

<b>POLICY NO:</b>	LE 005
<b>POLICY TITLE:</b>	COUNCILLOR CODE OF CONDUCT LEGISLATIVE
<b>DEPARTMENT:</b>	
<b>APPROVAL DATE:</b>	June 7, 2016 (2016-06-17)
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<b>REVIEW DATE:</b>	

**Policy Statement:**

The residents of the County of Vermilion River 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. Such a government requires that public officials comply with both the letter and the spirit of the laws and policies affecting operations of the government; be independent, impartial and fair in their judgment and actions; use their public office for the public good and not for personal gain; and conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility.

Each individual County of Vermilion River Councillor hereby commits to uphold the Code of Conduct Policy when carrying out his/her duties as Reeve, Deputy Reeve or Councillor.

**Purpose:**

The intent of this policy is to declare the standard of behaviour and actions for the County of Vermilion River Elected Officials as an effort to maintain public confidence in, and respect, for local government.

**Definitions:**

Applicant: Means the registered owner of land or his/her representative or agent certified as such applying for re-designation, subdivision or development approval of land situated within the County of Vermilion River.

Bias: Means the action of supporting or opposing a particular person or thing in an unfair way, because of allowing or being perceived to allow, personal opinions to influence a decision.

CAO: Is the administrative head of the County of Vermilion River as

appointed by Council.

Conflict of Interest: Means a situation where a Councillor's personal or private interests actually, may or may be perceived as influencing the Councillor on a matter of public interest before County Council including situations which may result in common law bias which include direct or indirect pecuniary interest, pre-judgment, close mindedness or undue influence. A Conflict of Interest situation also includes using the Councillor's position, confidential information or County of Vermilion River employees, materials or facilities for personal or private gain or advancement or the expectation of personal or private gain or advancement.

Confidential Information: Includes but is not limited to information:  
(a) 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 Act or other legislation; and  
(b) concerning matters that are permitted to be discussed in an in-camerameeting pursuant to the *Municipal Government Act*.

Council: Means the Council of County of Vermilion River.

Councillor: Is a member of Council and includes the Reeve.

County: Means County of Vermilion River.

County Property: Includes County staff time, financial and non-financial assets (including, but not limited to, land, vehicles, equipment, material, paper or electronic documents, tools, electronic equipment, computers, internet services and intellectual property).

Develop: Means re-designation, development, subdivision or other type of development as defined in the *Municipal Government Act* and/or the County of Vermilion River Land Use Bylaw that will involve Council as the decision maker.

Developer: Means a person or company that develops or proposes to develop land situated within the County of Vermilion River.

Gift: Means any real or personal property given, including but not limited to artwork, clothing, money, gift certificates or gift cards, unless payment in any form, including the exchange of goods and services, of equal or greater value is received by the individual or entity giving the gift but does not include:

- (a) such Gifts or benefits that normally accompany the duties of office and are received as an incident of protocol or social obligation;
- (b) suitable mementos of a function honouring the Councillor;
- (c) admission to an event such as a convention, conference, symposium, forum or similar event, offered by the organizer of the event and unsolicited by the Councillor, if the Councillor is attending or participating in their official capacity; and
- (d) provided that the value of the Gift or benefit does not exceed \$500.00.

Reeve: Is the chief elected official of the County of Vermilion River.

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 Division 6 of the *Municipal Government Act*.

Special Interest Groups: Means a person, group of people or an organization who attempt to influence County policy or decision making in a way that benefits a particular set of interests, cause or issue.

## **POLICY**

### **A. Integrity**

Integrity is the quality of being honest and having strong moral principles. It is vital that the public has confidence in Council's ability to provide good government and to provide services, facilities or other things that, in the opinion of Council, are necessary or desirable for all of or part of the County, and to develop and maintain safe and viable communities. Members of Council shall conduct themselves in a way that promotes and maintains public confidence and shall be committed to performing their functions with integrity.

- 1) Council members, shall act honestly and in good faith at all times.

### **B. Public Interest**

Council members shall work for the common good of the residents of the County of Vermilion River and not for any private or personal interest. Members of Council shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Government of Canada and the Province of Alberta as well as those policies and bylaws that Council imposes on itself. Council members shall inform themselves of public issues, listen attentively to public discussions before

Council and focus on the business at hand.

Council recognizes that they are stewards; responsible to manage and look after the interests of the County of Vermilion River residents and taxpayers. Recognizing that stewardship of the public interest must be their primary concern, Council members are elected to act and to make decisions solely in terms of the public interest.

**Expenditures**

- 1) When incurring expenditures, Council members shall act responsibly and respect that public money must be used for the public good.
- 2) Council members shall avoid waste, abuse and extravagance in the provision or use of public monies and resources
- 3) Council members shall be open and accountable with respect to all expenditures.
- 4) Council members shall strictly adhere to all County of Vermilion River guidelines addressing expenditures and reimbursement.

