

BYLAW NO. 24-11-488

OF THE COUNTY OF NORTHERN LIGHTS IN THE PROVINCE OF ALBERTA (hereinafter referred to as “the Municipality”)

BEING A BYLAW TO ESTABLISH A CODE OF CONDUCT FOR MEMBERS OF COUNCIL AND MEMBERS-AT-LARGE FOR THE PROPER OPERATION OF DEMOCRATIC LOCAL GOVERNMENT

WHEREAS, pursuant to section 146.1(1) of the *Municipal Government Act*, a council must, by bylaw, establish a code of conduct governing the conduct of councillors;

AND WHEREAS, pursuant to section 146.1(3) of the *Municipal Government Act*, a council may, by bylaw, establish a code of conduct governing the conduct of members of council committees and other bodies established by the council who are not councillors;

AND WHEREAS, pursuant to section 153 of the *Municipal Government Act*, councillors have a duty to adhere to the code of conduct established by the council;

AND WHEREAS the public is entitled to expect the highest standards of conduct from the members that it elects, instilling public confidence and trust in the fair operation and integrity of the County of Northern Lights;

AND WHEREAS the establishment of a code of conduct for members of council, council committees, and other bodies established by Council is consistent with the principles of transparent and accountable government;

AND WHEREAS a code of conduct ensures that members of council share a common understanding of acceptable conduct extending beyond the legislative provisions governing the conduct of councillors;

NOW THEREFORE the Council of the County of Northern Lights, in the Province of Alberta, duly assembled, HEREBY ENACTS AS FOLLOWS:

PART I: BYLAW TITLE

1. This Bylaw may be cited as the ‘Council Code of Conduct Bylaw’.

PART 2: DEFINITIONS AND INTERPRETATION

2. In this Bylaw, words have the meanings that are set out in the *Municipal Government Act*, and clarified in the following definitions:

2.1 “Act” means the the *Municipal Government Act*, R.S.A. 2000, c. M-26, and associated regulations, as amended.

2.2 “Administration” means the administrative and operational arm of the Municipality, comprised of the various departments and business units and including all employees who operate under the leadership and supervision of the Chief Administrative Officer.

2.3 “CAO”, means the chief administrative officer of the Municipality, or their designate.

2.4 “FOIP” means the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25, any associated regulations, and any amendments or successor legislation.

2.5 “Individual” means persons who are not members of the County of Northern Lights Council.

2.6 “Investigator” means Council, Reeve or Deputy Reeve to who reports of offenses should be referred to, investigated by, and if required, action of reprimand or warranted sanction are carried out by.

2.7 “Member(s)” means a member of Council and includes a councillor or the Reeve and includes members of council committees or other bodies established by Council who are not councillors but are appointed members by Council.

2.8 “Municipality” means the municipal corporation of the County of Northern Lights.

PART 3: PURPOSE

3. The purpose of this bylaw is to establish a standard level of conduct for the elected member of council and appointed member in the proper operation of democratic local government, relating to their roles and obligations as representatives of the Municipality, including a procedure for the complaint process, the investigation, and enforcement (sanctions) of those standards.

PART 4: REPRESENTING THE MUNICIPALITY

4.1 Members shall act honestly and in good faith, serve the welfare and interests of the Municipality as a whole. The professional conduct of members while exercising the duties of their office must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, Boards and Committees, staff or public.

4.2 Members shall perform their functions and duties in a conscientious and diligent manner with integrity, accountability and transparency. Members shall prepare themselves for public issues; listen courteously and attentively to all discussions before Council,

4.3 Members shall conduct themselves in a professional manner with dignity and make every effort to participate diligently in the meetings of Council, committees of Council and other bodies to which they are appointed by Council.

4.4 Members shall arrange their private affairs and conduct themselves in a manner that promotes public confidence and will bear close public scrutiny.

