

# THE COUNTY OF VERMILION RIVER IN THE PROVINCE OF ALBERTA

## BYLAW 19-01

*Being a Bylaw to establish a Code of Conduct for Councillors of the County of Vermilion River*

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**WHEREAS** pursuant to Section 146.1 (1) of the Municipal Government Act, R.S.A., 2000, Chapter M-26, as amended from time to time, a Council must, by bylaw, establish a code of conduct governing the conduct of Councillors;

**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 a common basis of understanding for acceptable conduct is established for Councillors beyond the statutory provisions governing the conduct of councillors.

**NOW THEREFORE** the Council of the County of Vermilion River, in the Province of Alberta, duly assembled, enacts as follows:

### BYLAW TITLE

- 1 This Bylaw is known as the "Council Code of Conduct Bylaw".

### DEFINITIONS

- 2 In this Bylaw, unless the context otherwise requires or as defined by the Act:
- i. **"Act"** means the *Municipal Government Act*, R.S.A. 2000, c.M-26, and its associated regulations, as amended from time to time;
  - ii. **"Administration"** means the administrative and operational staff of the County of Vermilion River;
  - iii. **"Chief Administrative Officer"** hereinafter referred to as the CAO, means the person appointed by bylaw, or their designee, for the County of Vermilion River pursuant to section 205 of the Act;
  - iv. **"Closed Session"** means a portion of a meeting closed to the public in accordance with the Act and Freedom of Information and Protection of Privacy Act;

- v. **“Committee”** means a Council committee, board, commission, or other body established by Council under the Act;
- vi. **“County”** means the County of Vermilion River;
- vii. **“Council”** means all members of the County of Vermilion River Council duly elected and currently holding office;
- viii. **“Council Investigator”** means the person in charge of receiving the complaint and leader of the bylaw process. The Council Investigator is the Reeve, or in the perceived wrongdoing of the Reeve, the Deputy Reeve. If the perceived wrongdoing affects both the Reeve and the Deputy Reeve, Council will appoint an Investigator from among its members;
- ix. **“Councillor”** means any duly elected member of Council for the County of Vermilion River including the Reeve and Deputy Reeve;
- x. **“County Property”** means the County’s financial and non-financial assets including but not limited to land, vehicles, equipment, electronic devices, and documents;
- xi. **“Confidential”** means any aspect of closed session deliberations, information identified as confidential under the provisions of the Freedom of Information and Protection of Privacy Act (FOIP), and information subject to solicitor-client privilege;
- xii. **“Deputy Reeve”** means the Councillor elected and appointed as Deputy Chief Elected Official by Council pursuant to section 152 of the Act;
- xiii. **“Director”** means an employee of the County of Vermilion River that reports directly to the Chief Administrative Officer and may carry some delegated or designated duties of the Chief Administrative Officer;
- xiv. **“Executive Assistant”** means an employee of the County of Vermilion River who holds the job title of Executive Assistant, reports directly to the Chief Administrative Officer, and may carry some delegated or designated duties of the Chief Administrative Officer;

- xv. **"FOIP"** means the Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25, any associated regulations, and any amendments made from time to time or successor legislation;
- xvi. **"Public"** means a customer, ratepayer, resident, or visitor of the County;
- xvii. **"Reeve"** means the Councillor elected as Chief Elected Official pursuant to section 150 of the Act; and
- xviii. **"Staff"** is any and all employees of the County of Vermilion River.

### **GENERAL PURPOSE**

- 3 The purpose of the code of conduct is to provide conduct standards for Councillors whilst performing their functions and obligations on Council and to outline a procedure for the investigation and enforcement of those conduct standards.
- 4 The code of conduct aligns with the County of Vermilion River's values of fairness, integrity, accountability, service, respect, and transparency. These values govern how Councillors conduct themselves when making decisions, and how Councillors interact with each other and the Public.
- 5 The code of conduct must:
  - i. Set out clear expectations for the behavior of Councillors;
  - ii. Provide information to the Public regarding the behaviour they can expect from County Councillors;
  - iii. Provide guidance to Councillors regarding the standard of conduct they are expected to exercise in their duties as elected officials; and
  - iv. Provide a mechanism for responding to alleged breaches of this Code of Conduct.

