

**COUNTY OF TWO HILLS NO. 21
IN THE PROVINCE OF ALBERTA
BYLAW NO. 03-2022**

Council Code of Conduct Bylaw No. 03-2022.

WHEREAS, pursuant to Section 145 of the *Municipal Government Act*, a Council may pass bylaws for municipal purposes regarding the conduct of Council and the conduct of Councillors;

AND WHEREAS pursuant to Section 146.1 of the *Municipal Government Act*, a council must, by bylaw, establish a code of conduct governing the conduct of Councillors;

AND WHEREAS the establishment of a code of conduct for Councillors is consistent with the principles of transparent and accountable government;

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

NOW THEREFORE the Council of the County of Two Hills, in the Province of Alberta, duly assembled, enacts as follows:

TITLE

1. This Bylaw may be called the “Council Code of Conduct Bylaw”.

DEFINITIONS

2. In this bylaw, words have the meanings set out in the Act, except that:
 - a. “Act” means the *Municipal Government Act*, R.S.A. 2000, c. M-26, any regulations thereunder, and any amendments or successor legislation thereto;
 - b. “Administration” means the administrative and operational arm of the County, comprised of the various departments and business units and including all County staff who operate under the leadership and supervision of the Chief Administrative Officer;
 - c. “CAO” means the Chief Administrative Officer of the County, or their designate;
 - d. “Closed” means a portion of a meeting closed to the public in accordance with the Act and the *Freedom of Information and Protection of Privacy Act*;
 - e. “County” means the municipal corporation of the County of Two Hills;
 - f. “Confidential Information” means any information that is of a personal nature to County employees or clients, or information that is not available to the public and that, if disclosed, could result in loss or damage to the County or others (see Section 197 of the Act and Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act*) or could give the person to whom it is disclosed an advantage;
 - g. “Complainant” means a person who makes a Formal Complaint in accordance with this bylaw;
 - h. “Council” means all members of County Council duly elected and currently holding office;
 - i. “Councillor” means a person elected to County Council;

- j. “Council Investigator” means the person in charge of receiving the Formal Complaint and leading the bylaw’s procedure. The County Investigator is the Reeve, or in the perceived wrong doing of the Reeve, the Deputy Reeve. If the perceived wrong doing affects both the Reeve and Deputy Reeve, Council will appoint an investigator from among its members;
- k. “County Property” means includes County employee time, financial, non-financial assets (including, but not limited to, land, vehicles, equipment, material, paper or electronic documents, tools, electronic equipment, computers, internet service and intellectual property);
- l. “Conflict of Interest” means a situation in which a person has a private or personal interest sufficient to appear to influence the objective exercise of their official duties as an elected official, employee or professional and shall be adhered to the requirements of the *Municipal Government Act*. Example: Conflicts of interest for a Councillor arises where there is “clash of private interest with public duty”, namely, where a Councillor has Pecuniary Interest in a matter before Council;
- m. “Deputy Reeve” means the Councillor appointed as Deputy Chief Elected Official by Council;
- n. “Fiduciary Duty” means the legal obligation of one party to act in the best interest of another - free of bias and fair. The key component of being fiduciary requires Councillor’s to put the interests of the County ahead of their personal interests;
- o. “FOIP” means the *Freedom of Information and Protection of Privacy Act*, RSA, 2000, as amended, and any regulations thereunder;
- p. “Formal Complaint” means a request by any person that the Integrity Commissioner / Council Investigator conduct an inquiry into an event or series of events alleged to contravene the Code of Conduct or any other procedures, rules or policies governing the ethical behaviour of Councillors, in accordance with this bylaw;
- q. “Gift” means any real or private property given, including but not limited to artwork, clothing, money, gift certificates or gift cards, unless payment in any form, including the exchange of goods and services, of equal or greater value is received by the individual or entity giving the gift;
- r. “Impartiality” is a principle of justice holding that decisions should be based on objective criteria, rather than since bias, prejudice, or preferring the benefit of one person over another for improper reasons;
- s. “Integrity Commissioner” means the person or entity appointed by Council who is responsible for conducting an independent investigation of a complaint;
- t. “Pecuniary Interest” means an interest in a matter that could monetarily affect a Councillor or an employer of the Councillor or an interest in a matter that the Councillor knows or should know could monetarily affect the Councillor’s family, and as more particularly set out in the Act.

