

COUNTY OF ST. PAUL NO. 19

BY-LAW NO. 2018-18

A BYLAW TO ESTABLISH A CODE OF CONDUCT FOR
AT-LARGE BOARD MEMBERS

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, Council may, by bylaw, establish a code of conduct governing the conduct of At-Large Board Members; and

WHEREAS the establishment of a Code of Conduct for Board Members 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 At-Large Board Members beyond statutory provisions.

NOW THEREFORE, the Council of the County of St. Paul No. 19, in the Province of Alberta, duly assembled, enacts as follows:

1. TITLE

1.1 This Bylaw will be cited as the “At-Large Board Member Code of Conduct Bylaw”.

2. DEFINITIONS

2.1 In this bylaw, words have the meanings set out in the Act, except in the following cases:

- a. “Act” means the *Municipal Government Act*, R.S.A. 2000, c. M-26, and its associated regulations, as amended from time to time;
- b. “Administration” means the administrative and operational staff of the County of St. Paul No. 19;
- c. “At-Large Board Member” means a person appointed by County Council who is not a Councillor;
- d. “Board Member” means a person appointed by County Council to a Council Committee to represent the public of the County of St. Paul;
- e. “Chief Administrative Officer” hereinafter referred to as CAO, means the person appointed by bylaw, or their designee, for the County pursuant to Section 205 of the Act;

- f. "Committee" means a Council Committee, board, commission, or other entity to which Council appoints Board Members;
- g. "Chairperson" means the person appointed to a particular committee to preside over its meetings;
- h. "Closed Session" means a portion of a meeting closed to the public in accordance with the Act and FOIP;
- i. "Committee Investigator" means the person in charge of receiving complaints and leading the investigation process. The Committee Investigator shall be the Reeve;
- j. "County" means the municipal corporation of the County of St. Paul No. 19;
- k. "Council" means the members of County Council duly elected and currently holding office;
- l. "Councillor" means any duly elected member of Council including the Reeve and Deputy Reeve;
- m. "County Property" means the County's financial and non-financial assets including but not limited to land, vehicles, equipment, electronic devices and documents;
- n. "Confidential" or "Confidential Information" means any aspect of Closed Session deliberations; information identified as confidential within the provisions of the Freedom of Information and Protection of Privacy Act (FOIP); and information subject to solicitor-client privilege;
- o. "Deputy Reeve" means the Councillor appointed as Deputy Chief Elected Official by Council pursuant to Section 152 of the Act;
- p. "FOIP" means the Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25, any associated regulations, and amendments or successor legislation;
- q. "Public" means a customer, ratepayer, resident, or visitor of the County;
- r. "Reeve" means the Councillor elected as Chief Elected Official pursuant to Section 150 of the Act.

3. GENERAL MATTERS

- 3.1 This Bylaw applies to At-Large Board Members only. Councillors appointed to Committees shall abide by the County Council Code of Conduct Bylaw, as amended and replaced from time to time.
- 3.2 The purpose of the At-Large Board Member Code of Conduct is to provide conduct standards to aid At-Large Board Members in performing their functions and obligations with the County of St. Paul and to outline a procedure for the investigation and enforcement of those conduct standards.

- 3.3 The At-Large Board Member Code of Conduct aligns with the County of St. Paul's Values, which are *Community at the Core, Accountability in Action, Lead and Succeed, Unwavering Integrity, and Innovate to Elevate*. These values shall govern how At-Large Board Members conduct themselves when making decisions, and how they interact with Board Members, Administration and the Public.
- 3.4 The Code of Conduct shall:
- a. Set out clear expectations for the behaviour of At-Large Board Members;
 - b. Provide information to the Public regarding the behaviour they can expect from At-Large Board Members;
 - c. Provide guidance to At-Large Board Members regarding the standard of conduct they are expected to exercise in their duties as appointed Board Members; and
 - d. Provide a mechanism for responding to alleged breaches of this Code of Conduct.

4. AT-LARGE BOARD MEMBER CODE OF CONDUCT

- 4.1 The At-Large Board Member Code of Conduct will address the following matters:

a. Representing the County

When representing the County, all At-Large Board Members shall:

- i. Work for the common good of the Public while promoting the public interest and advancing the mandate and long-term interests of the County;
- ii. Exercise their duties with care, diligence and the skill that a reasonably prudent person would exercise in comparable circumstances;
- iii. Exercise their duties by placing the interests of the County ahead of their personal interests; and
- iv. Exercise their duties in an impartial manner while making objective decisions rather than subjective decisions based on bias or prejudice.

b. Communicating on Behalf of the Committee

Regarding communicating on behalf of the County, the following will occur:

- i. All At-Large Board Members acknowledge that official information related to their respective committees will be communicated by the Chairperson and those decisions of Council will be communicated to the community and the media on behalf of Council by the Reeve; and
- ii. At-Large Board Members may communicate with the Public, but will not present their opinions and positions on issues as those of the Committee or of Council; and

c. Respecting the Decision-making Process

All At-Large Board Members shall:

