



# BYLAW C-7855-2018

**A Bylaw of Rocky View County, in the Province of Alberta, to establish a code of conduct for Members of Rocky View County's Boards and Committees.**

**WHEREAS** section 146.1(3) of the *Municipal Government Act* allows Council to establish by bylaw a code of conduct for Members of Rocky View County's Boards and Committees;

**AND WHEREAS** the public is entitled to expect the highest standards of ethical conduct from Members of Rocky View County's Boards and Committees;

**AND WHEREAS** a code of conduct for Board and Committee Members is consistent with the principles of transparent and accountable government;

**AND WHEREAS** a code of conduct ensures that Board and Committee Members share a common understanding of acceptable and ethical conduct;

**NOW THEREFORE** the Council of Rocky View County enacts as follows:

## Title

1 This Bylaw may be cited as the *Board and Committee Code of Conduct Bylaw*.

## Definitions

2 Words in this Bylaw have the same meaning as those set out in the *Municipal Government Act* except for the definitions provided in Schedule 'A' of this Bylaw.

## Purpose and Application

3 This Bylaw establishes standards for the ethical conduct of Rocky View County Board and Committee Members and provides a procedure for the investigation and enforcement of those standards.

4 This Bylaw applies to Members of Rocky View County Boards and Committees.

5 Boards and Committees may enact additional standards governing the behaviour of their Members provided that the standards are supplemental to this Bylaw and do not conflict with its letter, spirit, or intent.

(1) If there is a conflict between this Bylaw and any additional standards enacted by a Board or Committee, this Bylaw prevails.

6 Councillors appointed to Boards and Committees are subject to Rocky View County's *Council Code of Conduct Bylaw*.

## **Representing Rocky View County**

- 7 Members must:
- (1) act honestly and serve in good faith the welfare and interests of Rocky View County as a whole;
  - (2) perform their functions and duties in a conscientious manner and with integrity, accountability, and transparency; and
  - (3) conduct themselves in a professional manner and make every effort to participate diligently in meetings.

## **Communicating on Behalf of Rocky View County**

- 8 Members must not claim to speak on behalf of Rocky View County, unless authorized to do so.
- 9 Communications of a political nature are to be directed through the Reeve. Communications of an administrative or operational nature are to be directed through the Chief Administrative Officer.
- 10 Members must not make statements that they know to be false or make statements with the intent to mislead the public or their fellow Members.

## **Use of Social Media**

- 11 Members are encouraged to keep their personal social media use separate from their professional use.
- 12 When responding to comments on social media, Members should consider whether a comment is a service request, a compliment, or a complaint and should address the comment as follows:
- (1) for service requests, Members should direct the person to the appropriate Administrative department to address the matter;
  - (2) for compliments, Members should thank the person and forward the compliment to the appropriate individuals (for example, Council or an Administrative department); and
  - (3) for complaints, Members should thank the person for taking the time to write and state that the complaint will be taken under advisement. Engaging in debates on social media is discouraged.

## **Respecting the Decision-Making Process**

- 13 Decision-making authority lies with a Board or Committee as a whole and not with individual Members or group of Members. Boards or Committees may only act by a resolution passed at an open meeting with a quorum present.

- 14 Members must accurately communicate the decisions of a Board or Committee, even if they disagree with a decision, to ensure that the decision-making process is respected.
- 15 Members must not, unless authorized to do so, attempt to bind Rocky View County or give direction to its employees, agents, contractors, consultants, other service providers, or prospective vendors.
- 16 Members must conduct their duties and official business in an open and transparent manner, except for those matters which are authorized by legislation to be dealt with in a confidential manner or in a closed session.

#### **Adherence to Policies, Procedures, and Bylaws**

- 17 Members must uphold the laws of the Parliament of Canada and Legislature of Alberta, as well as the bylaws, policies, and procedures of Rocky View County.
- 18 Members must respect the bylaws, policies, and procedures of Rocky View County and will encourage public respect for Rocky View County as an institution.
- 19 Members must not encourage disobedience of any law of the Parliament of Canada or Legislature of Alberta, nor any bylaw, policy, or procedure of Rocky View County.