STATEMENT OF PRINCIPLES AND VALUES

- 3. At all times Councillors are expected to perform their functions of office with integrity, accountability and transparency and conduct themselves in a professional manner, acting honestly, in good faith, and in best interests of the County.
- 4. Councillors shall:
 - a. Uphold the law established by the Federal Parliament and the Alberta Legislature and the bylaws and policies adopted by Council;
 - b. Carry out their duties in accordance with all applicable legislation, bylaws and policies pertaining to their position as an elected official;

- c. Observe the highest standard of ethical conduct and perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny; and,
- d. Serve and been seen to serve the welfare and interests of the County and the community-at-large in a conscientious and diligent manner and shall approach decision-making with an open mind.

CONFIDENTIAL INFORMATION

- 5. Council must be able to access information that is necessary to fulfill its decision-making duties and oversight responsibilities; however, individual Councillors must also recognize that the information they receive in their capacity as elected officials is subject to confidentiality and disclosure rules contained in federal and provincial legislation and County bylaws and policies.
- 6. Councillors have a statutory duty to keep in confidence matters discussed in private at a Council or Council Committee meeting until discussed at a meeting held in public, pursuant to the Municipal Government Act.
- 7. During their duties, Councillors may also become privy to Confidential Information received outside of a Closed meeting. Councillors must not:
 - a. disclose or release by any means to any Councillor of the public, including the media, any Confidential Information acquired through their office, unless the disclosure is permitted or required by law, as determined by the designated head of the County for the purposes of FOIP;
 - b. access or attempt to gain access to Confidential Information in the custody or control of the County unless it is necessary for the performance of the Councillor's duties and is not otherwise prohibited by Council, and only then if the information is acquired through appropriate channels in accordance with applicable Council bylaws and policies; or
 - c. use Confidential Information for personal benefit or for the benefit of any other individual or organization.
- 8. Confidential Information includes information in the possession of, or received in confidence by the County that the County is prohibited from disclosing pursuant to legislation, court order or by contract, or is required to refuse to disclose under FOIP or any other legislation, or any other information that pertains to the business of the County, and is generally considered to be of a confidential nature, including but not limited to information concerning:
 - a. the security of the property of the County;
 - b. a proposed or pending acquisition or disposition of land or other property;
 - c. a tender that has or will be issued but has not been awarded;
 - d. contract negotiations;
 - e. employment and labour relations;
 - f. draft documents and legal instruments, including reports, policies, bylaws and resolutions, that have not been the subject matter of deliberation in a meeting open to the public;
 - g. law enforcement matters;
 - h. litigation or potential litigation, including matters before administrative tribunals; and
 - i. advice that is subject to solicitor-client privilege.

CONFLICTS OF INTEREST

9. Councillors are expected to make decisions for municipal purposes for the welfare or interests of the County as a whole, and are to be free from undue influence and not act or appear to act to gain financial or other benefits for themselves, family, friends or associates, business or otherwise.
10. Councillors have a statutory duty to comply with the Pecuniary Interest provisions set out in the Act and a corresponding duty to vote unless required or permitted to abstain under the Act or another enactment.
11. Councillors shall not use their positions to obtain employment with the County for themselves, family members or close associates. Councillors are ineligible to apply or be considered for any employment with the County while they hold their elected position.
12. Councillors shall not, in the exercise of an official power, duty or function, give preferential treatment to any individual or organization if a reasonably well-informed person would conclude that the preferential treatment was advancing a private interest.
13. No Councillor shall use the influence of their office for any purpose other than for the exercise of the Councillor's official duties.
14. No Councillor shall act as a paid agent to advocate on behalf of any individual, organization or corporate entity before Council or a committee of Council or any other body established by Council.
15. Councillors shall not contact or otherwise attempt to influence members of any adjudicative body whose members have been appointed by Council regarding any matter before it.

RESPECT FOR THE COUNTY AND ITS BYLAWS AND POLICIES

16. Councillors shall respect the County as a municipal institution, its bylaws and policies and shall encourage public respect for the County, its bylaws and policies.
17. A Councillor must not encourage disobedience of a County bylaw or policy in responding to a Councillor of the public, as this undermines confidence in the County and in the rule of law.
18. Councillors shall always conduct themselves with appropriate decorum. As leaders in the community, Councillors are held to a higher standard of behaviour and conduct and must be mindful that as public figures the lines between public and private behaviour are not clear, nor easily distinguishable by the public at large.

CONDUCT AT MEETINGS

19. Councillors shall conduct themselves with decorum 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.
20. Councillors shall comply with the provisions of the Procedure Bylaw, or any other rules of meeting procedure applicable to the body to which they have been appointed by Council.
21. Councillors shall act in a manner that demonstrates fairness, respect for individual differences, and an intention to work together for the common good and in furtherance of the public's interest.
22. Councillors shall endeavour to conduct and convey Council business and all their duties in an open and transparent manner other than for those matters which by virtue of legislation are authorized to be dealt with in a confidential manner in a Closed session.

