

**SMOKY LAKE COUNTY
IN THE PROVINCE OF ALBERTA
BYLAW NO. 1320-18**

**BEING A BYLAW OF SMOKY LAKE COUNTY IN THE PROVINCE OF ALBERTA FOR THE
PURPOSE TO REGULATE THE CONDUCT OF COUNCIL.**

WHEREAS, pursuant to Section 146.1(1) of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, and any amendments, Council must, by Bylaw, establish a Code of Conduct governing the conduct of Councillors.

AND WHEREAS, the *Code of Conduct for Elected Officials Regulations, AR 200/2017* provides that a Code of Conduct must contain certain provisions;

AND WHEREAS, pursuant to section 153 of the Municipal Government Act, Councillors have a duty to adhere to the code of conduct established by the council;

AND WHEREAS, Council of Smoky Lake County deems it advisable to establish a Code of Conduct for Members of Council that is consistent with the principles of transparent and accountable governance.

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

NOW THEREFORE, be it resolved that the Council of Smoky Lake County in the Province of Alberta, duly assembled hereby enacts as follows:



1.0 TITLE

1.1 This Bylaw shall be cited as the "**Council Code of Conduct Bylaw**".

1.2 The headings in the **Council Code of Conduct Bylaw** have been inserted for reference as outlined in *Schedule "A": Table of Contents* as a matter of convenience only and in no way define, limit or enlarge the scope or meaning of this Bylaw or any provisions thereof.

2.0 DEFINITIONS

2.1 "**Act**": means the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26 and any amendments thereto.

2.2 "**Administration**": means any staff member of the Senior Management Team including the Chief Administrative Officer.

2.3 "**Bias**": means the action of supporting or opposing a particular person or thing in an unfair way or allowing, or being perceived to allow, personal opinions to improperly influence a decision.

2.4 "**Bylaw**": means this Code of Conduct Bylaw for Smoky Lake County.

2.5 "**Chief Administrative Officer**": means the person, also known as the "CAO", appointed by Council to the position of Chief Administrative Officer under the *Municipal Government Act* for Smoky Lake County.

2.6 "**Committee of the Whole**": means an informal meeting consisting of all members of Council established for the purpose of meeting on specific issues.

2.7 "**Complainant**": means a person who has filed a complaint under the Code of Conduct.

2.8 "**Complaint**": means a purported (alleged) contravention of the Code of Conduct.

- 2.9 **“Confidential Information”**: includes but is not limited to information –
- 2.9.1 In the possession of the County that the County is either prohibited from disclosing, is required to refuse to disclose or exercises its discretion to refuse to disclose under the *FOIP (Freedom of Information and Protection of Privacy) Act* or other legislation.
- 2.9.2 Concerning matters that are permitted to be discussed in “Executive Session” Meeting pursuant to the *Municipal Government Act*.
- 2.10 **“Conflict of Interest”**: as a situation in which a person has a private or personal interest sufficient to appear to influence the objective exercise of his or her official duties, say, as a public official, a employee, or a professional; and shall be adhered to in pursuant to the *Municipal Government Act*.
Example: *Conflicts of interest for a municipal Councillor arises where there is “clash of private interest with public duty”. Large focus arises where a Councillor has “Pecuniary Interest” in a matter before Council.*
- 2.11 **“Council”**: means the Reeve and Councillors duly elected in the Smoky Lake County and who are eligible to continue to hold office.
- 2.12 **“Councillor”**: is a Member duly elected as a Councillor, including the Reeve, under the *Municipal Government Act* to represent a division in the County, who continues to hold office.
- 2.13 **“County”**: means the geographic area contained within the boundaries of the municipality of Smoky Lake County.
- 2.14 **“Executive Session”**: (Known also to be referred to as “In-Camera” or “Closed Session”) means a portion of a meeting lawfully held in private and not open to the public that involves a confidential meeting, or a portion of a meeting, taking place with only Councillors, the Chief Administrative Officer, or other person invited by Council, present.
- 2.15 **“Formal Complaint”**: means a request by County Council, a Council Member, a County employee, a County resident, or a person who has a business, institutional or other premises in the County, that an Investigation be conducted as 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 Council Members, in accordance with section 7.2 of this bylaw.
- 2.16 **“Freedom of Information and Protection of Privacy Act”** means the *Freedom of Information and Protection of Privacy Act, RSA 2000, Chapter F-25, as amended thereto, also known as FOIP.*
- 2.17 **“Impartiality”**: is a principle of justice holding that decisions should be based on objective criteria, rather than on the basis of bias, prejudice, or preferring the benefit of one person over another for improper reasons where the action of supporting or opposing a particular person or thing in an unfair way or allowing, or being perceived to allow, personal opinions to improperly influence a decision.
- 2.18 **“Investigator”**: means Council or the individual body established by Council to investigate and report on complaints.
- 2.19 **“Member”**: means a member of Council duly elected who continues of hold office, pursuant to the provisions of the *Local Authorities Act*.
- 2.20 **“Municipality”**: means the Municipal Corporation of Smoky Lake County.
- 2.21 **“Pecuniary Interest”**: means a pecuniary interest in situations as defined in the *Municipal Government Act*.
- 3.0 **PURPOSE and APPLICATION**

