

## ELECTED ADVISORY COUNCIL CODE OF CONDUCT

The citizens and the taxpayers of the Special Areas have the right to be served by an Elected Advisory Council that is committed to conducting its business in an ethical, impartial, and professional manner. It is important that there not be, nor appear to be, any conflict between the private interests of each duly Elected Councillor and their duty to the public.

### SPECIAL AREAS BOARD MISSION STATEMENT

We are dedicated to improving the quality of life of the residents of the Special Areas through the provision of cost effective, proactive and responsive municipal services and effective long term land and water management. We will actively work to increase the population of the Special Areas and work to offer diverse opportunities to facilitate that growth.

THE PURPOSE of this Code of Conduct is to uphold these principles governing the conduct of Special Areas Elected Advisory Councillors, to provide guidance on the application of these principals, so duly Elected Councillors can maintain the highest standards while faithfully discharging their duties:

To provide good governance.

To provide service, facilities and other things that in the opinion of Council are necessary and desirable. This includes working collaboratively with neighbouring municipalities to plan, deliver, and fund intermunicipal services.

To develop and maintain safe and viable communities.

For purposes of this Code of Conduct, unless the context otherwise requires.

- a) The private (pecuniary) interest of an Elected Councillor does not include an interest:
  - a. In a matter that is of general application, or
  - b. That affects an Elected Councillor as one of a broad class of the public, or
  - c. That affects the compensation or benefits of the Advisory Council or the Special Areas Board when taken as a whole, or
  - d. A stock position for a widely held and privately/publicly traded company for which the Elected Councillor in their dealings would not be able by a decision to substantially benefit the company or the Councillor or their relatives.
  - e. An interest that is trivial
- b) "relative" includes a spouse, children, step-children, legal dependants, parents, parents-in-laws, grandparents,  
Beware of perceived conflicts that may arise when dealing with siblings, brother/sister-in-law's, grandchildren, nieces/nephews, aunts/uncles, first cousins.  
Note the broader definition of relatives is used for Special Areas Board decisions involving public land issues.
- c) "spouse" includes a person of either sex to whom the Elected Councillor is married to or living in a common law relationship and not separated from.

## CONDUCT OF ELECTED COUNCILLORS

All duly Elected Councillors shall abide and adhere to the following principals and acknowledge this by signing a copy of this document.

- a) Ensure individual conduct in accordance with the requirements set out in The Municipal Government Act, or any other Act of the Government of Canada or the Province of Alberta and the Ministerial Order's and policies of the Special Areas Board;
- b) Treat fellow Elected Councillor(s), Special Areas Chair, SAB Management and staff, neighboring municipalities and the public with integrity, respect, concern, and courtesy. Demonstrate the highest standards of personal ethical conduct, integrity, and honesty in order to foster the public trust in the Special Areas and Elected Councillor activities;
- c) Recognize the Elected Councillors shall represent and advocate the interests and issues of their wards but that decisions, of Council, will be made in the best interests of the Special Areas when taken as a whole;
- d) Communicate and work with fellow Elected Councillors in an open and honest manner promoting a spirit of cooperation by listening and respecting those opinions that may differ.

To KEEP IN CONFIDENCE any matters discussed in private at Advisory Council or Board meetings. Information on policies and programs can be shared once they are announced and become "public"

To ACCEPT AND PROMOTE in a positive manner all Advisory Council and Board DECISIONS that have been made as part of the democratic process. This essentially means that when Council decides then that is "the decision" and the matter is concluded. The issue will not be brought forward again until something significant in the future occurs that could cause the issue to be addressed by Council again.

- e) Recognize when interacting with the public, social media, or the press, no individual authority exists except where explicitly authorized by a Council resolution, appointment, or policy;
- f) Recognize an individual Elected Councillor cannot exercise individual authority over the municipality. That this authority is exercised through the Advisory Council as a whole and that these actions are recommendations to the Board;
- h) Be mindful of your individual Elected Councillor interactions with the Special Areas Chair, SAB Management, and staff that your actions do not in any way shape or form appear as if you are giving them direction as to how to perform their work. Recognize the lack of authority vested in an individual Elected Councillor to direct the work of the municipality except where it is explicitly authorized by virtue of a Council resolution, Ministerial Order, or policy;
- i) Direct any comments in regards to staff performance to the Chair or the appropriate SAB Management, who will then deal with the issue(s) through the appropriate process and report back through the Chair on actions taken;



j) CONFLICT OF INTEREST (Pecuniary Interest)

Pecuniary interest is essentially a conflict of interest with the opportunity for financial gain on the Elected Councillor's behalf or his family or their employer. It is expected that Elected Councillors will act and render decision in an impartial manner and cannot be seen to have decisions made where conflict of interest may be present.

When an Elected Councillor has an interest (knows or should know) in a matter before council or body to which they were appointed, they must:

Disclose the interest prior to discussion

Abstain from voting on the matter

Abstain from the discussion, unless the Elected Councillor as a taxpayer, an elector or an owner has a right to be heard by the council

Subject to the above the Elected Councillor with the interest must leave the room until discussion and voting have been concluded.

Relative/Family interest is defined in preamble

Elected Councillor's may also have pecuniary interest for their private entity holdings i.e. if they are a director, shareholder, or officer of a corporation.

Failure to disclose pecuniary interest and subsequent voting on the matter can become grounds for disqualification of a duly Elected Councillor.

