

WESTLOCK COUNTY
PROVINCE OF ALBERTA
COUNCILLORS' CODE OF CONDUCT BYLAW
BYLAW NO. 04-2016

BEING A BYLAW OF WESTLOCK COUNTY, IN THE PROVINCE OF ALBERTA, TO ESTABLISH, BY BYLAW, A CODE OF CONDUCT THAT APPLIES TO EACH INDIVIDUAL COUNCIL MEMBER.

WHEREAS, pursuant to section 145 of the *Municipal Government Act* (MGA), chapter M-26 of the statutes of Alberta, a council may pass bylaws in relation to the conduct of council;

AND WHEREAS the council of Westlock County wishes to establish a code of conduct, by bylaw, to assist each Councillor in navigating the ethical implications of the decisions they face in the course of their duties;

NOW THEREFORE under the authority and pursuant to the provisions of the said Municipal Government Act, and by virtue of all other enabling powers, the Council of Westlock County, duly assembled, enacts as follows:

BYLAW TITLE:

1. This bylaw may be cited as the “Councillors’ Code of Conduct Bylaw”.

DEFINITIONS:

2. In this bylaw:

- (a) “administrative staff” are employees of Westlock County. Councillors are not considered employees;
- (b) “CAO” is the Chief Administrative Officer of Westlock County, as defined in Alberta’s Municipal Government Act;
- (c) “conflict of Interest” arises when a Councillor’s personal interests are in conflict with their duties as a Councillor of Westlock County;
- (d) “Council” is Westlock County’s body of elected officials, as set out in Alberta’s Municipal Government Act;
- (e) “Councillors” are elected officials of Westlock County Council, as set out in Alberta’s *Municipal Government Act*;
- (f) “pecuniary interest” is as defined in section 170(1), (2), (3) and (4) of the *Municipal Government Act*. If a matter before Council may financially benefit a Councillor and or his or her family to the exclusion of benefiting others, that Councillor has a pecuniary interest in the matter;

(g) “political activity” includes but is not limited to being a member of a political party, participating in a political party’s activities, soliciting donations for a political party, and running for political office.

(h) “the County” means the municipal corporation, Westlock County.

GENERAL PERSONAL CONDUCT:

3. Councillors shall carry out their duties with integrity for the benefit of all residents and rate payers of the County.
4. Councillors shall carry out their duties with impartiality, putting the interests of the public above personal interests.
5. Councillors shall not allow their impartiality to be compromised. Councillors shall not show favouritism to any particular group or groups. Councillors shall deliberate and make decisions for the benefit of all residents and rate payers.
6. Councillors shall show respect and accountability to each other, staff and the public.
7. Councillors shall carry out their duties in good faith.
8. Councillors shall conduct themselves in public in a way that reflects positively on the County and Council.
9. The venue for Councillors’ discussions on County matters is Council Chambers. Councillors shall not carry on discussions or debates on matters with each other via other public mediums such as letters to the editor, blogs or any form of social media.
10. Councillors shall follow procedural policy in Council proceedings so as to maintain professionalism and avoid personal differences from damaging their professional relationships with each other.
11. If a difference or conflict arises between Councillors that is not easily resolved, Councillors shall follow best practices in conflict resolution in order to resolve the matter and to maintain working relationships with each other.
12. Councillors shall adhere to all applicable laws, legislation, regulations, bylaws, and policies.
13. Councillors shall endeavor to learn continuously and endeavor to continuously improve their ability to carry out Council duties.
14. Councillors shall strive for excellence and quality of service in performing Council duties.
15. Councillors shall conduct themselves and carry out their duties in accordance with the *Municipal Government Act*;

CONFLICT OF INTEREST:

16. Councillors shall remove themselves from Council proceedings where they have a pecuniary interest concerning an outside business interest, as per section 170(1)(a) of the *Municipal Government Act*.
17. Councillors shall remove themselves from Council proceedings where they have a pecuniary interest concerning a family member, as per section 170(1)(b) and (c) of the *Municipal Government Act*.
18. If a Councillor holds a pecuniary interest in a matter that appears before Council, that Councillor must disclose his or her pecuniary interest to the Council, describe the nature of the pecuniary interest, ask that this disclosure be recorded in the minutes of the Council meeting, abstain from voting on the matter, and leave the Council Chambers until discussion and voting on the matter have been concluded (*Municipal Government Act, Section 172*).
19. Although a pecuniary interest on a matter before Council may not be present according to legislation, the public may perceive a pecuniary interest of a Councillor in the matter. In this case, the Councillor with the perceived pecuniary interest may wish to remove themselves from discussion and voting on that particular matter.
20. If Councillors are involved in volunteer activities, Councillors shall not allow those activities to influence or conflict with the impartiality of their Council duties.

