

**MOUNTAIN VIEW COUNTY**

**BYLAW NO. 23/23**

**COUNCIL CODE OF CONDUCT**

**Mountain View County  
Province of Alberta**

**Bylaw No. 23/23**

**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 Statutes of Alberta 2000, and amendments requires that a Council must, by bylaw, establish a code of conduct governing the conduct of Councillors;
- 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. **“Administration”** means the administrative and operational arm of the County, comprised of the various departments and business units and including all employees who operate under the leadership and supervision of the CAO;
  - c. **“Apprehension of bias”** means a situation that occurs when a Council or Council Committee is performing a function to which the Common Law imposes a duty that Councillors have an open mind, are free from bias and are capable of persuasion;
  - d. **“CAO”** means the Chief Administrative Officer for the County;
  - e. **“Complainant”** means the individual that submits a complaint alleging a breach of this Bylaw;
  - f. **“Council”** means all members of Mountain View County Council duly elected and holding office;
  - g. **“Councillor”** means a member of Council duly elected and continuing to hold office and includes the Reeve;
  - h. **“County”** means Mountain View County;
  - i. **“Pecuniary Interest”** means that situation as defined and regulated by the Act;
  - j. **“Third Party Investigator”** means the person or persons appointed by Council to fulfill the role and duties of a third-party investigator as outlined within this Bylaw.

**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.
- 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:
- a. *Alberta Human Rights Act,*
  - b. *Freedom of Information and Protection of Privacy Act,*
  - c. *Local Authorities Election Act,*
  - d. *Municipal Government Act,* and
  - e. *Occupational Health and Safety Act.*
- 3.04 This Bylaw is to be given a broad and liberal interpretation in accordance with applicable legislation. It is not possible to write a code of conduct that covers every scenario and, accordingly, Councillors are to be guided by and conduct themselves in a manner that reflects the spirit and intent of this Bylaw.

**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;
    - iv. Develop and maintain safe and viable communities; and
    - v. Work collaboratively with neighbouring municipalities to plan, deliver and fund intermunicipal services.
  - c. Represent and make decisions based on the interests of the County as a whole regardless of their electoral division;

## Council Code of Conduct

- 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 AND USE OF SOCIAL MEDIA**

- 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 communication.
- 5.04 As with any other activity, Councillors must ensure that their use of social media complies with the law, the requirements of this Bylaw and any related bylaws, policies or procedures. This Bylaw applies to all communications a Councillor makes, regardless of the social media account or device from which the communication is made.
- 5.05 For the purposes of section 5.04 of this Bylaw, “communications” means any information or data submitted by a Councillor to a social media network or platform that is capable of being displayed using software or approved hardware such as text, images, videos, or links to other content and includes a Councillor “liking”, “retweeting”, commenting on or sharing content created by other users of the social network or platform.

**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 an individual Councillor or group of Councillors 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.
- 6.02 A Councillor must not purport to bind Council or the County, either by publicly expressing their personal views on behalf of Council when not authorized to do so or by giving direction to staff in Administration, agents, contractors, consultants or other service providers of the County or prospective vendors.
- 6.03 Councillors must conduct and convey Council's business and all their duties in an open and transparent manner other than for those matters which are authorized in accordance with section 197(2) of the Act to be dealt with in a confidential manner in a closed session meeting, and in so doing, allow the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.
- 6.04 No Councillor may record any proceedings of Council or any Council Committee without the express prior permission of Council or the Council Committee, as applicable.

#### **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;

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- 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;
- e. Refrain from any conduct that is discriminatory to any individual based on the person's race, religious beliefs, colour, gender, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.

**SECTION 9 – CONFIDENTIAL INFORMATION**

## 9.01 Council shall:

- a. Protect privileged and confidential 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 closed session 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 – APPREHENSION OF BIAS**

## 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 an 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. 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:

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- i. 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
- ii. A Councillor receives a gift or hospitality valued at less than \$100.00; or
- iii. 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
- iv. The gift or hospitality is being received on behalf of the County in which case the gift will become the property of the County to be kept or distributed as determined by the County.

**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 of employees including providing direction to an employee, advocating for the promotion, sanction or termination of an employee, or discussion on the performance of an employee except where it relates to the authority under the Act that Council, acting as a whole, has to interact, 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 – ELECTION-RELATED ACTIVITY**

- 13.01 Councillors are required to follow the provisions of the Local Authorities Election Act and are accountable under the provisions of that statute. Councillors should not make inquiries of, or rely on, County staff to interpret or provide advice to Councillors regarding the requirements placed on candidates for the office of Councillor. Councillors must be respectful of the role of the Returning Officer in managing the election process and must not interfere with how the Returning Officer's election duties are carried out.
- 13.02 Councillors must not use County resources, including property, equipment, services, supplies and staff time, for any election-related activities, whether municipal, provincial or federal. Online resources hosted, supplied, or funded by the County, including but not limited to Councillor electronic newsletters and Councillor social media accounts used for constituency communication must not be used for any election campaign or campaign-related activities. A Councillor must not use the County's logo for campaign purposes.

