

SMOKY LAKE COUNTY



Title: Council Code of Conduct		Policy No.: 41-01
Section: 01	Code: P-I	Page No.: 1 of 7 <i>E</i>

Legislation Reference:	Alberta Provincial Statutes
-------------------------------	-----------------------------

Purpose:	The citizens of Smoky Lake County are entitled to have fair, ethical and accountable local government and to expect the highest standards of conduct from the members that it elects to Council.
-----------------	--

Policy Statement and Guidelines:

1. STATEMENT:

- 1.1 This Code of Conduct is a public declaration of the principles of good conduct and ethics for the proper operation of democratic local government for elected officials to be independent, impartial and duly responsible to the public.
- 1.2 The Council of Smoky Lake County need to at all times seek to advance the common good of the County which they serve and shall truly and faithfully exercise the office to the best of their knowledge and ability; and carry out their duties with impartiality and equality of service to all.
- 1.3 County Council pursues the Smoky Lake County's **Mission Statement: *Smoky Lake County strives for excellence in the provision of transparent and fiscally responsible governance and government services to local residents***, and in doing so upholds Council interest for establishing a Code of Conduct Policy governing Council.

2. OBJECTIVES:

- 2.1 To establish and promote ethical conduct standards for Members of Council in interaction with the public, administration, employees, contractors, and all members of Council.
- 2.2 To outline certain rules of conduct for Members of Council so that they may carry out their duties, powers, and functions with impartiality and dignity, recognizing that the function of Members of Council is, at all times, service to the public.
- 2.3 The Council of Smoky Lake County commits itself to conduct that meets the highest ethical standards to behave in a way that aligns with this Code of Conduct. In turn, adherence to these standards will protect and maintain Smoky Lake County's reputation and integrity.
- 2.4 Although this Code of Conduct may not cover every specific scenario, Members of Council will uphold the intent behind this Code of Conduct to guide their conduct and exercise care and diligence in the course of their work with the Council.

Title: Council Code of Conduct		Policy No.: 41-01
Section: 01	Code: P-I	Page No.: 2 of 7
		<i>E</i>

Policy Statement and Guidelines:

3. DEFINITIONS:

- 3.1 **Confidential Information:** includes but is not limited to information –
 - 3.1.1 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.
 - 3.1.2 Concerning matters that are permitted to be discussed in “Executive Session” Meeting pursuant to the *Municipal Government Act*.
- 3.2 **Council:** means the Council of Smoky Lake County.
- 3.3 **Councillor:** is a member of Council.
- 3.4 **County:** means Smoky Lake County.
- 3.5 **County Property:** 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).
- 3.6 **Ethics:** is being in accordance with the rules or standards for proper conduct or practice. Occupying the office of a Councillor gives rise to three ethical duties: the duty of due diligence, the fiduciary duty of good faith, and the duty to act fairly, free from any conflicts of Interest.

In accordance with “Ethics in Municipal Government”, by Kevin Feehan, Q.C., LL.B., of Fraser Milner Casgrain.

 - 3.6.1 **Due Diligence:** exercise duties with care, diligence and skills that a reasonably prudent person would exercise in comparable circumstances.

Example: *Making sure all decisions are informed decisions, educating oneself in governing legislation and municipal policies, seeking reliable professional advice when appropriate, attending all meetings having reviewed all materials before hand, asking questions and taking notes during meetings.*
 - 3.6.2 **Fiduciary Duty:** A 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 Councillors to put the interests of the County ahead of their personal interests.
 - 3.6.3 **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.*
- 3.7 **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.

Title: Council Code of Conduct		Policy No.: 41-07
Section: 01	Code: P-I	Page No.: 3 of 7
		<i>E</i>

Policy Statement and Guidelines:

3.8 **Pecuniary Interest:** is 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 *Municipal Government Act*.

4. GUIDELINES:

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.

4.2 The following core principles and values 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 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 take an oath in the form as prescribed in ***Policy Statement No. 01-05: Condition of Service - Oath of Confidentiality***, upon assuming office, pledging to uphold the policies and laws of the County, the Province of Alberta, and the Government of Canada.
- 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 Policy, or any other County Policy. Council shall deal with any such breaches in accordance with the **County's Procedural 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 primary of 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 County.
- Councillor shall not disclose confidential information without proper legal authorization.

--

Title: Council Code of Conduct		Policy No.: 41-01
Section: 01	Code: P-I	Page No.: 4 of 7
		<i>E</i>

Policy Statement and Guidelines:

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 that may be discussed in Executive Session of Confidential status.
- 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 *Municipal Government Act*.

4.3.5 **Obligation**

- Council's actions and decisions of members 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 substances 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.

Title: Council Code of Conduct		Policy No.: 41-01
Section: 01	Code: P-I	Page No.: 5 of 7
		<i>E</i>

Policy Statement and Guidelines:

- 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 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.
- Council 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.
- Council members shall acknowledge and respect that administration and employees work for the County as a corporate body and are responsible for making recommendations that reflect their professional expertise and the County's corporate objectives, without undue influence from any individual members.
- Council 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.
- Council 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.
- Council 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 policies and positions of the Council with integrity.

Title: Council Code of Conduct		Policy No.: 41-01
Section: 01	Code: P-I	Page No.: 6 of 7
		<i>E</i>

Policy Statement and Guidelines:	
■	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 “A”: Smoky Lake County Council – 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. PROCEDURES:	
5.1	Members of Council agree to uphold this policy and govern accordingly, in order to enhance ethical conduct and the credibility and integrity of Council in Smoky Lake County.
5.2	Every member of Council shall be provided with a copy of this policy and will sign the Schedule “A”: Smoky Lake County Council – Code of Conduct , a statement of commitment annually at its Organizational Meeting and as acknowledgement that he or she has read it and supports it.
5.3	The original signed “Code of Ethics” will become a Municipal Record and retained in each elected official portfolio in the County Office vault.

	Date	Resolution Number
Approved	March 28, 2014	# 375-14 - Page # 11178
Amended		
Amended		
Amended		

SCHEDULE "A"



SMOKY LAKE COUNTY COUNCIL

Code of Conduct

DATE:

MOTION NUMBER:

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:

1. Govern my 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 as well as the requirements set by any Council Policy, Bylaw, process or rule of order established by Council.
2. 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 staff, the lack of authority vested in a Councillor except when explicitly Council authorized.

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

Signature