

# BYLAW C-8338-2022

**A bylaw of Rocky View County, in the Province of Alberta, to establish a Council Code of Conduct.**

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

**AND WHEREAS** the establishment of a code of conduct provides for independent oversight of Councillors consistent with the principles of transparency and accountability;

**AND WHEREAS** a code of conduct ensures that Councillors share a common understanding of acceptable conduct extending beyond the legislative provisions governing the conduct of Councillors;

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

## Title

- 1 This bylaw may be cited as the *Council Code of Conduct Bylaw*.

## Definitions

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

## Purpose and Application

- 3 The purpose of this bylaw is to establish standards for the ethical conduct of Rocky View County Councillors relating to their roles and obligations as elected officials, as well as the procedure for the investigation and enforcement of contravention of these standards.
- 4 Councillors must uphold the letter, spirit, and intent of this bylaw and encourage the same from other Councillors. Councillors must cooperate in every way reasonably possible to ensure compliance with this bylaw.

## Representing Rocky View County

- 5 Councillors must:
  - (1) serve the welfare and interests of Rocky View County as a whole to the best of their abilities and act in good faith as elected officials;
  - (2) carry out their duties in a conscientious and diligent manner and act with honesty, dignity, and openness in their public affairs;
  - (3) arrange their private affairs and conduct themselves in a manner that promotes public confidence in Rocky View County and will bear close public scrutiny; and



- (4) attend and participate diligently in Council meetings, board and committee meetings, and meetings of other bodies to which they are appointed and to participate in decision-making with an open mind that is capable of persuasion.

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

6 Councillors must not:

- (1) communicate on behalf of Council on a matter unless authorized to do so;
- (2) make statements that they know to be false; nor
- (3) make intentionally misleading or reckless statements.

7 Requests from the media regarding the official position of Council on a matter will be referred to the official spokesperson of Council for response. The Chief Elected Official is the official spokesperson of Council. In the absence of the Chief Elected Official, the Deputy Chief Elected Official may act as the official spokesperson of Council.

8 When a matter relates to a particular electoral division, the Chief Elected Official may refer a request from the media to the Councillor representing the electoral division. The Councillor of an electoral division may seek authorization from the Chief Elected Official to act as the official spokesperson of Council on a matter that relates to their electoral division.

9 Any Councillor who is authorized to act as the official spokesperson of Council must ensure that their comments accurately reflect the official position and will of Council, even if that Councillor personally disagrees with the official position and will of Council, such that respect for the decision-making process is ensured.

10 When a Councillor receives a request from the media and they are not authorized to act as the official spokesperson of Council, the Councillor must forward the request to:

- (1) the Chief Elected Official if the matter pertains to Council business; or
- (2) the Chief Administrative Officer if the matter is operational in nature.

11 Notwithstanding the above provisions, Councillors may provide comments to the media as Councillors so long as they clearly distinguish that their comments reflect their own personal opinions and do not necessarily reflect the opinions of other Councillors or the official position and will of Council.

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

12 Councillors must conduct themselves with openness and transparency and in a manner that allows the public to observe the decision-making process and the rationale used to reach those decisions when appropriate, except for matters dealt with in a confidential manner under the *Municipal Government Act* and the *Freedom of Information and Protection of Privacy Act*.



- 13 Decision-making authority lies with Council as a whole and not with individual Councillors. Council may only act by bylaw or resolution passed at a Council meeting in accordance with section 180 of the *Municipal Government Act*.
- 14 Councillors may state that they did not vote with the majority of Council on a matter provided that the statement is made in a manner that respects Council, Council's decision, individual Councillors, and Administration's recommendation and advice.
- 15 Unless authorized by Council, Councillors must not:
  - (1) attempt to bind or negotiate on behalf Rocky View County; nor
  - (2) provide direction to individual employees, agents, contractors, consultants, or other service providers or vendors of Rocky View County.

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

- 16 Councillors must uphold the law established by the Parliament of Canada and the Legislature of Alberta. Councillors must not encourage or condone unlawful conduct or undermine public confidence in the rule of law.
- 17 Councillors must respect Rocky View County as an institution and must comply with its bylaws, policies, and procedures, and must encourage public respect for Rocky View County and its bylaws, policies, and procedures.