#### **Respectful Interactions with the Public, Employees, and Other Members**

- 20 Members must act in a manner that demonstrates fairness, respect for individual differences and opinions, and an intention to work together for the common good and to further the public interest.
- 21 Members must treat Rocky View County employees, the public, and their fellow Members with courtesy, dignity, and respect and without abuse, bullying, or intimidation.
- 22 Members must not speak or make expressions in a manner that is indecent, abusive, or insulting towards other Members, Rocky View County employees, or the public.
- 23 Members must not speak or make expressions in a manner that is discriminatory to any individual based on race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, or sexual orientation.
- 24 Members must respect that Rocky View County employees are responsible for making recommendations that reflect their professional expertise and a corporate perspective and, in order to do so, must be free from undue influence from any Member or group of Members.
- 25 Members must not:
  - (1) involve themselves in matters that fall within the jurisdiction of Administration or the Chief Administrative Officer;
  - (2) use, or attempt to use, their authority or influence to threaten, coerce, command, or influence Rocky View County employees with the intent of interfering with their duties; or

- (3) maliciously or falsely injure the professional or ethical reputation or the prospects of Rocky View County employees.

### **Confidential Information**

- 26 Members must keep matters discussed confidentially or in a closed session confidential until the matter is discussed in an open session or the Member is authorized to discuss the matter publicly.
- 27 Members must return to Administration all confidential information provided during a closed session at the conclusion of the closed session so that it may be destroyed.
- 28 Members may also acquire confidential information outside of a closed session. Members must not:
  - (1) disclose or release confidential information unless the disclosure is required by legislation or the Member is authorized to release the confidential information; or
  - (2) access or attempt to gain access to confidential information unless it is reasonably necessary for the Member to perform their duties and is not otherwise prohibited, and only then if the confidential information is acquired in accordance with applicable legislation, bylaws, and policies.
- 29 Members must not use confidential information for personal benefit or for the benefit of any other individual or organization.
- 30 Confidential information includes:
  - (1) information in the possession of Rocky View County that is prohibited from being disclosed pursuant to legislation, court order, or by contract;
  - (2) information that is required to remain confidential pursuant to the *Freedom of Information and Protection of Privacy Act* or any other legislation;
  - (3) any other information that pertains to the business of Rocky View County and is generally considered to be of a confidential nature, including, but not limited to, information concerning:
    - (a) the security of municipal employees or property;
    - (b) a proposed or pending acquisition or disposition of land or other property;
    - (c) a tender that has or will be issued but has not yet been awarded;
    - (d) contract negotiations;
    - (e) employment and labour relations;
    - (f) draft documents and legal instruments, including reports, policies, bylaws, and resolutions that have not yet been considered in an open session;
    - (g) law enforcement matters;

- (h) litigation or potential litigation, including matters before administrative tribunals; and
- (i) advice that is subject to solicitor-client privilege.

31 Incidents involving Members who may have collected, used, or disclosed confidential information in contravention of the *Freedom of Information and Protection of Privacy Act* must be proactively reported to Administration so that it may be reported to the Office of the Information and Privacy Commissioner of Alberta for investigation.

### **Pecuniary Interest and Conflicts of Interest**

32 Members must comply with the pecuniary interest provisions established in Schedule 'B' of this Bylaw and have a corresponding duty to vote at meetings unless permitted to abstain from voting due to a pecuniary interest.

33 Members must not act or appear to act in order to benefit, financially or otherwise, themselves or their family, friends, associates, businesses, or otherwise.

34 Members must be free from undue influence and approach decision-making with an open mind that is capable of persuasion.

35 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 arise from a pecuniary interest or other conflict of interest.

### **Improper Use of Influence**

36 Members must not use the authority or influence of their position for any purpose other than to exercise their official duties.

37 Members must not act as a paid agent to advocate on behalf of any individual, organization, or corporate entity before a Board or Committee.

38 Members must refrain from using their position to obtain employment with Rocky View County for themselves, their family, or their close associates.

### **Use of Municipal Resources**

39 Members must use municipal property, equipment, services, supplies, and resources only for their official duties, subject to the following limited exceptions:

- (1) Members may use municipal property, equipment, services, supplies, and resources that are also available to the public for personal use in accordance with the same terms and conditions as the public, including payment of any applicable fees or charges.

### **Training and Orientation**

40 Members must attend any training or orientation that is required by legislation in order to exercise their official duties.