## **COUNCIL CODE OF CONDUCT**

6 The Council code of conduct addresses the following matters:

### **7 Representing the County**

i. When representing the County, all Councillors must:

- Work for the common good of the Public while promoting the public interest and advancing the mandate and long-term interests of the County as a whole;
- Conduct Council business in an open and transparent manner that promotes public confidence and trust, recognizing that an individual Councillor cannot exercise individual authority over County business;
- Exercise their duties with care, diligence and the skill that a reasonably prudent person would exercise in comparable circumstances;
- Exercise their duties by placing the interests of the County ahead of their personal interests; and
- Exercise their duties in an impartial manner while making objective decisions rather than subjective decisions based on bias or prejudice.

### **8 Communicating on behalf of the County**

i. When communicating on behalf of the County, all Councillors must:

- Understand and agree that the Reeve, or in their absence the Deputy Reeve, is the official spokesperson for the Council;
- Understand and agree that in communicating with the Public, will not present their opinions and positions on issues as those of the County Council; and
- Understand and agree that official information related to the decisions of Council will be communicated to the community and the media on behalf of the Council as a whole.

**9 Respecting the decision-making process**

i. All Councillors must:

- Foster respect for the democratic decision-making process; and
- Work towards the effective and consistent application of Council decisions.

**10 Adherence to policies, procedures and bylaws**

i. All Councillors must:

- Respect and adhere to the established policies, procedures, and bylaws of the County thereby showing commitment to performing their duties with diligence and care.

**11 Respectful interaction with Councillors, Staff, and the Public**

i. All Councillors must:

- Treat fellow Councillors, Staff and the Public with respect and courtesy;
- Demonstrate a high standard of personal integrity and honesty;
- Communicate and work with fellow Councillors in an open and honest manner while promoting a spirit of cooperation through listening to and respecting those opinions that may differ;
- Conduct themselves in a manner that reflects the separation of roles and responsibilities between Council and Administration as required under the Act;
- Refrain from giving direction to any municipal employee or contracted resource, except through the CAO;
- Convey all concerns or requests for action or information directly to the CAO or as permitted by this Bylaw, communicate with the Executive Assistant or a Director without committing the County to any specific course of action, expenditure, or use of municipal resources outside of the County's established policies, procedures, or budget. The CAO reserves the right to approve a list of municipal employees that Council has permission to directly communicate with;

- Avoid any situation in which a friendship, social relationship or social interaction with a member of staff may be seen to create undue influence, access to information, conflict of interest, or to undermine the authority of the CAO;
- Not express opinions on the performance of any municipal employee except for the formal CAO performance evaluation, as specifically required by the Act; and
- Not advocate for the promotion, sanction, or termination of any municipal employee.

**12 Confidential information**

i. All Councillors must:

- Hold in strict confidence all information concerning matters deemed confidential and must not, either directly or indirectly, release, make public or in any way divulge any information which is deemed to be confidential unless expressly authorized by Council or required by law to do so; and
- Swear an Oath of Confidentiality, attached hereto as Appendix "A".

**13 Conflict of interest, pecuniary interest, gifts and hospitality**

i. No Councillor shall engage in any activity which is incompatible or inconsistent with the ethical conduct of their official duties. These activities include but are not limited to:

- The use of any influence from their position for any purpose other than official duties;
- The use of any information gained in the execution of the office that is not available to the public for any purpose other than for official duties;
- The placing of themselves in a position of obligation to any person or organization that might reasonably benefit from special consideration or may seek preferential treatment; and

- The influencing of any Council decision or decision-making process affecting a Councillor's family or organization in which a Councillor has a financial interest;
- ii. Councillors may accept hospitality, gifts or benefits that normally accompany the responsibilities of office and are received as the result of protocol or social obligation; and
- iii. Gifts received by a Councillor on behalf of the County as a matter of official protocol which have significance or historical value for the County must be left with the County.

**14 Improper use of influence**

- i. No Councillor is permitted to use the influence of their office for any purpose other than for the exercise of their official duties;
- ii. No Councillor is permitted to 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;
- iii. Councillors must not contact or otherwise attempt to influence members of any adjudicative body regarding any matter before it relating to the County;
- iv. Councillors must refrain from using their positions to obtain employment with the County for themselves, family members or close associates. Councillors 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; and
- v. No Councillor is permitted to use any facilities, equipment, supplies, services, municipal logos or other resources of the County for any election campaign or campaign-related activity.

**15 Use of municipal assets and services**

- i. No Councillor is permitted to use or attempt to use the County's property, funds, services, or information for personal benefit or the benefit of another individual.

**16 Orientation and other training attendance**

- i. Councillors must attend the mandatory orientation sessions and training opportunities for elected officials as provided post-election and during their term of office.