### **Respectful Interactions with Councillors, Employees, the Public, and Others**

- 18 Councillors 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 advance the public interest.
- 19 Councillors must act in a manner that models Rocky View County's core values of integrity, leadership, and accountability.
- 20 Councillors must treat one another, Rocky View County employees, and the public with courtesy, dignity, and respect and without abuse, bullying, or intimidation.
- 21 Councillors must not:
  - (1) use indecent, abusive, or insulting words or expressions toward another person;
  - (2) communicate in a manner that is discriminatory to any person or group of persons based on race, colour, religious beliefs, gender, gender identity, gender expression, physical disability or mental disability, age, ancestry, place of origin, marital status, source of income, family status, sexual orientation, or any other protected grounds under the *Alberta Human Rights Act*;
  - (3) involve themselves in matters of Administration;



- (4) use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any Rocky View County employee with the intent of interfering in their duties;
- (5) maliciously or falsely injure the professional or ethical reputation or the prospects or practice of fellow Councillors, employees of Rocky View County, or a member of the public; nor
- (6) directly or indirectly request or encourage a person to do something, which, if done by the Councillor, would be in contravention of this bylaw.

### **Confidential Information**

- 22 Councillors must not disclose confidential information, even after their term of office as Councillor has concluded, on all matters discussed in closed sessions unless authorized to disclose the information by Council.
- 23 Councillors must return all confidential documents to Administration at the conclusion of a closed session if the documents were distributed in paper form at the closed session.
- 24 Councillors may become privy to confidential information outside of a closed session and must not:
  - (1) disclose or release by any means to any person, including the media, any confidential information acquired by virtue of their office, unless the disclosure is required by law or authorized by Council; or
  - (2) access or attempt to gain access to confidential information unless it is necessary for their duties as a Councillor and only through appropriate methods in accordance with Rocky View County bylaws, policies, and procedures.
- 25 Councillors must not use confidential information for their own personal benefit, for the benefit of members of their family, or for the benefit of any other person or organization.
- 26 Confidential information includes information in the possession of, or received in confidence by, Rocky View County that is prohibited from disclosure pursuant to legislation, court order, contract, or any other information pertaining to the business of Rocky View County that is generally considered to be confidential in nature.
- 27 Confidential information includes, but is not limited to, the following matters:
  - (1) the security of people and property of Rocky View County;
  - (2) a proposed or pending acquisition or disposition of land or other property;
  - (3) a tender that has or will be issued but has not been awarded;
  - (4) contract negotiations;
  - (5) employment and labour relations;



- (6) law enforcement matters;
  - (7) 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;
  - (8) litigation or potential litigation, including matters before administrative tribunals; and
  - (9) advice that is subject to solicitor-client privilege.
- 28 Councillors may only use the personal information of third parties for the purpose for which it was collected and only to the extent necessary to achieve that purpose in the discharge of their duties or in other circumstances outlined in section 39 of the *Freedom of Information and Protection of Privacy Act*.
- 29 Councillors must respect the right of access to Rocky View County records under the *Freedom of Information and Protection of Privacy Act* and the obligation to protect privacy by:
- (1) proactively seeking advice from Administration to ensure compliance with the *Freedom of Information and Protection of Privacy Act*;
  - (2) not interfering with Rocky View County's administration of the *Freedom of Information and Protection of Privacy Act*;
  - (3) producing and providing responsive records in the custody and control of Rocky View County in response to access to information requests; and
  - (4) not altering, destroying, or withholding records upon being provided notice that the record may be subject to an access to information request.
- 30 Councillors may only disclose a third party's personal information in the following circumstances:
- (1) when the disclosure would not be an unreasonable invasion of the third party's privacy; and
  - (2) the personal information is of the type routinely disclosed in a business or professional setting; and
  - (3) the disclosure is limited to business or professional contact information and the disclosure does not reveal other personal information about the third party; or
  - (4) where written consent is provided by the third party to disclose their personal information; or
  - (5) in circumstances outlined in section 40 of the *Freedom of Information and Protection of Privacy Act*.

- 31 When a Councillor may have improperly collected, used, or disclosed personal information or otherwise contravened the *Freedom of Information and Protection of Privacy Act*, the incident must be reported to the Chief Administrative Officer upon discovery.