PART 5: COMMUNICATING ON BEHALF OF THE MUNICIPALITY

5.1 A member must not claim to speak on behalf of Council unless authorized to do so.

5.2 Unless Council directs otherwise, the Reeve is Council’s official spokesperson and in the absence of the Reeve it is the Deputy Reeve. All inquiries from the media regarding the official Council position on an issue shall be referred to Council’s official spokesperson.

5.3 A Member who is authorized to act as Council’s official spokesperson must ensure that their comments accurately reflect the official position and will of Council as a whole, even if the Member personally disagrees with Council’s position.

5.4 No Member shall make a statement when they know that statement is false.

5.5 No Member shall make a statement with the intent to mislead Council or members of the public.

PART 6: RESPECTING THE DECISION-MAKING PROCESS

6.1 Decision-making authority lies with Council, and not with any individual member. Council may only act by bylaw or resolution passed at a Council meeting held in public at which there is a quorum present. No member shall, unless authorized by Council, attempt to bind the Municipality, or give direction to or influence employees in administration, agents, contractors,

consultants or other service providers or prospective vendors to the Municipality. Council will recognize that the CAO is the ONLY employee of Council and Council shall NEVER become involved with providing guidance to administration except through the CAO.

6.2 Members shall conduct and convey Council business and all their duties in an open and transparent manner other than for those matters which by law are authorized to be dealt with in a confidential manner in an in-camera session, 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.

6.3 Members shall accurately communicate the decisions of Council, and be seen as united on issues, even if they disagree with Council's decision, such that respect for the decision-making processes of Council is fostered. Members should voice their opinions at the council meeting and comply with the majority vote. Members are not to take their issues, once debated in Council, into the streets and homes of the County to argue their case once Council has made a decision.

6.4 Members shall avoid personal comments that could offend other members. If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and ask the Chair for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The Chair will maintain control of this discussion.

6.5 Members shall demonstrate effective problem-solving approaches. Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

6.6 Members shall practice civility and decorum within the decision-making process. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. Conflicts within Council shall be addressed by all Council members and dealt with behind closed doors, not publicly. Respect each other's roles, interests and accountabilities.

6.7 Members appointed to or attending board and committee meetings which are open to the public, should be sensitive to the way their participation could be viewed as unfairly affecting the process. Members should ensure that they are careful to support Council's direction and not their individual opinions.

6.8 Council members are appointed to boards and committees to represent Council. As such, regular written reports are to be provided to Council as part of the agenda package.

6.9 In the case of the North Peace Housing Foundation's Board of Directors (NPHF), it is not a committee of Council. The NPHF is created and authorized under the Alberta Housing Act. In fulfilling their obligation, it is expected that Directors support the mission, purpose, philosophy and vision of the Foundation and remain committed to the provision of supportive and social housing programs within the region and promote the same within the communities served.

6.10 Members shall honour the role of the chair in maintaining order through-out the decision-making process. It is the responsibility of the chair to keep the comments of members on track during public meetings. Officials should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in the County's "Council Procedures" Bylaw.

6.11 Members shall be respectful of diverse opinions. A primary role of boards and committees is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council members may have a closer

working relationship with some individuals serving on boards and committees but must be fair and respectful of all citizens serving on boards and committees.

6.12 Members of the public deserve an opportunity to influence the thinking of elected and appointed members. Strive to understand and to be understood by others, focusing on issues rather than personalities.

PART 7: ADHERENCE TO POLICIES, PROCEDURES AND BYLAWS

7.1 Members shall uphold the law established by the Parliament of Canada and the Legislature of Alberta and the bylaws, policies and procedures adopted by Council.

7.2 Members shall respect the Municipality as an institution, its bylaws, policies and procedures and shall encourage public respect for the Municipality, its bylaws, policies and procedures.

7.3 A Member must not encourage disobedience of any bylaw, policy or procedure of the Municipality in responding to a member of the public, as this undermines public confidence in the Municipality and in the rule of law.

PART 8: RESPECTFUL INTERACTIONS WITH MEMBERS, STAFF, PUBLIC AND OTHERS

8.1. Members shall act in a manner that demonstrates fairness, respect for individual differences and opinions, and an intention to work together for the common good and in furtherance of the public interest.

