


DEPARTMENT:	
	TOPIC: Council Code of Conduct Bylaw Amendment
REPORT PREPARED and PRESENTED BY: Manager of Legislative Services Sherri Barrett	

PURPOSE OF REQUEST

To consider proposed amendments to Bylaw 23/2024 being a bylaw to establish a code of conduct governing the conduct of members of council and council committees.

BACKGROUND

At the October 23, 2024 organizational meeting, Council considered proposed amendments to Bylaw 23/2024, being a Bylaw to provide for a Code of Conduct for Members of Council and Council Committees.

Council provided direction to the proposed revisions and granted first reading to the amending Bylaw 57/2024.

REQUEST OF COUNCIL

That Council grant second and third readings to Bylaw 57/2024 to establish a code of conduct governing the conduct of members of council and council committees.

APPENDICES

Appendix A: DRAFT Bylaw 57/2024, Schedules A and B

BYLAW NO. 57/2024

BEING A BYLAW OF FOOTHILLS COUTY IN THE PROVINCE OF ALBERTA, TO ESTABLISH A CODE OF CONDUCT FOR MEMBERS OF COUNCIL AND COUNCIL COMMITTEES.

WHEREAS Municipal councils must, by bylaw, establish a code of conduct governing the conduct of councillors pursuant to Division 1.1 of Part 5 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26; and

WHEREAS Municipal councils may establish a code of conduct governing the conduct of members of council committees pursuant to Division 1.1 of Part 5 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26; and

WHEREAS the elected officials of Foothills County recognize that they have an obligation to serve the public in a conscientious and diligent manner; understanding that the function of council members is to seek the common good of the municipality as a whole and acknowledging that they are held to a higher standard of ethical behavior and conduct due to the trust that has been placed in them; and

WHEREAS the Council of Foothills County enacted Bylaw 23/2024 to provide for a Code of Conduct for Members of Council and Council Committees on May 1, 2024; and

WHEREAS the Council of Foothills County wish to make amendments to Schedule A and Schedule B of Bylaw 23/2024 as adopted.

NOW THEREFORE the Council of Foothills County in the province of Alberta enacts as follows:

1. That Bylaw 23/2024 be rescinded and replaced with Bylaw 57/2024.
2. That the amended *Code of Conduct for Members of Council and Council Committees*, Schedule A, attached hereto and forming part of this Bylaw be adopted.
3. That the amended *Procedure for Complaints, Investigations and Sanctions Regarding Breach of the Code of Conduct*, Schedule B attached hereto and forming part of this Bylaw be adopted.
4. That the *Statement of Commitment to the Foothills County Code of Conduct for Members of Council and Council Committees* Schedule C attached hereto and forming part of this Bylaw be adopted.
5. This Bylaw comes into full force and effect at such time as it has received third (3rd) reading and has been signed in accordance with the Municipal Government Act.

FIRST READING: October 23, 2024

Reeve

CAO

SECOND READING: November 13, 2024

Reeve

CAO

THIRD READING: November 13, 2024

Reeve

CAO

PASSED IN OPEN COUNCIL assembled at the Town of High River in the Province of Alberta this 13th day of November, 2024.

SCHEDULE A TO BYLAW NO. 23/2024

THE FOOTHILLS COUNTY CODE OF CONDUCT FOR MEMBERS OF COUNCIL AND COUNCIL COMMITTEES

1. PURPOSE AND PRINCIPLES

- 1.1 The purpose and intent of the Council Code of Conduct is to establish standards of conduct for Members of Council and Council Committee Members so that they may carry out their entrusted duties with diligence and impartiality while maintaining the highest standard of integrity.
- 1.2 The Code is intended to supplement existing superior legislation and municipal by-laws and policies that govern the conduct of Members of Council or Council Committees.
- 1.3 The key principles underlying this Code of Conduct are as follows:
 - a. The public should have confidence that the elected and appointed officials of Foothills County operate from a basis of integrity, justice, courtesy and propriety and will carry out their duties in a fair, impartial and transparent manner;
 - b. Holding public office is a privilege and responsibility and Members shall put the interests of the residents and rate payers of the municipality as a whole above personal interests;
 - c. Members should demonstrate respect for the law and for the policies, procedures and processes of Foothills County;
 - d. Members have a duty to treat members of the public, representatives from other agencies or municipalities, each other and staff with respect and dignity and without abuse, bullying or intimidation;
 - e. Members of Council or Council Committees must exercise due care in the treatment of any Confidential Information obtained through their elected or appointed positions.

