



BYLAW NO 1783

COUNCILLOR CODE OF CONDUCT AND ETHICS BYLAW

A BYLAW OF KNEEHILL COUNTY, IN THE PROVINCE OF ALBERTA, BEING A BYLAW TO ESTABLISH A CODE OF CONDUCT FOR MEMBERS OF COUNCIL OF KNEEHILL COUNTY

WHEREAS, the Municipal Government Act, Being Chapter M-26, Section 145(b), of the Revised Statutes of Alberta, 2000, states that "A Council may pass Bylaws in relation to the procedure to be followed by Council, Council Committees and other bodies established by the Council."

WHEREAS, Section 146.1.1(10) of the Municipal Government Act, as amended, a Council must, by Bylaw, establish a code of conduct governing the conduct of Councillors

AND WHEREAS, Section 3 of the Municipal Government Act establishes Municipal Purposes;

AND WHEREAS, Section 153 of the Municipal Government Act establishes General Duties of Councillors;

BEING A Bylaw of Kneehill County in the Province of Alberta, the purpose of this bylaw is to declare the standard of behavior and actions for Kneehill County elected officials. These standards are to ensure the highest public confidence in, and respect for, local government, to ensure effective leadership in, and through, the elected Council, and to ensure that Council and Councillors act with the highest level of integrity and ethical behavior.

NOW THEREFORE, the Council of Kneehill County, duly assembled, enacts as follows:

PART ONE: TITLE

- 1.1 This Bylaw shall be known as the "Councillor Code of Conduct and Ethics Bylaw".

PART TWO: PRINCIPLES

- 2.1 This policy will be used to guide the behavior of Councillors and provide a mechanism of accountability.
- 2.2 Councillors agree to sign the Statement of Code of Ethics and Conduct as provided in Schedule A.
- 2.3 The Statement of Code of Ethics and Conduct will be publicly displayed in the Council Chamber, on the County website, and at initial signing and after each election, in the local print media.
- 2.4 Councillors agree that for a period of at least 12 months after leaving office, they will abide by this policy, except those provisions related to confidentiality that will apply in perpetuity.

PART THREE: DEFINITIONS

In this bylaw the following words and phrases mean:

- 3.1 **“Conflict of Interest”** means a situation where a Councillor’s personal or private interests actually, or may be perceived as influencing the Councillor on a matter of public interest which is, or may be, before Council, including situations which may result in common law bias which included direct or indirect pecuniary interest, pre-judgment, close mindedness or undue influence. A Conflict of Interest situation also includes using the Councillors position, confidential information, Kneehill County employees, materials or facilities, for personal or private gain or advancement or the expectation of personal or private gain or advancement. A Conflict of Interest may include advancing the personal or private interests of the Councillors family, friends, neighbors, or business associates. If a Councillor or Council does not believe the Councillor is free of bias there is a conflict of interest.

- 3.2 **“Pecuniary Interest”** means those situations as defined and regulated by Part 5, Division 6, of the Municipal Government Act, R.S.A. 2000, Chapter M-26.

PART FOUR: CODE OF ETHICS AND CONDUCT FOR COUNCILLORS

In providing for good governance of the community, the Kneehill County Council has adopted the following ethics to apply to all Councillors to ensure that they act honestly, in good faith and in the best interest of Kneehill County as a whole.

- 4.1 Councillors agree to act honestly and in good faith at all times.
- 4.2 Councillors agree to respect the personal views of other Councillors.
- 4.3 Councillors agree to engage in respectful, fulsome, and healthy debate on ALL matters in Council meetings, Committee of the Whole meetings, Council Committee meetings, and at Special Council meetings.
- 4.4 Councillors agree to respect and support the decisions and resolutions of Council.
- 4.5 Councillors agree that they may publicly express their opinions on Council matters but not so as to undermine the standing of Council in the public and in the community.
- 4.6 Councillors agree that unless specifically authorized by Council to represent Council’s position on any matter, a Councillor is to ensure that any public statements made are clearly stated to reflect the personal opinion of the Councillor, not the opinion or position of Council.