8.2. Members shall treat one another, employees of the Municipality and members of the public with courtesy, dignity and respect and without abuse, bullying or intimidation.

8.3. No Member shall use indecent, abusive, or insulting words or expressions toward another Member, any employee of the Municipality or any member of the public.

8.4. No Member shall speak in a manner that is discriminatory to any individual based on the person's race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.

8.5 Members shall establish, endorse, and encourage the maintenance of a positive and constructive work place environment for County employees, for citizens and businesses dealing with the County.

8.6. Members shall respect the fact that employees in Administration work for the Municipality 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 or group of Members.

8.7. Members must not:

8.7.1 involve themselves in matters of Administration, which fall within the jurisdiction of the CAO;

8.7.2 use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any employee of the Municipality with the intent of interfering in the employee's duties; or

8.7.3 maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of employees of the Municipality.

PART 9: CONFIDENTIAL INFORMATION

9.1. Members must keep in confidence matters discussed in private at a Council or Council committee meeting until the matter is discussed at a meeting held in public.

9.2. In the course of their duties, Members may also become privy to confidential information received outside of an “in-camera” meeting. Members must not:

9.2.1 disclose or release by any means to any member of the public, including the media, any confidential information acquired by virtue of their office, unless the disclosure is required by law or authorized by Council to do so;

9.2.1 access or attempt to gain access to confidential information in the custody or control of the Municipality unless it is necessary for the performance of the Member’s duties and is not otherwise prohibited by Council, and only then if the information is acquired through appropriate channels in accordance with applicable Council bylaws and policies;

9.2.1 use confidential information for personal benefit or for the benefit of any other individual or organization.

9.3. Confidential information includes information in the possession of, or received in confidence by, the Municipality that the Municipality is prohibited from disclosing pursuant to legislation, court order or by contract, or is required to refuse to disclose under FOIP or any other legislation, or any other information that pertains to the business of the Municipality, and is generally considered to be of a confidential nature, including but not limited to information concerning:

9.3.1 the security of the property of the Municipality;

9.3.2 a proposed or pending acquisition or disposition of land or other property;

9.3.3 a tender that has or will be issued but has not been awarded;

9.3.4 contract negotiations;

9.3.5 employment and labour relations;

9.3.6 draft documents and legal instruments, including reports, policies, bylaws and resolutions, that have not been the subject matter of deliberation in a meeting open to the public;

9.3.7 law enforcement matters;

9.3.8 litigation or potential litigation, including matters before administrative tribunals; and

9.3.9 advice that is subject to solicitor-client privilege.

PART 10: CONFLICTS OF INTEREST

10.1. Members have a statutory duty to comply with the pecuniary interest provisions set out in Part 5, Division 6 of the Act and a corresponding duty to vote unless required or permitted to abstain under the Act or another enactment.

10.2. Members are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends or associates, business or otherwise.

10.3. Members shall approach decision-making with an open mind that is capable of persuasion.

10.4. It is the individual responsibility of each Member to seek independent legal advice, at the Member’s sole expense, with respect to any situation that may result in a pecuniary or other conflict of interest.

PART 11: IMPROPER USE OF INFLUENCE

11.1. No Member shall use the influence of the Member's office for any purpose other than for the exercise of the Member's official duties.

11.2. No Member shall act as a paid agent to advocate on behalf of any individual, organization or corporate entity before Council or a committee of Council or any other body established by Council.

11.3. Members shall refrain from using their positions to obtain employment with the Municipality for themselves, family members or close associates. Members are ineligible to apply or be considered for any position with the Municipality while they hold their elected position and for one year after leaving office.

11.4. Members shall not contact or otherwise attempt to influence members of any adjudicative body regarding any matter before it relating to the Municipality.

11.5. Members shall refrain from using their position to unduly influence the deliberations or outcomes of independent Boards and Committees.