2. DEFINITIONS

- 2.1 **CAO** means the administrative head of the municipality, or the chief administrative officer as defined in the Municipal Government Act.
- 2.2 **Code of Conduct** means the Foothills County Code of Conduct for Members of Council and Council Committees.
- 2.3 **Committee** means any board, commission, committee, task force or other public body established by Council pursuant to the Foothills County Meeting Procedural Bylaw 51/2020, as may be amended from time to time.
- 2.4 **Confidential Information** means any information that is prohibited from being disclosed under Alberta's Freedom of Information and Protection of Privacy Act (FOIP) and also includes any information received by a Member in confidence by virtue of their position on Council or a Council Committee as well as all matters discussed in meetings that have been closed to the public (in-closed session), unless those matters have subsequently been made public by Council.
- 2.5 **Council** means the Council of Foothills County.
- 2.6 **Integrity Commissioner** means the individual appointed by Council to receive, assess, investigate and adjudicate complaints alleging a breach of the Code of Conduct.
- 2.7 **Member of Council Committee** means a member of a committee duly appointed by Council.
- 2.8 **Member of Council** means a duly elected Member of Council and includes the Reeve and Deputy Reeve.

3. COMPLIANCE WITH CODE OF CONDUCT

- 3.1 This Code of Conduct applies to all Members of Council and Members of Council Committees and all Members must observe and comply with all provisions of the Code of Conduct as well as other policies and procedures established by Council which affect the Member.
- 3.2 Members of Council shall sign the Statement of Commitment attached as Schedule C to the Bylaw and agree to comply with the Code of Conduct at or prior to the first meeting of Council after their election to office.

- 3.3 Members of Council Committees who are not Members of the Foothills County Council or the Council of another municipality, shall sign the Statement of Commitment attached as Schedule C to the Bylaw and agree to comply with the Code of Conduct on or before attending their first committee meeting. Members of Council Committees who are Members of a Council of another municipality will adhere to their own municipality's Code of Conduct for Members of Council.
- 3.4 The appointment of Members of Council Committees who are not Members of a municipal council who fail to sign and agree to comply with the Code of Conduct shall be rescinded by resolution of Council.
- 3.5 All Members shall respect the processes for complaints and investigations under the Code of Conduct and cooperate fully with these processes.
- 3.6 No Member shall threaten or undertake any act of reprisal against a complainant or a person providing information in the investigation of an alleged violation of the Code of Conduct.

4. REPRESENTING & COMMUNICATING ON BEHALF OF FoothILLS COUNTY

- 4.1 Members shall strive for excellence in the performance of their duties of Council or Council Committees.
- 4.2 As representatives of the Foothills County, Members will conduct themselves in all their affairs with integrity so as to reflect positively on the municipality and promote public confidence.
- 4.3 Members shall carry out their duties with impartiality, putting the interests of the residents and rate payers of the whole municipality above personal interests or the interests of their division.
- 4.4 Members will conduct municipal business and their duties in an open and transparent manner so that the public can understand the process and rationale that has been used to make decisions.
- 4.5 Members of Council shall show respect for other Members, for decisions and the decision making process of Council and for Council procedures as outlined in the Foothills County Meeting Procedural Bylaw.
- 4.6 The Reeve is the official spokesperson of Council and the Committee Chair is the official spokesperson of a Council Committee. Councillors or Committee members may only speak (or provide written communication) on behalf of Council or a Council Committee if they have been authorized to do so by Council or the Council Committee.
- 4.7 The venue for discussions on matters before Council or a Council Committee is within their respective meetings. Members shall not engage in debate with each other via public mediums such as letters to the editor, blogs or social media.
- 4.8 Members are expected to use good judgment as to what is appropriate use of electronic social media and must not communicate anything that could harm the reputation of Foothills County. Providing personal comments on matters before Council or Council Committees on social media is inappropriate.
- 4.9 If a difference or conflict arises between Members that is not easily resolved, processes outlined in the Meeting Procedural Bylaw and best practices in conflict resolution shall be employed in order to resolve the issue and maintain working relationships among Members.
- 4.10 If a Member encounters a difficult situation and is unsure how best to proceed, they may ask the CAO or Council for guidance.

