

**MOUNTAIN VIEW COUNTY**

**BYLAW NO. 07/18**

**COUNCIL CODE OF CONDUCT BYLAW**

Mountain View County  
Province of Alberta

Bylaw No. 07/18

**A BYLAW OF MOUNTAIN VIEW COUNTY IN THE PROVINCE OF ALBERTA TO ESTABLISH A CODE OF CONDUCT GOVERNING THE CONDUCT OF COUNCILLORS**

**SECTION 1 - AUTHORITY**

- 1.01 Section 146.1 of the Municipal Government Act, Chapter M-26 Statues of Alberta 2000, and amendments requires that a Council must, by bylaw, establish a code of conduct governing the conduct of councilors;
- 1.02 Mountain View County hereby enacts as follows

**SECTION 2 - DEFINITIONS**

- 2.01 In this Bylaw, unless the context otherwise requires:
- a. **“Act”** means the Municipal Government Act R.S.A. 2000 c. M26;
  - b. **“CAO”** means the Chief Administrative Officer for the County;
  - c. **“Complainant”** means the individual that submits a complaint alleging a breach of this Bylaw;
  - d. **“Complaint Hearing Chair”** means the person, that receives a complaint of alleged misconduct in accordance with this Bylaw;
  - e. **“Conflict of Interest”** means a situation that occurs when a Council or Council Committee is performing a function to which the Common Law imposes a duty that Councilors have an open mind and are free of perception or bias;
  - f. **“Council”** means all members of Mountain View County Council duly elected and holding office;
  - g. **“County”** means Mountain View County;
  - h. **“Pecuniary Interest”** means that situation as defined and regulated by the Municipal Government Act.

**SECTION 3 – CODE OF CONDUCT**

- 3.01 Council recognizes the importance of maintaining the highest levels of integrity and ethical behavior while providing effective governance and leadership for the community.
- 3.02 All members of Council shall abide and adhere to the principles contained within this Bylaw and shall formalize their adherence through the signing of Schedule “A” which is attached to this bylaw.

- 3.03 In addition to this Bylaw, all members of Council shall adhere to any other Federal, Provincial or Municipal acts or regulations that govern their role as members of Council, including but not limited to their duties as outlined in section 153 of the Act.

#### **SECTION 4 – REPRESENTING THE MUNICIPALITY**

4.01 Council shall:

- a) Govern individual conduct in accordance with the requirements of the Act, other regulations or legislation of the Government of Canada and/or the Province of Alberta, and the approved bylaws or policies of the County;
- b) Represent the County in a professional and accountable manner while promoting the purposes of a municipality to:
  - I. Provide good government;
  - II. Foster the well-being of the environment;
  - III. Provide services, facilities or other things that are necessary or desirable for all or a part of the municipality; and
  - IV. Develop and maintain safe and viable communities.
- c) Represent and make decisions based on the interests of the County as a whole regardless of their electoral division;
- d) Devote time, thought and attention to the duties of a Councillor so that effective decision making can be promoted and the role and responsibilities of Councillors, as outlined in the Act, are carried out appropriately;
- e) Demonstrate the highest standards of personal integrity and honesty in order to foster the public trust and confidence in the County.

#### **SECTION 5 – COMMUNICATING ON BEHALF OF THE MUNICIPALITY**

- 5.01 The Reeve is designated as the official spokesperson for Council and should be cognizant that any comment made will be perceived by the community to represent the views or position of Council on a particular matter;
- a) The Deputy Reeve will act as the official spokesperson for Council in the absence of the Reeve and shall abide by the principles of this section.
- 5.02 The Reeve shall ensure that any official public comment reflects the position of Council regardless of their own personal views;
- a) This shall not apply in instances where statements are issued and identified appropriately as solely representing their division.
- 5.03 No Councillor shall have the authority to speak independently on behalf of Council as a whole without the prior approval of Council. This clause shall also include the use of social media, email and other forms of digital communication.

**SECTION 6 – RESPECTING THE DECISION – MAKING PROCESS**

6.01 Council shall:

- a) Recognize the democratic decision making process by respecting the decisions and resolutions of Council regardless of their individual position on the topic. Therefore, while it is acceptable for an individual Councillor to publicly state that they did not vote in line with the majority of Council, this must always be done in a manner that is respectful of the Council's decision;
- b) Work towards effective and consistent implementation of Council's direction and policies;
- c) Recognize, when interacting with the Chief Administrative Officer, the lack of authority vested in a Councillor to direct the Chief Administrative Officer except where explicitly authorized by a Council resolution, bylaw or policy;
- d) Allow for each Councillor to be given an opportunity to address matters before Council in a professional manner to allow for healthy discussion and consideration prior to Council decision.

