



BYLAW #3238

Council Code of Conduct Bylaw

A bylaw of the County of Grande Prairie No. 1 in the Province of Alberta to establish a Code of Conduct for Members of Council and Members of Council Committees or any other body established by Council.

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 to council for the County of Grande Prairie No. 1; and

WHEREAS: the establishment of a code of conduct for members of council is consistent with the principles of transparent and accountable government as well as safeguard the reputation and integrity of the County to the highest standard; 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, under the authority of the *Municipal Government Act*, the Council of the County of Grande Prairie No. 1, in the Province of Alberta, hereby enacts as follows:

INTERPRETATION

1. This Bylaw shall be cited as the "Council Code of Conduct Bylaw".
2. Headings in this Bylaw are for reference purposes only.
3. Words in the masculine gender will include the feminine gender whenever the context so requires and vice versa.
4. Words in the singular shall include the plural or vice versa whenever the context so requires.

DEFINITIONS

5. In this Bylaw, words have the meanings as set out in the Act, except that:
 - 5.1 “Act” means the Municipal Government Act, R.S.A. 2000, c. M-26, and associated regulations, as amended.
 - 5.2 “Administration” means the administrative and operational arm of the County, comprised of the various departments and business units and including all employees who operate under the leadership and supervision of the County Manager (CAO).
 - 5.3 “Conflict of Interest” means a situation in which the Member is in a position to derive personal benefit from actions of decisions made in their official capacity.
 - 5.4 “Council” means all members of County of Grande Prairie No. 1 duly elected and holding office.
 - 5.5 “County” means the municipality of the County of Grande Prairie No. 1 having jurisdiction under the *Municipal Government Act* and other applicable legislation.
 - 5.6 “County Manager” also known as “CAO” or “Chief Administrative Officer” means the person, or delegate appointed by Council to the position of Chief Administrative Officer under the Municipal Government Act for the County of Grande Prairie No. 1.
 - 5.7 “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.
 - 5.8 “Family” means a Member’s spouse or inter-dependent partner, children, grandchildren, parents, parents-in-law, brothers, sisters, children-in-law, uncles, and may include others who are reasonably perceived to be family by Council, staff or public.
 - 5.9 “Investigator” means the person or persons appointed by Council to fulfill the role and duties of a third-party investigator as outlined in this Bylaw.
 - 5.10 “Member” means a member of Council and includes a councillor or the Reeve and members of council committees or other bodies established by Council who are not councillors or the Reeve.
 - 5.11 “Pecuniary Interest” means a situation as defined and regulated by the Act.

PURPOSE OF CODE OF CONDUCT

6. The purpose of this Bylaw is to establish standards for the ethical conduct of Members relating to their roles and obligations as representatives of the County and a procedure for the investigation and enforcement of those standards.
7. In addition to this Bylaw, all Members shall adhere to any other Federal, Provincial and Municipal acts or regulations that govern their role as members of Council, including but not limited to:
 - 7.1. Alberta Human Rights Act

- 7.2. Freedom of Information and Protection of Privacy Act
- 7.3. Local Authorities Election Act
- 7.4. Occupational Health and Safety Act.
- 8. This Bylaw is to be given a broad and liberal interpretation in accordance with applicable legislation. It is impossible to write a code of conduct that covers every scenario and accordingly, Members are to be guided by and conduct themselves in a manner that reflects the spirit and intent of this Bylaw.

REPRESENTING THE COUNTY

- 9. Members shall:
 - 9.1. act honestly and, in good faith, serve the welfare and interests of the County as a whole.
 - 9.2. perform their functions and duties in a conscientious and diligent manner with integrity, accountability and transparency.
 - 9.3. 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.
 - 9.4. arrange their private affairs and conduct themselves in a manner that promotes public confidence and will bear close public scrutiny.