- 4.7 The Reeve agrees to always represent the opinion or position of Council when speaking publicly, except where statements are identified as solely representing his/her division.
- 4.8 Councillors agree to adhere to the Pecuniary Interest requirements as established in Part 5, Division 6 of the Municipal Government Act, R.S.A. 2000, Chapter M-26.
- 4.9 Councillors agree to rigorously avoid situations which may result in claims of pecuniary interest, conflict of interest, or bias.
- 4.10 Councillors agree to act with integrity, professionalism, and respect when interacting with other Members of Council, other elected officials and government officials, Kneehill County Administration, contractors, and members of the public.
- 4.11 Councillors agree to demonstrate fairness in all dealings, both personal and professional, and that their conduct is open to accountability to the community and to Council.
- 4.12 Councillors agree to demonstrate fairness, accountability, and impartiality in all Council matters.
- 4.13 Councillors agree to conduct themselves at all times in a manner befitting their position as an elected official and representative of Kneehill County and be prepared to be held accountable for their actions.
- 4.14 Councillors agree to consider the welfare and interests of Kneehill County as a whole and that the welfare and interests of the County as a whole supersedes the interests of a particular division.
- 4.15 Councillors agree to keep in the strictest confidence ALL matters discussed in private at a Council meeting, Committee of the Whole meeting, Council Committee meeting, Special Council meeting, or any matter discussed in confidence with another Councillor or Kneehill County Administration.
- 4.16 Councillors agree to not make improper use of his/her position as a Councillor by:
 1. Gaining or attempting to gain or advance, directly or indirectly, a personal or private interest for him/herself or another person;
 2. Causing or attempting to cause detriment to Kneehill County Council, any individual Councillor, any member of Kneehill County Administration, any member of the public, or third parties;
 3. Seeking personal benefit or gain from any information obtained through his/her position as Councillor.

4. Using or attempt to use the County's property, funds, service, or information for personal benefit or the benefit of any other individual.
- 4.17 Councillors shall attend the orientation sessions and training opportunities that must be provided 90 days after each Councillor takes the oath to office or additional training offered during the term.
- 4.18 As the County's stewards and decision makers, all Councillors shall respect, and adhere to, the established policies, procedures and bylaws of the County, showing commitment to performing their duties and functions with care and diligence.

PART FIVE: ACTIONS/APPLICATION

Kneehill County Councillors agree to act according to the following parameters:

5.1 GOVERNANCE

1. A Council meeting, Committee of the Whole meeting, or Special Council meeting is the appropriate forum for healthy and diligent debate on all matters before Council, or anticipated to be before Council.
2. All Councillors will be given an in-depth opportunity to address matters before Council in a full, open, transparent, and professional manner with the goal of good governance through healthy debate.
3. Council decisions, resolutions, or direction, are made by a majority vote of Councillors. The decisions of Council must be accepted and respected by all Councillors regardless of any personal view of the decision(s) made.
4. Councillors making statements regarding their position on any matter regarding decisions of Council, must make those statements with the utmost of respect to the decision of Council, to Council, to any Councillor, and to any other person(s) associated with the applicable decision.
5. All Councillors shall feel confident to express their views in any Council session without the fear of interruption and shall feel confident in the Chair's impartiality in controlling the debate.

5.2 EXPENDITURES

1. Councillors shall act responsibly when incurring expenses always mindful and respectful that public money must be used for public good.

2. Councillors shall avoid waste, abuse, and extravagance in the provision or use of public money.
3. Councillors shall be open and accountable with respect to all expenditures, Per Diems, and/or any and all other expenses incurred.
4. Councillors shall strictly adhere to all Kneehill County guidelines addressing expenses and reimbursement.
5. Kneehill County will post all Councillor Expenditures, Per Diems, and/or any and all other expenses incurred on the Kneehill County website for public viewing.
6. Councillors shall avoid situations where an expenditure can be questioned as inappropriate and may cause adverse reaction that may result in undermining the standing of Council in the public eye.