## COMPLAINT PROCESS

### 17 Informal complaint process

- i. Any person, in good faith, who has identified or witnessed conduct by a Councillor that the person reasonably believes is in contravention of this bylaw may address the prohibited conduct by doing the following:
  - Advising the Councillor that their conduct violates this bylaw and encourage the Councillor to stop; and/or
  - Requesting that a Council Investigator hold an informal discussion regarding the alleged complaint with the Councillor to resolve the issue. Individuals are encouraged to pursue this informal complaint process as the first means of correcting conduct that they believe violates this bylaw. However, an individual is not required to complete this informal complaint process prior to pursuing the formal complaint process, as outlined below.

### 18 Formal process

- i. Any person, in good faith, is permitted to report perceived wrongdoing or make a complaint alleging a breach of the Council Code of Conduct by a Councillor by completing the Elected Official Complaint Form, attached hereto as Appendix "B".
  - The completed form must be dated, include the complainant's name, and be signed. An anonymous report or complaint shall be considered invalid. The complaint must set out reasonable and probable grounds for the allegation that the Councillor has contravened this bylaw, including a detailed description of the facts, as they are known, giving rise to the allegation.
  - The form may be mailed, hand-delivered to the County's office, or emailed to the County Investigator. If a physical copy is submitted, the form must be placed in a sealed envelope and marked "Confidential". All reasonable attempts shall be made to keep the reports and complaints confidential until a full investigation is completed to protect both the Complainant and Councillor.
  - A Complainant may withdraw the filed complaint at any point after its submission.



- Complaints shall not be received from September 1st to October 31st of an election year.

## COMPLAINT PROCEDURE

19 Upon receipt of a complaint under this bylaw the following procedure must be followed:

- i. The Council Investigator must provide the complainant with a letter stating that their complaint has been received and is in the process of being reviewed;
- ii. The Council Investigator must contact the Councillor accused of conduct breach both verbally and in writing. The Councillor must receive a copy of the submitted complaint and notified of the date set for the Special Meeting scheduled to address the alleged breach of this bylaw. The Councillor under complaint is given a minimum of seven (7) days from the time of notification to prepare a response. The Councillor under investigation is not permitted contact the complainant for the duration of the investigation period;
- iii. The Council Investigator must promptly contact the CAO and schedule a Special Meeting to address the alleged breach of this bylaw;
- iv. The Council Investigator must notify Council of the Special Meeting and communicate its purpose to address a breach of the Code of Conduct;
- v. The CAO and Executive Assistant must be present for the opening of the Special meeting, leave for the closed session portion, and return for the motion coming out of the closed session to administer and take minutes of the meeting;
- vi. During the Special Meeting, Council must review the complaint received while in closed session. The accused Councillor must attend the closed session addressing the Councillor alleged of the breach as a delegation. The Councillor under complaint must leave the meeting after presenting their response and may not take part in the deliberations thereafter;
- vii. Council must review the facts as presented. Should Council come to a decision, they must choose one of the following actions:
  - Dismiss the complaint as invalid under the Code of Conduct;
  - Dismiss the complaint as frivolous or vexatious; or

- Determine that the complaint is valid and impose sanctions.
- viii. Within forty-eight (48) hours following Council's decision, both the accused Councillor and complainant must be notified by the Council Investigator, in writing, of Council's decision;
  - ix. If sanctions are imposed, the written decision must dictate the imposed sanctions. The Council Investigator must follow-up to ensure the sanctions were followed;
  - x. If Council is unable to come to a decision, they must choose one of the following actions:
    - Request legal opinion regarding the complaint; or
    - Request the County's legal counsel or another third party to investigate the complaint and report to Council through the Council Investigator.
  - xi. If the complaint requires a legal opinion, legal investigation, or third-party investigation, Council must direct the CAO to connect the Council Investigator with the County's legal service providers or the third-party investigator; and
  - xii. Once Council has obtained the necessary information through legal counsel or a third-party investigator, a second special meeting must be scheduled, and Council must follow the steps laid out in Section 19, ultimately rendering a decision and if required, imposing and enforcing sanctions.