RESPECT FOR DECISION MAKING PROCESS

23. Decision-making authority lies with Council, and not with an 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, pursuant to the Act.
24. A Councillor must not purport to bind Council, either by publicly expressing their personal views on behalf of Council when not authorized to do so.
25. Councillors shall accurately communicate the decisions of Council, even if they disagree with Council's decision.

External Communications

26. Unless Council directs otherwise, the Reeve, and in the absence of the Reeve the Deputy Reeve, is Council's official spokesperson.
27. A Councillor must not purport to speak on behalf of Council unless authorized to do so.
28. Council acknowledges and respects that Councillors have the legal right to express their individual opinions, whether those opinions are complimentary or critical, subject to those limits prescribed by law.
29. No Councillor shall make a statement that is false or is intended to mislead Council or the public.

USE OF SOCIAL MEDIA

30. As any material or comment posted to social media is accessible to anyone with an Internet connection, and can never be effectively removed, Councillors should act with discretion and be judicious in what material they post on social media. Councillors are accountable for content and confidentiality.
31. No Councillor shall attempt to disguise or mislead as to their identity or status as an elected representative of the County when using social media.
32. No Councillor shall use social media to publish anything that is dishonest, untrue, unsubstantiated, offensive, disrespectful, constitutes harassment, is defamatory or misleading in any way.

DISCRIMINATION AND HARASSMENT

33. Councillors have a duty to treat the public, one another, and County staff with dignity and respect and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment. Councillors are governed by the *Alberta Human Rights Act* and the *Occupational Health and Safety Act*.
34. No Councillor shall use indecent, abusive, or insulting words or expressions toward any other Councillor, any staff Councillor or any Councillor of the public or speak or act in a manner that is discriminatory to any individual based on the person's race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.

CONDUCT RESPECTING ADMINISTRATION

35. It is the sole responsibility of the CAO to hire, discipline, terminate, and otherwise administer staff, and that all information pertaining to staff employment matters is confidential. Council nor Councillors shall interfere in any way in the CAO's role in the hiring, disciplinary actions, termination or overall administration of any staff. No Councillor has administrative authority over County staff.
36. Councillors shall respect the fact that staff work for the County as a body corporate and are charged with making recommendations that reflect their professional expertise and a corporate perspective and carrying out directions of Council and administering the policies and programs of the County, and that staff are required to do so without undue influence from any Councillor or group of Councillors.

37. A Councillor shall not:
- a. involve themselves in matters of Administration, which fall within the jurisdiction of the CAO in accordance with section 201(2) of the Act;
 - b. use, or attempt to use, their authority or influence to intimidate, threaten, coerce, command or influence any staff with the intent of interfering in staff's duties; or
 - c. maliciously or falsely malign the professional or ethical reputation, or the prospects or practice of staff.
38. Councillors shall obtain information about the operation or administration of the County from the CAO or a person designated by the CAO, in accordance with section 153(d) of the Act.
39. Councillors are to contact staff according to the procedures authorized by the CAO regarding the interaction of Councillors and staff.

USE OF MUNICIPAL PROPERTY AND RESOURCES

40. Councillors shall use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Councillor. Municipal property, equipment, service, supplies and staff resources that are available to the public may be used by a Councillor for personal use upon the same terms and conditions as the public, including booking and payment of any applicable fees or charges;
41. Electronic communication devices provided by the County are the property of the County, and shall, always, be treated as the County's property. Councillors are hereby notified that they are to have no expectation of privacy in the use of these devices and further that:
- a. all emails or messages sent or received on County devices are subject to FOIP;
 - b. all files stored on Municipal devices, all use of internal email and all use of the Internet through the County's firewall may be inspected, traced or logged by the County;
 - c. in the event of a Formal Complaint pursuant to this Code of Conduct, Council may require that any or all the electronic communication devices provided by the County to Councillors may be confiscated and inspected as part of the investigation including downloading information which is considered relevant to the investigation. All email messages or Internet connections may be retrieved.
42. No Councillor shall use any property, equipment, services or supplies of the County, including email, internet services, or any other electronic communication device, if the use could be offensive or inappropriate.
43. No Councillor shall obtain financial gain from the use or sale of County-developed intellectual property (for example, inventions, creative writings and drawings), computer programs, technological innovations, or other patent, trademark or copyright held by the County. Councillors acknowledge and do not dispute that all such property remains exclusively that of the County.
44. No Councillor shall use information gained in the execution of their duties that is not available to the public, for any purposes other than the Councillor's official duties.