5. OBLIGATIONS OF MEMBERS

- 5.1 Members must conduct themselves in accordance with the requirements and obligations set out in municipal, provincial and federal legislation, including but not limited to the following:
 - a. Alberta Human Rights Act;
 - b. Alberta Local Authorities Election Act;
 - c. Canadian Human Rights Act;
 - d. Criminal Code of Canada;
 - e. Freedom of Information and Protection of Privacy Act;
 - f. Foothills County's Meeting Procedural Bylaw;
 - g. Municipal Government Act;
 - h. Occupational Health and Safety Act, Regulation and Code.

- 5.2 As outlined in Division 3 of the Municipal Government Act, Members of Council have a duty to participate in council meetings, council committee meetings and meetings of other bodies to which they are appointed by Council.
- 5.3 All Members are expected to be suitably prepared for meetings of Council or any Committee on which they serve.
- 5.4 All Members must attend orientation or training sessions as offered by the municipality.

6. AVOIDANCE OF CONFLICTS OF INTEREST

- 6.1 Members of Council shall disclose any pecuniary or personal interest that may influence or appear to influence their decision in a matter that comes before Council.
- 6.2 Members of a Council Committee shall disclose any pecuniary or personal interest that may influence or appear to influence their decision in a matter that comes before the Committee on which they serve.
- 6.3 Members shall remove themselves from the proceedings regarding any matter in which they have a pecuniary interest.
- 6.4 Members shall not influence or attempt to influence a decision in a matter that they have a pecuniary or personal interest which comes before Council or a Committee on which they serve.
- 6.5 Members shall not place themselves in a position of obligation to any person or organization which may benefit from special consideration or preferential treatment from Council or a Council Committee.
- 6.6 Members shall not allow their personal interests or connection to volunteer organizations to influence their impartiality with respect to the duties they carry out as Members of Council or a Council Committee.
- 6.7 Members shall not engage in any activity that is incompatible with the ethical performance of their official duties in the public interest, as members of Council or a Council Committee.

7. USE OF MUNICIPAL ASSETS AND SERVICES

- 7.1 Members shall use municipal assets and services for activities relevant to their role as Members of Council or a Council Committee and in accordance with any applicable municipal policy or procedure.
- 7.2 Members shall use municipal computers, smart phones and related technology systems including email and internet in accordance with the municipality's Computer and Related Technology Systems Policy and Procedure.
- 7.3 Members of Council shall not use the property, land, facilities, equipment, supplies, services or other resources of the municipality for any election campaign or campaign-related activities.
- 7.4 No Member of Council shall use the services of persons for election-related purposes during hours in which those persons are receiving compensation from the municipality.
- 7.5 No Member shall obtain personal or financial gain or advantage through the use of municipal assets or services or from municipally developed intellectual property.

8. USE OF INFLUENCE OF OFFICE

- 8.1 No Member shall use the influence of his or her position on Council or a Council Committee for any purpose other than for the exercise of his or her official duties.
- 8.2 Members shall not use their position to obtain employment or contracts with the municipality for themselves, family members or close associates.

9. ACCEPTANCE OF GIFTS OR BENEFITS

- 9.1 Any acceptance of gifts or benefits by a Member shall be in accordance with federal and provincial legislation.

Members shall ensure that they do not place themselves in a position of obligation to any person or organization which may benefit from special consideration or preferential treatment from Council or a Council Committee through the acceptance of gifts or benefits.

