

LAMONT COUNTY
Bylaw Number 843.22
Council Code of Conduct

A BYLAW OF LAMONT COUNTY TO ESTABLISH A CODE OF CONDUCT FOR MEMBERS OF COUNCIL OF LAMONT COUNTY

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 must, 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, 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, the public is entitled to expect the highest standard of conduct from the members that it elects to council for Lamont County;

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

AND WHEREAS, a code of conduct ensures that members of council share a common understanding of acceptable conduct extending beyond the legislative provisions governing the conduct of councillors;

NOW THEREFORE the Council of Lamont County, in the Province of Alberta, duly assembled, enact as follows:

TITLE

1. This Bylaw may be referred to as the "Council Code of Conduct Bylaw".

PURPOSE

2. The purpose of this bylaw is to establish standards for the ethical conduct of members relating to their roles and obligations as representatives of the municipality and a procedure for the investigation and enforcement of those standards.

DEFINITIONS

- 3. In this bylaw:
 - 3.1. "Act" means the *Municipal Government Act*, RSA 2000, c. M-26, any associated regulations, and any amendments or successor legislation;
 - 3.2. "administration" means the administrative and operational arm of the municipality, comprised of the various departments and business units and including all employees who operate under the leadership and supervision of the CAO;
 - 3.3. "CAO" means the chief administrative officer of the municipality, or their delegate;
 - 3.4. "committee" means a board or committee to which council is entitled to appoint members;
 - 3.5. "complainant" means the person(s) making the allegation against the member of council;
 - 3.6. "conflict of interest" means a situation in which a member is in a position to derive personal benefit from actions or decisions made in their official capacity;
 - 3.7. "FOIP" means the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c. F-25, any associated regulations, and any amendments or successor legislation;
 - 3.8. "investigator" means the individual or body retained by Lamont County to investigate and report on complaints made pursuant to this bylaw;
 - 3.9. "LSO" means the legislative services officer;
 - 3.10. "member" means a member of council and includes a councillor or the reeve and includes members of council committees or other bodies established by council who are not councillors or the reeve;
 - 3.11. "respondent" means the member who is the subject of the complaint; and
 - 3.12. "solicitor" means a solicitor retained to investigate and report on complaints who is not on general retainer for legal services.

STATEMENT OF CODE OF CONDUCT

- 4. Members agree to sign the Statement of Commitment to the Council Code of Conduct as provided In Schedule "A" at the start of their term.
- 5. Councillors agree to abide by this bylaw, including those provision related to confidentiality which shall apply to each councillor in perpetuity.

REPRESENTING THE MUNICIPALITY

- 6. Members shall:
 - a. act honestly and, in good faith, serve the welfare and interests of Lamont County as a whole;
 - b. perform their functions and duties in a conscientious and diligent manner with integrity,

- accountability and transparency;
- c. conduct themselves in a professional manner with dignity 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; and
 - d. arrange their private affairs and conduct themselves in a manner that promotes public confidence and will bear close public scrutiny.

COMMUNICATIONS ON BEHALF OF THE MUNICIPALITY

7. A member must not claim to speak on behalf of council unless authorized to do so.
8. Unless council directs otherwise, the reeve is council's official spokesperson and in the absence of the reeve, it is the deputy reeve. All inquiries from the media regarding the official council position on an issue shall be referred to council's official spokesperson.
9. Once a decision of council has been made, all of council will support that decision, regardless of personal opinion.
10. A member who is authorized to act as official spokesperson must ensure that their comments accurately reflect the official position and will of council as a whole, even if the member personally disagrees with council's position.
11. No member shall make a statement when they know that statement is false.
12. No member shall make a statement with the Intent to mislead council or members of the public.
13. Council will ensure that any opinions expressed prior to a public hearing will be open minded and capable of persuasion.

USE OF SOCIAL MEDIA

14. Material or comment, once posted in social media, is available to anyone with an internet connection. Furthermore, the content can never be effectively removed. As public figures and representatives of the county, members should exercise sound judgment and be prudent in what material they post on social media. members should exercise caution when engaging in debate or making comments on contentious matters, as feelings and emotions can become enflamed very quickly.
15. Members shall not attempt to disguise or mislead their Identity or status as an elected representative of the county when using social media.
16. Members shall not use social media to publish anything that is dishonest, untrue, unsubstantiated, offensive, disrespectful, constitutes harassment or is defamatory or misleading in anyway.

RESPECTING THE DECISION-MAKING PROCESS

17. All official matters of business shall be discussed and debated in a council meeting.
18. 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 quorum present. No member shall, unless authorized by council, attempt to bind the county, or give direction to employees in administration, agents, contractors, consultants or other service providers or prospective vendors to the county.