5.3 INTERACTION WITH ADMINISTRATION AND THE PUBLIC

1. Councillors will respect the professional opinions of Kneehill County Administration and be mindful that the Chief Administrative Officer is exclusively responsible under the Municipal Government Act for directing staff.
2. Councillors shall not abuse relationships or interactions with Kneehill County Administration and staff by attempting to take advantage of their position as Councillors. Councillors will at all times, refrain from any behavior which is or may be perceived to bullying of staff.
3. Requests for information will be directed to the Chief Administrative Officer or in the manner specified by the Chief Administrative Officer.
4. Councillors will treat all people with respect and courtesy and in good faith without bias;
 - (i) Recognizing there are legitimate differences in opinions;
 - (ii) Equally regardless of race, culture, religion, language, gender, disability, or occupation;
 - (iii) Ensuring equity of service;
 - (iv) Providing adequate and substantive opportunity for persons to state their position on any matter before Council.
5. Councillors shall dress appropriately on all occasions when representing Kneehill County at any public or private event.
6. Councillors will not instigate, be involved with, or condone personal attacks on other Councillors, members of Administration, or members of the public.
7. Councillors will not comment in public regarding the performance of any member of Administration but will instead refer any question of performance of a staff member to the Chief Administrative Officer.

8. Prior to taking any action, Councillors should ask themselves whether their intended action will ultimately be supported by other Councillors and Kneehill County. This test is designed to promote objectivity in the mind of a Councillor to best ensure appropriate conduct. Councillors will, if in doubt, consult the Reeve, the Deputy Reeve, or the Chief Administrative Officer prior to taking the planned action.

PART SIX: PECUNIARY INTEREST

- 6.1 The decision with respect to whether or not any Councillor may have a Pecuniary Interest is the individual Councillors decision to make. The Councillor may discuss this with Council and seek the advice of the Reeve or the Chief Administrative Officer.
- 6.2 It is the individual responsibility of each Councillor to seek independent legal advice, at their own cost, with respect to any situation which may result in Pecuniary Interest.
- 6.3 Should a Councillor believe the he/she may have or may reasonably be perceived to have a Pecuniary Interest in a matter before Council or 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:
 1. Stating the general nature of his/her Pecuniary Interest at the meeting prior to any discussion of the matter. This shall be done on every occasion the matter arises before Council or Council Committee.
 2. The Councillor shall not discuss the matter with Council, other Councillors, Council Committee, or Council Committee members either publicly or privately.
 3. The Councillor shall leave Council Chambers, or any meeting room in which a meeting is being held, should the matter be discussed and shall not return until such time as discussion has ended or voting on the matter has been concluded.
 4. Councillors with Pecuniary Interest in any matter may stay in the Council Chambers, or any meeting room in which a meeting is being held, if the Councillor is seated in the gallery and addresses Council or the Council Committee in the capacity as a taxpayer, elector, or owner and if the Councillor has the right to be heard pursuant to the Municipal Government Act or any other enactment.

- 6.4 When a Councillor believes that he/she may have a Pecuniary Interest in a Matter before Council or Council Committee, he/she shall notify the Reeve or Chair of the meeting prior to the matter being considered, that he/she has a Pecuniary Interest in the matter.

PART SEVEN: CONFLICT OF INTEREST

- 7.1 The decision with respect to whether or not any Councillor may have a Conflict of Interest is the individual Councillors decision to make. The Councillor may discuss this with Council and seek the advice of the Reeve or the Chief Administrative Officer.
- 7.2 Should a Councillor believe that he/she may have or may reasonably be perceived to have a Conflict of Interest in a matter before Council or Council Committee he/she shall:
1. State the general nature of his/her Conflict of Interest at the meeting prior to any discussion of the matter. This shall be done on every occasion the matter arises before Council or Council Committee.
 2. The Councillor shall not discuss the matter with Council, other Councillors, Council Committee, or Council Committee members either publicly or privately.
 3. The Councillor shall leave Council Chambers, or any meeting room in which a meeting is being held, should the matter be discussed and shall not return until such time as discussion has ended or voting on the matter has been concluded.
 4. Councillors with a stated Conflict of Interest in any matter may stay in the Council Chambers, or any meeting room in which a meeting is being held, if the Councillor is seated in the gallery and addresses Council or the Council Committee in the capacity as a taxpayer, elector, or owner and if the Councillor has the right to be heard pursuant to the Municipal Government Act or any other enactment.
- 7.3 When a Councillor believes that he/she may have a Conflict of Interest in a matter before Council or Council Committee, he/she shall notify the Reeve or Chair of the meeting prior to the matter being considered, that he/she has a Conflict of Interest in the matter.
- 7.4 The acceptance of certain gifts may/can create a Conflict of Interest. Apart from token gifts, having a value under \$10.00, Councillors are required to declare in writing to the Chief Administrative Officer the acceptance or rejection of any gifts.