If you are in doubt as to whether or not there is an actual conflict of interest, or perceived conflict of interest, present ask your fellow Advisory Council members for a resolution on the matter;

Voting on issues such as Special Areas millrates, lease rates, community pasture rates, and other rates or policies which would apply to all Special Areas ratepayers or leaseholders are not considered to be conflict of interest matters. In addition voting on Advisory Council or Board per diems and reimbursement rates are not considered to be conflict of interest matters.

k) Not use or attempt to use the position of Elected Councillor to use the Special Areas Board's funds, property (including equipment), or information for the personal gain or benefit of the Elected Councillor or for the personal gain or benefit of any other individual. This does not apply to situations whereby all ratepayers are covered by an appropriate policy for service and circumstances warranting a minor change to its application is required. Elected Councillors can lobby on behalf of ratepayers within their ward for variations to a generally applied policy for service;

l) Elected Councillors shall not accept fees, gifts or other benefits that are connected directly or indirectly with the performance of their public duties as a Councillor. Other than the normal exchange of gifts between friends, the normal exchange of hospitality between persons doing business together, tokens exchanged as part of protocol, or the normal presentation of gifts to persons participating in public functions;

m) Devote time, thought, and attention to the duties of Elected Councillor so that effective and knowledgeable decisions can be made on behalf of citizens and taxpayers of the Special Areas;



- n) Develop, evaluate and practice the goals, procedures and policies of the Special Areas through participation at Advisory Council, Board meetings, other meetings and questions through the Special Areas Chairs and SAB Management to meet the needs and expectations of the public, citizens, neighboring municipalities and ratepayers of the Special Areas;
- o) Attend Advisory Council orientation (mandatory after each election) and ongoing training to foster a better understanding of Elected Councillors duties and obligations. Review, amend and adopt Elected Councillor Code of Conduct at orientation meeting or any other time as Council deems appropriate;
- p) Not surrender the responsibilities and obligations of a duly Elected Councillor to any other person, group, or organization;
- q) The Council will endeavor to make decisions based on as much objective criteria and information as can reasonably be made available. That Council must place the wellbeing of citizens and ratepayers ahead of any inherent bias and act in the best interests of those they are representing. Trust that if your motivation is correct, you have obtained adequate information, and you are acting in an impartial and ethical manner your decisions will be respected;
- r) The Council shall fully disclose the nature and applicable information regarding an allegation of a breach of this Code to the Councillor, in question, in a timely manner.

#### HEARING PROCESS AND DISCIPLINARY ACTIONS:

It is important to note that the governance of enforcement of this code exists with the Advisory Council and Special Areas Board and is not a duty of Special Areas Administration.

An alleged breach of this code may be made by any of the public, Special Areas management or staff, fellow Elected Councillors hereafter referred to as the respondent(s) and should be submitted in writing to the Chair of the Special Areas Board. The Chair upon receipt of such alleged breach will conduct a preliminary investigation to determine some of the facts of the alleged breach. The Chair will then convene a meeting of the Advisory Council to determine if the alleged breach is valid.

If the alleged breach is not considered valid, at this point, then a formal written report with reasons will be drafted under the authority of the Chair to the respondent. The respondent, if not satisfied will have the capability to bring this matter forward to the Minister of Municipal Affairs or the office of the Alberta Ombudsman.

If the alleged breach is considered valid, at this point, then a decision by Advisory Council affirming validity will be required. The Chair will also request that Advisory Council determine the appropriate disciplinary action.

The Advisory Council, when considering an alleged breach of this Code will provide sufficient opportunity for the Elected Councillor, who is the subject of the allegation, to address Advisory Council. It is important that the principals of natural justice are followed which ensures that an Elected Councillor is aware of allegations made against them and they have an opportunity to respond.



If, in the opinion of the majority of the members of the Advisory Council that an Elected Councillor has breached any of the principle found in this Code of Conduct, the Advisory Council may take, but is not limited to, the following actions:

- a) Requiring the Elected Councillor to provide a verbal apology to the impacted individual, organization, or Advisory Council as a whole or; and/or
- b) Requiring the Elected Councillor to provide a written apology to the impacted individual, organization, or the Advisory Council. The written reprimand and written apology letter will be placed on the Elected Councillors confidential personal file to be maintained by the Special Areas Board. These written documents will remain on file until the next election is held; and/or
- c) Removing the Elected Councillor from selected Advisory Council committees or any office of the Advisory Council; and/or
- d) Issuing a directive to the Elected Councillor to attend 3<sup>rd</sup> party educational training on ethical and respectful conduct, at the expense of the Special Areas Board.
- e) If the action is in response to an issue in regards to pecuniary or conflict of interest and the Elected Councillor is found to be in contravention of this, then the Elected Councillor will be asked to disqualify themselves from further Advisory Council activities. If the Elected Councillor does not voluntarily accept this approach an action for disqualification may be taken forward to the Minister of Municipal Affairs and the Court of Queens Bench.

A decision to apply one or more of the actions above, or some other form of discipline as appropriate for the circumstance, requires a simple majority vote of the Advisory Council directing the Elected Councillor to perform the requested disciplinary measure.

All discussions surrounding allegations and substantiated violations of this Code shall be conducted at an in-camera hearing of the Advisory Council only. The Advisory Council may request the Chair of the Special Areas Board to act as recording secretary for this hearing. The information being kept in confidence under the appropriate sections of the *Municipal Government Act* and *The Freedom of information and Protection of Privacy Act*.

I recognize that I have an obligation as Elected Advisory Council member to understand and follow the Code of Conduct and promise that I will do so to the best of my abilities. I also understand that I will:

- a) Disclose to Advisory Council any behaviour or actions that may qualify or be perceived to qualify as abusive, corrupt, fraudulent, or conflict of interest;
- b) I recognize that any allegation that may be made against my behaviour as a duly Elected Councillor does not remove my right to a fair and unbiased hearing before Advisory Council.

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Witness to the Signature

\_\_\_\_\_  
Councillor \_\_\_\_\_

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at Hanna, Alberta