19. Members shall conduct and convey council business and all 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 a closed 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.
20. 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.

ADHERENCE TO POLICIES, PROCEDURES, AND BYLAWS

21. 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.
22. Members shall respect the county as an institution, its bylaws, policies, and procedures and shall encourage public respect for the county, its bylaws, policies and procedures.
23. A member must not encourage disobedience of any kind of bylaw, policy, or procedure of the county in responding to a member of the public, as this undermines public confidence in the county and in the rule of law.

INTERACTIONS WITH ADMINISTRATION AND THE PUBLIC

24. Elected officials and board members shall respect the professional opinion of administration.
25. Elected officials shall not abuse relationships or dealings with county administration by attempting to take advantage of their positions as elected officials or board members. Elected and board members will, at all times, refrain from behavior that may be perceived to be bullying of staff including behavior exhibiting intimidation and coercion.
26. Requests for information shall be directed through the CAO or his/her designate.
27. Elected officials and board members will treat all members of administration and the public with professionalism, courtesy, and respect.
28. Elected officials and board members will treat all individuals in good faith and without bias and shall not discriminate against any person based on:
 - a. differences in personal opinions; or
 - b. race, ancestry, place of origin, color, ethnic origin, culture, citizenship, religion, creed, language, gender, sexual orientation, age, family status, disability, or occupation.
29. It is recognized that it is the sole responsibility of the CAO to hire, discipline and terminate staff and that all information pertaining to staff employment matters is considered confidential. No member(s) of council or a board, either as an individual or as a group, shall interfere with the

CAO's role in the hiring, disciplinary action, or termination of any staff member by way of coercion, persuasion, threats, intimidation, bullying, or any other form of influence. The CAO shall immediately report any incident of this nature to council as a whole, during a closed meeting.

30. No member shall use indecent, abusive, or insulting words or expressions toward another member, any employee of the county or any member of the public.
31. Members shall respect the fact that employees in administration work for the county 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.
32. Members must not:
 - a. involve themselves in matters of administration, which fall within the jurisdiction of the CAO as defined above, including directing any employee of Lamont County, other than the CAO.

CONFIDENTIAL INFORMATION

33. Pursuant to section 153(e) of the Act, members have a statutory duty to keep in confidence matters discussed in private at a council or council committee meeting until the matter is discussed at a meeting held in public.
34. In the course of their duties, members may also become privy to confidential information received outside of a closed meeting /session. Members must not:
 - a. disclose or release by any means to any member of the public, including the media, any confidential information acquired by virtue of their office, unless the disclosure is required by law or authorized by council to do so;
 - b. access or attempt to gain access to confidential information in the custody or control of the county unless it is necessary for the performance of the member's duties and is not otherwise prohibited by Council, and only then if the information is acquired through appropriate channels in accordance with applicable council bylaws and policies; and
 - c. use confidential information for personal benefit or for the benefit of any other individual or organization.
35. Confidential information includes information in the possession of, or received in confidence by, the county that the county is prohibited from disclosing pursuant to legislation, court order or by contract, or is required to refuse to disclose under FOIP or any other legislation, or any other information that pertains to the business of the county, and is generally considered to be of a confidential in nature, including but not limited to Information concerning:
 - a. the security of the property of the county;
 - b. a proposed or pending acquisition or disposition of land or other property;

- c. a tender that has or will be issued but has not been awarded;
- d. contract negotiations;
- e. employment and labor relations, which would include employee performance reviews;
- f. draft documents and legal instruments, including reports, policies, bylaws and resolutions, that have not been the subject matter of deliberation in a meeting open to the public;
- g. law enforcement matters;
- h. litigation or potential litigation, including matters before administrative tribunals; and
- i. advice that is subject to solicitor-client privilege.

CONFLICTS OF INTEREST

- 36. Members have a statutory duty to comply with the pecuniary interest provisions set out in part 5, division 6 of the Act and a corresponding duty to vote unless required or permitted to abstain under the Act or another enactment.
- 37. 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.
- 38. Members shall approach decision making with an open mind that is capable of persuasion. It is the individual responsibility of each member to seek independent legal advice, at the member's sole expense, with respect to any situation that may result in a pecuniary or other conflict of interest. Section 170 of the Act sets out when a councillor has a pecuniary interest in a matter, how a person is monetarily affected by a matter, and lists examples of specific interests where a councillor would not have a pecuniary interest.

