

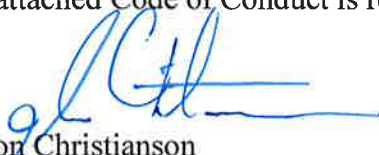


SECTION: Governance
SUBJECT: Special Areas Board Member Code of Conduct

08-01

The Special Areas Board is a public agency that is mandated to have a code of conduct for Board Members pursuant to the *Conflicts of Interest Act* (s. 23.922).

The attached Code of Conduct is reviewed with each Board Member and signed.


Jordon Christianson
Chair, Special Areas Board

Board Motion
15-11-18



SPECIAL AREAS BOARD MEMBER CODE OF CONDUCT

This Code of Conduct was submitted to the Ethics Commissioner by the Board for review and approval on April 30, 2018. Once approved by the Ethics Commissioner, the Code of Conduct, and any subsequent approved amendments to the Code of Conduct, will be made public for 90 days before becoming effective.

This Code of Conduct will be reviewed prior to any new Board Appointments or every four years, whichever occurs first.

The citizens and the taxpayers of the Special Areas have the right to be served by a Board 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 appointed Board Member and their duty to the Special Areas Board and 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.

THIS Code of Conduct applies to members appointed by the Lieutenant Governor in Council pursuant to section 29(3) of the *Special Areas Act*. The Chair of the Special Areas Board is a full-time employee of the Province of Alberta and is responsible to also follow the Code of Conduct and Ethics for the Public Service of Alberta.

THE PURPOSE of this Code of Conduct is to uphold these principles governing the conduct of Special Areas appointed Board Members, to provide guidance on the application of these principles, so members can maintain the highest standards while faithfully discharging their duties:

To provide good governance.

To provide excellent services, facilities and other things that in the opinion of Board 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.

This Code is available to the public on the Special Areas Board website. It has been sent to the Ethics Commissioner to ensure it follows the requirements of the *Conflicts of Interest Act, RSA2000,c C-23*.

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

- a) The private (pecuniary) interest of an appointed member does not include an interest:
 - i. In a matter that is of general application, or
 - ii. That affects the appointed member as one of a broad class of the public, or
 - iii. That affects the compensation or benefits of the Special Areas Board when taken as a whole, or



- iv. A stock position for a widely held and privately/publicly traded company for which the appointed member in their dealings would not be able by a decision to substantially benefit the company, the member or their relatives.
- v. 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 appointed member is married to or living in a common law relationship and not separated from.

SPECIAL AREAS BOARD MEMBERS RESPONSIBILITIES UNDER THE CODE

All duly appointed Board Members must abide and adhere to the following principles 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*, *The Special Areas 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) If a Board Member is charged with an offense under the Criminal Code of Canada or the Controlled Drug and Substance Act or any other federal statute, the Board Member shall immediately report such charge to the Chair;
- c) Treat fellow Board Members, Elected Councillor(s), Special Areas Chair, SAB Management and staff, neighboring municipalities and the public with integrity, respect, concern, and courtesy;
- d) Shall act in accordance with the highest standards of personal ethical conduct, impartiality, integrity, and honesty in carrying out their duties to help foster public trust in the Special Areas activities;
- e) Recognize the appointed member shall represent and advocate the interests and issues of their wards but that decisions, of the Board, will be made in the best interests of the Special Areas when taken as a whole;
- f) Communicate and work with fellow Board Members 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 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 Board DECISIONS that have been made as part of the democratic process. This essentially means that when the Board 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 the Board again.

- g) Recognize when interacting with the public, social media, or the press, no individual authority exists except where explicitly authorized by a Board motion, resolution, appointment, or policy;
- h) Recognize an individual appointed member cannot exercise individual authority over the municipality, except for those Board actions directed for implementation through the Board Chair;
- i) Be mindful of your individual 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 appointed member to direct the work of the municipality except where it is explicitly authorized by virtue of a Council resolution, Board motion, Ministerial Order, or policy;
- j) 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;
- k) Board Members may take or hold supplementary employment, including self-employment, unless such employment:
 - i. Causes an actual or apparent conflict of interest; or
 - ii. Is performed in such a way to appear to be an official act of the Board, or to represent the Board's opinion or policy; or
 - iii. Interferes through telephone calls, or otherwise, with regular duties; or
 - iv. Involves the use of the Board's premises, personnel, equipment, supplies or assets unless such use is otherwise authorized.

Prior to accepting or holding any supplementary employment, Board Members are required to notify the Chair in writing about the nature of such supplementary employment. The Chair must then review the office for conflicts of interest. If there is no real or apparent conflict of interest, the chair may approve the employment in writing. If there is a real or apparent conflict of interest, the Chair must then, in writing, deny the employment, or allow the employment and put procedures in place to manage the real or apparent conflict of interest.

- l) Board Members may participate in political activities, including membership in a political party, supporting a candidate running for elected office, or running for elected office. They must not raise money for a political party;
 - i. Any political activity must be separate and perceived to be separate from the Special Areas Board activities. These activities cannot be done while on Board business or using Board resources.