**Stewardship**

- 1) Council Members shall consider the welfare and interests of the County of Vermilion River as a whole.
- 2) Shall actively participate in all meetings respectfully, responsibly and consistent with approved County policy and procedures.
- 3) To the best of their ability, Council members shall represent the official policies and positions of the Council. When presenting their personal opinions or positions, members shall explicitly state that those opinions do not represent the Council or County.

**c. Impartiality**

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 to one person over another for improper reasons. Members of Council shall perform their duties of office and arrange their private affairs in a manner than promotes public confidence and will bear close public scrutiny.

**Pecuniary Interest**

- 1) Council members shall not use their official positions to influence government

decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a pecuniary interest under the *Municipal Government Act*.

- 2) The decision with respect to whether or not the Councillor may have a Pecuniary Interest is the individual Councillor's decision to make.
- 3) It is the individual responsibility of each Councillor to seek independent legal advice with respect to any situation which may result in a Pecuniary Interest.
- 4) If a Councillor believes that he/she may have or may reasonably be perceived to have a Pecuniary Interest in a matter before Council or a Council committee, he/she shall follow the Pecuniary Interest disclosure and procedure requirements as established in Part 5, Division 6 of the *Municipal Government Act*, R.S.A. 2000 Chapter M-26 including:
  - (a) Stating the general nature of his/her 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;
  - (b) Refraining from discussing the matter with Council, other Council members, Council committee or Council committee members;
  - (c) Subject to subsection (d) leaving the room in which the meeting is held prior to the matter being discussed until discussion and voting on the matter has concluded; and
  - (d) Council members with Pecuniary Interest in a matter may stay in the meeting room, be seated in the gallery and address Council or the Council committee if the Councillor in the capacity as a taxpayer, elector or owner has a right to be heard pursuant to the *Municipal Government Act* or other enactment.
  - (e) Where a Councillor believes that he/she may have a pecuniary Interest in a matter before Council or a Council committee, he/she should notify the Reeve or Chair of the meeting before the matter is considered that the Councillor has a Pecuniary Interest in the matter.

### **Bias Awareness**

- 1) A member of Council shall be impartial to discussion or presentation of a matter that requires a decision of Council.
- 2) Council members may attend open houses or exchange communication with potential Applicants, Developers and Special Interest Groups prior to the

submission of a Development application being submitted to the County of Vermilion River and should:

- (a) Make it clear to potential Applicants, Developers or Special Interest Groups that they can provide only general information on the Development application process, but cannot give definitive advice about the Development's chance of success.
  - (b) Suggest that the Applicant, Developer or Special Interest Groups seek independent professional advice.
  - (c) If applicable, encourage potential Applicants or Developers to seek preliminary information on their Development proposal by utilizing the pre-application process with the County of Vermilion River Administration.
- 3) After a Development Application has been filed with the County of Vermilion River, where Council will have a decision making role in the Development approval process or where a Councillor is a member of the Development Appeal Board and the matter may be appealed, Council members should not meet with the Applicants, Developers or Special Interest Groups to discuss the Development prior to the public hearing, formal consideration of the Development application by Council or appeal hearing and decision being issued by Council or the Development Appeal Board.
- (a) All Development inquiries should be directed to the County of Vermilion River Administration.
  - (b) Any information forwarded by an Applicant, Developer or Special Interest Group to a Councillor with respect to a pending Development Application should be forwarded to the County Administrative Officer (CAO)/Director of Planning & Development who will record the information received and determine what further distribution or disclosure of the information is required.
  - (c) In the event that a Development application should proceed to any type of court proceeding, no meeting between Council members, Applicants, Developers or Special Interest Groups, should take place.

### **Gifts**

- 1) Acceptance of any Gift or benefit of a value greater than \$500.00 must be disclosed and recorded by the CAO.

- 2) To not make improper use of his/her position as a Councillor to:
  - (a) gain or attempt to gain or advance, directly or indirectly, a personal or private interest for him/herself or another person;
  - (b) cause or attempt to cause detriment to the County of Vermilion River, County of Vermilion River Council, any individual Councillor, any member of County of Vermilion River Administration, any member of the public or third parties; or
  - (c) seek personal benefit or gain from any information obtained through his/her position as a Councillor.
- 3) Council members must avoid situations where it may be perceived that the Councillor is using his/her position on Council to gain a personal benefit including but not limited to seeking the award of service or supply contracts or influencing the hiring of the County of Vermilion River Administration.
- 4) While token and minor gifts can be accepted by Council members, substantial or material gifts should either be rejected by Council members or accepted on the condition that the gift is accepted on behalf of Council and donated to a local charity.
- 5) This policy does not apply to gifts donated to the County of Vermilion River community nor to gifts or hospitality that are normally received as a matter of protocol or social obligations that normally accompany the position of Councillor and which are not related to any particular transaction or activity of County of Vermilion River or decision by the County of Vermilion River Council.

**D. Confidentiality**

Council members must use council information which is not available to the public, in accordance with any relevant Council policy to ensure, as far as reasonable, the privacy of the public interest over any private interest. Council members shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the County. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their personal, financial or private interests.