IMPROPER USE OF INFLUENCE

- 39. No member shall use the influence of the member's office for any purpose other than for the exercise of the member's official duties.
- 40. No member shall act as a paid agent to advocate on behalf of any individual, organization or a committee of council or any other body established by council.
- 41. Members shall not contact or otherwise attempt to influence members of any adjudicative body regarding any matter before it relating to the county.
- 42. Members shall refrain from using their positions to obtain employment with the county for themselves, family members or close associates. Members are ineligible to apply or be considered for any position with the county while they hold their elected position and for one year after leaving office.

USE OF MUNICIPAL ASSETS AND SERVICES

- 43. Members shall use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a member, subject to the following limited exceptions:
 - a. county property, equipment, service, supplies and staff resources that are available to the general public may be used by a member for personal use upon the same terms and conditions as members of the general public, including booking payment of any applicable fees or charges; and
 - b. electronic communication devices, including but not limited to desktop computers laptops, tablets, and smartphones, which are supplied by the county to a member, may be used by the member for personal use, provided that the use is not for personal gain, offensive, or inappropriate.

- 44. Electronic communication devices provided by the county are property of the county. To comply with FOIP, other applicable legislation, court proceedings and orders as well as contracts, the following applies:
 - a. all emails or messages sent or received on county and personal devices are subject to the FOIP Act; and
 - b. any electronic communication devices provided by the county or the councillor's personal device may be inspected as part of an investigation pursuant to this.

ORIENTATION AND OTHER TRAINING ATTENDANCE

- 45. Every member must attend the orientation training offered by the county within 90 days after the member takes the oath of office. Attendance at additional training sessions throughout the term is discretionary, unless otherwise directed by Council.

REMUNERATION AND EXPENSES

- 46. Members are stewards of public resources and shall avoid waste, abuse, and extravagance in the use of public resources.
- 47. Members shall be transparent and accountable with respect to all expenditures and strictly comply with all county bylaws, policies, and procedures regarding claims for remuneration and expenses.

GIFTS AND HOSPITALITY

- 48. 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, to induce influence, or otherwise to go

beyond the necessary and appropriate public functions involved.

49. Members may accept hospitality, gifts or 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. All gifts received, regardless of value, will be disclosed to the LSO, for tracking purposes only.
50. Gifts received by a member on behalf of the county as a matter of official protocol which have significance or historical value for the county shall be left with the county when the member ceases to hold office.

COMPLAINTS PROCEDURE

51. A complaint alleging a breach of the code of conduct bylaw may be made by a councillor, member of administration or a member of the public
52. Inter-Council Relations:
 - a. councillors may report a breach of the code of conduct bylaw to council as a whole in a closed meeting of council;
 - b. councillors will, always, attempt to resolve their issues without the need for external assistance as a demonstration of council's unity and teamwork; and
 - c. councillors shall not use public forums to discuss issues they may have or are having with other councillors, or with council as a whole, or any Lamont County employee.
53. Informal Complaint Procedure:
 - a. Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying behavior or activity that they believe violates this code of conduct bylaw. However, an individual is not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure outlined in section 53.
 - b. Any individual who identifies or witnesses behavior or activity by a councillor that they reasonably believe, in good faith, is in contravention of this code of conduct bylaw may address the prohibited behavior or activity themselves in the following informal and private manner:
 - i. document the incident(s) including the dates, times, locations, other persons present and any other relevant information;
 - ii. advise the councillor that the behavior or activity appears to contravene this bylaw;
 - iii. encourage the councillor to acknowledge and agree to stop and avoid future occurrences of the prohibited behavior or activity;
 - iv. if required, request the reeve to assist with an informal discussion of the alleged complaint with the councillor in an attempt to resolve the issue(s). In the event

- that the reeve is the subject of, or is implicated in a complaint, request the assistance of the deputy reeve;
- v. if applicable, confirm satisfaction with the response of the councillor regarding the informal complaint or, if applicable, advise the councillor of dissatisfaction with the response to the informal complaint; and
- vi. consider the need to pursue the matter in accordance with the formal complaint procedure.

54. Formal Complaint Procedure:

- a. Any Individual who identifies or witnesses behavior or activity by a councillor that they reasonable believe, in good faith, is in contravention of this code of conduct bylaw may file a formal complaint In accordance with the following conditions:
 - i. all complaints shall be addressed to the LSO;
 - ii. all complaints shall be made in writing and shall be dated and signed by the complainant;
 - iii. the complaint must set out reasonable and probable grounds for the allegation(s) that the councillor has contravened the code of conduct bylaw, including a detailed description of the facts, as they are known, giving rise to the allegation(s);
 - iv. the CAO is authorized to retain an investigator to investigate and report on complaints received under this bylaw;
 - v. the investigator shall conduct a preliminary review of the complaint to determine whether to proceed to investigation in accordance with the code of conduct bylaw or to dispose of the complaint; and
 - vi. the investigator may request further information from the complainant as part of the preliminary review.
- b. If the complaint is not, on its face, a complaint relative to the code of conduct bylaw or is covered by other legislation or a complaint procedure under another policy, the Investigator shall advise the complainant, in writing, that the matter is not within the jurisdiction of the Investigator. The advice will provide reasons and referrals to the appropriate authority as the Investigator considers appropriate. An example of this would be section 174(1)(d) of the Act, stating that a member is disqualified from council if the member misses all regular council meetings held during any period of 8 consecutive weeks.
- c. If the investigator is of the opinion that a complaint is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, the Investigator may choose not to investigate or, if already commenced, may terminate any investigation, or may dispose of the complaint in a summary manner.