10. INTERACTIONS WITH MUNICIPAL STAFF

- 10.1 Council's sole employee is the CAO; Members of Council will respect the CAO's authority to direct staff.

- 10.2 Members will treat municipal staff with dignity, understanding and respect and will adhere to Foothills County's Discrimination and Harassment Policy and Respectful Workplace Directive in order to ensure that the municipal work environment is free from discrimination, bullying and harassment.
- 10.3 No Member shall use, or attempt to use, their authority for the purpose of influencing any staff member with the intent of interfering in staff's duties.
- 10.4 No Member shall maliciously or falsely impugn or injure the professional or ethical reputation of staff, and all Members shall show respect for the professional capacities of the staff of the municipality.
- 10.5 No member shall compel staff to engage in partisan political activities or subject staff to threat or discrimination for refusing to participate in such activities.

11. INTERACTIONS WITH OTHER AGENCIES OR MUNICIPALITIES AND THE PUBLIC

- 11.1 In the performance of their duties, Members will treat representatives of other agencies or municipalities and members of the public with dignity, understanding and respect and will adhere to Foothills County's Discrimination and Harassment Policy and Respectful Workplace Directive.

12. CONFIDENTIAL INFORMATION

- 12.1 Personal information collected by Foothills County will only be used for the purpose for which it was collected, and only disclosed if such disclosure complies with Alberta's Freedom of Information and Protection of Privacy Act (FOIP).
- 12.2 Members are encouraged to acquire an understanding of the principles of FOIP.
- 12.3 Members shall not release information subject to solicitor-client privilege without express authorization from Council unless required by law to do so.
- 12.4 Members shall not release or divulge any matters discussed while in closed session including any aspect of the closed session deliberations to anyone, unless expressly authorized by Council or required by law to do so.
- 12.5 Members who speak or write publicly are responsible for ensuring that they do not divulge Confidential Information.
- 12.6 The responsibility for protecting Confidential Information includes the responsibility for ensuring that documents or digital information are not directly or indirectly made available to unauthorized persons.
- 12.7 No Member shall use Confidential Information for personal gain or benefit, or for the personal gain or benefit of any other person or body.
- 12.8 A Member's responsibility for maintaining confidentiality extends beyond the term of office or the period of appointment.

13. INTEGRITY COMMISSIONER

- 13.1 Council will appoint an independent Integrity Commissioner who will be responsible for accepting, assessing, investigating and adjudicating complaints or requests for investigation of an alleged breach of the Code of Conduct for Members of Council and Council Committees. The Commissioner's investigations and adjudication will be limited to matters covered under the Code of Conduct Bylaw and Schedules.
- 13.2 The Integrity Commissioner must be reasonably perceived to be independent, and unbiased and must be capable of dispensing their duties in an equitable and impartial manner.
- 13.3 The Integrity Commissioner will be appointed by resolution of Council. The Process for choosing an Integrity Commissioner and their term of appointment will be at Council's discretion.
- 13.4 The Integrity Commissioner must not be:
 - a. A family member, friend or close associate of the Reeve, Deputy Reeve or Member of Council;
 - b. A family member, friend or close associate of the CAO;
 - c. A County employee;
 - d. Any person who has a conflict of interest or vested interest in the outcome of an investigation under this bylaw;
- 13.5 Council may, at their discretion, end the term of the Integrity Commissioner if they deem it to be in the best interest of the municipality, by providing written notice to the Commissioner.

14. INTERPRETATION

- 14.1 Terms which are not defined in the definitions section of the Code of Conduct will be given their ordinary meaning.
- 14.2 Within the text of this Code of Conduct, each gender shall include all genders, and the singular shall include the plural and the plural shall include the singular as the context shall require.

