



BYLAW NO. 02.18

BEING A BYLAW TO ESTABLISH A CODE OF CONDUCT
GOVERNING THE CONDUCT OF COUNCILLORS OF
YELLOWHEAD COUNTY

WHEREAS section 146.1 of the *Municipal Government Act* requires council to 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 good, open and transparent government and the core values held by Yellowhead County;

AND WHEREAS the Council for Yellowhead County recognize their obligation to serve their community and that as leaders of the community they are held to a higher standard of behavior and conduct;

AND WHEREAS a Code of Conduct ensures that members of Council share a common basis and understanding for acceptable conduct extending beyond legislative provisions;

NOW THEREFORE, the Council for Yellowhead County, in the Province of Alberta, duly assembled, hereby enacts a Code of Conduct and a Complaint Protocol as follows:

This Bylaw may be cited as “The Code of Conduct Bylaw”.

1. APPLICATION

- 1.1 This code of Conduct applies to the Mayor and all members of Council.
- 1.2 The purpose of the Code of Conduct is to provide a formal document setting out expectations and support for high standards of Councillor conduct and to prevent ethical conflicts and assist in their resolution.

2. COUNCIL ROLE

- 2.1 The fundamental role of Council is to provide direction, make policy decisions and to represent the public interest.
- 2.2 Council must not exercise a power, function or duty that is specifically assigned to the Chief Administrative Officer via legislation or bylaw.

3. COUNCIL DUTIES

- 3.1 To consider and promote the welfare and interests of the municipality as a whole.
- 3.2 To promote intermunicipal land use planning and service delivery.

- 3.3 Develop and evaluate policies, programs and services of the municipality.
- 3.4 Actively and diligently participate in Council and Committee meetings.
- 3.5 Keep in confidence matters discussed in private (in-camera) at Council or Committee meetings until such time as the issue is discussed at a meeting held in public.
- 3.6 To support the role of the Council and its Administration, the policies and Bylaws of the municipality and the decisions of the Council.
- 3.7 To attend mandatory Councillor orientation training which shall be held no later than 90 days after a general municipal election.

4. MAYOR DUTIES

- 4.1 Performs the duties of a Councillor.
- 4.2 Presides at Council meetings, including the preservation of good order and decorum, ruling on Points of Order and deciding all questions relating to the orderly procedure of the meeting.
- 4.3 Acts as Official Council spokesperson.

5. MEETING PARTICIPATION

- 5.1 Council members will respect the legislated authority which provides for council as a whole to be the authority to make decisions which guide the actions of the administration. This authority is vested in Council when it is convened at a duly constituted meeting.
- 5.1 Every Councillor present at a meeting (including the Mayor) shall participate and vote on every matter unless required or permitted to abstain pursuant to legislation.
- 5.2 Council members shall conduct themselves at Council and Committee meetings with decorum in accordance with the provisions of the "Meeting Procedures Bylaw".
- 5.3 Council members shall ensure that their behavior prior, during and following a meeting towards other Council members, Administration and the public is at all times courteous, professional, fair and unbiased, avoids sarcasm, derogatory comments or comments designed to embarrass, and is ultimately respectful of the rulings of the Council as a whole.
- 5.4 Given that Council and Committee meetings are scheduled far in advance, to participate diligently means that a Councillor shall not be absent from Council or Committee meetings, or from those boards to which they are appointed by virtue of their status as a Councillor, without reasonable justification or on a regular basis.

6. DECISION MAKING

- 6.1 Council shall endeavor to conduct and convey Council business and all their duties in an open and transparent manner other than those decisions which by virtue of legislation are to be dealt

with in a confidential closed session (in-camera) and in doing so allow the public to view the process and rationale which was used to reach decisions.

- 6.2 Council shall adhere to the bylaws in place and encourage public respect for the County and its bylaws.
- 6.3 Council will ensure that decisions are made through appropriate channels of the civic structure, with adherence to County bylaws, policies and procedures.