HANDLING OF INFORMATION:

21. Councillors shall protect confidential information in accordance with Alberta's *Freedom of Information and Protection of Privacy Act*. This includes matters discussed at Council meetings that are closed to the public – also known as *in camera* meetings (*Municipal Government Act, 197(2)*).
22. Councillors shall not pass any resolution or bylaw *in camera*, except for a resolution to open the meeting back to the public (*Municipal Government Act, 197(3)*).
23. Councillors shall not use confidential information – obtained through Council activities – for personal gain. Councillors understand that doing so would be grounds for disqualification from Council for the remainder of Council's term (*Municipal Government Act, 174(1)(i)*).
24. After leaving office, Councillors shall continue to keep confidential information confidential (*Freedom of Information and Protection of Privacy, section 92(1) and (3)*).
25. Councillors may be fined or liable to prosecution for disclosing confidential information after leaving office (*Freedom of Information and Protection of Privacy, section 92(2), (4) and (5)*).

PUBLIC STATEMENTS:

26. The Reeve shall be the point of contact for media enquiries and shall be the County's main spokesperson.
27. When speaking to public or the media, Councillors shall represent the official policies and positions of Council.
28. When making statements on their opinions or positions, Councillors shall explicitly state that those statements are their own and not the Council's official position or policy.

RELATIONSHIP WITH STAFF:

29. Council's sole employee is the Chief Administrative Officer (CAO). Councillors shall respect the CAO's authority to direct staff.
30. Council's point of communication access with the employees is the CAO. As such, Councillors shall direct their questions and concerns about administrative matters to the CAO.
31. Councillors shall avoid making negative comments about staff to the public or media. Councillors shall direct issues concerning staff to the CAO.
32. Council can talk to staff with permission from the CAO, although they cannot give direction to staff.

COUNCIL MEETINGS:

33. Councillors have the responsibility to come prepared to Council meetings.
34. Councillors shall listen respectfully to a fellow Council member's point of view before responding to it.
35. Councillors shall act by resolution or bylaw (*Municipal Government Act (180)*).
36. Councillors shall vote on all motions according to section 183(1) in the *Municipal Government Act*, unless another section in that Act or any other Act of the Province of Alberta allows them to abstain from the vote.
37. Councillors shall ensure their comments and questions are on topic with the meeting's agenda.

GIFTS:

38. Councillors shall not accept or give gifts other than the normal exchange of gifts between business colleagues and friends, tokens exchanged as part of protocol, or the normal presentation of gifts to people participating in public functions.

POLITICAL ACTIVITY:

39. Under the *Canadian Charter of Rights and Freedoms*, 2. *Fundamental Freedoms, Freedom of Association*, Councillors have the right to be a member of a Provincial or Federal political party, take part in political activities, and support a candidate for political office.
40. Any member of Council who wishes to partake in any political activity must clearly separate that activity from those activities related to Council. Political activities for a Provincial or Federal political party shall not be done while carrying out the work of Council.
41. If Councillors wish to run for another political office, such as one at the Provincial or Federal level, those Councillors must take an unpaid leave of absence.
42. If a Councillor is elected to the House of Commons, the Legislative Assembly of Alberta, or the Senate, that Councillor must resign from Council (*Municipal Government Act 174(1)(c)*).

ACCOUNTABILITY:

43. Councillors shall encourage each other to act ethically and fairly, upholding this code of conduct.
44. If a Councillor suspects a breach of this code by a fellow Councillor, that Councillor shall bring it to the attention of the Chief Elected Official (the Reeve).
45. If a Councillor suspects a breach of this code that involves the Reeve, that Councillor will take it up with the Deputy Reeve. If that Councillor is not satisfied with the outcome of that discussion, the Councillor can table the matter in Council as a motion.
46. Breaches of this code may result in disciplinary action, up to and including disqualification from Council for the remainder of Council's term of office (*Municipal Government Act, 174(1)*).
47. Discussions in Council meetings concerning a Councillor's breach of this policy may be discussed *in camera*, as set out in section 197(2) of the *Municipal Government Act*, pursuant to section 24(1)(b)(ii) of the *Freedom of Information and Protection of Privacy Act*.

SEVERABILITY PROVISION

48. Should any provision of this bylaw be invalid, then such invalid provision shall be severed and the remaining bylaw shall be maintained.

ENACTMENT:

49. This bylaw comes into force upon final passing and proper signature thereof.

READ A FIRST TIME this _____ day of _____ A.D. 2016.

READ A SECOND TIME this _____ day of _____ A.D. 2016;

READ A THIRD AND FINAL TIME this _____ day of _____ A.D. 2016.

Date Reeve

Date Administrator