### **Conflicts of Interest**

- 32 Councillors must comply with the pecuniary interest provisions in the *Municipal Government Act*.
- 33 Councillors are responsible for seeking their own independent legal advice, at their own expense, with respect to situations arising from a pecuniary or other conflict of interest.

### **Use of Municipal Assets and Services**

- 34 Councillors must use municipal property, equipment, services, supplies, and resources only to carry out official duties and in accordance with Rocky View County bylaws, policies, and procedures, with the following limited exceptions:
- (1) municipal property, equipment, services, supplies, and resources that are available to the general public may be used by a Councillor for personal use under the same terms, conditions, and access as the general public, including booking meetings and the payment of any applicable fees or charges; and
  - (2) electronic communication devices, including but not limited to desktop computers, laptops, tablets, and smartphones, supplied by Rocky View County may be used for personal use provided that the use is reasonable and appropriate. All devices supplied by Rocky View County are the property of Rocky View County and therefore information on the devices may be subject to review pursuant to a request under the *Freedom of Information and Privacy Act* or a demand for records in a litigation.

### **Improper Use of Influence**

- 35 Councillors must respect that Rocky View County employees are responsible for making recommendations and providing advice that reflects their professional expertise and a corporate perspective and must not attempt to unduly influence them.
- 36 Councillors must be free from undue influence and must not act or appear to act to gain financial or other benefits for themselves or others.
- 37 Councillors must not:
- (1) use the influence of their office for any purpose other than for the exercise of their official duties;
  - (2) use the influence of their office to obtain employment with Rocky View County for themselves, family members, or close associates. Councillors are ineligible to apply or be considered for employment with Rocky View County for one year after leaving office;



- (3) act as a paid agent to advocate on behalf of any person, organization, or corporate entity before Council, a committee, or any other body established by Council;
- (4) give any special consideration, preferential treatment, or advantage to any person or organization based solely on the identity of the person or organization; nor
- (5) contact or otherwise attempt to influence members of any adjudicative body on any matter related to Rocky View County.

### **Election Campaigns**

- 38 No Councillor may use facilities, equipment, supplies, services, municipal logos, or other resources of Rocky View County for any election campaign or campaign-related activity.

### **Orientation and Other Training**

- 39 Councillors must attend the initial orientation offered by Rocky View County pursuant to section 201.1 of the *Municipal Government Act* within 90 days of taking the oath of office.
- 40 Councillors must attend any training organized at the direction of Council or mandated by the Province of Alberta.
- 41 Councillors may attend any other training opportunities provided by Rocky View County or accessed through Rocky View County's *Council Compensation and Expense Reimbursement Policy*. Councillors should endeavor to attend other training opportunities whenever it is reasonably possible to do so.

### **Compensation and Expense Reimbursement**

- 42 Councillors are stewards of public resources and must avoid waste, abuse, and extravagance in the use of public resources.
- 43 Councillors must be transparent and accountable with all expenditures and expenses and comply with Rocky View County's *Council Compensation and Expense Reimbursement Policy* and other bylaws, policies, and procedures.
- 44 Expense reports submitted by Councillors in accordance with *Council Compensation and Expense Reimbursement Policy* will be published to Rocky View County's website on a quarterly basis.

### **Gifts and Hospitality**

- 45 Councillors must not accept gifts, hospitality, or other benefits that are, or that would reasonably appear to the public to be, in gratitude for influence, to induce influence, or to otherwise go beyond what is necessary and appropriate for the office of Councillor.
- 46 Gifts received on behalf of Rocky View County as a matter of protocol which have significance or historical value to Rocky View County must be left with Rocky View County to be retained for corporate history when a Councillor ceases to hold office.





- 47 Councillors may accept gifts, hospitality, and other benefits that reasonably accompany the responsibilities of their office and are received as a matter of protocol and social obligation only if value of the gift, hospitality, or other benefit does not exceed \$500.00.
- 48 Despite Section 47 Councillors may accept gifts, hospitality, and other benefits with a value exceeding \$500.00 only if approval has been received by the Chief Elected Official and the following conditions are met:
- (1) the gift, hospitality, or other benefit offered is for complementary tickets or reduced fees to attend an event such as a fundraiser, golf tournament, or sporting event;
  - (2) a representative of the organization offering the gift, hospitality, or other benefit will be in attendance at the event; and
  - (3) the offer is infrequent in nature.
- 49 Councillors must file an annual disclosure statement with the Chief Administrative Officer no later than the date of the annual organizational meeting of each year listing the gifts, hospitality, and other benefits received beyond \$500.00 during the past calendar year, including an approximation of their monetary value.
- (1) Councillor disclosure statements will be published on Rocky View County's public website following the annual organizational meeting.