- 3.1 The purpose of this Code of Conduct is to provide standards for the conduct of Council Members relating to their roles and obligations as elected representatives of the County and a procedure for the investigation and enforcement of those standards.
- 3.2 This Code of Conduct applies to all Members of Council and is one aspect of accountability and transparency both internally, as among Councillors and as between Council and Administration, as well as externally, with orders of government, the media, and the public at large.
- 3.3 This Code of Conduct provides a framework to guide ethical conduct in a way that upholds the integrity of the municipality and the high standards of professional conduct the public expects of its local government's elected representatives for Smoky Lake County. This Code of Conduct is intended to supplement existing legislation governing the conduct of Council Members.

4.0 **PRINCIPLES AND VALUES**

- 4.1 It is imperative that there not be, nor appear to be, any conflict between the private interest of any Members of Council and their duty to the public to ensure their functions and duties are for what is in the best interest of the entire County. The purpose of this bylaw is to establish effective governance through proper conduct.
- 4.2 The following core principles and values are standards that will guide the day-to-day conduct and decisions of the Members of Council and are in addition to the principles that guide Council's pursuit of its Mission and Vision.
- 4.3 The following are six Core **Principles** and form the acronym "**ACTION**":

4.3.1 **Accountability**

- Councillors must govern their conduct in accordance with the requirements and obligations as set out in the *Municipal Government Act*, or any other Act of the Government of Canada or the Province of Alberta.
- All Councillors shall sign an oath in the form as prescribed in **Schedule "C": Oath of Confidentiality**, upon assuming office, pledging to uphold the bylaws, policies and laws of the County, the Province of Alberta, and the Government of Canada, and be accountable to same.
- Councillors shall commit to disclosing to the appropriate authorities and/or Council any behavior or activity of which they become aware that may qualify as corruption, abuse, fraud, bribery or any other violation of the law or this Bylaw, or any other County Policy. Council shall deal with any such breaches in accordance with this Bylaw.

4.3.2 **Confidentiality**

- Councillors must use council information which is not available to the public in accordance with any relevant Council policy or legislation to ensure, as far as reasonable, the public interest over any private interest.
- Councillors shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the municipality and shall not disclose confidential information while in office and after leaving office, Members must not make use of confidential information or take improper advantage of knowledge gained due to the member's position on Council.
- Council will protect information not routinely releasable, considered sensitive, subject to *Freedom of Information and Protection of Privacy*, and/or identified verbally or in writing as confidential.

4.3.3 **Transparency**

- Members of Council will endeavour to conduct and convey Council business in an open and public manner, other than those issues of Confidential status that may be discussed in Executive Session.

- Members of Council will accurately and adequately communicate the decisions of Council, even if they disagree with the majority decision of Council.
- Information concerning adopted bylaws, policies, and decisions of the Council shall be conveyed openly and accurately.

4.3.4 **Impartiality**

- Members of Council acknowledge the need to undertake their decision-making in an unbiased, open-minded fashion and without favour to any individual or interest over another.
- Members of Council shall perform their duties of office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.
- Councillors shall not use their official positions to influence government decisions in which they have a financial interest or a personal relationship that would present a pecuniary interest under the *Act*.

4.3.5 **Obligation**

- Council's actions and decisions are made to promote the public interest and to advance the mandate and long-term interests of the County.
- Improving the quality of governance can be achieved by Members of Council by conducting themselves in a way that promotes and maintains public confidence and showing commitment to performing their duties and functions.

4.3.6 **Need**

- Members of Council need to work for the common good of the citizens of Smoky Lake County. Councillors shall inform themselves of Public issues, listen attentively to public discussions before Council, and make decisions based on the merits and substance of the matters at hand for the public's best interest.
- Councils must recognize that they are stewards: responsible to manage and look after the needs of Smoky Lake County. Recognizing that stewardship of the public interest must be their primary concern - Councillors are elected to act and to make decisions solely in terms of the public interest.
- Councillor's Members of Council's conduct contributes to a safe and healthy environment that is free from discrimination, harassment or violence.

