



**BIRCH HILLS COUNTY**  
**BY-LAW 2017-08**  
**COUNCIL CODE OF CONDUCT BYLAW**

**A BYLAW OF BIRCH HILLS COUNTY IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ESTABLISHING A CODE OF CONDUCT FOR COUNCILLORS**

**WHEREAS**, pursuant to Part 2 of the Municipal Government Act (MGA), S.A. 2000, M-26, a council may pass a bylaw in whatever way the council considers appropriate, within the jurisdiction given to them to enhance the ability of council to respond to present and future issues; and

**WHEREAS**, the citizens and the taxpayers of the County have the right to be served by a Council committed to conducting its service in an ethical, impartial, businesslike, and professional manner; and

**WHEREAS**, Birch Hills County Council deems it necessary to establish a Council Code of Conduct to guide members of Council, reflecting the values of Birch Hills County, its commitment to professional, accountable and lawful conduct, and its desire to provide strong local governance and leadership; and

**WHEREAS**, the Council Code of Conduct is a supplement to the existing federal and provincial statutes, laws, and policies governing the conduct of municipal elected officials.

**NOW THEREFORE**, the Council for Birch Hills County, duly assembled, enact as follows:

**1. TITLE**

- a. This Bylaw will be cited as the "Council Code of Conduct".

**2. DEFINITIONS**

- a. "CAO" means the Chief Administrative Officer for the County;
- b. "County" means Birch Hills County;
- c. "Council" means all members of Council duly elected and holding office;
- d. "Councillor" means any member of Council including the Reeve and Deputy Reeve;
- e. "County Property" means the County's financial and non-financial assets including but not limited to land, vehicles, equipment, electronic devices and documents;
- f. "Confidential" or "Confidential Information" means any aspect of in-camera deliberations; information identified as confidential within the provisions of the Freedom of Information and Protection of Privacy Act (FOIPP); and information subject to solicitor-client privilege;
- g. "Director" mean an employee of the County that reports directly to the CAO and may carry some delegated or designated duties of the CAO.

**3. CODE OF CONDUCT**

**a. Representing the County**

- i. All councillors shall:

1. work for the common good of the County citizens and taxpayers while promoting the public interest and advancing the mandate and long-term interests of the County;

2. conduct Council business in an open and transparent manner that promotes public confidence and trust, recognizing that an individual councillor cannot exercise individual authority over the County;
3. exercise their duties with care, diligence and skills that a reasonably prudent person would exercise in comparable circumstances;
4. exercise their duties by placing the interests of the County ahead of their personal interests; and
5. exercise their duties in an impartial manner, making decisions based on objective criteria, rather than on the basis of bias or prejudice.

**b. Communicating on behalf of the County**

- i. The Reeve, or in his/her absence the Deputy Reeve, is the official spokesperson for the County;
- ii. All councillors acknowledge that official information related to the decisions of Council will be communicated to the community and the media on behalf of the Council as a whole.

**c. Respecting the decision making process**

- i. All councillors shall:
  1. foster respect for the democratic decision making process; and
  2. work towards effective and consistent implementation of the positions and/or decisions of Council.

**d. Adherence to policies, procedures and bylaws**

- i. 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.

**e. Respectful interaction with councillors, staff, the public and other members of society**

- i. All councillors shall:
  1. treat fellow councillors, administration/staff and the public with respect, concern and courtesy;
  2. demonstrate the highest standards of personal integrity and honesty; and
  3. communicate and work with fellow councillors in an open and honest manner promoting a spirit of cooperation by listening to and respecting those opinions that may differ.

**f. Confidential information**

- i. All councillors shall 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.

**g. Conflict of interest**

- i. No councillor shall engage in any activity which is incompatible or inconsistent with the ethical conduct of official duties in the public interest. These activities include but are not limited to:
  1. use any influence of the office for any purpose other than official duties;
  2. use any information gained in the execution of the office that is not available to the general public for any purpose other than for official duties;
  3. place themselves in a position of obligation to any person or organization who might reasonably benefit from special consideration or may seek preferential treatment; and
  4. influence any Council decision or decision-making process involving or affecting any person or organization in which a councillor or councillors have a financial interest.