11.6. In regard to influence through Advocacy, members shall represent the official policies or positions of the Council, Board or Committee to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, officials shall explicitly state they do not represent the board, committee or the County of Northern Lights, nor will they allow the inference that they do. Members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention or to display endorsements during Council meetings, board/committee meetings or other official County meetings.

PART 12: USE OF MUNICIPAL ASSETS AND SERVICES

12.1. Members shall use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Member, subject to the following limited exceptions:

12.1.1 municipal property, equipment, service, supplies and staff resources that are available to the general public may be used by a Member for personal use upon the same terms and conditions as members of the general public, including booking and payment of any applicable fees or charges;

12.1.2 electronic communication devices, including but not limited to desktop computers, laptops, tablets and smartphones, which are supplied by the Municipality to a Member, may be used by the Member for personal use, provided that the use is not for personal gain, offensive or inappropriate.

PART 13: ORIENTATION, TRAINING, REMUNERATION, GIFTS AND CAMPAIGNS

13.1. Every Member must attend the orientation training offered by the Municipality within 90 days after the Member takes the oath of office.

13.2. Unless excused by Council, every Member must attend any other training organized at the direction of Council for the benefit of Members throughout the Council term.

13.5. Members are stewards of public resources and shall avoid waste, abuse and extravagance in the use of public resources.

13.6. Members shall be transparent and accountable with respect to all expenditures and strictly comply with all municipal bylaws, policies and procedures regarding claims for remuneration and expenses.

13.7. No member of Council or appointed Member shall accept a fee, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of office, except:

13.7.1 where the gift or benefit normally accompanies the responsibilities of office and where such value does not exceed \$500.00;

13.7.2 a suitable memento of a function honouring the official, food, lodging, transportation, event tickets or entertainment provided where the official is speaking or attending in an official capacity;

13.7.3 food and beverages consumed at functions, banquets, receptions or business events if attendance serves a legitimate business purpose, and;

13.7.4 any prize won by virtue of a random drawing of name.

13.8 No Member shall use any facilities, equipment, supplies, services, municipal logo or other resources of the Municipality for any election campaign or campaign-related activity. Members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from County staff. County staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

13.9 Members shall keep political support away from public forums. Board and committee members may offer political support to a Council member, but not in a public forum while conducting official duties. Conversely, Council members may support board and committee members who are running for office, but not in an official forum in their capacity as a Council member.

PART 14: ACKNOWLEDGEMENT OF CODE OF CONDUCT

14.1 The County of Northern Lights Code of Conduct expresses standards of ethical conduct expected for members of the County of Northern Lights Council, boards, and committees. Elected Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of boards and committees and the Reeve and Council have the additional responsibility to intervene when actions of members, that appear to be in violation of the Code of Conduct, are brought to their attention.

14.2 Elected or Appointed Members who do not sign an acknowledgement that they have read and understand the Code of Conduct Bylaw may be subject to discipline and shall be ineligible for intergovernmental assignments, Council subcommittees (Elected) and to hold board or committee seats. (Appointed)

PART 15: COMPLAINT PROCESS

15.1 Any Member who has identified or witnessed conduct by a member that the Member reasonably believes, in good faith, is in contravention of this Bylaw may address the prohibited conduct by:

15.1.1 advising the Member that the conduct violates this Bylaw and encourage the Member to stop;

15.1.2 request the Investigator to assist in an informal discussion of the alleged complaint with the Member in an attempt to resolve the issue. In the event that the Reeve is the subject of, or is implicated in a complaint, the person may request the assistance of the Deputy Reeve.

15.2. Individuals are encouraged to pursue 15.1.1 and 15.1.2 complaint procedure as the first means of remedying conduct that they believe violates this Bylaw. However, if the offense(s)/violation(s) of conduct continue, the member is to pursue the formal complaint procedure outlined below.