15. IMPLEMENTATION

- 15.1 The Code of Conduct and the Procedure for Complaints, Investigations and Sanctions Regarding Breach of the Code of Conduct will be adopted by bylaw as required by Section 146.1 of the Municipal Government Act.
- 15.2 Amendments or additions to the Code of Conduct for Members of Council and Committees (Schedule A) or the Procedure for Complaints, Investigations and Sanctions Regarding Breach of the Code of Conduct (Schedule B) will require an amendment to the bylaw that adopted the schedules.
- 15.3 The Code of Conduct and any related bylaws will be subject to a thorough review at least once every four years as required under Section 7 of the Code of Conduct for Elected Officials Regulation.
- 15.4 Complaints and requests for investigations into allegations that a Member has breached the Code of Conduct will follow the procedure outlined in Schedule B of this Bylaw

SCHEDULE B TO BYLAW NO. 23/2024

THE FOOTHILLS COUNTY PROCEDURE FOR COMPLAINTS, INVESTIGATIONS AND SANCTIONS REGARDING BREACH OF THE CODE OF CONDUCT

1. Where a member of the public from the Foothills region, a Member of Council, a Member of a Council Committee or an employee of Foothills County, has reasonable grounds to believe that a Member has breached this Code, the complainant is encouraged to contact the CAO in confidence to discuss the nature of the complaint, any other steps or processes that may be available to address the topic of concern (e.g. a police investigation or Foothills County's Discrimination and Harassment Policy or Respectful Workplace Directive), and to discuss the requirements for filing a complaint under this Code. It will then be up to the complainant to determine if they wish to proceed with the complaint process.
2. A complaint must be submitted within 60 days of the alleged breach in accordance with the processes outlined below.
3. If a complaint is received within 60 days prior to a municipal election, the Integrity Commissioner may not submit the findings of an investigation until after the results of the municipal election have been determined.
4. All complaints must be in writing and shall include:
 - a. the complainant's name and contact information;
 - b. the name of the Member to whom the complaint relates;
 - c. the nature of the alleged contravention, and when it occurred;
 - d. the specific provision of the Code allegedly contravened;
 - e. names of any witnesses to the alleged contravention;
 - f. any other supporting documentation (including information in digital format) that will assist the Commissioner in evaluating the complaint; and
 - g. a deposit of \$250 which shall be refunded if the complaint is determined to be valid.

The Commissioner shall refuse to undertake an investigation if the complainant fails to provide sufficient documentation to support the complaint. However, if the Commissioner determines that the complainant is unable to provide sufficient documentation to support the complaint due to accessibility limitations, the Commissioner may provide assistance with completion of the documentation.

5. Upon receiving a complaint, the Commissioner will undertake a preliminary review in consultation with the CAO or the designate.
 - a. The preliminary review shall be completed within 10 business days of receipt of the complaint.
 - b. Despite Section 6(a) Council may, by resolution, extend the time permitted to complete the preliminary review.
6. If during the preliminary review of the complaint, the Commissioner determines that the complaint is an allegation of a criminal nature containing elements of offences within the Criminal Code, they will inform the complainant that the allegation must be made through the appropriate police service. Investigation by the Commissioner will continue concurrently with any external investigations.
7. If the complainant is a Member or municipal staff, as part of the preliminary review, the Commissioner will determine if the complaint falls under Foothills County's Discrimination and Harassment Policy or Respectful Workplace Directive. If it does, they will advise the complainant to contact the appropriate party (CAO or Director or Supervisor) to initiate the process outlined in the Discrimination and Harassment Procedure or Respectful Workplace Directive as applicable.
8. Formal investigation of any complaint will be at the discretion of the Commissioner in consultation with the CAO or their designate. If subsequent to the preliminary review the Commissioner:
 - a. Finds the allegations to be frivolous, vexatious, or unsubstantiated they must decline to conduct an investigation and will inform the complainant of this decision in writing.
 - b. Deems the complaint to be valid, a dispute resolution mediation process may be offered to the complainant. If the complainant and the subject of the complaint agree to enter into the dispute resolution mediation process, the Commissioner may facilitate

the process or recommend an alternate mediator. Dispute resolution and mediation costs will be paid by the municipality. In the event that the outcome of the dispute resolution mediation is satisfactory to the complainant and subject of the complaint, the Commissioner will notify the parties and terminate the complaint process.