EXPENSES

45. Councillors shall comply with the provisions of all Council policies and related procedures and guidelines with respect to claims for remuneration and expenses, including but not limited to, claims for per diems, mileage, travel, meals, lodging, event tickets, hosting and attendance at conferences, conventions, seminars, training courses and workshops.

GIFTS AND BENEFITS

46. Councillors shall not accept gifts or benefits that would, to a reasonable person appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved.
47. Gifts received by a Council Councillor on behalf of the County as a matter of official protocol shall be left with the County when the Councillor ceases to hold office.
48. Councillors may accept hospitality, gifts, or benefits that normally accompany the responsibilities of office and received as an incidental part of protocol or social obligation.
49. An invitation to attend a function where the invitation is directly or indirectly connected with the Councillor's duties of office is not considered to be a gift.

ELECTION-RELATED ACTIVITY

50. No Councillor shall use or attempt to use any facilities, equipment, supplies, services, municipal logo, electronic devices supplied to a Councillor for their duties, or any other resources – physical, electronic, or personnel - of the County for any election campaign or election campaign related activities.
51. Councillors are required to follow the provisions of the Local Authorities Election Act and are accountable under the provisions of that statute.

COMPLIANCE WITH THIS CODE OF CONDUCT

52. Councillors are expected to adhere to the provisions of this Code of Conduct. Council has the right to sanction a Councillor found in violation of the Code of Conduct provided that the Councillor continues to have sufficient access to information and services to be able to carry out their duties as a Councillor.
53. Any reported violation of this Code of Conduct may be subject to investigation.
54. Councillors are expected to co-operate in every way possible in securing compliance with the application and enforcement of this Code of Conduct.
55. No Councillor shall:
 - a. undertake any act of reprisal or threaten reprisal against a Complainant or any other person for providing relevant information to the investigator or to any other person; or
 - b. obstruct an investigation or an investigator, or any other person, in carrying out the objectives or requirements of this Code of Conduct.

COMPLAINT PROCEDURE

56. Any person who identifies or witnesses behaviour or activity by a Councillor that they reasonably believe, in good faith, is in contravention of this Code of Conduct may file a Formal Complaint in accordance with the following conditions:
 - a. All Formal Complaints shall be made in writing and shall be dated and signed by an identifiable individual.
 - b. All Formal Complaints shall be addressed to the Integrity Commissioner / Council Investigator (marked 'Confidential', having the same delivered in-person or by mail to the County Office.)
 - c. The Formal Complaint must set out reasonable and probable grounds for the allegation that the Councillor has contravened the Code of Conduct, including a detailed description of the facts, as they are known, giving rise to the allegation.

d. Upon receipt of a Formal Complaint under this Code of Conduct, the Integrity Commissioner / Council Investigator shall conduct a preliminary review of the Formal Complaint to determine whether to proceed to investigate the Formal Complaint or dispose of the Formal Complaint in a summary manner.

- i. The Integrity Commissioner / Council Investigator may request further information from the Complainant as part of the preliminary review before determining whether to proceed to investigate the Formal Complaint or dispose of the Formal Complaint in a summary manner.

If the Formal Complaint is not, on its face, a complaint with respect to non-compliance with the Code of Conduct or the complaint is covered by other legislation or a complaint procedure under another Council policy, the Integrity Commissioner / Council Investigator shall advise the Complainant, in writing, that the matter is not within the jurisdiction of the Integrity Commissioner / Council Investigator to process, with any additional reasons and referrals to the appropriate authority as the Integrity Commissioner / Council Investigator considers appropriate.

- ii. If the Integrity Commissioner / Council Investigator believes a Formal Complaint is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for investigating, the Integrity Commissioner / Council Investigator shall not investigate, or, where that becomes apparent during investigation, terminate the investigation. In that event, the Complainant shall be notified of the Integrity Commissioner's / Council Investigator's decision in writing.