- 41 Members may attend additional training or orientation in accordance with applicable bylaws, policies, and procedures.

### **Remuneration and Expenses**

- 42 Members are stewards of public resources and should avoid waste, abuse, and extravagance in the use of public resources.
- 43 Members must be transparent and accountable with expenditures and comply with all bylaws, policies, and procedures regarding remuneration and expense claims.

### **Gifts and Hospitality**

- 44 Members must not accept gifts, hospitality, or other benefits that would, to a reasonable member of the public, appear to be for influence, to induce influence, or to otherwise go beyond what is necessary or appropriate for their position.
- 45 Members are encouraged to recuse themselves from decision-making involving suppliers if that Member has received a benefit from that supplier.
- 46 Gifts that have a historical value or significance to Rocky View County must be left with the County when the Member ceases to hold their position.

### **Informal Complaint Process**

- 47 Any person who has identified or witnessed conduct by a Member that they reasonably believe, in good faith, contravenes this Bylaw may address the misconduct by:
- (1) advising the Member that their conduct contravenes this Bylaw and encouraging the Member to refrain from the conduct; and
  - (2) requesting that the chair and vice-chair of the Board or Committee assist with informational discussions with the Member in an attempt to resolve the issue.
- 48 If the chair is the subject of a complaint or implicated in a complaint, the person may request the assistance of the vice chair and another Member. If the vice chair is the subject of a complaint or implicated in a complaint, the person may request the assistance of the chair and another Member.
- 49 Individuals are encouraged to pursue the informal complaint process as their first means of addressing conduct that they believe contravenes this Bylaw. However, individuals are not required to pursue an informal complaint prior to a formal complaint pursuant to this Bylaw.

### **Formal Complaint Process**

- 50 Any person who has identified or witnessed conduct by a Member that they reasonably believe, in good faith, contravenes this Bylaw may file a formal complaint in accordance with the following formal complaint process:
- (1) All complaints must be made in writing and be dated and signed by an identifiable individual;

- (2) All complaints must be addressed to the Investigator;
- (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 giving rise to the allegation as they are known;
- (4) The Investigator may request additional information from the complainant to determine whether the Member has contravened this Bylaw;
- (5) The Investigator must provide a copy of the complaint to the Member who is subject of the complaint and to any other Members who are implicated in the complaint;
- (6) Upon receipt of a complaint under this Bylaw, the Investigator reviews the complaint and decides whether to proceed with a full investigation into the complaint. If the Investigator is of the opinion that
  - (a) a complaint is frivolous or vexatious,
  - (b) a complaint was not made in good faith,
  - (c) there are no grounds, or insufficient grounds, for conducting an investigation into a complaint, or
  - (d) the complaint is not within the authority of the Investigator to investigate or should be referred to a different body for investigation,

the Investigator may choose not to investigate the complaint. If an investigation has already commenced, the Investigator may choose to terminate the investigation or dispose of the complaint in a summary manner. The Investigator must notify the complainant, the Member who is subject of the complaint, and the Board or Committee of their decision;

- (7) If the Investigator chooses to investigate a complaint, the Investigator is authorized to take any steps that they consider necessary and appropriate to complete the investigation, which may include seeking independent legal advice or accessing Rocky View County records;
- (8) All proceedings of the Investigator are confidential and protected in accordance with the *Freedom of Information and Protection of Privacy Act*;
- (9) The Investigator must, upon conclusion of an investigation, provide the complainant, the Member who is the subject of the complaint, and the Board or Committee with the results of the investigation;
- (10) The results of an investigation remain confidential and are considered first by the Board or Committee in a closed session. After considering the results of an investigation, the Board or Committee must, by resolution passed in open session, recommend to Council whether sanctions should be imposed on the Member;

- (11) Members who are the subject of an investigation are entitled to be represented by legal counsel at the Member's sole expense and must be afforded procedural fairness, including an opportunity to respond to the allegations prior to the Board or Committee deliberating and making its recommendation to Council on whether to impose sanctions;
- (12) After the Board or Committee considers the results of an investigation and makes a recommendation to Council on whether sanctions should be imposed on the Member, Council then considers the results of the investigation and the recommendation made by the Board or Committee and may, by a resolution passed in open session, impose sanctions on the Member;
- (13) If a Board or Committee recommends to Council that sanctions not be imposed on a Member, the Board or Committee may also recommend that the Member be reimbursed for any legal expenses incurred as a result of the complaint; and
- (14) The results of an investigation are made available to the public only after they are considered by Council and in accordance with the *Freedom of Information and Protection of Privacy Act*.