- In that event, the complainant and council shall be notified of the investigator's decision.
- d. Upon deciding to investigate a complaint and completing any preliminary investigative steps, the investigator shall notify the member to whom the complaint is directed of the fact and nature of the complaint.

INVESTIGATIONS

55. Investigations will be carried out in accordance with the following:
 - a. if the complaint was not dismissed, the investigator shall take such steps as is considered appropriate, to investigate and may attempt to work with the parties to settle the complaint. All proceedings of the investigator regarding the investigation shall be confidential
56. Once all relevant information has been provided to the respondent member by the investigator, the respondent member will have an agreed amount of reasonable time to respond to the complaint in writing and may provide any further information in support of their response.
57. The investigator shall, upon conclusion of the investigation, provide council and the respondent member who is the subject of the complaint, the results of the investigator's investigation.
58. The member who is the subject of an investigation shall be afforded procedural fairness, including an opportunity to respond to the allegations before council deliberates and makes any decision or any sanction is imposed.
59. A member who is the subject of an investigation is entitled to be represented by legal counsel, at the member's sole expense.
60. The investigator shall, upon conclusion of the investigation, provide council and the member who is the subject of the complaint, the results of the investigator's investigation.

COMPLIANCE AND ENFORCEMENT

61. Members shall uphold the letter and spirit of this bylaw.
62. Members are expected to co-operate in every way possible in securing compliance with the application and enforcement of this bylaw.
63. Each member, newly elected or appointed, will be provided with a copy of the council code of conduct, and will be requested to sign the Statement of Commitment, attached as Schedule "A", acknowledging that he or she has read the Council Code of Conduct and supports it.
64. No member shall:
 - a. undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to council or to any other person, regardless of the outcome of the complaint review or investigation; and

- b. obstruct council, or any other person in carrying out the objectives or requirement of this bylaw.
65. Sanctions that may be imposed on a member by council, upon a finding that the councilor has breached this bylaw may include some or a combination of:
- a. a letter of reprimand addressed to the member;
 - b. publishing a letter of reprimand to the member;
 - c. direction that the member issue a verbal apology;
 - d. requiring the member to attend specified training;
 - e. suspension or removal of the appointment of chief elected official under section 150(2) of the Act;
 - f. suspension or removal of the appointment of a member as the deputy chief elected official under section 152 of the Act;
 - g. suspension or removal of the chief elected officers presiding duties under section 154 of the Act;
 - h. revoking the member's appointment to some or all council committees;
 - i. 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;
 - j. restrict a member from attending FCM, RMA and/or other conferences; and
 - k. any other sanctions council deems reasonable and appropriate under the circumstances provided that the sanction does not prevent a member from fulfilling the legislated duties of a councillor and the sanction is not contrary to the Act.

REVIEW

66. This bylaw shall be brought forward for review within 180 days from the beginning of each term of council when relevant legislation is amended, and at any other time that council considers appropriate to ensure that it remains current and continues to accurately reflect the standards of ethical conduct expected of members.

SEVERABILITY AND EFFECTIVE DATE

67. Should any provision of this bylaw be deemed invalid, then the invalid provision shall be severed, and the remainder of the bylaw shall remain in effect.
68. This bylaw shall come into force and take effect upon the date of the third reading.

69. This bylaw repeals Lamont County corporate policy number: 3104 Code of Conduct and bylaw 814.20 - Council Code of Conduct.

Read a first time this 25th day of January, 2022.

Read a second time this 25th day of January, 2022.

Read a third time this 25th day of January, 2022.



REEVE



CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"
STATEMENT OF COMMITMENT TO THE COUNCIL CODE OF CONDUCT

I, _____
(Member's Full Name)

Being an elected Member of Lamont County Council or a Member of a Council Committee of Lamont County, have read, understand, and will follow, the Council Code of Conduct Bylaw.

Signature of the Member _____

Signed and witnessed this ____ day of _____, 20__

Signature of the Witness. _____

Printed Name of the

Witness: _____ Position: _____