**Duration of Confidentiality**

- 1) Council members must keep in confidence all matters discussed in private at a Council or Council committee meeting until that matter is discussed at a public meeting.

- 2) After leaving office, Members of Council shall continue to keep confidential information acquired as a member of Council confidential.

### **Use and Disclosure of Information**

- 1) Council members shall not use information gained through their position on Council for any private or personal benefit or gain.
- 2) Council members shall inform themselves of and strictly adhere to the provisions of the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, Chapter F- 25 with respect to the access to, gathering, use and disclosure of information.
- 3) Council members shall not release, disclose, publish or comment on confidential information including any information received during an “in-camera” meeting until such information is disclosed at a public meeting. This obligation continues in perpetuity.
- 4) Council members shall not release information that is subject to solicitor-client privilege unless expressly authorized by Council or require by law to do so.
- 5) Council members shall not misuse confidential information which they have knowledge of by virtue of their position as Councillor that is not in the public domain, including e-mails and correspondence from other Council members or third parties such that it may cause harm, detriment or embarrassment to the County of Vermilion River, Council, other Council members, County of Vermilion River administration or staff, members of the public or third parties.

### **Spokesperson**

- 1) Public or media statements or the release of information conveying the County of Vermilion River’s position or decisions on matters made by the County of Vermilion River will only be communicated by the Council appointed spokesperson.

## **G. Respect**

The County of Vermilion River Council promotes and expects respectful and responsible behaviours when interacting with each other, with Administration and with customers during the course of County business. All Council members and employees of the County of Vermilion River 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.

**Respect Generally**

- 1) Council members shall act with integrity, professionalism, and respect when interacting with other members of Council, the County of Vermilion River Administration, members of the public and other government officials.
- 2) Council members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motive.

**Respect towards other Council Members**

- 1) Council members shall respect the personal opinions of other Council members.
- 2) All Council members should be given a full opportunity to address issues before Council in a full, open and professional manner to encourage and promote healthy debate of issues.
- 3) Council decisions are made by majority vote by the Council members. The decision of Council must be accepted and respected by all Council members even if some individual Council members do not agree with the majority decision.
- 4) While an individual Councillor may publically state that he/she did not vote with the majority of Council on an issue, this type of statement must be made in a manner that respects Council, Council's decision and other members of Council.

**Respect towards County Staff**

- 1) Council members shall respect the professional opinion of the County of Vermilion River Administration.
- 2) Council members shall not abuse relationships or dealings with the County of Vermilion River Administration by attempting to take advantage of their position as Council members. Council members will, at all times, refrain from behaviour which may be perceived to be bullying of staff.
- 3) Requests for information shall be directed through the CAO or his/her designate.

**H. Accountability**

Council members themselves have the primary responsibility to assure that ethical standards are understood and met and that the public can continue to have full confidence in the integrity of the County. Council members 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. In performing their duties, Council members must abide by any Council Policy, Bylaw, process or rule of order established by Council.

- 1) All Council members shall take an oath in the form prescribed as Schedule "A" Code of Ethics attached to this Policy upon assuming office, pledging to uphold the policies and laws of the County, the Province of Alberta and the Government of Canada.
- 2) Council members shall commit to disclosing to the appropriate authorities and/or to Council any behaviour 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. Council shall deal with any such breaches in accordance with the Meeting Procedural Bylaw in force from time to time.

## **I. Policy Breach**

Elected Officials have a duty to help create a responsive, accessible, transparent and fair municipal government. Accordingly, Elected Officials have a duty to question whether another Elected Official is violating legislation, ethics or respectful behaviour as set forth in this policy.

- 1) Should an Elected Official breach any of the principles outlined in this policy, the possible courses of action that are available to Council include but are not limited to:
  - (a) Requested apology by the Elected Official to the impacted individual(s)
  - (b) Removal of the Elected Official from Council Committees
  - (c) Dismissal of the Elected Official from a position of Deputy Reeve or Chairperson of a Committee
  - (d) Educational training on ethical and respectful conduct provided by a third party at the expense of the Elected Official's individual budget.
- 2) Any action taken by Council should include a time frame and what remedial action is expected
- 3) A decision to apply one or more of the actions detailed above requires a Council resolution.
- 4) All discussions surrounding alleged and substantiated violations of this policy shall be conducted in a council conversation in a public or an In Camera meeting of Council with the intent that the discussion shall remain confidential under the appropriate sections of the *Freedom of Information and Protection of Privacy (FOIP) Act*.

**SCHEDULE "A"**  
**COUNTY OF VERMILION RIVER**  
**COUNCIL CODE OF ETHICS**

*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 the County of Vermilion River Council, to provide governance I, <INSERT NAME OF COUNCILLOR>, 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 the County of Vermilion River 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. 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.
13. 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.
14. Commit to disclosing to the appropriate authorities and/or to Council any behaviour 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.

Dated at the Village of Kitscoty in the Province of Alberta, this \_\_\_\_\_ day of \_\_\_\_\_

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