- 7.5 Whilst token gifts may be accepted, material gifts of reasonable value should either be rejected or conditionally accepted (on behalf of Council) on the basis that the donor be informed that the gift will be donated to a local charity. This does not apply to gifts of appreciation, symbolic donations, and gifts of protocol, or social obligation, which are received by a Councillor on Council's behalf. Such gifts will be forwarded to the Chief Administrative Officer who will temporarily or permanently publicly display the gift at an appropriate location for the community to enjoy.
- 7.6 It is the individual responsibility of each Councillor to seek independent legal advice, at their own cost, with respect to any situation which may result in a Conflict of Interest.

PART EIGHT: BIAS

- 8.1 A Councillor shall be impartial to discussion or presentation of any matter that requires a decision of Council.
- 8.2 Councillors may attend open houses or exchange information with potential applicants, developers, and special interest groups prior to a formal submission or application being submitted to Kneehill County and the Councillor must:
1. Make it clear to the potential applicant, developer, or special interest group that the Councillor can provide only general information on the process, but cannot give any indication of the chance of success of the submission.
 2. Must suggest that the applicant, developer, or special interest group seek independent professional advice.
 3. If applicable, encourage potential applicants, or developers to seek preliminary information on their submission by consulting with Kneehill County Administration.
- 8.3 Once application or submission has been filed with Kneehill County and where Council will have a decision making role in the approval process or where the Councillor may sit on a Board or a Committee that may hear any subsequent appeal, Councillors will not meet with the applicant, developer, or special interest group. Councillors will not meet with the applicants, developers, or special interest groups prior to any Public Hearing or formal consideration by Council of the application, submission, or appeal hearing and decision being issued by Council or an Appeal Board.
- 8.4 All Development inquiries will be directed to Kneehill County Administration.
- 8.5 Any information forwarded by an applicant, developer, or special interest group to a Councillor with respect to a pending application or submission, shall be

forwarded to the Chief Administrative Officer who will record the information and determine what further distribution or disclosure of the information is required.

- 8.6 In the event that any application, submission, or action should proceed to any type of legal action or court proceeding, no meeting is allowed between Councillors, applicants, developers, special interest groups, or any other entity initiating or involved with the legal action.

PART NINE: CONFIDENTIALITY

- 9.1 Information provided to Council and to Councillors will not be used for any purpose other than to exercise their role as a Councillor.
- 9.2 Councillors will not release any information which is to be treated as confidential in accordance with the Municipal Government Act and will, at all times, recognize the Freedom of Information and Protection of Privacy Act regarding the access, use, and release of personal information.
- 9.3 Councillors will treat all private correspondence, both oral and written, between other Councillors, between themselves and the Chief Administrative Officer, as confidential until the parties agree that the information can or should be made public.
- 9.4 Councillors shall not release, disclose, publish, or comment on confidential information including, but not limited to, any information received during an “in camera” meeting until such information is disclosed at a public meeting. This obligation continues in perpetuity.
- 9.5 Councillors shall not release any information that is subject to solicitor-client privilege unless expressly authorized by Council, through a Council resolution, to do so.
- 9.6 Councillors 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 emails and correspondence from other Councillors or third parties such that it may cause harm, detriment, or embarrassment to Kneehill County Council, other Councillors, Kneehill County Administration, members of the public or third parties. Councillors shall not use confidential information that may create a benefit for themselves.