**h. Improper use of influence**

- i. All councillors shall, at all times, conduct themselves in a manner that reflects the separation of roles and responsibilities between Council and Administration, and shall:
  1. refrain from giving direction to any municipal employee or contracted resource, except through the CAO;
  2. convey all concerns or requests for action or information directly to the CAO or, where appropriate, and as agreed by the CAO, communicate with a Director without committing the County to any specific course of action, expenditure, or use of municipal resources outside of the County's established policies, procedures, or budget, or otherwise;
  3. not solicit, demand or accept the services of any municipal employee or contracted resource;
  4. avoid any situation in which a friendship, social relationship or social interaction with a member of staff may be seen to create undue influence, access to information, conflict of interest, or to undermine the authority of the CAO; and
  5. not express any opinion on the performance of any municipal employee with exception of the formal CAO performance evaluation as specifically required by MGA, or in good faith, as may be deemed necessary under the County's Whistleblower Policy AD48;
  6. not advocate for the promotion, sanction, or termination of any municipal employee.

**i. Use of municipal assets and services**

- i. No councillor shall use or attempt to use the County's property, funds, services, or information for personal benefit or the benefit of any other individual.

**j. Orientation and other training attendance**

- i. All councillors shall be offered, and are encouraged to attend, the orientation sessions and training opportunities that may be made available following their election.

**4. COMPLAINTS**

- a. 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 full investigation is completed in order to protect a councillor and a complainant.
- b. The report or complaint shall be in writing outlining the nature and specifics, be dated, include a name of the complainant, signed, addressed to the Reeve (or in the case of perceived wrongdoing of the Reeve, to the Deputy Reeve), and marked "confidential". The complaint may be mailed, emailed, or hand-delivered to the County's office. All received complaints shall be included in the in-camera session of a regular council meeting for Council's perusal upon receiving it.
- c. An anonymous report or complaint shall not be considered valid.
- d. Depending on the nature of the complaint, Council may:
  - i. authorize the Reeve and Deputy Reeve (or in the case of perceived wrongdoing by the Reeve, the Deputy Reeve and one councillor), to investigate the complaint and report to Council;
  - ii. dismiss the report or complaint as invalid;
  - iii. request legal opinion regarding the report or complaint;
  - iv. request the County's legal counsel to investigate the complaint and report to Council through the Reeve (or in the case of perceived wrongdoing by the Reeve, through the Deputy Reeve).
- e. The results of the investigation and Council's decision shall be publicly communicated.
- f. If the complaint is determined to be valid by the majority of Council or through independent legal advice, Council may impose sanctions, defining the specific action to be taken by a motion.

**5. SANCTIONS**

- a. Council may impose sanctions on a councillor who contravenes the Council Code of Conduct in the following forms:
  - i. a letter of reprimand;
  - ii. requesting a letter of apology;
  - iii. requesting to attend training;
  - iv. suspension or removal from the Reeve or Deputy Reeve position;

- v. suspension or removal from some or all council committees and bodies to which council has the right to appoint members;
- vi. restricting the privileges of attending conferences and workshops at the County's expense;
- vii. reduction or suspension of remuneration as council may deem appropriate and in accordance with MGA.

**6. REVIEW**

- a. The Council Code of Conduct Bylaw must at a minimum be reviewed every four (4) years, following the general municipal election.

7. This Bylaw shall come into effect upon the date of the final passage thereof.

Read a first time the 23<sup>rd</sup> day of November, 2017.

Read a second time the 23<sup>rd</sup> day of November, 2017.

Read a third and final time the 23<sup>rd</sup> day of November, 2017.

Signed this 23<sup>rd</sup> day of November, 2017.

Original signed by  
Reeve  
Gerald Manzulenko

Original signed by  
Chief Administrative Officer  
Hermann Minderlein