

PARKLAND COUNTY
PROVINCE OF ALBERTA

BYLAW 2025-01

BEING A BYLAW TO ESTABLISH A CODE OF CONDUCT FOR COUNCILLORS

WHEREAS section 146.1(1) of the *Municipal Government Act*, RSA 2000 c M-26, as amended, provides that a council must, by bylaw, establish a code of conduct governing the conduct of councillors; and

WHEREAS when establishing a code of conduct council shall consider sections 3 (municipal purposes) and 153 (duties of councillors) of the Act;

NOW THEREFORE the Council of Parkland County, duly assembled and under the authority of the *Municipal Government Act*, RSA 2000 c M-26, as amended, hereby enacts the following:

PART A: CODE OF CONDUCT PROVISIONS

TITLE

1. This Bylaw shall be known as the "Code of Conduct Bylaw".

PURPOSE AND ADMINISTRATION

2. This Bylaw establishes:
 - (1) standards of conduct expected from Councillors; and
 - (2) a process for the investigation and administration of those standards.
3. In addition to this Bylaw, all Councillors shall adhere to any other Federal, Provincial or Municipal acts or regulations that govern their role as members of Council, including but not limited to:
 - (1) *Alberta Human Rights Act*,
 - (2) *Freedom of information and Protection of Privacy Act*,
 - (3) *Local Authorities Election Act*,
 - (4) *Municipal Government Act*, and
 - (5) *Occupational Health and Safety Act*.
4. This Bylaw is to be given a broad and liberal interpretation in accordance with applicable legislation. It is not possible to write a code of conduct that covers every scenario and, accordingly, Councillors are to be guided by and conduct themselves in a manner that reflects the spirit and intent of this Bylaw.

DEFINITIONS

5. In this Bylaw, words have the meanings set out in the Act, except that:
 - (1) "Act" means the *Municipal Government Act*, RSA 2000 c M-26, any associated regulations, and any amendments thereto;
 - (2) "Administration" means the CAO and all employees who operate under the leadership and supervision of the CAO;
 - (3) "CAO" means the Chief Administrative Officer of the Municipality, or their delegate;
 - (4) "Complainant" means the Councillor alleging the conduct, behaviour or activity of the Responding Party contravenes this Bylaw;
 - (5) "Council" means the governing body of the municipal corporation of the Municipality;
 - (6) "Councillor" means an individual elected to Council and continuing to hold office, including the Mayor;
 - (7) "Committee" means a council committee or other body established by Council;
 - (8) "Freedom of Information and Protection of Privacy Act" means the *Freedom of Information and Protection of Privacy Act*, RSA 2000 c F-25, and associated regulations, and any amendments thereto;
 - (9) "In good faith" means a sincere belief that is absent of malice;
 - (10) "Investigator" means an independent third-party investigator retained by the

Municipality at the direction of Council in accordance with this Bylaw to investigate a complaint;

- (11) "Investigation Report" means the report provided by the Investigator or Council;
- (12) "Mediator" means an independent mediator retained by the Municipality in accordance with this Bylaw to mediate an informal complaint;
- (13) "Municipality" means Parkland County; and
- (14) "Responding Party" means the Councillor whose conduct, behaviour or activity is alleged to be in contravention of this Bylaw.

REPRESENTING THE MUNICIPALITY

6. Councillors shall:

- (1) act honestly and, in good faith, serve the welfare and interests of the Municipality as a whole;
- (2) perform their functions and duties in a conscientious and diligent manner with integrity, accountability and transparency;
- (3) conduct themselves in a professional manner with dignity and make every effort to participate diligently in the meetings of Council or a Committee;
- (4) represent and make decisions based on the interests of the Municipality as a whole regardless of their electoral divisions; and
- (5) demonstrate the highest standards of personal integrity and honesty in order to foster the public trust and confidence in the Municipality.

COMMUNICATING ON BEHALF OF THE MUNICIPALITY

- 7. A Member must not claim to speak on behalf of Council or a Committee unless authorized to do so.
- 8. Unless Council directs otherwise, the Mayor is Council's official spokesperson and, in the absence of the Mayor, it is the Deputy Mayor. All inquiries from the media regarding the official Council position on an issue shall be referred to Council's official spokesperson.
- 9. Any Councillor authorized to act as spokesperson will ensure any comments accurately reflect the official position and will of Council or Committee, even if the Councillor personally disagrees with the position of Council or the Committee.
- 10. Councillors shall not make a statement when they know that statement is false
- 11. Councillors shall not make a statement with the intent to mislead Council or members of the public.
- 12. This Bylaw applies to all forms of communication.