4.4 The following are four Core **Values** and form the acronym "**ROLE**":

4.4.1 **Respect**

- Council promotes and expects respectful and responsible behaviors when interacting with each other, with Administration, and with the Public during the course of County business.
- All Councillors and employees of Smoky Lake County have the right to work in an environment based upon mutual respect, dignity and fairness, and one that is free from actions and behaviours that are contrary to respectful, dignified and fair treatment of the individual.
- Members shall support the maintenance of a positive and constructive environment for the citizens, businesses, and County employees and shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards commissions, committees, staff or the public.
- Members shall acknowledge and respect that administration and employees work for the County as a corporate body and are responsible for making recommendations that reflects their

professional expertise and the County's corporate objectives, without undue influence from any individual members.

- Members may only use County Property or services for activities connected with the discharge of official duties or associated community activities having the sanction of Council or permitted by County policies.

4.4.2 **Observe**

- Members of Council shall observe opportunities to promote, support, pursue and partake in Professional Development, including but not limited to Federal, Provincial, and Municipal conferences, seminars, and workshops.
- Members are encouraged to stay updated on issues and trends so that they can be as efficient and effective as possible in the function of their duties and responsibilities.
- Members must not engage in any criminal activity and shall closely observe and abide by all relevant laws, regulations and policies.

4.4.3 **Loyal**

- To the best of their ability, Councillors shall represent the official bylaws, policies and positions of the Council with integrity.
- It is vital that the public has confidence in Council's ability to provide good government and to provide services, facilities and programs, in the opinion of Council, are necessary or desirable for all or of part of the County, and to develop and maintain safe and viable communities.

4.4.4 **Engage**

- Members of Council shall engage in activities, financial or otherwise which are compatible or consistent with the ethical discharge of official duties in the public interest.
- Members of Council shall follow established channels of communication and authority within the organization when working with County employees and direct any actions requests through the Chief Administrative Officer or as delegated by the Chief Administrative Officer to the relevant department head.

- 4.5 These core Principles and Values characterized will outline certain basic rules as per **Schedule "B": Smoky Lake County Council – Acknowledgement of Code of Conduct** to guide Members of Council to make certain decisions that do not benefit them, their immediate family or their friends and that they do not put themselves in a conflict of interest situation.

5.0 **CODE OF CONDUCT IN PRACTICE**

5.1 **Attendance**

- 5.1.1 Members have a statutory duty to participate in Council meetings and failure to attend as required may lead to a Member's disqualification under the *Act*.
- 5.1.2 Members are responsible for participating in Council committee meetings and meetings of other bodies to which they are appointed by Council and failure to attend as required may lead to Members being removed from the committee or body or being subject to other sanctions outlined in this bylaw.
- 5.1.3 Members are responsible for attending Council orientation, as per *Policy Statement No. 01-05: Council Orientation Training* and other training.

5.2 **Adherence to Bylaws and Policies**

5.2.1 Council shall respect the County as a municipal institution, its bylaws and policies. Members of Council shall encourage public respect for the County, its bylaws and policies.

5.2.2 Council shall conduct themselves with appropriate decorum at all times. As leaders in the community, members 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 readily apparent, nor easily distinguishable by the public-at-large.

5.3 Conduct at Meetings

5.3.1 Members 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.

5.3.2 Members shall comply with the provisions of the *Bylaw No. 1303: Procedure Bylaw*, or any other rules of meeting procedure applicable to the body to which they have been appointed by Council.

5.3.3 Members 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 interest.

5.3.4 Members 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 an Executive 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.

5.4 Respect for Decision Making Process

5.4.1 Decision-making authority lies with Council, and not with an 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, pursuant to sections 180 and 181 of the *Act*.

5.4.2 A Member must not purport to bind Council, either by publicly expressing their personal views on behalf of Council when not authorized to do so or by giving direction to employees, agents, contractors, consultants or other service providers of the County or prospective vendors.

5.4.3 Members shall accurately communicate the decisions of Council, even if they disagree with Council's decision, such that respect for the decision-making processes of Council is fostered.

5.4.4 No Member shall use the influence of his or her office for any purpose other than for the exercise of his or her official duties.

5.4.4.1 *Example* of prohibited conduct are the use of one's status as a Member to improperly influence the decision of another person to the private advantage of oneself or immediate relative, staff members, friends, or associates, business or otherwise. This includes attempts to secure preferential treatment beyond activities in which Members normally engage on behalf of their constituents as part of their official duties.

5.5 Conflicts of Interest

5.5.1 Members are expected to make decisions for municipal purposes for the welfare or interests of the County as a whole.