CONFLICT OF INTEREST (Pecuniary Interest)

- m) Pecuniary interest is essentially a conflict of interest with the opportunity for financial gain on the appointed Board Member's behalf or his family or their employer. It is expected that appointed members must act and render decision in an impartial manner and cannot be seen to have decisions made where conflict of interest may be present. Furthermore, Board Member's must not act in self interest or further their private interests or the private interests of a relative by their actions or decisions;
- n) When an appointed member has an interest (knows or should know) in a matter before council or body to which they were appointed, they must:
 - i. Disclose the interest prior to discussion;
 - ii. Abstain from voting on the matter;
 - iii. Abstain from the discussion, unless the appointed Board member as a taxpayer, an elector or an owner has a right to be heard by the council or Board;
 - iv. Subject to the above the appointed member with the interest must leave the room until discussion and voting have been concluded;
 - 1. Relative/Family interest is defined in preamble; or
 - 2. Appointed Board Member's may also have pecuniary interest for their private entity holdings i.e. if they are a director, shareholder, or officer of a corporation.
- o) Failure to disclose pecuniary interest and subsequent voting on the matter can become grounds for disciplinary action, up to and including dismissal.
- p) 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 Board Members for a resolution on the matter;
- q) 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 Board per diems and reimbursement rates are not considered to be conflict of interest matters.
- r) Not use or attempt to use the position of a Board Member to use the Special Areas Board's funds, property (including equipment), or information for the personal gain or benefit of the appointed member 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. Board Members can lobby on behalf of ratepayers within their ward for variations to a generally applied policy for service;
- s) Board Members shall not accept fees, gifts or other benefits that are connected directly or indirectly with the performance of their public duties as a Board Member. 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. The total value of permitted gifts or event invitations received from a single source in a calendar year must not exceed:

- i. \$200 for tangible gifts;
 - ii. \$500 in invitations to events related to work of the Board, including payment or reimbursement of event fees and travel costs for attending.
- t) In addition to the above, the Chair must not:
- i. take part in a decision in the course of carrying out his or her office or powers knowing that the decision might further a private interest of the Chair, a person directly associated with the Chair or their relatives.
 - ii. use his or her office or powers to influence or to seek to influence a decision to be made by or on behalf of the Crown or a public agency to further a private interest of the Chair, relative, or a person directly associated with the Chair.
 - iii. use or communicate information not available to the general public that was gained by the Chair in the course of carrying out his or her office or powers to further or seek to further a private interest of the Chair or any other person's private interest.
 - iv. fail to appropriately or adequately disclose a real or apparent conflict of interest.
 - v. Part t) comes into effect as soon as this Code of Conduct enters into force.
- u) Devote time, thought, and attention to the duties of being a Board Member so that effective and knowledgeable decisions can be made on behalf of citizens and taxpayers of the Special Areas;
- v) 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 Chair and SAB Management to meet the needs and expectations of the public, citizens, neighboring municipalities and ratepayers of the Special Areas;
- w) Not surrender the responsibilities and obligations of a duly appointed Board Member to any other person, group, or organization;
- x) The Board will endeavor to make decisions based on as much objective criteria and information as can reasonably be made available. Board Members 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;
- y) After a member leaves the Board, they must keep in confidence information they obtained while performing their duties as a Board Member;



- z) The Board shall fully disclose the nature and applicable information regarding an allegation of a breach of this Code of Conduct, 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 Board Members or Elected Advisory Councillors hereafter referred to as the complainant(s) and should be submitted in writing to the Chair of the Special Areas Board. The identity of the complainant will not be disclosed unless required by law. An alleged breach written by an anonymous complainant will be treated in the same manner as a known complainant. 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 Board and 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 complainant. The complainant, 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 the Board and Advisory Council affirming validity will be required. The Chair will also request that the Board and Advisory Council determine the appropriate disciplinary action.

The Board and Advisory Council, when considering an alleged breach of this Code will provide sufficient opportunity for the appointed member, who is the subject of the allegation, to address the Board and Advisory Council. It is important that the principles of natural justice are followed which ensures that an appointed Board Member 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 Board and Advisory Council that an appointed Board Member has breached any of the principle found in this Code of Conduct, the Board and Advisory Council may take, but is not limited to, the following actions:

- a) Requiring the appointed member to provide a verbal apology to the impacted individual, organization, or Board and Council as a whole; and/or
- b) Requiring the appointed member to provide a written apology to the impacted individual, organization, or the Board and Council. The written reprimand and written apology letter will be placed on the appointed member's confidential personal file to be maintained by the Special Areas Board. These written documents will remain on file until the appointment is concluded; and/or
- c) Removing the appointed member from selected committees or any office of the Advisory Council; and/or
- d) Issuing a directive to the appointed member to attend 3rd party educational training on ethical and respectful conduct, at the expense of the Special Areas Board; and/or



- e) If the action is in response to an issue regarding pecuniary or conflict of interest and the appointed member is found to be in contravention of this, then the appointed member will be asked to disqualify themselves from further Board activities. If the appointed member does not voluntarily accept this approach an action for disqualification may be taken forward to the Minister of Municipal Affairs.

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 Board and Advisory Council directing the appointed member 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 Board and Advisory Council only. The Board and Advisory Council may request the Chair of the Special Areas Board to act as recording secretary for this hearing. The information will be 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 an appointed member to the Special Areas Board to understand and follow this 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 the Board 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 an appointed member does not remove my right to a fair and unbiased hearing before the Board and Advisory Council.

Witness to the Signature

Board Member

Signed this _____ day of _____, 20__ at Hanna, Alberta