9. An investigation may be terminated at the discretion of the Commissioner at any time during the investigation process, with written notice to the County outlining the rationale for discontinuing the investigation.
10. If a number of complaints are received from different complainants with respect to the same alleged contravention by the same Member, the Commissioner should combine the complaints into one investigation with multiple complainants.
11. If it is found that an investigation is warranted, the Member whose conduct is in question will be provided with a copy of the complaint and supporting documentation and notified of their right to obtain legal representation at their own expense. They will then be given 10 business days to provide a written response to the allegations being made. This period may be extended at the Commissioner's discretion if warranted.
12. The Member may request that witness testimony or written statements be considered in support of their defense. The Commissioner however will not accept character references.
13. The Commissioner may, as deemed necessary, interview or request written statements from the complainant, the Member who is the subject of the complaint and any witnesses that have been provided by the Complainant or the Member.
14. A Member may discuss the matter with the CAO in confidence or with Council in closed session, which may result in a decision of Council to disclose publicly that the involved Member(s) is the subject of a complaint under the Code of Conduct. Outside of this process, the details of an investigation and any evidence provided is considered confidential and shall not be publicly disclosed by the Member.
15. Should the cost for the services of the Integrity Commissioner for a single investigation reach \$10,000, a request for authorization from Council will be required in order to accrue further costs. The request must include a justification for the cost of the investigation.
16. Once the investigation is complete, the Commissioner will provide a confidential report including a recommendation for appropriate sanctions (if any) to the CAO and Council.
 - a. The Commissioner has 90 days to complete their investigation and submit the report to the CAO. Council may at their discretion request a presentation on the report by the Commissioner. When the report has been submitted, written notification of such will be provided to the complainant by the Commissioner.
 - b. Despite Section 17(a) Council may, by resolution, extend the time permitted to complete the investigation.
17. Council will then have 30 days to consider the report findings and determine what sanctions (if any) will be imposed. The Member who is the subject of the complaint may receive the report and/or attend the review of the report which may include a presentation by the Commissioner; but shall not be present during Council's deliberations regarding sanctions. Release of any reports will be in accordance with the Freedom of Information and Protection of Privacy Act (FOIP).
18. The Commissioner may recommend that Council impose any of the following sanctions:
 - a. Require a written or verbal public apology;
 - b. Require additional training on ethical and/or respectful conduct;
 - c. Return of property or reimbursement of its value or of monies spent;
 - d. Removal from membership of a Committee;
 - e. Removal as chair of a Committee;
 - f. Reporting the misconduct to Alberta Municipal Affairs or another appropriate authority;
or
 - g. Other consequences as deemed appropriate and necessary but **not** including disqualification of a Member of Council.
19. The results of an investigation by the Commissioner and the imposition (or lack of the imposition) of sanctions by Council have no appeal mechanism under this bylaw and are to be considered final.

20. Within 10 business days of Council's determination on the matter, a written notice shall be provided to the complainant by Foothills County administration.
21. Following the completion of the complaint process Council may choose to publish the full report, a summary of findings and / or Council's determination on the matter.

SCHEDULE C TO BYLAW NO. 23/2024

**STATEMENT OF COMMITMENT TO THE FOOTHILLS COUNTY
CODE OF CONDUCT FOR MEMBERS OF COUNCIL AND COUNCIL COMMITTEES**

I, (full name) _____, as an elected Councillor for Foothills County Council pursuant to the Local Authorities Election Act, acknowledge and support the *Foothills County Code of Conduct for Members of Council and Council Committees*.

or

I, (full name) _____, as Member of a Foothills County Council Committee acknowledge and support the *Foothills County Code of Conduct for Members of Council and Council Committees*.

By signing below, I declare that I have read and understand the contents of the *Foothills County Code of Conduct for Members of Council and Council Committees*, enacted by Bylaw 78/2021, and agree that I shall, in good faith, abide by the Code of Conduct as I serve the residents of Foothills County.

Dated at _____, Alberta this _____ day of _____, 20____

Member

CAO