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

- 5.5.3 Members shall not, in the exercise of an official power, duty or function, give preferential treatment to any individual or organization.
- 5.5.4 No Member 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.
- 5.5.5 Members 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; for example, the County's Subdivision and Development Appeal Board or a Local or Composite Assessment Review Board

5.6 Pecuniary Interest

- 5.6.1 It is the individual responsibility of each Councillor to be aware of the Pecuniary Interest provisions and the disclosure and procedure requirements as established in the *Act, Section 172*. The decision with respect to whether or not a Councillor may have a Pecuniary Interest is the individual Councillor's decision to make, in accordance with the *Act*.
- 5.6.2 If a Councillor believes that they may have or may reasonably be perceived to have a Pecuniary Interest in a matter before Council or a Council Committee, they shall follow the Pecuniary Interest disclosure and procedures requirements as established in the *Act*, **including**:
 - 5.6.2.1 Stating the general nature of their Pecuniary Interest at the meeting prior to any discussion of the matter. This will be done on every occasion that the matter arises before Council or Council committee.
 - 5.6.2.2 Refrain from discussing the matter with Council.
 - 5.6.2.3 Leave the room in which the meeting is held prior to the matter being discussed until discussion and voting on the matter has concluded, *Act*, section 172(1)(d).
- 5.6.3 Where a Councillor believes that they may have a Pecuniary Interest in a matter before Council or a Council Committee, they should:
 - 5.6.3.1 Notify the Reeve or Chair of the meeting before the matter is considered that the Councillor has a Pecuniary Interest in the matter.
 - 5.6.3.2 Complete **Schedule "D": Disclosure of Pecuniary Interest** Form, prior to the consideration of the matter at the meeting. The "Disclosure of Interest" Form shall be received by the Reeve or Chair of the meeting, be read into the meeting minutes and delivered by the Reeve or Chair to the Chief Administrative Officer or his designate. The Chief Administrative Officer shall file the form with the minutes.

5.7 External Communications

- 5.7.1 This part of this Code of Conduct is not meant to limit public comment solely to Council's official spokesperson, but rather to recognize that the County requires a single point of contact to speak with authority on behalf of Council. Council acknowledges and respects that Members have the legal right to express their personal opinions, whether those opinions are complimentary or critical, subject to those limits prescribed by law.
- 5.7.2 A Member must not purport to speak on behalf of Council unless authorized to do so.

- 5.7.3 Unless Council directs otherwise, the Reeve is Council's official spokesperson and in the absence of the Reeve it is the Deputy Reeve.
- 5.7.4 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 disagrees with Council's position.
- 5.7.5 No Member shall make a statement when they know that statement is false.
- 5.7.6 No Member shall make a statement with the intent to mislead Council or members of the public.
- 5.7.7 Council will periodically use formal opportunities to seek public input and feedback as a component of the decision making process which have broad impacts on the community, in accordance with *Policy Statement No. 01-51: Public Participation*.

5.8 **Media Communications:**

- 5.8.1 All inquiries from the media regarding the official Council position on an issue shall be referred to Council's official spokesperson.
- 5.8.2 Members will attempt to accurately and adequately communicate the attitudes and decisions of Council or the Committee, even if they disagree with a majority decision of Council or the Committee.

5.9 **Use of Electronic Devices**

Members of Council shall refrain from persistent and disruptive use of cellular phones or personal electronic devices during all Council Meetings unless explicitly granted permission by the Chair.

5.10 **Use of Social Media**

Once posted on social media, any material or comment is accessible to anyone with an Internet connection. Furthermore, the content can never be effectively removed.

- 5.10.1 As public figures and representatives of the County, Members should act with discretion and be judicious in what material they post on social media. As with any other communications, Members are accountable for content and confidentiality. Care should be exercised in debates or comments on contentious matters, as feelings and emotions can become enflamed very quickly.
- 5.10.2 No Member shall use social media to publish anything that is dishonest, untrue, unsubstantiated, offensive, disrespectful, constitutes harassment is defamatory, or misleading in any way.
- 5.10.3 Councillors who maintain their own personal Facebook pages and Twitter accounts to communicate with the public must not share confidential information or information that has not yet been officially released by Smoky Lake County.

5.11 **Discrimination and Harassment**

- 5.11.1 Members have a duty to treat members of 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.
- 5.11.2 Members are governed by the *Alberta Human Rights Act* and the *Occupational Health and Safety Act*.
- 5.11.3 No Member shall use indecent, abusive, or insulting words or expressions toward any other Member, any staff member or any member of the public.

