

STRATHCONA COUNTY
COUNCIL CODE OF CONDUCT
BYLAW XX-2018

Pursuant to:

Section 3 of the *Municipal Government Act*, RSA 2000 c m-26, the purposes of a municipality are to provide good government; and

Section 146.1(1) of the *Municipal Government Act*, a council must, by bylaw, establish a code of conduct governing the conduct of councillors; and

Section 153 of the *Municipal Government Act*, councillors have a duty to adhere to the code of conduct established by the council;

PART I: CITATION, PURPOSE, INTERPRETATION, AND DEFINITIONS		
Short title	1	This bylaw may be cited as the "Council Code of Conduct Bylaw".
Purpose	2	The purpose of this bylaw is to establish standards for the ethical conduct of Members relating to their roles and obligations as members of Council for the Municipality and a procedure for the investigation and enforcement of those standards.
Interpretation	3	<p>The following rules apply to interpretation of this bylaw:</p> <ul style="list-style-type: none">(1) The marginal notes and headings in this bylaw are for reference purposes only;(2) In the event of a conflict between a provision of this bylaw and an enactment, the enactment governs;(3) Any reference to an enactment or bylaw includes all amendments or successor enactments or bylaws, and applicable regulations or orders established under the enactment or bylaw; and(4) Actions authorized by this bylaw must be performed in compliance with all applicable enactments, bylaws, and the County's policies and procedures.
Definitions	4	<p>In this bylaw, words have the meaning given to them in this section, but if not defined in this bylaw, they have the same meaning as under the <i>Municipal Government Act</i>:</p> <ul style="list-style-type: none">a) "Act" means the Municipal Government Act, RSA 2000, c M-26;b) "Administration" means all employees of Strathcona County;c) "Chief Commissioner" means the Chief Commissioner for the County or delegate;d) "Council" means the elected governing body of the County;e) "County" means the municipal corporation of Strathcona County;

		<p>f) "Investigator" means Council or the individual or body established or selected by Council to investigate and report on a complaint;</p> <p>g) "Member" means a member of Strathcona County Council;</p> <p>SECTION TO BE COMPLETED ONCE THE DRAFT BYLAW IS FINALIZED</p>
PART II: MEMBER VALUES AND PRINCIPLES		
Values and principles	5	<p>(1) Members are expected to perform their functions of office with integrity, accountability and transparency and conduct themselves in a professional manner at all times.</p> <p>(2) Members have a duty to act honestly, in good faith, and in the best interest of the Municipality.</p>
Respectful interactions with Members, Administration, and the Public	6	<p>(1) Members will act in a manner that demonstrates fairness, respect for individual differences and opinions, and an intention to work together for the common good and in furtherance of the public interest.</p> <p>(2) Members will treat one another, employees of the Municipality and members of the public with courtesy, dignity and respect and without abuse, bullying or intimidation.</p> <p>(3) A Member must not use indecent, abusive, or insulting words or expressions toward another Member, any employee of the Municipality or any member of the public.</p> <p>(4) A Member must not speak in a manner that is discriminatory to any individual based on the person's race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.</p> <p>(5) Members will respect that employees in Administration work for the Municipality as a corporate body and are charged with making recommendations that reflect their professional expertise and a corporate perspective, and that employees are required to do so without undue influence from any Member or group of Members.</p> <p>(6) Members must not:</p> <ul style="list-style-type: none"> a) interfere in matters of Administration, which fall within the jurisdiction of the Chief Commissioner; b) use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any employee of the Municipality with the intent of interfering in the employee's duties; or c) maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of

		employees of the Municipality.
PART III: MEMBER RESPONSIBILITIES AND EXPECTATIONS		
Representing the Municipality	7	<p>Members will:</p> <ul style="list-style-type: none"> a) act honestly and, in good faith, serve the welfare and interests of the Municipality as a whole; b) perform their functions and duties in a conscientious and diligent manner with integrity, accountability and transparency; c) conduct themselves in a professional manner with dignity and make every effort to participate diligently in the meetings of Council, committees of Council and other bodies to which they are appointed by Council; and d) conduct themselves in a manner that promotes public confidence.
Communicating on behalf of the municipality	8	<ul style="list-style-type: none"> (1) A Member must not claim to speak on behalf of Council unless authorized to do so. (2) Unless Council directs otherwise, the Mayor is Council's official spokesperson and in the absence of the Mayor it is the Deputy Mayor and in the absence of the Mayor and Deputy Mayor it is the Acting Mayor. (3) All inquiries from the media regarding the official Council position on an issue will be referred to Council's official spokesperson. (4) A Member who is authorized to act as Council's official spokesperson must ensure that their comments accurately reflect the official position and will of Council as a whole, even if the Member personally disagrees with Council's position. (5) A Member must not knowingly make a statement when they know that statement is false. (6) A Member must not knowingly make a statement with the intent to mislead Council or members of the public.
Respecting the decision-making process	9	<ul style="list-style-type: none"> (1) Decision making authority lies with Council, and not with any individual Member. Council may only act by bylaw or resolution passed at a Council meeting held in public at which there is a quorum present. (2) A Member must not, unless authorized by Council, attempt to bind the Municipality or give direction to employees in Administration, agents, contractors, consultants or other service providers or prospective vendors to the Municipality. (3) Members will conduct and convey Council business and all their duties in an open and transparent manner, other than those matters which by law are authorized to be dealt with in a confidential manner in a closed session, and in so doing, allow