### **Compliance, Enforcement, and Sanctions**

- 51 Members must uphold the letter, spirit, and intent of this Bylaw.
- 52 Members must cooperate in every way possible with the compliance and enforcement of this Bylaw.
- 53 Members must not:
  - (1) undertake any act of reprisal, or threaten reprisal against, a complainant or any other person for providing information to the Investigator, Members, Councillors, or any other person; or
  - (2) obstruct the Investigator, Council, Board or Committee, or any other person carrying out the objectives or requirements of this Bylaw.
- 54 Sanctions may be imposed on a Member by Council, through a motion passed in open session, upon Council determining that a Member has contravened this Bylaw. Sanctions may include any one, or any combination, of the following:
  - (1) Issuing a letter of reprimand addressed to the Member, including publication of the letter;
  - (2) requesting that the Member issue a letter of apology for the misconduct, including publication of the request and letter of apology;
  - (3) requesting that the Member attend training that addresses the nature of the misconduct;
  - (4) requesting that the Member return or reimburse the value of property, equipment, gifts, benefits, or other items or reimburse the value of services rendered;



- (5) restricting how confidential documents are provided to the Member (for example, no electronic copies of confidential documents);
- (6) restricting the Member's travel or representation on behalf of the Board or Committee;
- (7) reducing or suspending the Member's remuneration for attending meetings and performing their official duties;
- (8) suspending or removing the Member's position as chair or vice chair of a Board or Committee;
- (9) suspending or removing the Member's appointment to a Board or Committee; or
- (10) any other sanction deemed reasonable and appropriate given the circumstances of the complaint.

### **Investigator**

55 Council appoints a person or persons to act as the Investigator.

56 The following persons are not eligible to act as the Investigator:

- (1) a Councillor, or a family member, friend, or close associate of a Councillor;
- (2) a Member, or a family member, friend, or close association of a Member; or
- (3) an employee of Rocky View County.

57 Records in the possession of the Investigator are considered property of Rocky View County and are subject to the *Freedom of Information and Protection of Privacy Act* and the bylaws, policies, and procedures of Rocky View County.

### **Review**

58 This Bylaw must reviewed by Council at the beginning of each new term, 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.

### **Severability**

59 Each provision of this Bylaw is independent of all other provisions. If any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

### **Transitional**

60 The following bylaws are amended in accordance with Schedule 'C' of this Bylaw upon this Bylaw passing and coming into full force and effect:

- (1) Bylaw C-7717-2017, being the *Appeal and Review Panel Bylaw*;

(2) Bylaw C-7778-2018, being the *Assessment Review Boards Bylaw*; and


61 Bylaw C-7855-2018, being the *Board and Committee Code of Conduct Bylaw*, is passed and comes into full force and effect when it receives third reading and is signed by the Reeve or Deputy Reeve and the Chief Administrative Officer or their designate pursuant to the *Municipal Government Act*.

READ A FIRST TIME IN COUNCIL this 26<sup>th</sup> day of February, 2019

READ A SECOND TIME IN COUNCIL this 26<sup>th</sup> day of February, 2019

UNANIMOUS PERMISSION FOR THIRD READING this 26<sup>th</sup> day of February, 2019