USE OF SOCIAL MEDIA

- 13. As with any other activity, Councillors must ensure that their use of social media complies with the law, the requirements of this Bylaw and any related bylaws, policies or procedures. This Bylaw applies to all communications a Councillor makes, regardless of the social media account or device from which the communication is made.
- 14. For the purposes of section 13 of this Bylaw, "communications" means any information or data submitted by a Councillor to a social media network or platform that is capable of being displayed using software or approved hardware such as text, images, videos, or links to other content and includes a Councillor "liking", "retweeting", commenting on or sharing content created by other users of the social network or platform.

RESPECTING THE DECISION-MAKING PROCESS

- 15. 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.
- 16. No Councillor shall, unless authorized by Council, attempt or purport to bind the Municipality or give direction to municipal employees, agents, contractors, consultants, other service providers or prospective vendors to the Municipality.
- 17. Councillors shall conduct Council and Committee business and their duties in an open and transparent manner other than for those matters which by law are authorized to be dealt with in a confidential manner in closed session.
- 18. Councillors shall encourage respect for the decision-making processes of Council and Committees.

19. No Councillor may record any proceedings of Council or any Committee without the express prior permission of Council or the Committee, as applicable.

ADHERENCE TO POLICIES, PROCEDURES AND BYLAWS

20. Councillors shall uphold the law established by the Parliament of Canada and the Legislature of Alberta and the bylaws and policies adopted by Council.
21. Councillors shall respect the Municipality as an institution, its bylaws, policies and procedures and shall encourage public respect for the Municipality, its bylaws, policies and procedures.

RESPECTFUL INTERACTIONS WITH COUNCIL MEMBERS, STAFF, THE PUBLIC AND OTHERS

22. Councillors shall:

- (1) communicate and work with fellow Councillors in an open and honest manner, promoting a spirit of cooperation by listening and respecting those opinions that may differ;
- (2) demonstrate equity, accountability and integrity in all dealings, both personal and professional, with all Councillors, staff, residents, and stakeholders to facilitate an open and honest environment to work, participate and do business;
- (3) direct any concerns regarding staff performance to the Chief Administrative Officer, recognizing that the Chief Administrative Officer is the only employee of Council;
- (4) act with professionalism and respect when interacting with Councillors, Administration and members of the public in an image befitting their position as an elected official and representative of the Municipality; and
- (5) refrain from any conduct that is discriminatory to any individual based on the person's race, religious beliefs, colour, gender, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.

CONFIDENTIAL INFORMATION

23. Councillors shall:

- (1) protect privileged and confidential information learned during the course of the duties of a Councillor and preserve the confidentiality of information provided to them, concerning confidential matters of the Municipality unless that disclosure of information is required by law;
- (2) not use confidential information to advance the personal, financial, or private interests of one's self or any other individual;
- (3) keep in confidence matters discussed in closed session at a Council or Committee meeting until discussed at a meeting held in public; and
- (4) act in accordance with the *Freedom of Information and Protection of Privacy Act*.

CONFLICTS OF INTEREST

24. 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.
25. Councillors shall approach decision-making with an open mind that is capable of persuasion.
26. If a Councillor is concerned a situation may result in a pecuniary or other conflict of interest, it is the individual Councillor's responsibility to assess the situation, and if necessary, obtain independent legal advice at the Councillor's sole expense.

IMPROPER USE OF INFLUENCE

27. A Councillor shall not unduly use the influence of the Councillor's office for any purpose other than for the exercise of the Councillor's official duties.
28. Councillors shall not 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.
29. Councillors shall not contact or otherwise attempt to influence members of any adjudicative body regarding any matter before it relating to the Municipality.
30. Councillors shall refrain from any type of personnel management of municipal employees including providing direction to an employee, advocating for the promotion, sanction or termination of an employee, or discussion on the performance of an employee except where it relates to the authority under the Act that Council, acting as a whole, has to interact, manage and evaluate the Chief Administrative Officer.