PART TEN: USE OF COUNTY RESOURCES DURING A GENERAL ELECTION PERIOD

- 10.1 Public resources must not be used in any way that would influence the electorate in an election, except in regard to supporting the actual election

process. Council and individual Councillors commit to complying with the following procedures:

1. Council will not authorize or request the County, print, publish (including digitally on the internet), or distribute an electoral advertisement, unless it only contains information regarding the election process. Any electoral advertisement that can be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on:
 - (i) The election
 - (ii) A candidate in the election; or
 - (iii) An issue submitted to, or otherwise before the voters in connection with the election.
- 10.2 Council and individual Councillors will ensure that that Kneehill County resources are not used inappropriately in any way that may influence voting during an election period, or provide an undue advantage for any candidate during a general election period from Nomination Day until the end of the Council term.
- 10.3 The Chief Administrative Officer will ensure that all members of staff are advised in regards to the application of this policy.
1. No Kneehill County staff will, as part of their employment with the County, undertake any activity that may affect voting in the election, except where it relates only to the election process and is authorized by the Chief Administrative Officer.
 2. No Councillor shall ask, or shall there be any direction, motion, or resolution from Council for staff or a staff member to authorize, use, or allocate a Kneehill County resource for any purpose that may influence voting in an election, except where it relates to the election process and is authorized by the Chief Administrative Officer.
- 10.4 In applying these principles, Council and individual Councillors understand that the following will be normal practice during any municipal election period (Nomination Day to the end of the Council term):
1. Public events scheduled between Nomination Day and the end of the Council term will only be organized and operated by Kneehill County, if they are part of the normal services or operations of Kneehill County.
 2. Speeches or any other form of communications for the Reeve, the Deputy Reeve, and all other Councillors will only be prepared by staff in relation to events that are part of the normal services or operations

- of Kneehill County and shall not contain any reference to the forthcoming election or potential or actual candidates.
3. Media services and advice, including media releases, will not be provided for Councillors by County staff during the time between Nomination Day and the end of the Council term.
 4. County publication, newsletters, website, or social media, will not feature photographs or quotes from Councillors other than those that were previously available prior to Nomination Day.
 5. Kneehill County logo's or stationary will not be used or allowed to be used by Councillors for any correspondence that in any way relates to references the election.
 6. Information on the Kneehill County website and social media, shall be limited to current Councillor Photographs, and any other information that was previously available prior to Nomination Day. References on the Kneehill County website and social media shall be limited to the process of conducting an election.
 7. No Councillor shall submit and no claim will processed for expenses incurred for campaigning purposes. Claims will only be accepted if the expenditure is within Kneehill County policy for the Councillor conducting their regular Councillor duties.
- 10.5 Equipment and facilities, and any other Kneehill County resources provided to Councillors as a part of the regular delivery of their duties will not be used for campaigning purposes.
- 10.6 Where Councillors have Kneehill County funded services, such as mobile phones, land lines, email accounts, and internet connections, and where it is impractical for the County to discontinue their use of these during an election, Councillors will reimburse Kneehill County for any usage of those services during an election period, exceeding normal usage.

PART ELEVEN: COMPLAINTS

- 11.1 Any person, in good faith, may report perceived wrongdoing or make a complaint alleging a breach of the Council Code of Conduct by a Councillor. All reasonable attempts shall be made to keep the reports and complaints confidential until a full investigation is completed in order to protect a Councillor and a complainant.
- 11.2 The report or complaint shall be in writing outlining the nature and specifics, be dated, included a name of the complainant, signed, addressed to the CAO and marked "confidential". The complaint may be mailed, emailed, or hand-delivered to the County's office. All received complaints shall be forwarded to

the Reeve immediately (or in the case of perceived wrongdoing of the Reeve, to the Deputy Reeve).

11.3 An anonymous report or complaint shall not be considered valid.

PART TWELVE: DISPUTE RESOLUTION AND DISCIPLINARY PROCEDURES

12.1 From time to time difficulties may occur in relationships between individual Councillors. It is expected that Councillors in this situation will use their best efforts to resolve such issues so that they do not interfere with the effective functioning of Council.