### **Informal Complaint and Dispute Resolution Process**

- 50 Any Councillor who witnesses or becomes aware of conduct by a Councillor that they reasonably believe, in good faith, contravenes any provision of this bylaw may pursue an informal resolution by:
- (1) advising the Councillor that their conduct may contravene this bylaw and encouraging the offending Councillor to refrain from said conduct in the future; or
  - (2) if the matter is not resolved, requesting an informal dispute resolution process with a mutually agreed upon Councillor.
- 51 Councillors are encouraged to pursue the informal complaint process as the first step of addressing conduct that they believe contravenes this bylaw. Councillors are not required to pursue an informal complaint prior to pursuing a formal complaint.

### **Complaints Adjudicator**

- 52 Council will appoint by resolution a Complaints Adjudicator to fulfill the duties of the position pursuant to this bylaw and will ensure that the position is filled at all times. Council may appoint by resolution additional or alternate Complaints Adjudicators to conduct investigations as desired or required from time to time.





- 53 The following persons are not eligible to act as the Complaints Adjudicator:
- (1) a Councillor of Rocky View County, or a family member, friend, or close associate of a Councillor of Rocky View County;
  - (2) the Chief Administrative Officer of Rocky View County, or a family member, friend, or close associate of the Chief Administrative Officer of Rocky View County;
  - (3) a Rocky View County employee; nor
  - (4) any other person with a conflict of interest or vested interest in the outcome of investigations conducted under this bylaw.
- 54 The Complaints Adjudicator will prepare an annual report to be presented to Council that summarizes the activities of the Complaints Adjudicator over the previous year, the number and types of formal complaints received over the previous year, and any other code of conduct matters that, in opinion of the Complaints Adjudicator, should be brought to Council's attention.
- 55 Any records provided by Rocky View County to the Complaints Adjudicator during an investigation or for other purposes related to this bylaw will be returned to Rocky View County when the investigation in question is concluded or when the records are no longer required for the Complaints Adjudicator to fulfill their duties under this bylaw.

#### **Confidentiality and Complainant Protection**

- 56 The Complaints Adjudicator will make every reasonable effort to protect the identity of complainants and to maintain confidentiality throughout the formal complaint and investigation process.
- (1) If disclosure of a complainant's identity is required as part of an investigation under this bylaw, the Complaints Adjudicator will notify the complainant and seek their consent to the disclosure before disclosing the information.
  - (2) Disclosures of information will be restricted to what is required to complete an investigation and ensure procedural fairness. If a complainant does not consent to a disclosure, the Complaints Adjudicator will provide them with an opportunity to withdraw their complaint.

## **Formal Complaint and Investigation Process**

### Initiating a Formal Complaint

- 57 Any person who witnesses conduct by a Councillor that they reasonably believe, in good faith, contravenes any provision of this bylaw may pursue a formal complaint. Formal complaints must be submitted in writing to the Complaints Adjudicator at:
- (1) **complaintsadjudicator@rockyview.ca**; or
  - (2) **Complaints Adjudicator**  
Rocky View County  
262075 Rocky View Point  
Rocky View County, Alberta T4A 0X2
- 58 All formal complaints must include the following:
- (1) the complainant's full name, residential address, and email address, if any; and
  - (2) the nature of the alleged complaint, including:
    - (a) the name of the Councillor who allegedly contravened this bylaw;
    - (b) the facts surrounding the Councillor's conduct and any supporting documents and records; and
    - (c) the name and contact information of any witnesses to the incident, if any.
- 59 All formal complaints must be submitted to the Complaints Adjudicator within 90 days of the alleged contravention of this bylaw occurring or within 90 days of the complainant becoming aware of the alleged contravention.
- (1) The Complaints Adjudicator may accept formal complaints submitted after 90 days when, in their sole discretion, it is reasonable and appropriate to do so.
- 60 The Complaints Adjudicator may initiate a formal complaint under this bylaw on their own initiative without receiving a formal complaint if the Complaints Adjudicator, in their sole opinion, determines that it is in the public interest to do so.
- 61 A complaint may be withdrawn by a complainant at any time during an investigation. Notwithstanding a request to withdraw a complaint, the Complaints Adjudicator may continue an investigation without the complainant's participation if, in their sole opinion, it is in the public interest to do so.