USE OF MUNICIPAL ASSETS AND SERVICES

31. Councillors shall use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Councillor.
32. No Councillor shall use any facility, equipment, supplies, services, municipal logo or other resources of the Municipality for any election campaign or campaign-related activity.

ORIENTATION AND OTHER TRAINING ATTENDANCE

33. Councillors must attend orientation training provided by the Municipality in accordance with the Act.
34. Councillors must attend all training organized at the direction of Council for the benefit of Councillors throughout the Council term, unless excused by a resolution of Council.

REMUNERATION AND EXPENSES

35. Councillors are stewards of public resources and shall avoid waste, abuse and extravagance in the use of public resources.
36. Councillors shall be transparent and accountable with respect to all expenditures and will comply with all the Municipality's bylaws and Council policies regarding claims for remuneration and expenses.

GIFTS AND HOSPITALITY

37. Councillors shall not accept gifts, hospitality or other benefits that would, to a reasonable member of the public, appear to be in gratitude for influence or to induce influence.
38. Councillors may accept hospitality, gifts or other benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation, provided that the value of the hospitality, gift or benefit does not exceed \$300.00.
39. Councillors may accept gifts on behalf of the Municipality and such gifts must be reported to Council and will become the property of the Municipality.

ELECTION CAMPAIGNS

40. Councillors are required to follow the provisions of the *Local Authorities Election Act* and are accountable under the provisions of that statute. Councillors should not make inquiries of, or rely on, Administration to interpret or provide advice to Councillors regarding the requirements placed on candidates for the office of Councillor. Councillors must be respectful of the role of the Returning Officer in managing the election process and must not interfere with how the Returning Officer's election duties are carried out.
41. Councillors must not use the Municipality's resources, including property, equipment, services, supplies and staff time, for any election-related activities, whether municipal, provincial or federal. Online resources hosted, supplied or funded by the Municipality, including but not limited to Councillor electronic newsletters and Councillor social media accounts used for constituency communication must not be used for any election campaign or campaign-related activities. A Councillor must not use the Municipality's logo for campaign purposes.

PART B: COMPLAINT PROCESS

42. In Part B of this Bylaw:

- (1) any reference to the Mayor must be read as a reference to the Deputy Mayor if the complaint is about the Mayor; and
- (2) any reference to Council means Council excluding the Responding Party.

43. Only a Complainant may make a complaint alleging the conduct, behaviour or activity of a Councillor is in contravention of this Bylaw. No members of the public, members of Administration, or incorporated or unincorporated organizations may submit a complaint pursuant to this Bylaw.

INFORMAL COMPLAINT PROCESS

44. Any Councillor who allegedly has identified or witnessed conduct by another Councillor that they reasonably believe, in good faith, is in contravention of this Bylaw, may engage in an informal complaint process by:
 - (1) advising the Responding Party that their conduct, behaviour or activity contravenes this Bylaw and encouraging the Responding Party to acknowledge and stop the prohibited conduct,

behaviour or activity and avoid future occurrences of the prohibited conduct, behaviour or activity;

(2) requesting that the Mayor assist with an informal discussion of the alleged complaint with the Responding Party in an attempt to resolve the issue; or

(3) requesting mediation.

45. Mediation may only be pursued if an informal discussion with the Mayor is unsuccessful. To pursue mediation, both the Complainant and the Responding Party must make a written request to the Mayor, with copy to the CAO, confirming they wish to engage, in good faith, in mediation. If mediation is requested as outlined, the CAO will retain a Mediator.

46. If the matter is resolved through engaging the Mayor or a Mediator, the Mayor or Mediator, as the case may be, will confirm the same in writing with copy to the CAO, Complainant and Responding Party, noting the matter is fully addressed and that it shall remain confidential. If the matter is not resolved, the Complainant may pursue a formal complaint in accordance with this Bylaw.

47. Councillors are encouraged, but are not required, to engage in the informal complaint process prior to pursuing the formal complaint process.

FORMAL COMPLAINT PROCESS

48. A complaint must:

(1) be made in good faith;

(2) be in writing;

(3) be dated;

(4) include the Responding Party's full name;

(5) include the Complainant's full name, residential address and current contact information (anonymous submissions will not be accepted);

(6) set out the information relevant to the alleged contravention of this Bylaw, including: the grounds for the allegation; a detailed description of the facts giving rise to the allegation, and a detailed description of the provisions of the Bylaw alleged to have been contravened; and

(7) be sent to the Mayor and copied to the CAO.