**SECTION 7 – ADHERENCE TO POLICIES, PROCEDURES AND BYLAWS**

7.01 Council shall:

- a) Develop policies, procedures, bylaws and programs necessary to accomplish the goals of the County;
- b) Evaluate the policies, procedures, bylaws and programs to ensure that they are operating as desired;
- c) Have respect for existing policies, procedures, bylaws and programs and make amendments to these documents when necessary and appropriate to achieve the goals of the County.

**SECTION 8 – RESPECTFUL INTERACTIONS WITH COUNCILLORS, STAFF, THE PUBLIC, AND OTHERS**

8.01 Council shall:

- a) Communicate and work with fellow Councillors in an open and honest manner, promoting a spirit of cooperation by listening and respecting those opinions that may differ;
- b) Demonstrate equity, accountability and integrity in all dealings, both personal and professional, with all Councillors, staff, residents, and stakeholders to facilitate an open and honest environment to work, participate and do business;
- c) Direct any concerns regarding staff performance to the Chief Administrative Officer, recognizing that the Chief Administrative Officer is the only employee of Council;
- d) Act with professionalism and respect when interacting with Councillors, staff and members of the public in an image befitting their position as an elected official and representative of the County;

**SECTION 9 – CONFIDENTIAL INFORMATION**

9.01 Council shall:

- a) Protect privileged information learned during the course of the duties of a Councillor and preserve the confidentiality of information provided to them, concerning confidential matters of the County unless that disclosure of information is required by law;
- b) Not use confidential information to advance the personal, financial, or private interests of one's self or any other individual;
- c) Keep in confidence matters discussed in private at a council or council committee meeting until discussed at a meeting held in public;
- d) Act in accordance with the Freedom of Information and Protection of Privacy Act.

**SECTION 10 – CONFLICTS OF INTEREST**

10.01 Council shall:

- a) Not use, or attempt to use, the position of Councillor to benefit one's self or any other individual apart from the interest of the County;
- b) Avoid situations in which there may be a real or perceived conflict of interest or apprehension of bias;
- c) Avoid placing themselves in any position of obligation to a person or organization who might reasonably benefit from special consideration or may seek preferential treatment;
- d) Avoid any instances of Pecuniary Interest;
- e) Appropriately disclose any Pecuniary Interest that they may have in accordance with the regulations contained within the Act and additionally:
  - a. Notify the Reeve or the Chair of the meeting, before the matter is considered, that they have a Pecuniary Interest; and
  - b. Complete the Disclosure of Interest Form (Schedule B) prior to the consideration of the matter at the meeting. This form shall be delivered to the Chief Administrative Officer and filed appropriately.
- f) Refuse or redirect any gift or hospitality which might tend in any way to influence them. No gifts or hospitality shall be received for any special consideration or where it may be perceived to be in exchange for special consideration. Gifts or offerings of hospitality may only be received if:
  - a. A Councillor is invited to an event or function or approved to attend an event or function as a representative of Mountain View County and the Councillor discloses such attendance through their monthly expense claim; or
  - b. A Councillor receives a gift or hospitality valued at less than \$100.00; or

- c. A Councillor receives a gift or hospitality valued at \$100.00 or greater and discloses such gift or hospitality on their monthly expense claim; Or
- d. The gift or hospitality is being received on behalf of Mountain View County and will be used by the community.

**SECTION 11 – IMPROPER USE OF INFLUENCE**

11.01 Council shall:

- a) Recognize that an individual Councillor cannot exercise individual authority over the County;
- b) At all times, conduct themselves in a manner that reflects the separation of roles and responsibilities between Council and Administration as outlined in the Act;
- c) Refrain from any type of personnel management including providing direction to an employee, advocating for the promotion, sanction or termination of an employee, or discussion on the performance of an employee. This does not include Council's requirement under the Act to manage and evaluate the Chief Administrative Officer;
- d) Respect that employees in Administration work for the County as a Corporate Body and are charged with making recommendations that reflect their professional expertise and a corporate perspective and that employees are required to do so without undue influence from any member of Council.