Initial Review of Formal Complaints

- 62 When the Complaints Adjudicator receives a formal complaint under this bylaw, the Complaints Adjudicator will provide a copy of the complaint and all related documents and records to the Councillor and:
- (1) may, in response to the complaint, request information from the complainant or the named Councillor before conducting the initial review of the complaint.
- 63 The Complaints Adjudicator will conduct an initial review of the formal complaint and all related documents and records to determine whether an investigation should be conducted. The Complaints Adjudicator may dismiss the complaint if the Complaints Adjudicator is of the opinion that:
- (1) the complaint was received after the timeframes provided in this bylaw;
  - (2) the complaint is frivolous or vexatious;
  - (3) the complaint was not made in good faith;
  - (4) there are no or insufficient grounds for conducting an investigation; or
  - (5) the complaint is not within the authority of the Complaints Adjudicator to investigate or should be referred to a different body for investigation.
- 64 The Complaints Adjudicator, in their sole discretion, may proceed with, suspend, or decline to proceed with conducting an initial review or investigation into a formal complaint beginning on nomination day in a general election year and ending on the day of the organizational meeting following the general election.

Formal Complaint Investigation Process

- 65 Complainants and Councillors who are the subject of an investigation will be afforded procedural fairness throughout the investigation process, including an opportunity to review and respond to the complaint, responses, documents, and records provided to the Complaints Adjudicator during the investigation, prior to a final decision or report being made.
- 66 When the Complaints Adjudicator proceeds with an investigation into a formal complaint, the Complaints Adjudicator will proceed as follows:
- (1) the Complaints Adjudicator will serve the Councillor with notice of the investigation by email or in person. The notice will include the complaint and any additional documents or records received in relation to the complaint;
  - (2) after receiving notice of an investigation, the Councillor will have 10 business days to provide a written statement to the Complaints Adjudicator, which must include the Councillor's response to the allegations and any supporting documents and records by email;



- (3) after receiving the Councillor's response to the complaint, the Complaints Adjudicator will provide the Councillor's response and any supporting documents and records to the complainant by email;
  - (4) after receiving the Councillor's response to the complaint, the complainant will have 10 business days to provide additional documents and records in response to the Councillor's response by email; and
  - (5) the Complaints Adjudicator, in their sole discretion, may extend the deadline(s) under this section, where there are reasonable grounds to do so.
- 67 The Complaints Adjudicator may request access to Rocky View County records, documents, and information related to the complaint as necessary to complete an investigation.
- 68 The Complaints Adjudicator may request additional information from any person involved in an investigation at any time during the investigation, as necessary, including any witnesses.
- 69 All communications between the Complaints Adjudicator and any person involved in an investigation are provided on a strictly confidential basis until the investigation is concluded. If a breach of confidentiality occurs during an investigation it may result in, at the Complaints Adjudicator's sole discretion, the dismissal of the complaint or an adverse finding against the Councillor.

#### Concluding the Formal Complaint Investigation Process

- 70 Upon conclusion of an investigation, the Complaints Adjudicator will either:
- (1) dismiss the complaint with written reasons if a contravention of this bylaw has not been proven on the balance of probabilities; or
  - (2) prepare a report to Council if a contravention of this bylaw has been proven on the balance of probabilities.
- 71 When a contravention of this bylaw has been proven on the balance of probabilities, the Complaints Adjudicator's report to Council must include the following:
- (1) a summary of the evidence and the Complaints Adjudicator's findings of fact;
  - (2) a description of the contravention of this bylaw that occurred; and
  - (3) recommendation as to the appropriate sanctions to be imposed on the Councillor, if any.