49. A complaint that does not comply with section 48 will not be considered. In such cases, the Mayor, within five (5) business days of receipt of the complaint, will advise the Responding Party and the Complainant in writing that the complaint is not being considered.

50. A complaint must be received no later than 30 days after the date on which the conduct giving rise to the complaint occurred otherwise the complaint may not be considered.

51. If a complaint names several Councillors, allegations against each Councillor will be addressed individually, not as a group. If a complaint includes multiple allegations against an individual Councillor, the allegations may be addressed collectively.

52. If a complaint complies with section 48, the Mayor, within fifteen (15) business days of receipt of the complaint, will advise the Responding Party and will bring the complaint to Council, in closed session, for an initial assessment of the complaint. Complaints that:

(1) are not about a current Councillor;

(2) allege criminal activity;

(3) are filed outside time period in section 50 without good reason or in bad faith;

(4) allege a violation of the Act or the *Freedom of Information and Protection of Privacy Act*;

(5) allege a contravention of this Bylaw that has already been the subject of a prior complaint fully addressed pursuant to this Bylaw;

(6) are covered by other applicable legislative appeal, complaint, or court processes;

(7) fail to set out any grounds or sufficient grounds for the complaint;

(8) fail to disclose an identifiable contravention of this Bylaw; or

(9) are clearly vexatious, frivolous or not made in good faith

will, by resolution, be summarily dismissed and the Mayor will advise the Complainant and Responding Party in writing. The decision of Council is final.

53. If a complaint is not dismissed summarily in accordance with section 52, Council will, by resolution, determine if the complaint will be investigated by Council or referred to an Investigator.

54. Council, through the Mayor, or the Investigator, as applicable, will provide an Investigation Notice which will:
- (1) notify the Complainant and the Responding Party that a complaint has been received;
 - (2) provide a copy of the complaint and any evidence provided with the complaint;
 - (3) outline next steps, as applicable, and
 - (4) advise that the complaint, including the Complainant's name and the investigation process is confidential and that a breach of confidentiality by the Complainant or the Responding Party may result in the investigation being concluded without a determination about the alleged complaint.
55. If, upon receipt of the complaint or at any time during the investigation, Council or the Investigator, as applicable, is of the opinion that:
- (1) the complaint is frivolous or vexatious or is not made in good faith,
 - (2) there are no grounds or insufficient grounds for conducting an investigation, or
 - (3) the complaint discloses no identifiable contravention of this Bylaw,
- Council or the Investigator may choose not to investigate or may stop the investigation and the Mayor or the Investigator, as applicable, shall advise the Complainant, the Responding Party, Council and the CAO, as applicable, in writing.
56. No complaints may be received or reviewed, nor shall any sanctions be placed on a Councillor during within ninety (90) days prior to a municipal election.
57. A Responding Party is entitled to be represented by legal counsel. Costs for the Responding Party's legal counsel may be reimbursed by the Municipality at Council's sole discretion. In determining whether costs for the Responding Party's legal counsel will be reimbursed by the Municipality, Council may consider:
- (1) the amount of costs claimed for the Responding Party's legal counsel;
 - (2) whether the Responding Party was found to be in contravention of this Bylaw;
 - (3) any sanctions imposed against the Responding Party; and
 - (4) any other factors or circumstances Council considers to be relevant.

INVESTIGATION PROCESS

58. During an investigation, Council or the Investigator, as applicable, may ask the Complainant, the Responding Party, any witness or Administration for additional information. The Investigator may look at any record or thing belonging to or used by the Municipality and enter any municipal facility for the purpose of conducting the investigation.
59. Council or the Investigator, as applicable, has the discretion to report on any matter relevant to a complaint, including reports of any interference, obstruction, or retaliation with an ongoing investigation.
60. Within sixty (60) business days of the date of the Investigation Notice, the Investigation Report must be provided to the Responding Party and Council and the CAO.
61. The Investigation Report should include:
- (1) a copy of the complaint;
 - (2) a summary of the investigation process;
 - (3) a summary of the evidence;
 - (4) a summary of the findings; and
 - (5) where an Investigator is preparing the Investigation Report, recommended sanctions.
62. Within fifteen (15) business days of receiving or completing the Investigation Report, as applicable, Council will convene at a closed session meeting of Council at which the Responding Party will be given the opportunity to respond to the Investigation Report before Council, by resolution, makes a decision about the complaint.
63. The Mayor will, in writing, advise the Responding Party that they have the opportunity to respond to the Investigation Report, in closed session, prior to Council making a decision about the complaint.
64. The Mayor will, in writing, advise the Complainant and the Responding Party of Council's decision about the complaint and any sanctions imposed.
65. All complaints received under this Bylaw and all information and records received, reviewed or generated during the course of an investigation and disposition of a complaint, including interviews and Investigation Reports, are and must remain strictly confidential, unless Council