- 5.11.4 No Member shall 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.

5.12 Conduct Respecting Administration

Council is the source of all governance authority and will make decisions on whether and to what extent to delegate Council's authority to others, including committees of Council and to the Chief Administrative Officer or a designated officer. Under the direction of the Chief Administrative Officer, employees in Administration serve Council as a whole.

- 5.12.1 No individual Member has executive authority over County employees.

- 5.12.2 Members shall respect the fact that employees 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 employees are required to do so without undue influence from any Member or group of Members.

- 5.12.3 A Member must not:

5.12.3.1 Involve themselves in matters of Administration, which fall within the jurisdiction of the Chief Administrative Officer in accordance with section 201(2) of the *Act*.

5.12.3.2 Use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering in staff's duties; or

5.12.3.3 Maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff.

- 5.12.4 Members shall obtain information about the operation or administration of the County from the Chief Administrative Officer or a person designated by the Chief Administrative Officer, in accordance with section 153(d) of the *Act*.

5.12.4.1 Members will establish and model a respectful workplace where they will not speak disrespectfully about the County, other members of Council or the performance of employees of the Chief Administrative Officer.

5.12.4.2 Members are to contact employees according to the procedures authorized by the Chief Administrative Officer regarding the interaction of Members and employees.

5.13 Political Affiliations

- 5.13.1 Members shall acknowledge the non-partisan duties of municipal office and shall refrain from showing special consideration toward any particular provincial or federal political parties. This clause does not serve to restrict Members of Council from liaising with elected officers within other levels of government, as per *Policy Statement No. 01-36: Expenses and Contributions to Political Functions*.

- 5.13.2 No member shall use County facilities, services or property for his or her re-election campaign except as would be available to any other member of the public running for office.

5.13.3 No member shall use the services of the County employees for his or her re-election campaign, during hours in which the employees are in the paid employment of the County.

5.13.4 No member shall use County facilities, services or property for his or her personal or personal business use.

5.14 Use of Municipal Property and Resources

5.14.1 Members shall use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Council Member and not to pursue use for their private interest or the interests of someone they know.

5.14.2 Members shall not use the property, land, facilities, equipment, supplies, services or other resources of the County for any election campaign or campaign-related activities. No Member shall undertake campaign-related activities on County property during regular working hours unless permitted by County (e.g., all candidate meetings). No member shall use the services of any persons for election-related purposes during hours in which those persons receive any compensation from the County.

5.15 Council Expenditures:

5.15.1 Members shall comply with the provisions of Council policies and related procedures and guidelines with respect to claims for remuneration and expenses, as per *Policy Statement No. 08-18: Council Remuneration and Expenses* and *Policy Statement No. 08-07: County Credit Card*.

5.16 Gifts and Benefits:

5.16.1 Members are expected to represent the public and the interests of the County and to do so with both impartiality and objectivity. The acceptance of a gift or benefit can imply favouritism, bias or influence on the part of the Member.

5.16.2 Members shall comply with the provisions of Council policies and related procedures and guidelines with respect to, as per *Policy Statement No. 01-42: Council Gifts and Benefits*.

6.0 **SANCTIONS FOR BREACHING THE CODE OF CONDUCT**

This Code of Conduct, or sanctions imposed under this Code of Conduct shall not prevent any Councillors from fulfilling the legislated duties of a Councillor.

6.1 Sanctions that may be imposed on a Member, by Council, through a motion, pursuant to this Code of Conduct include:

6.1.1 A Letter of Reprimand addressed to the Council Member.

6.1.2 A request to the Councillor to issue a letter of apology.

6.1.3 Publication of the letter of reprimand or request for apology and the Councillor's response.

6.1.4 Requirement to attend training.

6.1.5 Suspension or removal of the appointment of a:

6.1.5.1 Councillor as the chief elected official under section 150(2) of the *Act*.

6.1.5.2 Councillor as the deputy chief elected official under section 152 of the *Act*.

6.1.5.3 Councillor's membership from some or all of council committee and bodies to which Council has the right to appoint members.

- 6.1.6 Removal as chair of a committee.
- 6.1.7 Reduction or suspension of remuneration as defined in section 275.1(1), of the *Act* corresponding to a reduction in duties, excluding allowances for attendance at Council meetings.

7.0 **COMPLAINT PROTOCOL FOR BREACHING CODE OF CONDUCT**

7.1 **Compliance with the Code of Conduct**

- 7.1.1 Members are accountable to the public through the four-year election cycle.
- 7.1.2 Members may become disqualified and required to resign if the Member commits a disqualifying action pursuant to section 174 of the *Act*.
- 7.1.3 Members are expected to adhere to the provisions of this Code of Conduct. Council does not have the authority to disqualify or remove a Member from office; only a court of competent jurisdiction or the Minister of Municipal Affairs can do so. Council does, however, have the right to sanction a Member provided that the Member continues to have sufficient access to information and services so as to be able to carry out their duties as a Member.