COMMUNICATING ON BEHALF OF THE COUNTY

- 10. Unless Council directs otherwise, the Reeve is Council's official spokesperson and in the absence of the Reeve the Deputy Reeve becomes the spokesperson. All inquiries from the media regarding the official Council position on an issue shall be referred to Council's official spokesperson.
- 11. A Member must not claim to speak on behalf of Council unless authorized to do so.
- 12. 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.
- 13. No Member shall make a statement when they know that statement is false.
- 14. No Member shall make a statement with the intent to mislead Council or members of the public.
- 15. A Member does have the option to respectfully disagree with other Members provided the Member is clear that when expressing their personal opinion or position, the Member shall explicitly state that their opinion or position does not represent or reflect the position or direction of Council.
- 16. As with any other activity, Members must ensure that their use of social media complies with the law, the requirements of this Bylaw and any related bylaws, policies or procedures. This Bylaw applies for all communications a Member makes, regardless of the social media account or device from which the communication is made.

17. For the purpose of section 16 of this Bylaw, “communications” means any information or data submitted by a Member to a social media network or platform that is capable of being displayed using software or approved hardware such as text, images, videos, or links to other content and includes a Member “liking”, “retweeting”, commenting on or sharing content created by other users of the social network or platform.

RESPECTING THE DECISION MAKING PROCESS

18. 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.
19. No Member shall, unless authorized by Council, attempt to bind the County or give direction to employees in Administration, agents, contractors, consultants or other service providers or prospective vendors to the County.
20. 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 a closed 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.
21. Members shall:
 - 21.1. accurately communicate the decisions of Council, even if they disagree with Council’s decision, while fostering the decision-making processes of Council.
 - 21.2. represent the best interests of the County at all times.
 - 21.3. debate in a manner that is respectful, considerate, and limited to the topic directly related to the motion on the floor.
 - 21.4. take all points of view into account when making decisions.
 - 21.5. think independently and refrain from forming allegiances or factions within Council.
22. For greater clarity, Members shall adhere to **Policy F11 – Council Decision Making Framework**.

ADHERENCE TO POLICIES, PROCEDURES AND BYLAWS

23. 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.
24. Members shall respect the County as an institution, its bylaws, policies and procedures and shall encourage public respect for the County, its bylaws, policies and procedures.
25. A Member must not encourage disobedience of any bylaw, policy or procedure of the County in responding to a member of the public, as this undermines public confidence in the County and in the rule of law.

RESPECTFUL INTERACTIONS WITH COUNCIL MEMBERS, STAFF, THE PUBLIC AND OTHERS

26. 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.
27. Members shall treat one another, employees of the County and members of the public with courtesy, dignity and respect and without abuse, bullying or intimidation.
28. No Member shall use indecent, abusive, or insulting words or expressions toward another Member, any employee of the County or any member of the public.
29. 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.
30. Members shall respect the fact that employees in Administration work for the County 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.
31. Members must not:
 - 31.1. involve themselves in matters of Administration, which fall within the jurisdiction of the COUNTY MANAGER.
 - 31.2. use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any employee of the County with the intent of interfering in the employee's duties.
 - 31.3. maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of employees of the County.
32. For greater clarity, Members shall adhere to **Policy F12 – Council and Administration Communication Framework**.

CONFIDENTIAL INFORMATION

33. In the course of their duties, Members may also become privy to confidential information received outside of a "closed session" meeting. Members must not:
 - 33.1. 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.
 - 33.2. access or attempt to gain access to confidential information in custody or control of the County 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.
 - 33.3. use confidential information for personal benefit or for the benefit of any other individual or organization.

34. Confidential information includes information in the possession of, or received in confidence by the County that the County 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 County, and is generally considered to be of a confidential nature, including but not limited to information concerning:
- 34.1. the security of the property of the County.
 - 34.2. a proposed or pending acquisition or disposition of land or other property.
 - 34.3. a tender that has or will be issued but has not been awarded.
 - 34.4. contract negotiations.
 - 34.5. employment and labour relations.
 - 34.6. 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.
 - 34.7. law enforcement matters.
 - 34.8. litigation or potential litigation, including matters before administrative tribunals.
 - 34.9. advice that is subject to solicitor-client privilege.
35. To respect the confidentiality of closed session meetings, if a Member makes notes during a closed session meeting, they shall provide the notes to Administration for secure destruction and shall return all confidential documents to Administration at the conclusion of the closed session meeting.
36. Incidents where a Member may have collected, used, or disclosed personal information in contravention of Part 2 of the FOIP Act, will be proactively reported to the Office of the Information and Privacy Commissioner of Alberta for Investigation.