- 72 The Complaints Adjudicator will make every reasonable effort to complete an investigation and either dismiss the complaint or provide a report to Council within 90 days of receiving a formal complaint.
- (1) If it is not practically possible to complete an investigation and provide a report to Council within 90 days, the Complaints Adjudicator may extend the time period at their sole discretion.
- 73 Upon completion of a report to Council, the Complaints Adjudicator will advise the Chief Administrative Officer pursuant to this bylaw. The Chief Administrative Officer will schedule the matter as a closed session item at the next available Council meeting.
- 74 A copy of the Complaints Adjudicator's report will be provided to Council and the Chief Administrative Officer on a strictly confidential basis no sooner than 48 hours and no later than 24 hours prior to the Council meeting at which the report will be considered.
- (1) A breach of confidentiality under the above section of this bylaw will be considered a contravention of this bylaw.
- 75 After considering a report by the Complaints Adjudicator, Council may by resolution:
- (1) impose sanctions on the Councillor in accordance with this bylaw; or
- (2) not impose sanctions on the Councillor.
- 76 When the Complaints Adjudicator determines that a contravention of this bylaw has occurred in accordance with section 70(2) of this bylaw, the report from the Complaints Adjudicator will be made public and posted on Rocky View County's website following Council's consideration of the report and decision on sanctions, if any.
- 77 All other proceedings and decisions under the formal complaint process will remain confidential and will be protected under the *Freedom of Information and Protection of Privacy Act*.

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

- 78 Councillors must not:
- (1) undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing information to the Complaints Adjudicator or any other person involved in a formal complaint; nor
- (2) obstruct Council, the Complaints Adjudicator, or any other person in ensuring compliance with this bylaw.



- 79 When determining which sanctions, if any, should be imposed on a Councillor for a contravention of this bylaw, Council must:
- (1) consider whether the sanctions to be imposed are reasonable, proportional, and appropriate to address the contravention that occurred; and
  - (2) provide clear direction on when the sanctions to be imposed will expire if the sanctions are to be imposed over a period of time.
- 80 If it is determined that sanctions should be imposed on a Councillor for contravention of this bylaw, Council may impose any of the following, or a combination of the following, sanctions by resolution:
- (1) a letter of reprimand addressed to the Councillor and its publication;
  - (2) requiring that the Councillor issue a letter of apology and its publication;
  - (3) requiring that the Councillor attend training;
  - (4) requiring that the Councillor return or reimburse the value of property, equipment, gifts, benefits, or other items, or to reimburse the value of services rendered;
  - (5) restrictions on the travel and representation of the Councillor on behalf of Rocky View County;
  - (6) restrictions on how documents are provided to the Councillor (e.g. no electronic copies of documents or only watermarked copies for tracking purposes);
  - (7) suspension or removal from some or all boards, committees, commissions, and other bodies to which Council has the right to appoint members;
  - (8) suspension or removal as the Chair or Vice Chair of boards, committees, commissions, and other bodies to which Council has the right to appoint members;
  - (9) suspension or removal of the Chief Elected Official's presiding duties under the *Municipal Government Act* and the *Procedure Bylaw*;
  - (10) suspension or removal of the appointment of a Councillor as the Chief Elected Official under the *Municipal Government Act*;
  - (11) suspension or removal of the appointment of a Councillor as the Deputy Chief Elected Official under the *Municipal Government Act*;
  - (12) reduction or suspension of remuneration corresponding to a reduction in official duties, excluding allowances for attendance at Council meetings; or
  - (13) any other sanction that Council deems reasonable, proportional, and appropriate in the circumstances so long as the sanction is not contrary to the *Municipal Government Act* and does not prevent a Councillor from fulfilling their legislated duties under the *Municipal Government Act*.



- 81 Councillors are entitled to seek legal advice, at their sole expense, regarding compliance or contraventions of this bylaw or in relation to any proceedings conducted under it.
- 82 When an investigation under this bylaw results in the dismissal of a complaint, the named Councillor may, within 90 days after the date of the dismissal, bring forward a motion to Council for reimbursement of reasonable legal fees and expenses directly incurred by the Councillor in responding to the complaint during the course of the investigation and up to Council's disposition of the complaint, but not in relation to any subsequent proceedings that may be brought before Council or any court, tribunal or other body.
- (1) Council may by resolution approve or refuse, in whole or in part, the Councillor's request for reimbursement under the above section of this bylaw.

### **Review**

- 83 This bylaw will be reviewed by Council every four years, when applicable legislation is amended, and at any other time Council deems appropriate.