7.2 **Formal Complaints**

- 7.2.1 Members are expected to co-operate in every way possible in securing compliance with the application and enforcement of this Code of Conduct.
- 7.2.2 Any individual, organization, County employee, and member who has reasonable grounds or identifies or witnesses behaviour or activity by a Member 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, as outlined in Section 7.2.4 of this Bylaw. Complaints must be submitted within six (6) weeks of the matter first becoming known to the complainant and cannot be filed more than three (3) months after the alleged violation occurred. No action will be taken on a complaint received beyond either of the foregoing deadlines.
- 7.2.3 An anonymous report or complaint shall not be considered valid.
- 7.2.4 **Formal Complaint Procedures Process:**
All Formal Complaints of a member that is allegedly in contravention of the Code of Conduct may address concerns through the Formal Complaint Process set out in the following:

7.2.4.1 All Formal Complaints must be made using *Schedule "E": Formal Complaint/Affidavit for a Council Code of Conduct*; and shall be dated and signed by the complainant.

7.2.4.2 The Formal Complaint/ Affidavit Form must set out reasonable and probable grounds for the allegation that the Member has contravened the Code of Conduct, including the nature, a concise description of the facts, and specific provision(s) of the Code allegedly contravened as they are known, giving rise to the allegation.

- If additional space regarding the complaint is required further to Schedule "E", the supplemental form identified

as **Schedule "E.1": Formal Complaint/Affidavit – Additional Information Form** can be utilized.

- If the complaint is about more than one member, it should clearly explain what each individual person has allegedly done.

7.2.4.3 Any witnesses in support of the allegation must be identified on the Formal Complaint/Affidavit Form.

- Complaints should also confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.

7.2.4.4 The Formal Complaint/ Affidavit Form must include the name of the Member alleged to have breached the Code of Conduct, the section of the Code of Conduct allegedly contravened, the date, time and location of the alleged contravention and any and all other information as required on the Complaint/Affidavit Form.

- It is also important to reference to the section of the Code of Conduct that the Complainant believes is applicable to each violation and all the evidence that you wish to have taken into account by the Council in response to your complaint.

For example:

- Complainant should be specific, wherever possible, about exactly what you are alleging that the member said or did. For instance, instead of writing that the member did not treat you with courtesy, you should state what it was they said or did that was discourteous.
- Complainant should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- Complainant should provide any relevant background information or other relevant documentary evidence to support your allegation(s).

7.2.4.5 All Formal Complaints shall be submitted to the Chief Administrative Officer who shall confirm that the information is completed in its entirety as per *Schedule "E"* and advise Council to hold a special meeting of the Committee of the Whole.

7.2.4.6 The Complainant shall be communicated in writing within fourteen (14) days of the date, time and location of the Special Meeting of the Committee of the Whole to proceed with the investigation.

7.2.4.7 Upon receipt of a Formal Complaint, where a contravention of any provision in this Code of Conduct is alleged, Council shall, upon request of the Chief Administrative Officer, hold a special meeting of Committee of the Whole within 30 days of the complaint, to investigate and determine if the Member has breached this bylaw.

- All discussions surrounding both alleged and substantiated violations of this code shall be conducted during an "Executive Session" meeting of Council under the authority of the *Freedom of Information and Protection of Privacy (FOIP) Act* Section 23(1)(b): Local Public Body Confidences, with the intent that the discussion shall remain as a confidential investigation.

- 7.2.4.8 The Complainant shall be given opportunity to address Council at the meeting in an open-to-public session, referred to Section 7.1.3.6, and will be provided with sufficient time to address the alleged breach of the code of conduct.
- The Complainant shall be permitted to introduce evidence, including witnesses to support their position, and may be represented by legal counsel.
 - Should the complainant have legal counsel, then the County shall exercise the right to legal representation and may request legal counsel to investigate the complaint and report to Council.
- 7.2.4.9 A Member who is the subject of an investigation shall be afforded procedural fairness, including an opportunity to respond to the allegations in an open-to- public session, before Council deliberates and makes any decision or any sanction is imposed.
- Council shall deliberate in Executive Session and report on decisions and sanctions in accordance with **Schedule "F": Formal Complaint Decision Model – Summary Report.**
- 7.2.4.10 The Sanction shall be ratified by a Motion at a Regular Meeting of Council.
- 7.2.4.11 All Sanctions under this Bylaw shall be fair and in keeping with the severity of the infraction, giving due regard to the Councillor's previous conduct.
- 7.2.4.12 Nothing in this Section restricts or attempts to countermand a Councillor's legal right to challenge a decision of Council through legal counsel at their own expense.
- 7.2.4.13 The results of the investigation and Council's decision shall be publicly communicated.
- 7.2.4.14 There is no method under this bylaw for an Appeal Process to appeal to a "higher" body. Therefore, the decision of Council is final. Nothing in this Section restricts or attempts to revoke a complainant or the elected member's legal right to challenge a decision by Council through established legal channels at its sole expense.