**SECTION 12 – USE OF MUNICIPAL ASSETS AND SERVICES**

12.01 Council shall:

- a) Not use, or attempt to use, the County's funds, property or information for the personal benefit or gain of the Councillor or for any other person;
- b) Disclose to Council any behavior or activity that may qualify as corruption, fiscal abuse, fraud or bribery as identified by the Act or any other Act of the Government of Canada or Province of Alberta;
- c) Incur expenditures in a responsible manner.

**SECTION 13 – ORIENTATION AND OTHER TRAINING ATTENDANCE**

13.01 Council shall:

- a) Attend Council Orientation and ongoing training to foster a better understanding of a Councillor's duties and obligations;
- b) As budget and policy allows, strive for further educational opportunities to ensure that current trends and legislation changes are reviewed and considered appropriately.

**SECTION 14 – COMPLAINT SYSTEM**

14.01 Any person may report a perceived breach of this Bylaw by a Councillor in the following manner:

- a) All reports of perceived breaches shall be reported to the Chief Administrative Officer. The Chief Administrative Officer shall ensure the form is completed and forward the complaint to the Reeve:
  - a. In the event that the Reeve is the party that has allegedly breached the Bylaw, the report shall be delivered to the Deputy Reeve;
  - b. In the event that both the Reeve and Deputy Reeve are the parties that have allegedly breached this Bylaw, the report shall be submitted to any other member of Council;

14.02 All complaints must be:

- a) In writing on the applicable form attached to this Bylaw as Schedule C;
- b) Submitted with the name and signature of the Complainant (anonymous submissions will not be accepted).

14.03 Confidentiality of both the Councillor in question and the Complainant will be maximized throughout the hearing process.

14.04 No complaints may be received or reviewed, nor shall any sanctions be placed on a Councillor between Nomination Day and Election Day.

14.05 A complaint may be withdrawn by the Complainant prior to the commencement of the Complaint Hearing Process as outlined in Section 15 through a written submission to the Complaint Hearing Chair.

14.06 In the event that the complaint alleges that a majority of the members of Council breached this Bylaw, the complaint shall be submitted to the Alberta Ombudsman.

#### **SECTION 15 – COMPLAINT HEARING PROCESS SYSTEM**

15.01 The Complaint Hearing Chair shall select two Councillors that are not involved with the complaint to form a Complaint Hearing Board;

15.02 The Complaint Hearing Board shall review all necessary evidence which may include:

- a) The written submission of complaint;
- b) In-person interviews of the Complainant and Councillor(s) in question;
- c) Appropriate Federal, Provincial and/or Municipal legislation related to the complaint;
- d) Any other evidence that the Complaint Hearing Board determines necessary to determine the validity of the complaint.

15.04 The Complaint Hearing Board shall make a determination on the validity of the complaint within thirty (30) days of receipt of the complaint.

15.05 If the Complaint Hearing Board determines that the complaint is valid and it is resolved that a breach of this Bylaw did occur, the Complaint Hearing Board shall provide a report to Council which shall include a recommended sanction as listed in Section 16.

- 15.05 Regardless of the determination of the validity of the complaint, written correspondence shall be forwarded to the Complainant outlining the decision of the Complaint Hearing Board.
- 15.06 All discussions surrounding allegations and substantiated violations of this Bylaw shall be conducted at an In-Camera meeting of Council, with the information provided handled under the appropriate sections of the Act and the Freedom of Information and Protection of Privacy Act.
- 15.07 If upon reviewing the Complaint the Complaint Hearing Board determines that there may be a potential breach of Provincial or Federal Law, the Complaint Hearing Board shall forward any relevant information to the appropriate authority.
- a) In this event, the Complaint Hearing Board shall continue with the Complaint Hearing Process and report any such findings to Council in accordance with Section 15.05.
- 15.08 The Complaint Hearing Board may request legal assistance to provide guidance or advice on anything deemed necessary during the course of the Complaint Hearing Process or associated sanction recommendations.

#### **SECTION 16 – SANCTIONS**

- 16.01 If it has been determined by the Complaint Hearing Board that a breach of this Bylaw has occurred, the following sanctions may be imposed by a resolution of Council:
- a) A letter of reprimand address to the Councillor;
- b) Requesting the Councillor to issue a letter of apology;
- c) Publication of a letter of reprimand or request for apology and the Councillor's response;
- d) A requirement to attend training;
- e) Suspension or removal of the appointment of a Councillor as the Chief Elected Official under section 150(2) of the Act;
- f) Suspension or removal of the appointment of a Councillor as the Deputy Chief Elected Official or Acting Chief Elected Official under section 152 of the Act;
- g) Suspension or removal of the Chief Elected Official's presiding duties under section 154 of the Act;
- h) Suspension or removal from some or all Council committees and bodies to which Council has the right to appoint members;
- i) Reduction or suspension of remuneration as defined in section 275.1 of the Act corresponding to a reduction of duties, excluding allowances for attendance at Council meetings;
- j) Any other sanction deemed appropriate or suitable for the nature of the offence.
- 16.02 No sanction may be issued to a Councillor that prevents that Councillor from fulfilling the legislated duties of a Councillor.