CONFLICT OF INTEREST

37. 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.
38. 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.
39. Members shall approach decision-making with an open mind that is capable of persuasion.
40. 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. Section 170 of the Act sets out when a Councillor has a Pecuniary Interest in a manner, how a person is monetarily affected by a matter, and lists examples of specific interests where a Member would not have a pecuniary interest.
41. Council Members shall complete and file a statement of disclosure pursuant to Section

171 of the Act within 30 calendar days of taking the Oath of Office. The statement of disclosure shall be filed with the COUNTY MANAGER. Council Members shall be responsible for updating their statement of disclosure if necessary, during the term in office.

IMPROPER USE OF INFLUENCE

- 42. 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.
- 43. 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.
- 44. Members shall not contact or otherwise attempt to influence members of any adjudicative body regarding any matter before relating it to the County.
- 45. Members shall refrain from using their positions to obtain employment with the County for themselves, family members or close associates. Members are ineligible to apply or be considered for any position with the County while they hold their elected position and for one (1) year after leaving office, with the exception of Council Boards and Committees.

USE OF MUNICIPAL ASSETS AND SERVICES

- 46. Members shall use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Member.
- 47. 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:
 - 47.1. 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.
 - 47.2. electronic communication devices, including but not limited to desktop computers, laptops, tablets and smartphones, which are supplied by the County to a Member, may be used by the Member for personal use, provided that the use is not for personal gain, offensive or inappropriate.

ORIENTATION AND OTHER TRAINING ATTENDANCE

- 48. Every Member must attend the orientation training offered by the County within 90 days after the Member takes the oath of office. Attendance at additional training sessions throughout the Council term is discretionary.
- 49. Every Member must attend all orientation and other training organized at the direction of Council for the benefit of Members throughout the Council term.
- 50. Council Members must adhere to **Policy F10 - Council and Board Member Honorarium and Expense Reimbursement, Schedule C – Mandatory Meetings Attendance.**

RENUMERATION AND EXPENSES

51. Members are stewards of public resources and shall avoid waste, abuse and extravagance in the use of public resources.
52. 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.
53. For greater clarity, Members must adhere to **Policy F10 - Council and Board Member Honorarium and Expense Reimbursement**.

GIFTS AND HOSPITALITY

54. Members shall not accept gifts, hospitality or other benefits that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved.
55. Members may accept hospitality, gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation, provided that the value of the hospitality, gift or benefit does not exceed \$350 (three hundred and fifty dollars).
56. Gifts received by a Member on behalf of the County as a matter of official protocol which have significance or historical value for the County shall be left with the County when the Member ceases to hold office.
57. If a Member wins a prize while attending a conference or event related to their position with the County, they may keep the prize where there is equal opportunity for participants to win. Alternatively, a Member may donate the prize for a draw or to be auctioned off at a County event.

ELECTION CAMPAIGN

58. No Member shall use any facilities, equipment, supplies, services, municipal logo or other resources, such as staff services of the County for any election campaign or campaign-related activity.
59. The campaign-related activities may be permitted at a County owned facility or grounds, subject that the facility or grounds are normally available for rental to general public and such rental has been arranged through the normal rental process and all applicable fees are paid.
60. For greater clarity, and to reduce the possibility of undue benefit for candidates and current incumbents, the Members shall:
 - 60.1. refrain from using the County's postage or other resources of mass mailings of any kind.
 - 60.2. refrain from referring to themselves in campaign advertisements as "Councillor X".
 - 60.3. refrain from using County owned electronic devices except to fulfill the legislated duties as a current Council Member.