- iii. Other than in exceptional circumstances, the Integrity Commissioner / Council Investigator will not report to Council on any Formal Complaint described in subsections (i) or (ii) except as part of an annual or other periodic report. Annual or other periodic reports may be made available to the public only after Council rises and reports on the matter.

e. If the Formal Complaint is within the jurisdiction of the Integrity Commissioner / Council Investigator and was not dismissed under Section 56d(ii), the Integrity Commissioner / Council Investigator shall take such steps as they consider appropriate to investigate the Formal Complaint, including but not limited to:

- i. Requesting legal opinion regarding the complaint;
- ii. Request the County's legal Council or another third party to investigate the complaint and to report to Council through the Integrity Commissioner / Council Investigator; or,
- iii. Attempt to settle the Formal Complaint.

f. After reviewing the submitted materials, the Integrity Commissioner / Council Investigator or their designate may speak to anyone, access and examine any other documents or electronic material in control and custody of the County and may enter any County work location relevant to the Formal Complaint; and, if any documents or electronic material in control and custody of the County is requested by the Integrity Commissioner / Council Investigator, County staff must provide same.

g. The Integrity Commissioner / Council Investigator shall not issue a report to Council finding a violation of the Code of Conduct on the part of any Councillor unless the Councillor has had reasonable notice of the basis for the proposed finding and any recommended sanction and, an opportunity either in-person or in-writing to comment on the proposed finding and any recommended sanction.

- h. The Integrity Commissioner / Council Investigator shall report to the Complainant and the Councillor upon completion of the Integrity Commissioner's / Council Investigator's report no later than 90 days after receiving the Formal Complaint.
 - i. The 90-day timeline may be extended by the Integrity Commissioner / Council Investigator depending upon the nature and complexity of the investigation.
 - ii. Reasonable notice will be provided to the Complainant, the Councillor and Council as a whole.
- i. Where the Formal Complaint is substantiated in whole or in part, the Integrity Commissioner / Council Investigator shall also report to Council outlining the findings, the terms of any settlement, or recommended corrective action.
- j. Where the Formal Complaint is dismissed, other than in exceptional circumstances, the Integrity Commissioner / Council Investigator shall not report to Council except as part of an annual or other periodic report.
- k. If the Integrity Commissioner / Council Investigator determines that there has been no contravention of the Code of Conduct or that a contravention occurred although the Councillor took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgement made in good faith, the Integrity Commissioner / Council Investigator shall so state in the report and shall recommend that no penalty be imposed.
- l. Council will consider and respond to the Integrity Commissioner's / Council Investigator's report at the next regularly scheduled Council meeting following receipt of the report, unless circumstances warrant the report's consideration be deferred to a subsequent regular or special Council meeting.
- m. In responding to the Integrity Commissioner's / Council Investigator's report, Council may vary a recommendation that imposes a penalty, subject to the Act.
- n. All reports from the Integrity Commissioner / Council Investigator to Council, other than annual or other periodic reports, are strictly confidential and shall be considered by Council in Closed session. Integrity Commissioner / Council Investigator reports will be made available to the public only after Council rises and reports on the matter.
- o. The Integrity Commissioner / Council Investigator, in a report to Council on whether a Councillor has violated the Code of Conduct, shall only disclose such matters as in the Integrity Commissioner's / Council Investigator's opinion are necessary for the purposes of the report.
- p. Any references by the Integrity Commissioner / Council Investigator in an annual or other periodic report to Council shall not disclose confidential information that could identify a person concerned.

SANCTIONS

57. Pending the frequency and severity of an offence, sanctions that may be imposed on a Councillor, by Council, pursuant to this Code of Conduct include, but are not limited to:
- First Offence Sanctions: to be determined.
 - Second Offence Sanctions: to be determined.
 - Third Offence Sanctions: to be determined.

- a. a letter of reprimand addressed to the Councillor;
- b. demand for a public apology;
- c. public reprimand through a motion of censure;
- d. removal from Councillorship of a committee;
- e. a requirement to attend training;
- f. removal as chair of a committee;
- g. required reimbursement of monies received;
- h. reduction or suspension of remuneration paid to the Councillor in respect of the Councillor's services;
- i. required return of County property or reimbursement of its value;
- j. restrictions on access to County facilities, property, equipment, services and supplies;
- k. restrictions on contact with County staff;
- l. restriction on travel and representation on behalf of Council; or
- m. restrictions on how documents are provided to the Councillor (e.g. no electronic copies, but only watermarked paper copies for tracking purposes).

GENERAL

58. Should any provision of this bylaw be invalid, then the invalid provision shall be severed, and the remainder of this bylaw shall be maintained.

59. The County shall review this bylaw at least once every four years.

EFFECTIVE DATE

60. This bylaw comes into force on March 30, 2022.

MOVED BY COUNCIL - That Bylaw No. 03-2022 be given first reading this 30th day of March, 2022.

MOVED BY COUNCIL - That Bylaw No. 03-2022 be given second reading this 30th day of March, 2022.

MOVED BY COUNCIL - That Bylaw No. 03-2022 be given third and final reading and finally passed this 30th day of March, 2022.

REEVE

CAO