READ A THIRD TIME IN COUNCIL this 26<sup>th</sup> day of February, 2019

  
\_\_\_\_\_  
Reeve

 (Acting)  
\_\_\_\_\_  
CAO or Designate

February 26, 2019  
\_\_\_\_\_  
Date Bylaw Signed

## Bylaw C-7855-2018

### Schedule 'A' – Definitions

- 1     **“Administration”** means the operations and staff of Rocky View County under the direction of the Chief Administrative Officer.
- 2     **“Board”** means a board with Members appointed by Council.
- 3     **“Chief Administrative Officer”** means the Chief Administrative Officer of Rocky View County or their authorized delegate pursuant to the *Municipal Government Act*.
- 4     **“Committee”** means a committee with Members appointed by Council.
- 5     **“Council”** means the duly elected Council of Rocky View County.
- 6     **“Council Code of Conduct Bylaw”** means Rocky View County Bylaw C-7768-2018, being the *Council Code of Conduct Bylaw*, as amended or replaced from time to time.
- 7     **“Councillor”** means a duly elected Member of Council.
- 8     **“Freedom of Information and Protection of Privacy Act”** means the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c. F-25, as amended or replaced from time to time.
- 9     **“Investigator”** means the person or persons appointed as an Investigator pursuant to this Bylaw.
- 10    **“Member”** means either:
- (1)    a person appointed as a Member at Large to a Board or Committee by Council; or
  - (2)    a person appointed or designated by another organization to attend the meetings of a Board or Committee in either a voting or non-voting capacity.
- 11    **“Member at Large”** means a person appointed to a Board or Committee who is a member of the public and not a Councillor.
- 12    **“Municipal Government Act”** means the *Municipal Government Act*, RSA 2000, c M-26, as amended or replaced from time to time.
- 13    **“Reeve”** means the Chief Elected Official of Rocky View County pursuant to the *Municipal Government Act*.
- 14    **“Rocky View County”** means Rocky View County as a municipal corporation and the geographical area within its jurisdictional boundaries, as the context requires.

**Bylaw C-7855-2018**

**Schedule 'B' – Pecuniary Interest Provisions**

1 In this Schedule:

- (1) "**Corporation**", "**Director**", "**Distributing Corporation**", "**Officer**", "**Shareholder**", "**Voting Rights**", and "**Voting Shares**" have the same meanings given to them in the *Business Corporations Act*, RSA 2000, c B-9, as amended or replaced from time to time;
- (2) "**Member's Family**" means a Member's spouse or adult interdependent partner, the Member's children, the parents of the Member, and the parents of the Member's spouse or adult interdependent partner; and
- (3) "**Spouse**" means the spouse of a married person but does not include a spouse who is living separate and apart from the person if the person and spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order.

2 A Member has a pecuniary interest in a matter if:

- (1) The matter could monetarily affect the Member or an employer of the Member; or
- (2) The Member knows or should know that the matter could monetarily affect the Member's Family.

3 A Member is monetarily affected by a matter if the matter monetarily affects:

- (1) The Member directly;
- (2) A corporation, other than a distributing corporation, in which the Member is a shareholder, director, or officer;
- (3) A distributing corporation in which the Member beneficially owns voting shares carrying at least 10% of the corporation or of which the Member is a director or officer; or
- (4) A partnership or firm of which the person is a Member.

4 A Member does not have a pecuniary interest by reason only of any interest:

- (1) that the Member, an employer of the Member, or a member of the Member's Family may have as an elector, taxpayer, or utility customer of the municipality;
- (2) of the Member, an employer of the Member, or a member of the Member's Family that is held in common with the majority of electors of the municipality or, if the matter affects only part of the municipality, with the majority of electors in that part; or

- (3) that is so remote or insignificant that it cannot reasonably be regarded as likely to influence the Member.
- 5 When a Member has a pecuniary interest on a matter before a Board or Committee that Member must:
  - (1) Disclose the nature of the pecuniary interest to the Board or Committee;
  - (2) Abstain from participating in the hearing of the matter;
  - (3) Abstain from any discussion or voting on the matter; and
  - (4) Be absent from the room in which the matter is being heard, except to the extent that the Member is entitled to be heard before a Board or Committee as an appellant or a person affected by the matter before the Board or Committee.
- 6 Members must not discuss any matter under appeal with anyone outside of the formal hearing process.

**Bylaw C-7855-2018**

**Schedule 'C' – Bylaw Amendments**

**Amendments to the Appeal and Review Panel Bylaw**

- 1 Rocky View County Bylaw C-7717-2017, being the *Appeal and Review Panel Bylaw*, is amended as follows:
  - (1) Delete section 7
  - (2) Delete section 17
  - (3) Delete Schedule 'A' – Appeal and Review Panel Member Code of Conduct

**Amendments to the Assessment Review Boards Bylaw**

- 2 Rocky View County Bylaw C-7778-2017, being the *Assessment Review Boards Bylaw*, is amended as follows:
  - (1) Delete section 7
  - (2) Delete Schedule 'A' – Assessment Review Board Code of Conduct