8.0 **ANNUAL REPORTING**

- 8.1 The Chief Administrative Officer or Delegate's annual report shall consist of:
- 8.1.1 All formal complaints dismissed.
 - 8.1.2 All formal complaints that underwent a formal investigation and conclusions.
 - 8.1.3 A cost breakdown with respect to services provided within the reporting year.

9.0 **REVIEW OF CODE**

- 9.1 Following a general municipal election or by-election to fill a vacancy, the newly elected Member(s) shall review this Bylaw as part of the Elected Official Orientation. Following the orientation review, Members of Council shall acknowledge the standards of this Code by signing the acknowledgment statement, as outlined in **Schedule "B": Smoky Lake County Council – Acknowledgement of Code of Conduct.**

- 9.2 Smoky Lake County **Bylaw No. 1320-18: Council Code of Conduct Bylaw** will be reviewed by County Council at least every four years. Council may initiate a more frequent review of the Code of Conduct, if deemed necessary.
- 9.3 This Bylaw will be incorporated into **Orientation Manual Binder** as part of the development and delivery of the components designed to have the specific knowledge necessary to enable Councillors to perform effectively as members of the Council as part of the Council Orientation Training, as per *Policy Statement No. 01-05: Council Orientation Training*.
- 9.4 Smoky Lake County **Bylaw No. 1320-18: Council Code of Conduct Bylaw** will be advertised publicly by being posted on the County website for Public Inspection.

10.0 SEVERABILITY

It is the intention of Council that each separate provision, section, subsection or clause of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed and the remainder of the Bylaw is deemed valid and enforceable.

11.0 NUMBER AND GENDER REFERENCES

All references in this bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.

12.0 EFFECTIVE DATE

This Bylaw shall come into force and effect on the final date of passing thereof.

Read a First time this ____ day of _____, 2018.

Read a Second time this ____ day of _____, 2018.


Read a Third and Final time this ____ day of _____, 2018 and finally passed.

REEVE

S E A L

CHIEF ADMINISTRATIVE OFFICER


Schedule "A"

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Schedule “A”: Table of Contents

Schedule “B”

 SMOKY LAKE COUNTY COUNCIL Acknowledgement – <u>Bylaw 1320-18</u> Code of Conduct	DATE:
	MOTION NUMBER:
<p>I recognize that I have primary responsibility to assure that ethical standards are understood and met so that the public can continue to have full confidence in the integrity of the Council. In recognition of my commitment and dedication to the public that has entrusted me, as a member of Smoky Lake County Council, to provide governance I, _____ promise that I will:</p> <ol style="list-style-type: none"> Govern my conduct in accordance with the requirements and obligations as set out in the <i>Municipal Government Act</i> or any other Act of the Government of Canada or the Province of Alberta as well as the requirements set by any Council Policy, Bylaw, process or rule of order established by Council. Demonstrate the highest standards of personal integrity, honesty and fortitude in all public activities in order to inspire the public confidence and trust in me and the municipality I represent. 	

3. Devote time, thought and attention to the duties of a Councillor so that I may render effective and knowledgeable service.
4. Consider all available information in making my decisions and, thereafter, abide by and uphold the decision of Council.
5. Treat my fellow councillors, administration and the public with respect, concern, courtesy and responsiveness.
6. Develop and regularly evaluate goals and policies for Smoky Lake County which meet the needs and expectations of the public; and encourage active participation by the public in this process.
7. Work with my fellow Councillors in a spirit of harmony, compassion and cooperation in spite of differences of opinion; and listen to and respect those opinions which may be different than my own.
8. Strive for open and honest communications with my fellow Councillors.
9. Remember that, unless otherwise authorized by Council, I have no individual legal authority outside of a meeting of Council and I must conduct my relationships with staff, the public and the media on this basis.
10. Not use my position to benefit me or any other individual or organization, apart from the total interest of the community; and avoid placing myself in a position where there may be a real or perceived conflict of interest.
11. Not use County funds, property or information for my personal benefit or gain or for the personal gain or benefit of any other individual or organization.
12. Not attempt to exercise individual authority over the corporation.
13. Protect the privileged information to which I have access in the course of my official duties; and maintain the confidentiality of information that is not otherwise available to the public.
14. Neither neglect my personal obligation to the public and my legal obligation to the Province of Alberta, nor surrender these responsibilities to any other person, group or organization.
15. Commit to disclosing to the appropriate authorities and/or to Council any behavior or activity that I become aware of that may qualify as corruption, abuse, fraud, bribery or any other violation of the law or this Policy.
16. Recognize, when interacting with the Chief Administrative Officer or with employee, the lack of authority vested in a Councillor except when explicitly Council authorized.