		<p>the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.</p> <p>(4) Members will accurately communicate the decisions of Council, even if they disagree with Council's decision, to foster respect for Council's decision-making processes.</p>
Adherence to policies, procedures, and bylaws	10	<p>(1) Members will uphold the law established by the Parliament of Canada and the Legislature of Alberta and the bylaws, policies and procedures adopted by Council.</p> <p>(2) Members will respect the Municipality as an institution, its bylaws, policies and procedures and will encourage public respect for the Municipality, its bylaws, policies and procedures.</p>
Confidential information	11	<p>(1) Members must keep in confidence matters discussed in private at a Council or Council committee meeting until the matter is discussed at a meeting held in public.</p> <p>(2) Members must refrain from disclosing or releasing any confidential information acquired by virtue of their office except when required by law or authorized by Council to do so.</p> <p>(3) A Member must not use confidential information for personal benefit or for the benefit of any other individual organization.</p>
Conflict of interest	12	<p>(1) Members have a statutory duty to comply with the pecuniary interest provisions set out in Part 5, Division 6 of the Act, and a corresponding duty to vote unless required or permitted to abstain under the Act or another enactment.</p> <p>(2) Members will approach decision-making with an open mind that is capable of persuasion.</p> <p>(3) It is the individual responsibility of each Member to seek independent legal advice, at the Member's sole expense, with respect to any situation that may result in a pecuniary or other conflict of interest.</p>
Improper use of influence	13	A Member must not use the influence of the Member's office for any purpose other than for the exercise of the Member's official duties.
Gifts	14	Acceptance of any Gift or benefit of a value greater than \$500.00 must be disclosed to Council and will be noted in the minutes.
Orientation and training attendance	15	<p>(1) Members must make every effort to attend the orientation training offered by the Municipality within 30 days after the Member takes the oath of office.</p> <p>(2) Members must make every effort to attend any other training organized at the direction of Council for the benefit of Members throughout the Council term.</p>
Use of Municipal assets and services	16	<p>Members will use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Member, subject to the following limited exceptions:</p> <p>a) municipal property, equipment, service, supplies and</p>

		<p>staff resources that are available to the general public may be used by a Member for personal use upon the same terms and conditions as members of the general public, including booking and payment of any applicable fees or charges;</p> <p>b) electronic communication devices, including but not limited to desktop computers, laptops, tablets and smartphones, which are supplied by the Municipality to a Member, may be used by the Member for personal use, provided that the use is not for personal gain, offensive or inappropriate.</p>
Election campaigns	17	A Member must not use any facilities, equipment, supplies, services, municipal logo or other resources of the Municipality for any election campaign or campaign-related activity.
PART IV: INFORMAL COMPLAINT PROCESS		
Informal complaint process	18	<p>(1) Any Member who has identified or witnessed conduct by a Member that the Member reasonably believes, in good faith, is in contravention of this Bylaw may address the prohibited conduct by:</p> <p>a) advising the Member that the conduct violates this Bylaw and encouraging the Member to stop,</p> <p>b) requesting the Mayor to assist in informal discussion of the alleged complaint with the Member in an attempt to resolve the issue. If the Mayor is the subject of, or is implicated in a complaint, the person may request the assistance of the Deputy Mayor.</p> <p>(2) Members are encouraged to pursue this informal complaint procedure as the first means of remedying conduct that they believe violates this Bylaw. However, a M is not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure provided in this Bylaw.</p>
PART V: FORMAL COMPLAINT PROCESS		
	19	SEE ENCLOSURE 2 OF REPORT
PART VI: COMPLIANCE AND ENFORCEMENT		
	20	<p>(1) Members will uphold the letter and the spirit and intent of this Bylaw.</p> <p>(2) Members are expected to co-operate in every way possible in securing compliance with the application and enforcement of this Bylaw.</p> <p>(3) A Member must not:</p> <p>a) undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant</p>

		<p>information to Council or to any other person;</p> <p>b) obstruct Council, or any other person, in carrying out the objectives or requirements of this Bylaw.</p> <p>(4) Sanctions that may be imposed on a Member, by Council, upon a finding that the Member has breached this Bylaw may include:</p> <p>a) a letter of reprimand addressed to the Member;</p> <p>b) requesting the Member to issue a letter of apology;</p> <p>c) publication of a letter of reprimand or request for apology and the Member's response;</p> <p>d) suspension or removal of the appointment of a Member as the chief elected official under section 150(2) of the Act;</p> <p>e) suspension or removal of the appointment of a Member as the deputy chief elected official or acting chief elected official under section 152 of the Act;</p> <p>f) suspension or removal of the chief elected official's presiding duties under section 154 of the Act;</p> <p>g) suspension or removal from some or all Council committees and bodies to which council has the right to appoint members; and</p> <p>h) reduction or suspension of remuneration as defined in section 275.1 of the Act corresponding to a reduction in duties, excluding allowances for attendance at council meetings.</p>
PART VII: REVIEW		
	21	<p>This Bylaw will be brought forward for review at the beginning of each term of Council, 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 Members.</p>