

# IN THE PROVINCE OF ALBERTA, CANADA OF STARLAND COUNTY BYLAW 1187

A Bylaw of Starland County in the Province of Alberta, for the purpose repealing and replacing Bylaw 1133 to establishing an updated Code of Conduct for the Council of Starland County

The Council of Starland County, in the Province of Alberta, duly assembled enacts as follows:

**WHEREAS** the *Municipal Government Act*, R.S.A. 2000, c. M-26, 146.1(1), as amended or repealed and replaced from time to time, mandates that all Municipal Councils must, by bylaw, establish a Code of Conduct governing the conduct of councillors.

**AND WHEREAS** the *Code of Conduct for Elected Officials Regulation*, Alberta Regulation 200/2017, defines the minimum content to be included in a Code of Conduct.

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

## 1. Short Title

1.1 That this Bylaw may be cited as the Starland County “**Councillor Code of Conduct Bylaw**”.

## 2. Definitions

2.1 “Conflict of Interest” means a situation where a Councillor’s personal or private interests actually, or may be perceived as influencing the Councillor on the matter of public interest which is, or may be, before Council, including situation which may result in common law bias which included direct or indirect pecuniary interest, pre-judgement, close mindedness or undue influence. A Conflict of Interest situation also includes using the Councillors position, confidential information, Starland 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, neighbours, or business associates.

2.2 “Pecuniary Interest” means those situations as defined and regulated in Section 170 of the *Municipal Government Act*, R.S.A, Chapter M-26.

## 3. Councillor Code of Conduct

### 3.1 Representing the Municipality

- a. Councillors must govern their individual conduct in accordance with the requirements set out in the *Municipal Government Act*, R.S.A, Chapter M-26 (hereafter referred to as the Act), or any other Act of the Government of Canada or the Province of Alberta, and the bylaws and policies approved by the Council of Starland County;
- b. The primary obligation of Council member is to represent the interests of Starland County;
- c. Councillors will consider the welfare and interests of Starland County as a whole that the welfare and interests of the County as a whole supersedes the interests of a particular division.

### 3.2 Communication of Behalf of the Municipality

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- a. Where Council members are appointed as members of committees or boards, they serve in a liaison role, but not necessarily as an advocate for the committee or board;
- b. Unless specifically authorized by Council to represent Council's position on any matter, a Councillor is to ensure that any public statement made are clearly stated to reflect the personal opinion of the Councillor, not the opinion or position of Council.
- c. Councillors may publicly express their opinion on Council matters but not so as to undermine the standing of Council in the public and in the Community.

### 3.3 The Decision Making Process

- a. Council decisions are made by majority vote by the Councillors. The decision of the Council must be accepted by all Councillors even if some individual Councillors do not agree with the majority decision;
- b. Councillors will engage in fulsome, and healthy debate on all matters in Council meetings and committee meetings;
- c. All Councillors will be able 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.

### 3.4 Adherence to Policies, Procedures and Bylaws

- a. Councillors shall adhere to all policies, procedures, and bylaws of Starland County;
- b. Councillors will uphold both the spirit and letter of all legislation of the Government of Canada, the Government of Alberta, and all policies and bylaws of Starland County.

### 3.5 Interactions with Councillors, Staff, the Public and Others

- a. The only employee of Council is the Chief Administrative Officer (CAO), Councillor shall acknowledge the CAO's authority to direct staff;
- b. Councillors may provide staff with information that may assist county operations however all requests for the use of County resources must be submitted to the CAO. CAO authorization is required for all such requests;
- c. Councillors shall ensure all information received from Staff is shared with all councillors in a Council meeting and submitted to the CAO for comment beforehand;
- d. Councillors shall refrain from making negative comments about staff to the public or media;
- e. Councillors shall not advocate for the promotion, sanction or termination of any municipal employee other than the CAO.

### 3.6 Confidential Information

- a. Councillors shall protect confidential information in accordance with Alberta's FOIP Act. Any matter discussed during an In-Camera portion of a council meeting shall be considered confidential;
- b. Only information protected by FOIP or allowed by the MGA shall be discussed during the In-Camera portion of a meeting;
- c. Councillors are required to continue to keep confidential information confidential even after leaving office at risk of fines or prosecution as per FOIP;
- d. Councillors shall treat all private correspondence, both oral and written, between other Councillors, between themselves and the Chief Administrative



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Officer, as confidential until the parties agree that the information can or should be made public;

- e. Councillors shall not misuse confidential information obtained by virtue of their position of councillor that may cause harm to Starland County or create a benefit to themselves.