15.2.1 All complaints shall be made in writing and shall be dated and signed by an identifiable individual;

15.2.2 All complaints shall be addressed to the Investigator;

15.2.3 The complaint must set out reasonable and probable grounds for the allegation that the Member has contravened this Bylaw, including a detailed description of the facts, as they are known, giving rise to the allegation;

15.2.4 If the facts, as reported, include the name of one or more Members who are alleged to be responsible for the breach of this Bylaw, the Member or Members concerned shall receive a copy of the complaint submitted to the Investigator;

15.2.5 Upon receipt of a complaint under this Bylaw, the Investigator shall review the complaint and decide whether to proceed to investigate the complaint or not. If the Investigator is of the opinion that a complaint is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, the Investigator may choose not to investigate or, if already commenced, may terminate any investigation, or may dispose of the complaint in a summary manner. In that event, the complainant and Council, if Council is not the Investigator, shall be notified of the Investigator's decision;

15.2.6 If the Investigator decides to investigate the complaint, the Investigator shall take such steps as it may consider appropriate, which may include seeking legal advice. All proceedings of the Investigator regarding the investigation shall be confidential;

15.2.7 If the Investigator is not Council, the Investigator shall, upon conclusion of the investigation, provide the Council and the Member who is the subject of the complaint, the results of the Investigator's investigation;

15.2.8 A Member who is the subject of an investigation shall be afforded procedural fairness, including an opportunity to respond to the allegations before Council deliberates and makes any decision or any sanction is imposed;

15.2.9 A Member who is the subject of an investigation is entitled to be represented by legal counsel, at the Member's sole expense.

15.3 To protect and preserve good government, any individual, including the County CAO and the County legal representation, who knows or reasonably believes a member has acted, or intends to act, in a manner that is or may be a violation of law reasonably imputable to the organization, or in a manner which is likely to result in substantial injury to the organization, may report the violation to the appropriate governmental authorities.

PART 16: COMPLIANCE AND ENFORCEMENT

16.1 The code of Conduct Bylaw is intended to be SELF-ENFORCING and is an expression of the standard of conduct expected by the County. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions. Therefore, Members shall uphold the letter, the spirit, and the intent of this Bylaw.

16.1.1 For this reason, this document shall be included in the regular orientations for candidates for County Council, applicants to boards and committees, and newly elected and appointed officials. Members entering office shall sign a statement, acknowledging they have read and understand the Code of Conduct Bylaw.

16.2. Members are expected to co-operate in every way possible in securing compliance with the application and enforcement of this Bylaw.

16.3. No Member shall:

16.3.1 undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to Council or to any other person;

16.3.2 obstruct Council, or any other person, in carrying out the objectives or requirements of this Bylaw.

16.4. Sanctions that may be imposed on a Member, by Council, upon a finding that the Member has breached this Bylaw may include:

16.4.1 a letter of reprimand addressed to the Member;

16.4.2 requesting the Member to issue a letter of apology;

16.4.3 publication of a letter of reprimand or request for apology and the Member's response;

16.4.4 suspension or removal of the appointment of a Member as the chief elected official under section 150(2) of the Act;

16.4.5 suspension or removal of the appointment of a Member as the deputy chief elected official or acting chief elected official under section 152 of the Act;

16.4.6 suspension or removal of the chief elected official's presiding duties under section 154 of the Act;

16.4.7 suspension or removal from some or all Council committees and bodies to which council has the right to appoint members;

16.4.8 reduction or suspension of remuneration as defined in section 275.1 of the Act corresponding to a reduction in duties, excluding allowances for attendance at council meetings;

16.4.9 any other sanction Council deems reasonable and appropriate in the circumstances provided that the sanction does not prevent a Member from fulfilling the legislated duties of a councillor and the sanction is not contrary to the Act.

PART 17: REVIEW AND SUMMARY

17.1 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 Members.

17.2 Bylaw No. 18-11-408, upon third and final reading of Bylaw No. 24-11-488 is hereby rescinded/repealed/deleted and saved in the Inactive/Repealed binder.

Read a **First** time this 30 day of January, 2024

Read a **Second** time this 30 day of January, 2024

Read a **Third and Final** time this 30 day of January, 2024



Chief Elected Official



Chief Administrative Officer