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

d. Adherence to Policies, Procedures and Bylaws

All At-Large Board Members shall:

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

e. Respectful Interaction with Councillors, Staff, the Public and Other Members of Society

All At-Large Board Members shall:

- i. Treat fellow Board Members, Administration, and the Public with respect and courtesy;
- ii. Demonstrate a high standard of personal integrity and honesty; and
- iii. Communicate and work with fellow Board Members in an open and honest manner while promoting a spirit of cooperation through listening to and respecting those opinions that may differ.

f. Confidential Information

All At-Large Board Members shall:

- i. Hold in strict confidence all information concerning matters deemed confidential and shall 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
- ii. Swear an Oath of Confidentiality, attached as Appendix "A".

g. Conflict of Interest, Pecuniary Interest and Gifts and Hospitality

No At-Large Board Member 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:

- i. The use of any influence from their position for any purpose other than official duties;
- ii. 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;
- iii. 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;
- iv. The influencing of any Committee or Council decision or decision-making process affecting an At-Large Board Member's family or organization in which an At-Large Board Member has a financial interest;
- v. At-Large Board Members may accept hospitality, gifts or benefits that normally accompany the responsibilities of their committee duties and are received as the result of protocol or social obligation; and
- vi. Gifts received by an At-Large Board 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.

h. Improper Use of Influence

- i. No At-Large Board Member shall use the influence of their committee position for any purpose other than for the exercise of their official duties;
- ii. No At-Large Board Member shall act as a paid agent to advocate on behalf of any individual, organization or corporate entity before Council or a Committee or any other body established by Council;

- iii. At-Large Board Members shall not contact or otherwise attempt to influence members of any adjudicative body regarding any matter before it relating to the County;
- iv. At-Large Board Members shall refrain from using their positions to obtain employment with the County for themselves, family members or close associates. While At-Large Board Members are eligible to apply or be considered for any position within the County while they hold their committee appointment, they must resign their committee membership should they wish to accept County employment.

i. Use of Municipal Assets and Services

- i. No At-Large Board Member shall use or attempt to use the County's property, funds, services, or information for personal benefit or the benefit of another individual.

j. Orientation and Other Training Attendance

- i. At-Large Board Members must attend the required training for their respective committee appointment and may attend additional training opportunities as they arise.

5. COMPLAINT PROCESSES

5.1 *Informal Complaint Process:*

Any person, in good faith, who has identified or witnessed conduct by an At-Large Board Member that the person reasonably believes is in contravention of this Bylaw may address the prohibited conduct by doing the following:

- a. Advising the At-Large Board Member that their conduct violates this Bylaw and to encourage the At-Large Board Member to stop; or
- b. Requesting that the Chairperson of the Committee assist in holding an informal discussion regarding the alleged complaint with the At-Large Board Member to resolve the issue.

5.2 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.

5.3 *Formal Process:*

Any person, in good faith, may report perceived wrongdoing or make a complaint alleging a breach of the At-Large Board Member Code of Conduct by completing the At-Large Board Member Complaint Form, attached as Appendix “B”.

- 5.4 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 At-Large Board Member has contravened this Bylaw, including a detailed description of the facts, as they are known, giving rise to the allegation.
- 5.5 The form may be mailed, hand-delivered to the County’s office, or emailed to the Committee Investigator. If a physical copy is submitted, the form must be placed in a sealed envelope and labelled with the Committee name and Committee Investigator’s name of the appointed At-Large Board Member 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 At-Large Board Member.
- 5.6 A Complainant may withdraw the filed complaint at any point after its submission.

6. COMPLAINT PROCEDURE

- 6.1 Upon receipt of a complaint under this Bylaw the following procedure will be followed:
 - a. The Complainant shall receive a letter from the Committee Investigator stating that their complaint has been received and is in the process of being reviewed;
 - b. The Committee Investigator shall contact the At-Large Board Member accused of conduct breach both verbally and in writing. The Board Member shall receive a copy of the submitted complaint and will be notified of the date set for the Committee Special Meeting scheduled to address the alleged breach of this Bylaw. The At-Large Board Member under complaint shall be given a minimum of seven (7) days from the time of notification to prepare a response. The At-Large Board Member under investigation shall not contact the complainant for the duration of the investigation period;
 - c. The Committee Investigator shall contact the CAO and schedule a Committee Special Meeting to address the alleged breach of this Bylaw;
 - d. The Committee Investigator shall notify all Committee Members of the Special Meeting and communicate its purpose to address a breach of the Code of Conduct;

