

**PARKLAND COUNTY**

**PROVINCE OF ALBERTA**

**BYLAW 2018-05**

**A BYLAW TO ESTABLISH A CODE OF CONDUCT FOR COUNCILLORS AND MEMBERS OF  
COUNCIL COMMITTEES OR OTHER BODIES ESTABLISHED BY COUNCIL**

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WHEREAS pursuant to 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 WHEREAS pursuant to section 146.1(3) of the *Municipal Government Act* a council may, by bylaw, establish a code of conduct governing the conduct of members of council committees and other bodies established by the council who are not councillors;

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

**NOW THEREFORE** the Council of Parkland County, duly assembled and under the authority of the *Municipal Government Act*, as amended, hereby enacts the following:

**TITLE**

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

**PURPOSE**

2. This Bylaw establishes:
  - (1) standards of conduct expected from Councillors and members of committees or other bodies established by Council.
  - (2) a process for handling complaints and enforcing sanctions for conduct found to breach the Bylaw.

**DEFINITIONS**

3. In this Bylaw, words have the meanings set out in the Act, except that:
  - (1) "Act" means the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, and amendments thereto;
  - (2) "CAO" means the chief administrative officer of the Municipality, or their delegate;
  - (3) "Committee" means a Council committee or other body established by Council;

- (4) "Investigation" means the process of examining and determining the evidence and facts related to a complaint that a Member is in breach of the Code of Conduct;
- (5) "Investigator" means Council, an individual appointed by Council, or a body established by Council, to investigate and report on complaints;
- (6) "Member" means the Mayor, a Councillor or a person appointed by Council to a committee or other body established by Council;
- (7) "Municipality" means Parkland County.

#### **REPRESENTING THE MUNICIPALITY**

##### **4. Members 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; and
- (4) arrange their private affairs and conduct themselves in a manner that promotes public confidence and will bear close public scrutiny.

#### **COMMUNICATING ON BEHALF OF THE MUNICIPALITY**

- 5. A Member must not claim to speak on behalf of Council or a Committee unless authorized to do so.
- 6. Unless Council directs otherwise, the Mayor is Council's spokesperson and, in the absence of the Mayor, it is the Deputy Mayor.
- 7. A Member who is authorized to act as spokesperson must ensure their comments accurately reflect the will of Council or the Committee, even if the Member personally disagrees with the position of Council or the Committee.

#### **RESPECTING THE DECISION-MAKING PROCESS**

- 8. 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.
- 9. No Member shall, unless authorized by Council, attempt to bind the Municipality or give direction to municipal employees, agents, contractors, consultants, other service providers or prospective vendors to the Municipality.
- 10. Members 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 an in-camera session.

11. Members shall encourage respect for the decision-making processes of Council and Committees even if they disagree with the decision.

#### **ADHERENCE TO POLICIES, PROCEDURES AND BYLAWS**

12. Members shall uphold the law established by the Parliament of Canada and the Legislature of Alberta and the bylaws, policies and procedures adopted by Council.
13. Members 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**

14. Members shall demonstrate fairness, respect for individual differences and opinions, and an intention to work together for the common good and in furtherance of the public interest.
15. Members shall treat one another, employees of the Municipality, and members of the public with courtesy, dignity and respect and without abuse, bullying or intimidation.
16. No Member shall use indecent, abusive, or insulting words or expressions toward another Member, any employee of the Municipality or any member of the public.
17. No Member shall 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.
18. Members shall respect the fact 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.
19. Members shall not involve themselves in matters of administration which fall within the responsibilities and delegation of the CAO. This would include no direction given to staff.

#### **CONFIDENTIAL INFORMATION**

20. Members must keep in confidence matters discussed in private at a Council or Committee meeting until the matter is discussed at a meeting held in public.
21. Members shall 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.
22. No Member shall use confidential information for personal benefit or for the benefit of any other organization.

#### **CONFLICTS OF INTEREST**

23. Members have a statutory duty to comply with the pecuniary interest provisions set out in the Act.

24. Members are to be free from undue influence and not act, in order to gain financial or other benefits for themselves, family, friends or associates, business or otherwise.

#### **IMPROPER USE OF INFLUENCE**

25. No Member shall use the influence of the Member's office for any purpose other than for the exercise of the Member's duties.
26. No Member shall 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;

#### **USE OF MUNICIPAL ASSETS AND SERVICES**

27. Members shall use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Member.

#### **ORIENTATION AND OTHER TRAINING ATTENDANCE**

28. Every Member must attend the orientation training offered by the Municipality within 90 days after the Member takes the oath of office.
29. Unless excused by Council, every Member must attend any other training organized at the direction of Council for the benefit of Members throughout the Council term.

#### **REMUNERATION AND EXPENSES**

30. Members are stewards of public resources and shall avoid waste, abuse and extravagance in the use of public resources.
31. Members shall be transparent and accountable with respect to expenditures and comply with municipal bylaws, policies and procedures regarding remuneration and expense claims.

#### **GIFTS AND HOSPITALITY**

32. Members 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.
33. Members 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.

#### **ELECTION CAMPAIGNS**

34. No Member shall use any facilities, equipment, supplies, services, municipal logo or other resources of the Municipality for any municipal election campaign or campaign-related activity.

## COMPLAINT SYSTEM

35. Any person may make a complaint alleging a breach of this Code of Conduct by a Member.
36. A complaint must:
  - (1) be in writing;
  - (2) set out the information relevant to the alleged breach;
  - (3) be signed and dated by the person alleging the breach; and
  - (4) be addressed to the Mayor, or Deputy Mayor if it is the Mayor's conduct that is the subject of the complaint.
37. **Within thirty (30) days** upon receiving a complaint, the Mayor or Deputy Mayor will review the information and assess the validity of the complaint.
38. The Mayor or Deputy Mayor will advise the person and Member of the determination made pursuant to section 37.
39. The complaint is then forwarded to Council, Council may deliberate the matter in-camera, and upon reconvening in public may put forward resolutions:
  - (1) directing that further investigation be undertaken, appointing an investigator and setting a date by which an investigation report is to be provided to Council;
  - (2) that the complaint is not valid; or
  - (3) that the complaint is valid;
40. Upon receiving a report requested pursuant to section 39(1) Council shall, within 30 days, deliberate the matter in-camera, and upon reconvening in public put forward resolutions:
  - (1) that the complaint is not valid; or
  - (2) that the complaint is valid.

## SANCTIONS

41. Council may, subsequent to passing a resolution that the complaint is valid, impose one or more sanctions on the Member whose conduct was the subject of the complaint. Sanctions may include:
  - (1) a letter of reprimand addressed to the Member;
  - (2) requesting the Member to issue a letter of apology;
  - (3) publication of a letter of reprimand or request for apology and the Member's response;
  - (4) 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;

- (5) suspension or removal of the chief elected official's presiding duties under section 154 of the Act;
- (6) suspension or removal from some or all Council committees and bodies to which Council has the right to appoint members;
- (7) 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;
- (8) any other sanction Council deems appropriate in the circumstances provided that the sanction does not prevent a Member from fulfilling the legislated duties of a Councillor or is contrary to the Act.

## REVIEW

42. This bylaw shall be reviewed at least once every 4 years starting from the date it is passed.

## ENACTMENT

43. 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.

44. This bylaw shall come into force and take effect on the day of third reading and signing thereof.

READ A FIRST TIME this 8<sup>th</sup> day of May, 2018.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

READ A THIRD TIME and finally passed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

SIGNED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018

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Mayor

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Chief Administrative Officer