### **Severability**

- 84 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 shall remain valid and enforceable.

### **Transitional**

- 85 Bylaw C-7768-2018, being the *Council Code of Conduct Bylaw*, and all amendments thereto are repealed upon this bylaw passing and coming into full force and effect.
- (1) Upon repeal of *Council Code of Conduct Bylaw C-7768-2018* any previous appointments of an Investigator made by Council pursuant to that bylaw are rescinded and will no longer have force or effect.
- 86 Bylaw C-8338-2022, being the *Council Code of Conduct Bylaw*, is passed when it receives third reading and is signed in accordance with the *Municipal Government Act*.





READ A FIRST TIME this

\_\_4<sup>th</sup>\_\_ day of \_\_July\_\_, 2023

READ A SECOND TIME this

\_\_\_\_\_ day of \_\_\_\_\_, 2023

UNANIMOUS PERMISSION FOR THIRD READING this

\_\_\_\_\_ day of \_\_\_\_\_, 2023

READ A THIRD AND FINAL TIME this

\_\_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
Chief Elected Official

\_\_\_\_\_  
Chief Administrative Officer

\_\_\_\_\_  
Date Bylaw Signed

**Bylaw C-8338-2022****Schedule 'A' – Definitions**

- 1     **“Administration”** means the operations and staff under the direction of the Chief Administrative Officer.
- 2     **“Alberta Human Rights Act”** means the *Alberta Human Rights Act*, RSA 2000, A-25.5, and associated regulations, as amended or replaced from time to time.
- 3     **“Chief Administrative Officer”** means the Chief Administrative Officer of Rocky View County pursuant to the *Municipal Government Act* or their authorized delegate.
- 4     **“Chief Elected Official”** means the person elected or appointed as chief elected official of Rocky View County under section 150 of the *Municipal Government Act*.
- 5     **“Communication(s)”** means a process by which information is exchanged between individuals, privately or publicly, and includes all forms of written and oral communications, including, but not limited to, communication that is spoken, documented, transmitted electronically, published in the news media, or posted on social media.
- 6     **“Complainant”** means a person who has initiated a formal complaint pursuant to this bylaw.
- 7     **“Complaints Adjudicator”** means the person or persons appointed by Council to fulfill the duties of the Complaints Adjudicator pursuant to this bylaw.
- 8     **“Council”** means the duly elected Councillors of Rocky View County.
- 9     **“Councillor”** means a duly elected Councillor of Rocky View County and includes the Chief Elected Official and Deputy Chief Elected Official.
- 10    **“Deputy Chief Elected Official”** means the deputy chief elected official of Rocky View County appointed under section 152 of the *Municipal Government Act*.
- 11    **“Council Compensation and Expense Reimbursement Policy”** means Rocky View County Policy C-195, being the *Council Compensation and Expense Reimbursement Policy*, as amended or replaced from time to time.
- 12    **“Election campaign”** has the same meaning as in the *Local Authorities Election Act*.
- 13    **“Family member”** has the meaning as councillor’s family in section 169 of the *Municipal Government Act*.  
  
          “Councillor’s family” means the councillor’s spouse or adult interdependent partner, the councillor’s children, the parents of the councillor and the parents of the councillor’s spouse or adult interdependent partner”.
- 14    **“Freedom of Information and Protection of Privacy Act”** means the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25, and associated regulations, as amended or replaced from time to time.



- 15     **“General election”** has the same meaning as in the *Local Authorities Election Act*.
- 16     **“Local Authorities Election Act”** means the *Local Authorities Election Act*, RSA 2000, c L-21, and associated regulations, as amended or replaced from time to time.
- 17     **“Municipal Government Act”** means the *Municipal Government Act*, RSA 2000, c M-26, and associated regulations, as amended or replaced from time to time.
- 18     **“Nomination day”** has the same meaning as in the *Local Authorities Election Act*.
- 19     **“Personal information”** has the same meaning as in the *Freedom of Information and Protection of Privacy Act*.
- 20     **“Records”** includes any information stored in any form, including documents, notes, images, photographs, recordings, and any other electronically saved records.
- 21     **“Rocky View County”** means Rocky View County as a municipal corporation and the geographical area within its jurisdictional boundaries, as the context requires.