**SECTION 14 – ORIENTATION AND OTHER TRAINING ATTENDANCE**

- 14.01 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 15 – INFORMAL COMPLAINT PROCESS**

- 15.01 Any person who identifies or witnesses conduct, behavior or activity by a Councillor that they reasonably believe, in good faith, contravenes any provision of this bylaw may pursue an informal resolution by:
- a. advising the Councillor that the behavior or activity appears to contravene this Bylaw;
  - b. encouraging the Councillor to acknowledge and agree to stop the prohibited behaviour or activity and to avoid future occurrences of the prohibited behaviour or activity; and
  - c. if addressing the Councillor privately does not resolve the matter, requesting the Reeve to assist in informal discussion of the informal complaint with the Councillor in an attempt to resolve the issue. In the event the Reeve is the subject of, or is implicated in a complaint, request the assistance of the Deputy Reeve.
- 15.02 A person making a complaint may choose the informal complaint process as a first step to addressing conduct the person believes contravenes this Bylaw.
- 15.03 A person making a complaint is not required to pursue the informal complaint process prior to making a formal complaint.



**SECTION 16 – FORMAL COMPLAINT PROCESS**

- 16.01 Any person who identifies or witnesses conduct, behaviour or activity by a Councillor that they reasonably believe, in good faith, contravenes any provision of this Bylaw may file a formal complaint in accordance with the following conditions:
- a. a complaint must be made in writing and either be in the applicable form attached to this Bylaw as Schedule A or contain all of the same information as set out in the applicable form attached to this Bylaw as Schedule A;
  - b. a complaint must be submitted with the name of the Complainant (anonymous submissions will not be accepted).
  - c. submitted to the Chief Administrative Officer, who shall ensure the complaint is complete and forward the complete complaint to the Reeve. In the event that the Reeve is the subject of, or is implicated in a complaint, the complaint must be forwarded to the attention of the Deputy Reeve. In the event both the Reeve and the Deputy Reeve are the subject of, or are implicated in a complaint, the complaint may be forwarded to any other member of Council.
- 16.02 A complaint must be received not later than 60 days after the date the person became aware of the conduct giving rise to the complaint. Council may, in its discretion, accept a complaint received beyond this time limit if:
- a. the delay in filing a formal complaint occurred in good faith;
  - b. it is in the public interest to investigate or to give consideration whether to investigate; and
  - c. no substantial prejudice will result to any person because of the delay.
- 16.03 Upon receipt of a formal complaint, the complaint will be
- a. provided to the Councillor(s) whose conduct is in question, and
  - b. added as a confidential agenda item to the agenda of the next regular meeting of Council or a special meeting of Council called to consider the complaint.
- 16.04 Upon receipt of a formal complaint, Council will meet, in a closed session meeting , excluding the Councillor(s) alleged to have contravened this Code of Conduct and the Councillor(s) who filed the complaint, if that is the case, and decide whether to proceed to investigate the complaint or not.
- 16.05 Complaints that
- a. are not about a current Councillor, or

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- b. are covered by other applicable legislative appeal, complaint, or court processes, may be immediately dismissed;

If dismissed, the Complainant will be advised in writing, with reasons. The Councillor(s) alleged to have contravened this Code of Conduct will also be advised in writing, with reasons.

16.06 If Council is of the opinion that

- a. a complaint is frivolous or vexatious or is not made in good faith,
- b. there are no grounds or insufficient grounds for conducting an investigation, or
- c. a complaint discloses no identifiable breach of this Bylaw;

Council may choose not to investigate or may dispose of the complaint in a summary manner. In such event, the Complainant and the Councillor(s) alleged to have contravened this Bylaw will be advised in writing, with reasons.

16.07 If Council deems an investigation is warranted, it shall take such steps as it considers appropriate in the circumstances having regard for the specific nature of the complaint, which may include retaining a Third-Party Investigator to investigate the complaint and provide an investigation report to Council.

16.08 If the material facts are not in dispute or the Councillor(s) whose conduct is in question admit to the alleged misconduct, Council may choose to proceed to decide on the validity of the complaint without further investigation and without retaining a Third Party Investigator.

16.09 Complaint investigations will be conducted in a fair, timely, and confidential manner that respects the principles of procedural fairness and natural justice.

16.10 Prior to commencing an investigation, the Complainant and the respondent Councillor(s) will be advised, in writing, of the investigation process.

