

STRATHCONA COUNTY
COUNCIL CODE OF CONDUCT
BYLAW 27-2018

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

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| 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 Councillors relating to their roles and obligations as 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">(a) The marginal notes and headings in this bylaw are for reference purposes only;(b) In the event of a conflict between a provision of this bylaw and an enactment, the enactment governs;(c) 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(d) 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 <i>Municipal Government Act</i>, RSA 2000, c M-26;(b) "Administration" means all of the individuals who perform work for and directly or indirectly report to the Chief Commissioner;(c) "Chair" has the same meaning as under Bylaw 20-2015 The Meeting Procedures Bylaw;(d) "Chief Commissioner" means the Chief Commissioner for the County or delegate; |

- (e) "Complainant" means the Councillor or Councillors who make a complaint pursuant to this Bylaw;
- (f) "Council" means the elected governing body of the County;
- (g) "Councillor" means an individual elected to Council, including the Mayor;
- (h) "County" means the specialized municipality and municipal corporation of Strathcona County, established under Order 761/95 pursuant to the Municipal Government Act;
- (i) "Investigator" means Council or the individual or body established or selected by Council to investigate and report on a complaint; and
- (j) "Respondent" means the Councillor or Councillors who are the subject of a complaint.

PART II: COUNCILLOR VALUES AND PRINCIPLES

Values and principles

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 - (a) Councillors are expected to perform their functions of office with integrity, accountability and transparency and conduct themselves in a professional manner at all times.
 - (b) Councillors have a duty to act honestly, in good faith, and in the best interest of the Municipality.

Respectful interactions with Councillors, Administration, and the Public

- 6 Councillors will:
 - (a) 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;
 - (b) treat one another, Chief Commissioner, Administration, and members of the public with courtesy, dignity and respect and without abuse, harassment, bullying or intimidation; and
 - (c) 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 Councillor or group of Councillors.
- 7 Councillors must not:
 - (a) use indecent, abusive, or insulting words or expressions toward another Councillor, any employee of the Municipality or any member of the public;
 - (b) speak in a manner that is discriminatory to any individual based on the person's race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression, or sexual orientation;

- (c) interfere in matters of Administration, which fall within the jurisdiction of the Chief Commissioner;
- (d) use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any person with the intent of interfering with the Chief Commissioner or Administration in the conduct of their duties for the County; or
- (e) maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of any person.

PART III: COUNCILLOR RESPONSIBILITIES AND EXPECTATIONS

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| Representing the Municipality | 8 | <p>Councillors 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 | 9 | <ul style="list-style-type: none"> (a) A Councillor must not claim to speak on behalf of Council unless authorized to do so. (b) 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. (c) All inquiries from the media regarding the official Council position on an issue will be referred to Council's official spokesperson. (d) A Councillor 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 Councillor personally disagrees with Council's position. (e) A Councillor must not knowingly make a statement when they know that statement is false. (f) A Councillor must not knowingly make a statement with the intent to mislead Council or members of the public. |
| Respecting the decision-making process | 10 | <ul style="list-style-type: none"> (a) Decision making authority lies with Council, and not with any individual Councillor. Council may only act by bylaw or resolution passed at a Council meeting held in public at which there is a |

quorum present.

- (b) A Councillor must not, unless authorized by Council, attempt to bind the Municipality or give direction to the Chief Commissioner, Administration, agents, contractors, consultants or other service providers or prospective vendors to the Municipality, and must not, with or without Council authorization, exercise a power or function or perform a duty that has been delegated to the Chief Commissioner.
- (c) Councillors 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 the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.
- (d) Councillors will accurately communicate the decisions of Council, even if they disagree with Council's decision, to foster respect for Council's decision-making processes.

Adherence to laws, policies, procedures, and bylaws

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- (1) Councillors will uphold the law established by the Parliament of Canada and the Legislature of Alberta and the bylaws, policies and procedures adopted by Council.
- (2) Councillors 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.

Confidential information

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Councillors must:

- (a) 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;
- (b) 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; and
- (c) refrain from using confidential information for personal benefit or for the benefit of any other individual organization.

Conflict of interest

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- (a) Councillors 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.
- (b) Councillors will approach decision-making with an open mind that is capable of persuasion.
- (c) It is the individual responsibility of each Councillor to seek independent legal advice, at the Councillor's sole expense, with respect to any situation that may result in a pecuniary or other conflict of interest.

Improper use of influence

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A Councillor must not use the influence of the Councillor's office for any purpose other than for the exercise of the Councillor's official duties.

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| Gifts | 15 | 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 | 16 | <p>(1) Councillors must make every effort to attend the orientation training offered by the Municipality within 90 days after the Councillor takes the oath of office.</p> <p>(2) Councillors must make every effort to attend any other training organized at the direction of Council for the benefit of Councillors throughout the Council term.</p> |
| Use of municipal assets and services | 17 | <p>Councillors will use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Councillor, subject to the following limited exceptions:</p> <p style="margin-left: 40px;">(a) municipal property, equipment, service, supplies and staff resources that are available to the general public may be used by a Councillor for personal use upon the same terms and conditions as councillors of the general public, including booking and payment of any applicable fees or charges;</p> <p style="margin-left: 40px;">(b) electronic communication devices, including but not limited to desktop computers, laptops, tablets and smartphones, which are supplied by the Municipality to a Councillor, may be used by the Councillor for personal use, provided that the use is not for personal gain, offensive or inappropriate.</p> |
| Election campaigns | 18 | A Councillor 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