COMPLAINT SYSTEM

61. Any person who has identified or witnessed conduct by a Member that the person reasonably believes, in good faith, is in contravention of this Bylaw, may make a complain. It is recognized that complaints may vary in severity, complexity, and whether they are admitted or denied. As a result, complainants are given the option of an informal or formal complaint process.

INFORMAL COMPLAINT PROCESS

62. An informal complaint process is appropriate for quick problem solving where the parties can seek agreement and shared understanding of how to avoid problems in the future.
63. Any person who has identified or witnessed conduct by a Member that the person reasonably believes, in good faith, is in contravention of this Bylaw may address the prohibited conduct by:
 - 63.1. advising the Member that the conduct violates this Bylaw and encouraging the Member to stop.
 - 63.2. requesting the Reeve to assist in 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.
 - 63.3. at their discretion, the Reeve or the Deputy Reeve may document and submit the issue for discussion with the Whole Council in closed session. A motion on the recommendation may be made (i.e. requesting training or other appropriate intervention).
64. Persons are encouraged to pursue this informal complaint procedure as the first means of remedying conduct that they believe violates this Bylaw. However, a person is not required to complete this informal complaint process prior to pursuing the formal complaint process as outlined below.

FORMAL COMPLAINT PROCESS

65. Any person who reasonably believes, in good faith, that a Member is in contravention of this Bylaw may file a formal complaint:
 - 65.1. formal complaints shall be made in writing and shall be dated and signed by an identifiable individual.
 - 65.2. 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.
 - 65.3. the complaint must be received no later than 60 calendar days after the date the person becomes aware of the conduct giving rise to the complaint.
66. All formal complaints shall be filed with the Reeve and COUNTY MANAGER, or the Deputy Reeve and COUNTY MANAGER if the alleged wrongdoing involves the Reeve.
67. The formal complaint shall be shared with Council "in confidence" without delay, as soon

as practicable, including the Member(s) about whom the complaint is made.

Review by Council

68. The Member(s) who is subject to the complaint shall provide a written response to Council regarding the complaint within ten (10) business days of receiving the complaint from Council.
69. Within ten (10) business days of receiving the written response from the Member(s) being accused of breach of the Code of Conduct, Council, excluding the Member(s) concerned, shall conduct a review as follows:
 - 69.1. review the complaint and the Member(s) written response in closed session.
 - 69.2. provide an opportunity to respond to the allegations by the Member(s) before Council deliberates and makes any decision.
 - 69.3. decide if a complaint is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds and dismiss the complaint, and/or
 - 69.4. request further information from the complainant, in which case the review shall be deferred to a later date, and/or
 - 69.5. decide if the complaint is not, on its face, a complaint relative to the Code of Conduct or is covered by other legislation while clearly formulating the reasons and referrals to the appropriate authority to be provided to the complainant, and/or
 - 69.6. request legal advice, in which case the review shall be deferred to a later date, and/or
 - 69.7. decide if there are grounds to conduct an independent investigation.
 - 69.8. depending on the circumstances and complexities of the complaint, issue limited sanctions to the Member(s), subject to Section 81 [*sanctions that may be imposed upon Review by Council*] and notify the Member(s) concerned and the complainant of the next steps or actions in writing within five (5) business days of completing the review by Council. If the complaint is dismissed, the complainant must be advised in writing, with reasons.
70. If Council decides to investigate the complaint, it shall appoint an independent Investigator as soon as feasibly possible. The complainant and the Member(s) concerned shall be notified of the appointment.

Review by Investigator

71. The Investigator shall take such steps as is considered appropriate, to investigate and may attempt to settle the complaint. All proceedings of the Investigator regarding the investigation shall be confidential.
72. Once all relevant information required has been provided to the respondent Member(s) by the Investigator, the respondent Member(s) will have ten (10) business days to respond in writing and may provide further information in support of their response. This deadline may be extended at the discretion of the Investigator, who shall advise Council

if such extension is granted.

73. The Investigator shall, upon conclusion of the investigation, provide Council and the Member(s) who is subject to the complaint, the results of the Investigator's review.
74. Council shall review the results of the investigation as provided by the Investigator within ten (10) business days of receiving the Investigation Report.
75. The Member(s) who is subject to 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.
76. The Member(s) who is the subject of an investigation is entitled to be represented by legal counsel, at the Member(s)'s sole expense.