directs otherwise. Any unauthorized public disclosure is deemed to be a violation of this Bylaw.

66. A complaint may be withdrawn by the Complainant at any point in time by written notice to the Mayor and CAO. If a complaint is withdrawn by the Complainant, Council or the Investigator, as applicable, may close the complaint without further investigation.
67. Council may, by resolution, extend timelines if necessary to ensure a full and fair investigation and such extensions will be communicated by the Mayor or the Investigator, as applicable, to the Complainant, the Responding Party, and the CAO and Council, as appropriate.
68. In extraordinary circumstances, Council may, by unanimous resolution of Council, revise the investigation process if necessary to ensure a full and fair investigation and such revisions will be communicated by the Mayor or the Investigator, as applicable, to the Complainant, the Responding Party, and the CAO and Council, as applicable.
69. Investigations will be conducted in a fair, timely and confidential manner that respects the principles of procedural fairness and natural justice.

SANCTIONS

70. If this Bylaw has been contravened, Council may, by resolution, impose one or more of the following sanctions:
 - (1) a letter of reprimand addressed to the Responding Party;
 - (2) a letter of apology from the Responding Party;
 - (3) publication of a letter of reprimand addressed to the Responding Party or a letter of apology from the Responding Party;
 - (4) attendance at specific training by the Responding Party;
 - (5) suspension or removal of the appointment of the Responding Party as the deputy chief elected official or acting chief elected official under section 152 of the Act;
 - (6) suspension or removal of the chief elected official's presiding duties under section 154 of the Act;
 - (7) suspension or removal of the Responding Party from some or all Committees and bodies to which Council has the right to appoint members;
 - (8) restricting the Responding Party's access to municipal facilities, property, equipment, services and supplies;
 - (9) restricting the Responding Party's travel and representation on behalf of Council or a Committee;
 - (10) restricting how documents are provided to the Responding Party (e.g., no electronic copies, but only watermarked paper copies for tracking purposes);
 - (11) reporting the misconduct to the Minister of Municipal Affairs;
 - (12) reduction or suspension of remuneration for the Responding Party corresponding to a reduction in duties, excluding allowances for attendance at Council meetings; or
 - (13) any other sanction Council deems appropriate in the circumstances provided that the sanction does not prevent the Responding Party from fulfilling the legislated duties of a Councillor or is contrary to the Act.
71. Council may not impose a sanction that has the effect of preventing the Responding Party from fulfilling the legislated duties of a councillor.
72. Nothing in this Bylaw requires Council to impose a sanction for each substantiated complaint. Contraventions that Council determines are inadvertent or made in good faith may result in no sanction being imposed.

PART C: REVIEW AND ENACTMENT

REVIEW

73. This Bylaw shall be reviewed by Council at least once in every 4-year term of office for Councillors.

ENACTMENT

74. Should any provision of this Bylaw be deemed invalid then such invalid provision will be severed from this Bylaw and such severance will not affect the validity of the remaining portions of this Bylaw, except to the extent necessary to give effect to such severance.

75. This Bylaw shall come into force and take effect on the day of third reading and signing thereof but any Code of Conduct complaints that are currently being reviewed or investigated and are not fully concluded on the date of the passage of this Bylaw will continue pursuant to Bylaw 2018-05.

READ A FIRST TIME this _____ day of _____, 2024.

READ A SECOND TIME this _____ day of _____, 2024.

READ A THIRD TIME this _____ day of _____, 2024.

SIGNED AND PASSED this _____ day of _____, 2024

Mayor

Chief Administrative Officer

PROPOSED