12.2 Councillors shall not use public forums to discuss issues they may have or be having with other Councillors or with Council.

12.3 Where there are issues that cannot be resolved between the parties and the view of the Reeve is that the impact or potential impact is such that the good governance of Kneehill County may be affected, then a decision to proceed to dispute resolution or discipline will be required by a resolution of Council.

12.4 Resolution procedures are as follows:

1. The Reeve shall discuss the issues with the relevant Councillor(s) and attempt to mediate an outcome acceptable to both parties. Should the dispute involve the Reeve, the Deputy Reeve will undertake the action.
2. Councillors, will at all times, attempt to resolve their issues without the need for external assistance as a demonstration of unity and teamwork.
3. Should a matter not be resolved after internal mediation has taken place, Councillors are able to seek advice from the Chief Administrative Officer in an attempt to find solutions.
4. Should the matter still remain unresolved, the Reeve, at his/her discretion, may request in writing to the Chief Administrative Officer, to appoint an external professional mediator to assist Council to work through the issues with the relevant parties. In the event the dispute involves the Reeve, this decision will be made by the Deputy Reeve.
5. Should after external mediation, the matter still remain unresolved, an independent arbitrator shall be appointed by Council to work with the parties and develop recommendations on how the dispute can be resolved.
6. Council shall consider these recommendations in a meeting closed to the public in accordance with the Municipal Government Act, and

may, on return to the open meeting, adopt a resolution based on the arbitrator's recommendations.

7. All Councillors will abide by these resolutions.

12.5 In the unlikely event that a Councillor has clearly violated any of the terms of the Kneehill County Councillor Code of Conduct or any provisions of the Municipal Government Act then the Reeve may recommend to Council that disciplinary action may be taken on the offending Councillor. In the event that the Reeve is the offending Councillor then this recommendation will be made by the Deputy Reeve. Disciplinary procedures are as follows:

1. For a Councillors first offense Council may choose to privately discuss the matter and may recommend no further action. Should further action be taken then the penalty may be the loss of all or some of the offending Councillors appointed Committees.
2. For a second offense the penalty shall be the loss of all the Councillors Committees, all conference attendance including AAMDC and FCM conventions.
3. For a third offense, all of the above and a \$500 penalty. Penalty to be deducted from the Councillors monthly honorarium.
4. For all other offenses all of (a) and (b) and \$1000 penalty. Penalty to be deducted from the Councillors monthly honorarium.
5. Should a Councillor have three or more offenses, in addition to the above penalties, Council will direct a letter to be sent to the Minister of Municipal Affairs, requesting an investigation into the conduct of the Councillor.

PART THIRTEEN: REVIEW

13.1 The Council Code of Conduct Bylaw must at a minimum be reviewed every four (4) years.

PART FOURTEEN: SEVERABILITY

14.1 If a portion of this bylaw is found by a court of competent jurisdiction to be invalid, the invalid portion will be voided, and the rest of the bylaw remains valid and effective.

14.2 Bylaw No. 1766 is hereby repealed.

PART FIFTEEN: EFFECTIVE DATE

15.1 This bylaw comes into effect upon third reading of this bylaw.

READ a first time on this 12th day of February, 2019.

READ a second time on this 12th day of February, 2019.

UNANIMOUS permission for third reading given in Council on the 12th day of February, 2019.

READ a third time and final time of this 12th day of February, 2019.



Reeve

Jerry Wittstock

For.



Interim Chief Administrative Officer

Peter Tarnawsky

SCHEDULE "A"



STATEMENT OF CODE OF ETHICS AND CONDUCT

I, **Councillor (Fill in Name here)**, do solemnly swear to uphold the Kneehill County Councillor Code of Conduct at all times while serving as a municipally elected official representing Kneehill County. I have read and understand the Councillor Code of Conduct policy and further agree to ALL the terms and conditions as specified in the policy.

Dated at Three Hills Alberta this _____ of _____, 20____

Councillor

Chief Administrative Officer