COMPLIANCE AND ENFORCEMENT

77. Members shall uphold the letter and the spirit and intent of this Bylaw.
78. Members are expected to co-operate in every way possible in securing compliance with the application and enforcement of this Bylaw.
79. Each Member, newly appointed, will be provided with a copy of the Council Code of Conduct and will be requested to sign the Statement of Commitment, attached as Schedule A, acknowledging that he/she/they has/have read the Council Code of Conduct and support(s) it. The signed Statement of Commitment shall be filed with the Legislative Services.
80. No Member shall:
 - 80.1. retaliate against anyone, including other Member(s), who participated or provide information in good faith, in Council Code of Conduct investigation.
 - 80.2. obstruct Council, or any other person, in carrying out the objectives or requirements of this Bylaw.
81. Sanctions that may be imposed upon review by Council on a Member that has been found to have breached this Bylaw may include:
 - 81.1. a letter of reprimand addressed to the Member.
 - 81.2. requesting the Member to issue a letter of apology.
 - 81.3. requesting the Member(s) attend specified training.
 - 81.4. publication of a letter of reprimand or request for apology and the Member's response.
82. Sanctions that may be imposed following a review by Investigator on a Member that has been found to have breached this Bylaw may include:
 - 82.1. a letter of reprimand addressed to the Member.
 - 82.2. requesting the Member to issue a letter of apology.
 - 82.3. requesting the Member(s) attend specified training.

- 82.4. publication of a letter of reprimand or request for apology and the Member's response.
 - 82.5. suspension or removal of the appointment of a Member as the chief elected official under section 150(2) of the Act.
 - 82.6. 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.
 - 82.7. suspension or removal of the chief elected official's presiding duties under section 154 of the Act.
 - 82.8. suspension or removal from some or all Council committees and bodies to which council has the right to appoint members.
 - 82.9. 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.
 - 82.10. 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.
83. Nothing in this Bylaw requires Council to impose a sanction for any substantiated complaint or contravention.

REVIEW

84. 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.

GENERAL

85. This Bylaw applies to all persons that are elected councillors or members of council committees and other bodies established by the council who are not councillors.

SEVERABILITY

86. Every provision of this Bylaw is independent of all other provisions and if any provision is declared invalid by a Court, then the invalid provisions shall be severed and the remainder provisions shall remain valid and enforceable.

REPEAL

87. Bylaw #3090 - Council Code of Conduct Bylaw and amendments thereto are hereby rescinded.

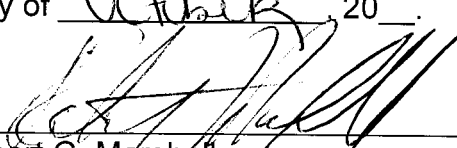
EFFECTIVE DATE


88. This Bylaw shall come into force and effect on the third and final reading thereof.

Read a FIRST time this 21 day of October, 2024

Read a SECOND time this 21 day of October, 2024

Read a THIRD time and finally passed this 21 day of October, 2024


Robert G. Marshall
Reeve


Joulia Whittleton
County Manager

ATTACHMENTS

Schedule A – Statement of Commitment to the Council Code of Conduct

STATEMENT OF COMMITMENT TO THE COUNCIL CODE OF CONDUCT

I _____
(Member's full name)

declare that as an elected Councillor or appointed Member of County of Grande Prairie No. 1, I
acknowledge and support the Council Code of Conduct Bylaw #3238.

Signature of Councillor or Member _____

Declared this _____ day of _____, 20_____.

Signature of Witness: _____

Printed name of Witness: _____ Position: _____

October 23, 2024, 2024

TO WHOM IT MAY CONCERN:

I hereby appoint **Ryan Konowalyk** as Acting Administrator for the County of Grande Prairie No. 1 in my absence from October 24 – November 4, 2024.

23rd day of October 2024.



Joulia Whittleton, CLGM
County Manager