## **SANCTIONS**

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Council is permitted to impose the following sanctions on a Councillor who contravenes the Council Code of Conduct:

- i. Issue a letter of reprimand addressed to the Councillor(s);
- ii. Issue an order for the Councillor(s) to issue a letter of apology;
- iii. Publish a letter of reprimand;
- iv. Impel a public apology from the Councillor;
- v. Impel the Councillor to attend relevant training;

- vi. Suspend or remove the Councillor from the position of Deputy Reeve or acting Reeve under Section 152 of the Act;
- vii. Suspend or remove the Chief Elected Official's presiding duties under Section 154 of the Act;
- viii. Suspend or remove the Councillor from some or all Council committees and bodies to which Council has the right to appoint members;
- ix. Reduce or suspend remuneration as defined in Section 275.1 of the Act to reflect a reduction in duties, excluding allowances for attendance at Council meetings. In accordance with Section 146.1(4) of the Act, sanctions imposed cannot under any circumstances prevent a Councillor from fulfilling their legislative duties, nor can a Councillor be disqualified or removed from office for a breach of this code.

**COUNCIL REQUIREMENTS**

21 Councillors must swear a statement to uphold the Code of Conduct, attached hereto as Appendix "C".

**LEGISLATIVE REVIEW**

22 The Council Code of Conduct Bylaw must be reviewed every four (4) years, following a general municipal election, 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 Councillors.

**ENACTMENT**

**SHOULD** any provision of this Bylaw be determined to be invalid, then such provisions shall be severed and the remaining bylaw shall be maintained.

**THIS** Bylaw shall come into force and effect upon receiving third and final reading and having been signed by the Reeve and Chief Administrative Officer.

Read a first time this 12 day of March, 2019.

Read a second time this 12 day of March, 2019.

Read a third time and finally passed, this 12 day of March, 2019.

**SIGNED** by the Reeve and Chief Administrative Officer this 14 day of March, 2019.

  
\_\_\_\_\_  
Reeve

  
\_\_\_\_\_  
Chief Administrative Officer



## OATH OF CONFIDENTIALITY FOR MEMBERS OF COUNCIL

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I, \_\_\_\_\_ of \_\_\_\_\_, solemnly swear/affirm to the following during my term as an elected official with the County of Vermilion River:

- I acknowledge that any information that I may obtain from, or through my access to, the County of Vermilion River operations is deemed confidential information.
- I will not use, disclose, communicate or transfer any confidential information, except as required in the performance of my role.
- I will not allow any unauthorized person(s) to inspect or have access to any record containing confidential information, regardless of media format.
- I will not discuss confidential information when a member of the public is present.
- I will report any unauthorized access of confidential information to the County as soon as I become aware that such an incident occurred.
- I understand that non-compliance could result in repercussions in accordance with the Council Code of Conduct Bylaw.

I acknowledge that I have read, understood and voluntarily agree to these terms.

Dated at the County of Vermilion River Office, in Kitscoty, Alberta, this \_\_\_\_\_ of \_\_\_\_\_, 20 \_\_\_\_\_.

**COUNCILLOR**

**CHIEF ADMINISTRATIVE OFFICER**

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_



## ELECTED OFFICIAL COMPLAINT FORM

COMPLAINANT INFORMATION	
Full Name:	
Mailing Address:	
Phone Number:	
Email:	

I, \_\_\_\_\_ of \_\_\_\_\_, am hereby making a formal complaint that an elected official of the County of Vermilion River has breached the Council Code of Conduct bylaw #19-01 in accordance with section 18.

COMPLAINT DETAILS	
Name of Councillor:	
Date of offense that gave rise to complaint:	
Section of bylaw #19-01 that has been breached:	

Please explain, in detail, the actions and/or inactions of the Councillor who, in your opinion, has breached the Council Code of Conduct bylaw #19-01.

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I hereby acknowledge that this form will be provided to the County Investigator, in strict confidence. I acknowledge that this complaint will be processed in accordance with the Council Code of Conduct bylaw #19-01.

**COMPLAINANT**

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*Completed hard copy forms should be returned to the County Office in a sealed enveloped marked "confidential" and address to the County Investigator.*

OFFICE USE ONLY	
County Investigator:	
Date Complaint Received:	



## ELECTED OFFICIAL CODE OF CONDUCT STATEMENT

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I, \_\_\_\_\_ of \_\_\_\_\_, solemnly swear/affirm to the following during my term as an elected official with the County of Vermilion River:

- I have read, understand, and agree to abide by the Council Code of Conduct Bylaw.
- I will uphold the County of Vermilion River's Council Code of Conduct Bylaw at all times.

I acknowledge that I have read, understood and voluntarily agree to these terms.

Dated at the County of Vermilion River Office, in Kitscoty, Alberta, this \_\_\_\_\_ of \_\_\_\_\_, 20 \_\_\_\_\_.

**COUNCILLOR**

**CHIEF ADMINISTRATIVE OFFICER**

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_