7. CONDUCT RESPECTING STAFF

- 7.1 No Councillor shall use or attempt to use their authority for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering in administrations duties , including the duty to disclose improper activity.
- 7.2 Councillors shall acknowledge and respect that staff work for the County as a corporate body and are responsible for making recommendations that reflect their professional expertise and the County's corporate objectives, without undue influence from any individual Councillor.
- 7.3 Councillors shall acknowledge and respect that staff carry out the directions of Council as a whole and administer the policies of the County.
- 7.4 Councillors may bring forward operational concerns and service requests to the Chief Administrative Officer but are not permitted to direct the operations of the municipality or the staff.
- 7.5 Councillors shall only contact the Chief Administrative Officer or Directors to discuss official County business.

8. REQUESTS FOR INFORMATION

- 8.1 Councillors shall direct their requests for information to the Chief Administrative Officer or the Director responsible. If the requested information is subject to current policy and readily available it will be forwarded promptly. If the request is not covered by current policy it will be forwarded to the Chief Administrative Officer whom will place the item before Council to receive direction.
- 8.2 Responses to information requests will be forwarded to all of Council.

9. CONFLICT OF INTEREST

- 9.1 A Councillor shall not put themselves or engage in any activity financial or otherwise that would put them in a conflict of interest relative to their duties as a Councillor or be in breach of the pecuniary interest provisions of the *Municipal Government Act*.
- 9.2 No Councillor shall use or attempt to use their authority for the purpose of seeking preferential treatment for themselves, an individual or organization.

9.3 No Councillor shall use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.

10. ACCEPTANCE OF GIFTS

10.1 No member of Council shall accept or solicit a fee, cash, gift or personal benefit for themselves, family or friends that is connected directly or indirectly with the performance of their duties as a Councillor.

10.2 Acceptance of gifts out of protocol or social obligation that normally accompanies the responsibilities of elected office are permitted.

10.3 Council members may accept hospitality or entertainment if the offer is infrequent and appropriate to the occasion. If the value of the gift exceeds \$300 or thought to be in excess of \$300 this shall be reported to the CAO and or the Mayor and a decision from the Council shall be sought by the Councillor.

11. BRIBERY

11.1 Councillors shall be conscious of any attempt of bribery and shall reject bribery in any form and report any attempt or perceived attempt of bribery immediately to the Chief Administrative Officer.

12. CONFIDENTIAL INFORMATION

12.1 Confidential information includes information in the possession of the County or received in confidence by the County and is either prohibited from disclosing, or is required to refuse to disclose under the provisions of the *Freedom of Information and Protection of Privacy Act*, the *Municipal Government Act*, solicitor-client privilege or any other legislation. Release of any confidential information must be authorized by Council or required under the law.

13. USE OF COUNTY PROPERTY

13.1 No Councillor shall use for personal purposes any County staff services, property, equipment, supplies, or other County owned things (eg. Web sites/web boards) other than for purposes connected with the discharge of Council duties.

13.2 No Councillor shall use information gained in the execution of their duties that is not available to the general public, for any purposes other than their official duties.

14. RELEASE OF INFORMATION TO THE PUBLIC AND MEDIA

14.1 At the conclusion of Council or Committee of the Whole meetings, the County's Communication Coordinator will provide to local media a media release providing an overview of the meeting topics and decisions.

- 14.2 Any requests for information or interviews from the media shall be directed to the Chief Administrative Officer and the Mayor (spokesperson). The Mayor is the official spokesperson for the County. All media releases will be based on the majority position of Council as a whole.
- 14.3 The Mayor as Official spokesperson and or members of Council shall communicate accurately the decisions of Council, even if they disagree with the majority decision of Council. A Councillor is not restricted in any public statement they may choose to make, however if it is contrary with the official position of Council, it should be prefaced as personal opinion only.
- 14.3 All media releases, fact sheets, or web based materials or similar will be produced by the Communications Coordinator and approved for release by the Chief Administrative Officer.
- 14.4 Members of Council shall keep confidential information confidential until such time as the matter can properly be made public.