- e. The Committee Investigator shall notify Council through the Reeve, or in absence of the Reeve, the Deputy Reeve, of the Committee's Special Meeting and communicate its purpose to address a breach of the Code of Conduct;
- f. During the Special Meeting, the Committee shall review the complaint received while in Closed Session. The accused At-Large Board Member shall attend the in-camera session addressing the formal complaint as a delegation. The At-Large Board Member under complaint shall leave the meeting after presenting their response and may not take part in the deliberations thereafter;
- g. The Committee shall review the facts as presented and depending on the nature of the complaint, should the Committee come to a decision, they shall choose one of the following actions:
 - i. dismiss the complaint as invalid under the Code of Conduct;
 - ii. dismiss the complaint as frivolous or vexatious; or
 - iii. determine that the complaint is valid and impose Level 1 sanctions; or
 - iv. determine that the complaint is valid and the circumstance is beyond Level I sanctions and will refer the complaint to Council for a decision.
- h. Following the Committee's decision, both the accused At-Large Board Member and Complainant shall be notified by the Committee Investigator, in writing, of the Committees' decision within forty-eight (48) hours;
- i. If determined valid and sanctions are imposed by either the Committee or by Council, the written decision shall dictate the imposed sanctions. The Committee Investigator shall follow-up to ensure the sanctions were followed;
- j. If the Committee is unable to come to a decision, they shall forward the complaint to Council to determine the course of action;
- k. Council shall review the facts as presented and depending on the nature of the complaint, should the Council come to a decision, they shall choose one of the following actions:
 - v. dismiss the complaint as invalid under the Code of Conduct;
 - vi. dismiss the complaint as frivolous or vexatious; or
 - vii. determine that the complaint is valid and impose sanctions from either Level I or II.

- I. If Council is unable to come to a decision, they shall choose one of the following actions:
 - i. request legal opinion regarding the complaint; or
 - ii. request the County's legal counsel or another third party to investigate the complaint and report to Council.

- m. If the complaint requires a legal opinion, legal investigation, or third-party investigation, Council shall direct the CAO to connect the Council Investigator with the County's legal service providers or the third-party investigator; and

- n. Once Council has obtained the necessary information through legal counsel or a third-party investigator a second special meeting shall be scheduled, and Council shall follow the steps laid out in Section 6.1 d. through 6.1 h., ultimately rendering a decision and if required, imposing and enforcing sanctions.

7. SANCTIONS

- 7.1** The Committee and/or Council may impose the following sanctions on a Board Member who contravenes the Board Member Code of Conduct:

Level I: Committee and/or Council Authority

- a. Issue a letter of reprimand addressed to the At-Large Board Member(s);
- b. Issue an order for the At-Large Board Member(s) to issue a letter of apology;
- c. Publish a letter of reprimand;
- d. Impel a public apology from the At-Large Board Member;
- e. Impel the At-Large Board Member to attend relevant training;

Level II: Council Authority

- f. Suspend or remove the At-Large Board Member from the Council Committee;
- g. Reduce or suspend remuneration as defined in Section 275.1 of the Act to reflect a reduction in duties.

8. COUNCIL REQUIREMENTS

- 8.1** At-Large Board Members shall swear a statement to uphold the Code of Conduct, attached as Appendix “C”.

9. LEGISLATIVE REVIEW

- 9.1** The At-Large Board Member 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 At-Large Board Members.

10. ENACTMENT

- 10.1** This Bylaw shall come into effect upon third and final reading.

Read a first time in Council this 13th day of November, A.D. 2018.

Read a second time in Council this 13th day of November, A.D. 2018.

Read a third time in Council this 13th day of November, A.D. 2018.

REEVE

CHIEF ADMINISTRATIVE OFFICER

APPENDIX A – SAMPLE OATH OF CONFIDENTIALITY



At-Large Board Member - Oath of Confidentiality

At-Large Board Member Code of Conduct

I, _____ of _____ solemnly swear / affirm to the following during and after my appointed term as an At-Large Board Member with the County of St. Paul No. 19:

1. I acknowledge that any information that I may obtain from, or through my access to, the County of St. Paul No. 19 facilities is deemed confidential information.
2. I will not use, disclose, communicate or transfer any confidential information, except as required in the performance of my role.
3. I will not allow any unauthorized person(s) to inspect or have access to any record containing confidential information, regardless of media format.
4. I will not discuss confidential information when a member of the public is present.
5. I will not leave confidential information in open view of any member(s) of public.
6. I will report any unauthorized access of confidential information to the County as soon as I become aware that such an incident occurred.
7. I understand that this oath / affirmation survives the conclusion of my term as an appointed At-Large Board Member and that noncompliance may result in repercussions in accordance with the At-Large Board Member Code of Conduct bylaw.

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

Dated at the County of St. Paul Office, Alberta, this _____ of _____, 20_____.

At-Large Board Member

Reeve

Chief Administrative Officer

APPENDIX C – SAMPLE CODE OF CONDUCT STATEMENT



At-Large Board Member - Code of Conduct Statement

At-Large Board Member Code of Conduct

I, _____ of _____ solemnly swear / affirm to the following during my appointed term as a Board Member at Large with the County of St. Paul:

1. I will always uphold the County of St. Paul's At-Large Board Member Code of Conduct Bylaw.
2. I have read and understand the County of St. Paul's Bylaw 2018-21, At-Large Board Member Code of Conduct Bylaw, and further agree to all terms and conditions as specified.

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

Dated at the County of St. Paul Office, Alberta, this _____ of _____, 20_____.

At-Large Board Member

Reeve

Chief Administrative Officer