16.11 A Councillor who is the subject of a complaint investigation is entitled to be represented by legal counsel, at the Councillor's sole expense.

16.12 During an investigation, a Complainant or witness may be asked to provide additional information. Municipal staff may also be requested to provide information, and any person conducting an investigation under this Code of Conduct may request from the CAO to look at any record or thing belonging to or used by the municipality, and enter any municipal facility for the purpose of completing the investigation.

16.13 The Councillor(s) whose conduct is in question is entitled to disclosure of the investigation report. Upon disclosure of the investigation report to the Councillor(s) whose conduct is in question, the Councillor(s) whose conduct is in question must be given an opportunity to respond to the investigation report findings and conclusion in a closed session meeting of Council before Council deliberates and disposes of the complaint.

- 16.14 Upon conclusion of the investigation, Council will convene at a closed session meeting of Council, excluding the Councillor(s) alleged to have contravened the Code of Conduct and any Councillor Complainant(s), to consider the results of the investigation and dispose of the complaint. The Complainant and the Councillor(s) alleged to have contravened the Code of Conduct will be advised of Council's disposition of the complaint, in writing, with reasons.
- 16.15 All formal complaints received under this Code of Conduct and all information and records received, reviewed or generated during the course of an investigation and disposition of a formal complaint, including interviews and investigation reports, are and must remain strictly confidential, unless Council directs otherwise. Any unauthorized public disclosure related to a formal complaint by a Councillor is deemed to be a violation of this Code of Conduct.
- 16.16 No complaints may be received or reviewed, nor shall any sanctions be placed on a Councillor between Nomination Day and Election Day,
- 16.17 A complaint may be withdrawn by the Complainant at any point in time. If a complaint is withdrawn by the Complainant, Council will proceed to close the complaint without further investigation.

#### **SECTION 17 – SANCTIONS**

- 17.01 If it has been determined that a breach of this Bylaw has occurred, the following sanctions may be imposed by a resolution of Council:
- a. A letter of reprimand addressed 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 successfully complete specified 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. A requirement that the Councillor return municipal property or reimburse its value;

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- j. Restricting the Councillor's access to municipal facilities, property, equipment, services and supplies;
  - k. Restricting the Councillor's travel and representation on behalf of Council or a Council committee;
  - l. Restricting how documents are provided to the Councillor (e.g. no electronic copies, but only watermarked paper copies for tracking purposes);
  - m. Reporting the misconduct to the Minister of Municipal Affairs;
  - n. 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;
  - o. Any other sanction deemed appropriate or suitable for the nature of the breach.
- 17.02 Any Councillor(s) that has been deemed by Council to have breached this Bylaw and any Councillor(s) that filed the complaint shall not be permitted to debate, nor vote, on the imposition of any sanctions related to the breach.
- 17.03 No sanction may be issued to a Councillor that prevents that Councillor from fulfilling the legislated duties of a Councillor.
- 17.04 Nothing in this Code of Conduct requires Council to impose a sanction for any contravention.
- 17.05 Sanctions are intended to be corrective, serve as a deterrent, and follow the principles of progressive discipline. Prior to imposing any sanction, Council will take into consideration the nature and severity of the breach as well as whether the Councillor has previously breached this Code of Conduct.

**SECTION 18 – REVIEW**

- 18.01 This Bylaw shall be brought forward for review at the beginning of each term of Council, when relevant legislation is amended, and at any other time that Council considers appropriate to ensure that it remains current and continues to accurately reflect the standards of ethical conduct expected of Councillors.

**SECTION 19 – SEVERABILITY**

- 19.01 It is the intention of Council that each separate provision of this Bylaw be deemed independent of all other provisions and that if any provision of this Bylaw is declared invalid, that all other provisions remain valid and enforceable.

**SECTION 20 - REPEAL OF BYLAW**

- 20.01 Bylaw No. 09/22 and all amendments thereto are hereby repealed.

**SECTION 21 - EFFECTIVE DATE**

21.01 This Bylaw shall come into effect at such time as it has received third reading and has been signed in accordance with the *Municipal Government Act*.

Read the first time this 6<sup>th</sup> day of September, 2023.

Read the second time this 11<sup>th</sup> day of October, 2023.

Read the third time this 25<sup>th</sup> day of October, 2023.



Reeve



Chief Administrative Officer

November 6, 2023

Date of Signing



# 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

Bylaw No. 23/23

Schedule A

\*\* 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 Council and/or an Investigator appointed for the purpose of initiating appropriate action relative to this report. The collection of the personal information on this application is authorized under Section 33(c) and protected under the Freedom of Information and Protection of Privacy Act. 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.

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Signature of Complainant