15. SOCIAL MEDIA

- 15.1 Councillors may use social media either with a personal account or a County account, however, they shall conduct themselves respectfully and ethically.
- 15.2 Councillors utilizing social media shall abide by any County policies in place with respect to behavior and content and shall support the role of Council and respect the differences of opinion.

COUNCIL CODE OF CONDUCT COMPLAINT PROTOCOL

PART A: INFORMAL COMPLAINT PROCEDURE

Any person or a representative of an organization who has identified or witnessed behaviour or an activity by a member of Council that they believe is in contravention of the *Council Code of Conduct* (the "Code") may wish to address the prohibited behaviour or activity themselves as follows:

- (1) advise the councillor that the behaviour or activity contravenes the Code;
- (2) encourage the councillor to stop the prohibited behaviour or activity;
- (3) keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;
- (4) if applicable, confirm to the councillor your satisfaction with the response of the councillor; or, if applicable, advise the councillor of your dissatisfaction with the response; and
- (5) consider the need to pursue the matter in accordance with the formal complaint procedure outlined in Part B, or in accordance with another applicable judicial or quasi-judicial process or complaint procedure.

All persons and organizations are encouraged to initially pursue this informal complaint procedure as a means of stopping and remedying a behaviour or activity that is prohibited by the Code. With the consent of the complaining individual or organization and the member, the Integrity Commissioner may be part of any informal process. However, it is not a precondition or a prerequisite that those complaining must pursue the informal complaint procedure before pursuing the Formal Complaint Procedure in Part B.

PART B: FORMAL COMPLAINT PROCEDURE:

Requests for Inquiries Sec 1

1. (1) Any person, in good faith, may report perceived wrongdoing or make a complaint alleging a breach of the Code. All reasonable attempts shall be made to keep the reports and complaints confidential until full investigation is completed in order to protect the councillor and the complainant.
- (2) A request for an investigation of a complaint that a councillor has contravened the Code (the "complaint") shall be sent directly to the Mayor and the Chief Administrative Officer by mail, E-mail, fax, or courier in the form attached as Schedule "A". If the Mayor is the subject of the complaint, then the complaint shall be provided to the Deputy Mayor.
- (3) All complaints shall be signed by an identifiable individual (which includes the authorizing signing officer of an organization).
- (4) A complaint shall set out reasonable and probable grounds for the allegation that there has been a contravention of the Code.

Initial Classification Sec. 2

2. (1) Upon receipt of a complaint, the Chief Administrative Officer shall make an initial classification to determine if the matter is, on its face, a complaint that there has been a contravention of the Code.
- (2) If the complaint is not, on its face, a complaint that there has been a contravention of the Code and the complaint is covered by other legislation or a complaint procedure under another Council policy, the Chief Administrative Officer shall advise the complainant accordingly and dismiss the complaint.
- (3) If it is determined that a complaint is not, on its face, a complaint that there has been a contravention of the Code, the Chief Administrative Officer shall report to Council accordingly but, where possible, shall not disclose information that could identify a person concerned
- (4) If the complaint is a complaint that there has been a contravention of the Code, the Chief Administrative Officer shall determine whether the complaint will be addressed by Council, the Chief Administrative Officer or a third party Integrity Commissioner.
- (5) If the Chief Administrative Officer receives a complaint during a municipal election year respecting a councillor who is seeking re-election and he is of the opinion that the complaint is politically motivated, the Chief Administrative Officer may stay the assignment of the complaint until after the new Council takes office or dismiss it if he concludes it is specious.
- (6) The Chief Administrative Officer may, at any time in the course of receiving a complaint or conducting an investigation, delegate his duties and responsibilities to a third party Integrity Commissioner.