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| Informal complaint process | 19 | <p>(1) Any Councillor who has identified or witnessed conduct by a Councillor that the Councillor reasonably believes, in good faith, is in contravention of this Bylaw may address the prohibited conduct by:</p> <p style="margin-left: 40px;">(a) advising the Councillor that the conduct violates this Bylaw and encouraging the Councillor to stop,</p> <p style="margin-left: 40px;">(b) requesting the Mayor to assist in informal discussion of the alleged complaint with the Councillor 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) Councillors are encouraged to pursue this informal complaint procedure as the first means of remedying conduct that they believe violates this Bylaw. However, a Councillor is not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure provided in this Bylaw.</p> |
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PART V: FORMAL COMPLAINT PROCESS

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| Filing formal complaint | 20 | <p>(1) Any Councillor who has identified or witnessed conduct that the Councillor reasonably believes, in good faith, is in contravention of this Bylaw, may address the prohibited conduct by making a complaint in writing, care of the Chief Commissioner, that sets out reasonable and probable grounds for the allegation that the Councillor has contravened the Code of Conduct, including a detailed description of the facts giving rise to the allegation.</p> <p>(2) The Chief Commissioner will provide a copy of the written complaint to the Mayor's Executive Committee and to the Respondent.</p> |
| Placement on agenda | 21 | The Mayor's Executive Committee will add the complaint to the agenda of the next available Council meeting for initial consideration, and will notify the Respondent of the date at which the complaint will be considered by Council. |
| Respondent's legal advice | 22 | At any time during the formal complaint process, the Respondent may seek legal advice, which will be at their own expense, unless otherwise decided by Council. |
| Initial consideration of complaint | 23 | <p>(1) During the Council meeting at which the complaint is considered, Council will provide the Respondent an opportunity to verbally respond to the complaint and to provide a written response.</p> <p>(2) Once the Respondent has had an opportunity to respond, Council may choose to:</p> <ul style="list-style-type: none"> (a) Dismiss the complaint if it is determined to be frivolous, vexatious, without adequate grounds, or not to be in contravention of this Bylaw; or (b) Decide to investigate the complaint and conduct a hearing. <p>(3) If Council chooses to investigate a complaint and conduct a hearing, Council may take any of the following actions:</p> <ul style="list-style-type: none"> (a) Request any information required for the investigation, including from the Respondent; (b) Obtain legal advice, at the municipality's expense, to assist with the investigation; or (c) Retain an independent Investigator to investigate the complaint and report to Council. <p>(4) Information requested for the investigation must be provided to all Councillors within 30 days after Council's request, with a copy of the response to the Chief Commissioner.</p> |
| Investigator's report | 24 | If Council chooses to retain an independent Investigator to investigate the complaint, the independent Investigator will provide a written report on findings to all Councillors, with a copy to the Chief Commissioner, within 60 days of being contracted to perform the investigation, or on a later date determined by Council resolution. |

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| Scheduling the hearing | 25 | <p>Mayor's Executive Committee will schedule the complaint hearing for the next available Council meeting agenda after:</p> <ul style="list-style-type: none"> (a) The sooner of the date that information requested for the investigation has been provided to Council or the 30 days have expired (if Council has conducted the investigation); or (b) Once the Investigator's report has been received (if an independent Investigator has been retained.) |
| Complaint hearing | 26 | <p>(1) At the complaint hearing, Council will address the complaint in the following format:</p> <ul style="list-style-type: none"> (a) Any Councillor may request that the complaint be read; (b) The Investigator's report, if any, will be presented; (c) The Respondent will be given the opportunity to reply to the complaint, any additional information, and the Investigator's report, both verbally and in writing; (d) Councillors (including the Complainant and the Respondent) may ask questions for clarification, through the Chair, of the Complainant, the Respondent, and the Investigator; (e) Finally, the Respondent may make any concluding remarks. <p>(2) Council may, at the request of the Respondent, decide to postpone the hearing to a future date and time for the purpose of ensuring procedural fairness.</p> |
| Disposition of complaint | 27 | <p>After hearing the matter as described above, Council may:</p> <ul style="list-style-type: none"> (a) Dismiss the complaint; or (b) Confirm the breach of the Bylaw and apply any appropriate sanctions. |

PART VI: COMPLIANCE AND ENFORCEMENT

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| Compliance and Cooperation | 28 | <p>(1) Councillors will uphold the letter and the spirit and intent of this Bylaw.</p> <p>(2) Councillors are expected to co-operate in every way possible in securing compliance with the application and enforcement of this Bylaw.</p> |
| No reprisal | 29 | <p>A Councillor must not:</p> <ul style="list-style-type: none"> (a) undertake any act of reprisal or threaten reprisal against a Complainant or any other person for providing relevant information to Council or to any other person; or (b) obstruct Council, or any other person, in carrying out the objectives or requirements of this Bylaw. |

Sanctions

- 30 Sanctions that may be imposed on a Councillor, by Council, upon a finding that the Councillor has breached this Bylaw may include:
- (a) a letter of reprimand addressed to the Councillor;
 - (b) requesting the Councillor to issue a letter of apology;
 - (c) publication of a letter of reprimand or request for apology and the Councillor's response;
 - (d) suspension or removal of the appointment of a Councillor as the deputy chief elected official or acting chief elected official under section 152 of the Act;
 - (e) suspension or removal of the chief elected official's presiding duties under section 154 of the Act;
 - (f) suspension or removal from some or all Council committees and bodies to which council has the right to appoint councillors; and
 - (g) 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.

PART VII: REVIEW

Bylaw review

- 32 This Bylaw will be brought forward for review:
- (a) at the beginning of each term of Council,
 - (b) when relevant legislation is amended, or
 - (c) 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.

First reading: _____

Second reading: _____

Third reading: _____

Mayor

Director, Legislative and Legal Services