16.03 Any Councillor(s) that has committed a breach of this Bylaw shall not be permitted to participate in any discussion related to their breach or sanctions imposed due to the breach.

a) This shall not include the Councillor(s) right to be interviewed under section 15.02 (b) of this Bylaw.

**SECTION 17 - REVIEW**

17.01 This Bylaw must be reviewed in the year following a General Municipal Election as determined by the Local Authorities Election Act.

**SECTION 18 - REPEAL OF BYLAW**

18.01 Bylaw No. 04/07 is hereby repealed

**SECTION 19 - EFFECTIVE DATE**

19.01 This Bylaw shall come into effect at such time as it has received third (3<sup>rd</sup>) reading and has been signed in accordance with the *Municipal Government Act*.

Read the first time this 23<sup>rd</sup> day of May, 2018.

Read the second time this 23<sup>rd</sup> day of May, 2018.

Read the third time this 13<sup>th</sup> day of June, 2018.



Reeve



Chief Administrative Officer

June 13, 2018  
Date of Signing

**SCHEDULE "A"**

**STATEMENT OF CODE OF CONDUCT**

I, \_\_\_\_\_ do solemnly swear/affirm to uphold the Mountain View County Council Code of Conduct at all times while serving as an elected official for the municipality. I have been provided with, read and understand the Council Code of Conduct and agree to abide by all terms and conditions within the Bylaw. I understand that this Bylaw is a requirement of the Municipal Government Act and that sanctions may be imposed for breaching this Bylaw.

Dated at Mountain View County, Alberta this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Councillor



**Mountain View**  
C O U N T Y

# Disclosure of Interest Form

1408 Twp. Rd. 320 / Postal Bag 100, Didsbury, AB Canada T0M 0W0  
T 403.335.3311 F 403.335.9207 Toll Free 1.877.264.9754  
www.mountainviewcounty.com

Bylaw No. 07/18  
Schedule B

Name of Councillor:

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Date of Council/Committee Meeting:

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Name of Meeting:

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Agenda Item:

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Agenda Item Description:

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**Disclosure Type**

Pecuniary Interest under the Municipal Government Act:

Conflict of Interest under Mountain View County Bylaw No. 07/18:

Notes (If Necessary):

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Signature of Council Member



**Mountain View**  
C O U N T Y

# Code of Conduct Complaint Form

1408 Twp. Rd. 320 / Postal Bag 100, Didsbury, AB Canada T0M 0W0  
T 403.335.3311 F 403.335.9207 Toll Free 1.877.264.9754  
www.mountainviewcountv.com

Bylaw No. 07/18  
Schedule C

**\*\* Confidentiality of both the accused Councillor and the Complainant will be maximized throughout the Complaint Hearing Process. The information provided will be used to determine the validity of the Complaint and the appropriate response to the Complaint. Further, this information may be shared with Provincial or Federal agencies if deemed necessary. \*\***

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

**COMPLAINANT INFORMATION** **\*\*Please note that anonymous complaints will not be accepted**

Name of Complainant: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Rural Address (if different than above): \_\_\_\_\_

Legal Land Location: \_\_\_\_\_

Telephone #: (Day) \_\_\_\_\_ (Evening) \_\_\_\_\_

Email: \_\_\_\_\_

**STATEMENT OF COMPLAINANT** **\*\*Attach extra pages if necessary**

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**PERSONAL INFORMATION:** This information is being collected for the purpose of conducting an Investigation. The information will be used by the Complaint Hearing Board established in accordance with Bylaw No. 07/18 and Council for the purpose of initiating appropriate action relative to this report. The collection of the personal information on this application is authorized and protected under the Freedom of Information and Protection of Privacy Act, Section 33(c). By providing this information, you have consented to its use for the above purposes. If you have questions about the collection and use of this information, you may contact, FOIPP Head at (403) 335-3311.

\_\_\_\_\_  
Signature of Complainant