Chief Administrative Officer Investigation

3. Where the Chief Administrative Officer determines the complaint will be addressed by the Chief Administrative Officer, the Chief Administrative Officer shall conduct an investigation and if he determines the complaint is a valid complaint against the councillor, he shall report to Council and any or all of the following sanctions may be imposed by Council at a public Council Meeting:
 - (a) a reprimand;
 - (b) request the councillor to issue a letter of apology to Council, the complainant, or both;
 - (c) removal from membership of a committee;
 - (d) removal as chair of a committee;
 - (e) repayment or reimbursement of monies received;
 - (f) return of property or reimbursement of its value;
 - (g) suspension or removal of the appointment of the councillor as the deputy chief elected official or acting chief elected official;
 - (h) reduction or suspension of remuneration corresponding to a reduction in duties.

Council Investigation

4. Where the Chief Administrative Officer refers the complaint to Council for determination, the Mayor (or Deputy Mayor) shall call a special Council Meeting for the purpose of considering the complaint in camera. If Council determines the complaint is a valid complaint against the councillor, then any or all of the following sanctions may be imposed by Council at a public Council Meeting:
 - (a) a reprimand;
 - (b) request the councillor to issue a letter of apology to Council, the complainant, or both;
 - (c) removal from membership of a committee;
 - (d) removal as chair of a committee;
 - (e) repayment or reimbursement of monies received;
 - (f) return of property or reimbursement of its value;
 - (g) suspension or removal of the appointment of the councillor as the deputy chief elected official or acting chief elected official;
 - (h) reduction or suspension of remuneration corresponding to a reduction in duties.

Integrity Commissioner Investigation

5. (1) Where the Chief Administrative Officer refers a complaint to a third party Integrity Commissioner for determination, the Integrity Commissioner shall investigate and may attempt to settle the complaint. The Integrity Commissioner shall report directly to Council and shall file an annual report to Council respecting the advice, education and investigations carried out in the previous year.
- (2) If the Integrity Commissioner is of the opinion that a complaint is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, terminate the investigation.

- (3) The Integrity Commissioner will, except where the circumstances otherwise require, serve the complaint and supporting material upon the councillor whose conduct is in question with a request for a written response to the allegation and then serve a copy of the councillor's response upon the complainant with a request for a written response.
- (4) If necessary, after reviewing the written materials, the Integrity Commissioner may speak to anyone relevant to the complaint, access and examine any of the information, and may enter any County work location relevant to the complaint for the purposes of investigation and settlement.
- (5) The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction or retaliation encountered during the investigation.
- (6) The Integrity Commissioner shall endeavor to conclude the investigation, generate a written report and provide a recommendation to Council no later than 45 days after the making of the complaint.
- (7) Where the complaint is dismissed, other than in exceptional circumstances, the Integrity Commissioner shall not report to Council except as part of an annual or other periodic report.
- (8) Upon receipt of a written report and recommendation from the Integrity Commissioner, Council may, in circumstances where the Integrity Commissioner has determined there has been a violation of the Code of Conduct, impose any or all of the following sanctions at a public Council Meeting:
 - (a) a reprimand;
 - (b) request the councillor to issue a letter of apology to Council, the complainant, or both;
 - (c) removal from membership of a committee;
 - (d) removal as chair of a committee;
 - (e) repayment or reimbursement of monies received;
 - (f) return of property or reimbursement of its value;
 - (g) suspension or removal of the appointment of the councillor as the deputy chief elected official or acting chief elected official;
 - (h) reduction or suspension of remuneration corresponding to a reduction in duties.

Confidentiality Sec 10

6. (1) Council, the Chief Administrative Officer and the Integrity Commissioner, and every person acting under his or her instructions, shall preserve confidentiality with respect to all matters that come to his or her attention in the course of any investigation under the Code except as required by law in a criminal proceeding.

This bylaw comes into force at the beginning of the day that it is passed in accordance with Section 189 of the *Municipal Government Act*, Being Chapter M-26, R.S.A., 2000.

READ a first time this 9 day of January, A.D., 2018

READ a second time this 9 day of January, A.D., 2018

READ a third time this 9 day of January, A.D., 2018



Gerald Soroka, Mayor



Jack Ramme, Chief Administrative Officer