NOTE: The member of Council acknowledges that a copy of the Bylaw was provided to the member. The signed Schedule "B": Smoky Lake County – **Code of Conduct** form was signed and returned to the Chief Administrative Officer and a duplicate copy was retained by the member.

Dated at the Smoky Lake County Office, in the Province of Alberta, this ____ day of _____, 20__.

Signature

Schedule "B": Smoky Lake County Council Code of Conduct

Schedule "C"

OATH OF CONFIDENTIALITY	
 <p style="color: red; font-size: 1.2em; font-weight: bold;">Condition of Service</p> <p style="color: red; font-size: 1.5em; font-weight: bold;">Oath of Confidentiality</p>	

I, _____, do swear that I will execute according to law and to the best of my abilities the duties required of me as Member of Council of the Smoky Lake County and that I will not, without due authorization, disclose or make known any matter or thing which comes to my knowledge by reason of my employment of PUBLIC OFFICE.


Dated this _____ day of _____, 20____.

Elected Council Member

Chief Administrative Officer

Schedule "C": Oath of Confidentiality

Schedule "D"

DISCLOSURE OF PECUNIARY INTEREST FORM	
	
NAME OF COUNCILLOR: _____	
DATE OF COUNCIL / COMMITTEE MEETING: _____	
PECUNIARY INTEREST	
Agenda Item No.:	
Agenda Item Description:	

<p>Describe General Nature of Pecuniary Interest</p>	
DISCLOSURE	
<p>DATE</p>	<p>Dated this _____ of _____, 20__.</p>
<p>SIGNATURE</p>	<p>Signature of Councillor: _____</p>

Schedule "D": Disclosure of Pecuniary Interest

Schedule "E"

Formal Complaint/Affidavit for Council Code of Conduct

I, _____ (*full name*) of Smoky Lake County, in the Province of Alberta do solemnly swear (affirm and declare) that the following contents of this affidavit as subscribed by me are true and correct:

Permanent place of residence: _____

Civic Address: _____ Mailing address: _____

of the Town of _____, in the Province of _____, Postal Code: _____

I have personal knowledge of the facts as set out in this Affidavit because:
(insert reasons: e.g. I work for... I attended a meeting at which... etc.)

I have reasonable and probable grounds to believe that _____
(specify name of Member in question) has contravened **section(s)** _____ **of the Code of Conduct** of Smoky Lake County. The particulars of which are as follows:
*(Set out the statements of fact (Nature of the alleged contravention) in consecutively numbered paragraphs in the space below, with each paragraph being confined as far as possible to a particular statement of fact. If you require more space please use the attached **Schedule "E.1" Form** and check the applicable box below.)*

THIS Schedule E.1 referred to in the **Formal Complaint/Affidavit** of _____ (full name) sworn (of affirmed)

before me on this _____ day of _____, 20____.

SWORN (or affirmed) BEFORE ME)

at the Town of _____,)

in the Province of Alberta,)


this _____ day of _____, 20____.) _____

Signature of Complainant

A Commissioner for Oath

Schedule "E.1": Formal Complaint/Affidavit for a Council Code of Conduct – Additional Information

Schedule "F"

FORMAL COMPLAINT DECISION MODEL Summary Report		
Special Meeting Committee of the Whole Date: _____	Complainant Name: _____	Member Name: _____
Contravened Section(s) of the Code of Conduct: _____	Confirmation by CAO: Complaint form sufficiently completed: <input type="checkbox"/> Yes <input type="checkbox"/> No CAO Initials: _____	
Investigation: Alleged contravention (Issue)		
Complainant: _____	Member: _____	

Findings:	Reasons:
Final Decision:	Sanction:
County Council Meeting for Motion Ratification:	
Complainant: Notify in Writing: _____ Date: _____	
Communicated to the Public: Date: _____ Method: _____	

Schedule "F": Decision Model – Summary Report