### **3.7 Conflict of Interest**

- a. Councillors shall bring forth all concerns related to a real or perceived conflict of interest involving any member of council including themselves. Concerns should be brought to the attention of the CAO and Reeve before the matter is addressed at a council meeting if possible;
- b. 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;
- c. If a councillor(s) has a conflict of interest, they will disclose the conflict of interest to Council. The disclosure will be described and recorded in the Council minutes. All Councillors not claiming to have a conflict of interest, will decide if the conflict of interest is of concern before proceeding. If the number of councillors claiming to have a conflict of interest would prevent council from meeting quorum, then they may not be excluded and must fulfil their legislated duties. If Council deems the conflict of interest to be a concern and Council can still obtain quorum, the councillor(s) with the conflict of interest of noted concern, may choose to abstain from the discussion and from voting on the matter; and may leave the room until the discussion and voting on the matter has concluded;
- d. Councillors must not accept gifts having a value of more than \$250. All gifts over this amount must be declared to the CAO and can be accepted on behalf of the County where distribution of the gift will be decided at a later date by resolution of Council. This does not apply to gifts of social obligation given to Council as a group (eg. social functions, dinners).

### **3.8 Improper Use of Influence**

Councillors shall not use any influence of office for any purpose other than official duties.

### **3.9 Use of Municipal Assets**

- a. Councillors shall not make unreasonable or unintended use of municipal materials, equipment, facilities or employees for personal gain or any private purpose;
- b. Council and individual councillors shall ensure that Starland 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.

### **3.10 Orientation and Other Training Attendance**

- a. Councillors have the responsibility to come prepared to Council meetings and submit all questions for administration to the CAO prior to the council meeting where possible;
- b. Councillors will strive to educate themselves and take mandatory and offered training in order to continuously improve their ability to carry out their Council duties

## **4. Administrative**

### **4.1 Complaint System**

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- a. If a Councillor or Starland County resident suspects a breach of this Bylaw by a Councillor, the complainant shall bring it to the attention of the Reeve in writing;
- b. The Reeve will require another councillor to second the complaint to reflect the complaint warrants further consideration. The council minutes must reflect, the councillor who seconds the complaint is not necessarily in agreement with the statement of complaint or that they believe the incident occurs, but rather is only stating the complaint warrants further investigation. The intent of requiring a seconder is to help eliminate frivolous or vexatious complaints that are seen as an attempt to waste council time or County resources;
- c. Upon receiving a seconder, the Reeve will determine if there needs to be an investigation. If there is already sufficient evidence, or the councillor(s) admit to breaching the bylaw, there is no need for further investigation;
- d. If there is sufficient evidence, or the councillor(s) admit to breaching the bylaw; then the Reeve may make recommendations to Council as to what disciplinary action should be taken against the offending councillor(s);
- e. If the complainant suspects a breach of this bylaw involves the Reeve, it shall be taken up with the Deputy Reeve who will then lead the complaint process;
- f. No anonymous complaint will be accepted.

### 4.2 Sanctions for Breaching the Code of Conduct

Council may by resolution impose any of or a combination of the following disciplinary actions on a Councillor found to be in breach of this Code of Conduct:

1. A letter of reprimand addressed to the Councillor;
2. Request the Councillor issue a letter of apology;
3. Publication of a letter of reprimand or request for apology and the Councillor's response;
4. A requirement to attend training;
5. Suspension or removal of the appointment of a councillor as the Chief elected official under section 150(2) of the Act;
6. Suspension or removal of the appointment of a councillor as the Deputy Chief elected official under section 152 of the Act;
7. MGA 146.1(5) follow any regulations as made by the Minister
8. Suspension or removal from some or all Council committees and bodies to which council has the right to appoint members;
9. Reduction or suspension of remunerations as defined in section 275.1 of the Act corresponding to a reduction in duties, excluding allowances for attendance at Council meetings.

### 4.3 Review of the Code of Conduct

The Councillor Code of Conduct will be reviewed and updated at least once every 4 years.

### 5. Investigations

5.1 Depending on the complaint, the Reeve (or Deputy Reeve if complaint involves the Reeve), can determine on a case by case basis what level of investigation will be required and who will investigate the complaint. In cases where there is personal conflict, in order to protect Council as a whole, an independent 3<sup>rd</sup> party should handle the



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investigation and may seek legal counsel for advice on who would be considered to be an independent investigator.

**6. Effective Date**

6.1 This Bylaw shall come into force upon receipt of its third and final reading.

First Reading on motion of Councillor Rew, this 22<sup>nd</sup> day of June, A.D., 2022. Carried unanimously.

Second Reading on motion of Deputy Reeve Sargent, this 22<sup>nd</sup> day of June, A.D., 2022. Carried unanimously.

Third and final reading on motion of Reeve Wannstrom, this 22<sup>nd</sup> day of June, A.D., 2022. Carried unanimously.

**Done and finally passed in Council, duly assembled, this 22<sup>nd</sup> day of June, A.D., 2022.**

  
Reeve: Steven Wannstrom

  
Chief Administrative Officer  
Shirley Bremer