education or training on ethical and respectful conduct provided by a third party with the costs to be taken from the monies allocated in the annual budget for the respective electoral division of the County,
 - i) Council request for an inquiry under Part 14 of the *MGA*,
 - j) Council initiation of legal action under Part 5, Division 8 of the *MGA*, or
 - k) Any other sanction or action as determined by Council to restore the accountability of Council.
- 10(4) Any action taken by Council should include a time frame, together with a description of the remedial action expected.

11 DISPUTE RESOLUTION

Councillors will work to resolve conflict between one another using one or more of the following options:

- a) Councillors may first attempt to speak directly with the Councillor with whom they perceive to have a conflict or issue,
- b) Councillors may seek assistance from the Reeve, Deputy Reeve or CAO as appropriate. The Reeve, Deputy Reeve or CAO may facilitate dispute resolution by holding a meeting with those parties directly involved in the conflict or issue, or
- c) Councillors may document and submit the issue for discussion with the Council. Council shall consider the facts surrounding the conflict or issue, discuss the findings and make recommendations in an 'in-camera' meeting of Council. If required, a formal resolution on the recommendation can be made on the conflict or issue at a meeting of Council held in public.

12 REVIEW DATE

The Council Code of Conduct shall be reviewed annually at the organizational meeting of Council.

13 SEVERABILITY

Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason, all other provisions of this Bylaw remain valid and enforceable.



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This Bylaw shall come into full force and effect upon the passing of the third and final reading.

FIRST READING GIVEN the 15th day of August, 2017.

SECOND READING GIVEN the 5th day of September, 2017.

THIRD READING GIVEN the 5th day of September, 2017.



Reeve

Seal



County Manager



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Schedule "A"
to By-Law No. 3-2017

ANNUAL STATEMENT
OF COMMITMENT TO THE COUNCIL CODE OF CONDUCT
FOR COUNCILLORS OF
THE COUNTY OF BARRHEAD NO. 11

I, _____, elected pursuant to the *Local Authorities Election Act* as Councillor for the Council of the County of Barrhead No. 11,

HEREBY DECLARE that I acknowledge and support the *Council Code of Conduct* as enacted by Bylaw of the County of Barrhead No. 11.

Signed this _____ day of _____, 20____.

Signed by the said

(Signature)

In the presence of

(Witness) Reeve (or Deputy Reeve for Reeve's Statement)

DD

DAO