

# **WHEATLAND COUNTY CODE OF CONDUCT COMPLAINT**

**CONFIDENTIAL & CONTRACTOR CLIENT  
PRIVILEGED**



**Prepared By: Mike Koziol, Transitional Solutions Inc.  
May 2023**

## Table of Contents

<b>I. Introduction</b> .....	3
<b>II. The Complaint</b> .....	3
<b>III. Methodology</b> .....	3
A. General.....	3
B. Analysis .....	8
<b>IV. Summary and Recommendations</b> .....	9
Recommendation.....	9
<b>APPENDICES</b> .....	10
<b>Appendix I: October 27, 2022 Complaint from Councillor Ikert</b> .....	11
<b>Appendix II: Summary of Correspondence</b> .....	16
<b>Appendix III: Bylaw No. 2022-05</b> .....	17

## I. Introduction

Wheatland County Council received a Code of Conduct complaint from Councillor Tom Ikert, dated October 27, 2022, against Councillor Rick Laursen.

The complaint alleges that Councillor Laursen violated the County's Code of Conduct because he attended an October 18, 2022, meeting of the Wheatland Regional Partnership (WRP) after Council had made it clear that Council would defer attendance at these meetings.

Councillor Laursen contends that he was attending that meeting as a ratepayer, not as a representative of County Council. It is so acknowledged in the minutes of that meeting.

Transitional Solutions Inc (TSI) was contracted by CAO Brian Henderson on January 31, 2023, to be the Investigation Team. Specifically, TSI was tasked with following steps 14.6 through 14.16 in Wheatland County's Code of Conduct bylaw.

## II. The Complaint

**From Councillor Tom Ikert. His complaint alleges violations of the Code of Conduct section 4.1.a and section 4.1.c.**

*4.1 At all times, Councillors and Members shall:*

- a) act honestly and in good faith;*
- c) support the majority decision of Council or the Board;*

## III. Methodology

### A. General

This investigation followed the steps outlined in the Code of Conduct Bylaw, steps 14.6 through 14.16.

**14.6** – It is my opinion that the alleged violations do not rise to the level of “criminal in nature” and therefore we move on to section 14.7.

**14.7** – I have determined that the complaints are not vexatious in nature, and therefore I proceeded with the investigation.

**14.8, 14.9, 14.10, 14.11** – I introduced myself to the complainant, Councillor Ikert, and to the defendant Councillor Laursen by e-mail. I advised that an investigation would be undertaken, that the investigation is confidential in nature and that no one should speak to anyone else about it. I outlined the steps which would be followed, including:

1. Councillor Laursen will be provided with a copy of the complaint and the supporting documentation supplied by the complainant.
2. He will have 14 days from receipt of the complaint to respond to me in writing.
3. I will forward his written response to the complainant and ask them to reply to me in writing if they have any comments.
4. The reply I receive from the complainant will be forwarded to Councillor Ikert for any final written comments.
5. I will write a brief report along with any recommendations and provide it to Council.

**The investigation was put on hold for approximately 2 months (March & April) at the request of CAO Henderson. It resumed at the beginning of May 2023 at the request of CAO Henderson.**

**14.12** – This section requires full cooperation and respect of confidentiality by all parties. I believe confidentiality was maintained by all parties.

**14.13** – This section gives the subject of the complaint, Councillor Laursen, full opportunity to respond to the complaints.

Councillor Laursen responded in a timely manner, and with a full defense. Then the complainant, Councillor Ikert, had the opportunity to rebut his defense and these comments were passed back to Councillor Laursen for final comment.

I received Final comments back from Councillor Laursen on May 3, 2023.

**14.14** – This section deals with ensuring that all parties are aware that they may choose to be represented by legal council. I have no knowledge of whether either party sought legal advice or representation.

**14.15** – I have not been made aware of anyone attempting retaliatory action. It appears that all concerned are maintaining confidentiality and no one has contacted any of the concerned parties.

**14.16** – This is the final section and the Bylaw outlines what must be contained in the report. The investigation is concluded and the written report which follows includes:

1. Statements from the complainant.
2. Statements from the Councillor, who is the subject of the complaint.
3. Summary of evidence from witnesses.
4. Recommendations with respect to the resolution of the complaint including, where appropriate, recommendations with respect to the appropriate sanctions to be imposed.

A review of the correspondence, beginning with the October 27, 2022, complaint from Councillor Ikert is followed by the response from Councillor Laursen and the final comments back from Councillor Ikert. Finally, we have the final comments from Councillor Laursen dated May 3, 2023.

## COUNCILLOR IKERT

### Original Complaint from Councillor Ikert dated October 27, 2022:

It was brought to my attention from some of the attendees of the Wheatland Regional Partnership meeting that Councillor Rick Laursen attended the WRP meeting on October 18th, 2022 in Rockyford at 6:30 P.M. This is after 2 Council resolutions, a letter that was emailed to all of Council and all members of the WRP and a discussion at our Organizational Meeting in the morning of October 18th discussing not attending any WRP meetings, which includes the one attended. Councillor Laursen did not inform County Council that he was attending this meeting, and it was brought to my attention after he attended. I do understand that some of the conversations that occurred at the WRP were not positive of Wheatland County, with two County Councillors in attendance. This meeting is not advertised to the public; therefore the only way Councillor Laursen could have known this meeting was occurring was through his position as a Councillor.

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### Response from Councillor Laursen received by me Feb 21, 2023:

Response to Code of Conduct dated November 1, 2022

Regarding 14C:

1. Councillor Ikert has stated that it was brought to his attention from some attendees, yet he is not stating how or who he received the information from. This is hearsay unless it can be proven by evidence. This is clearly a legal issue.
2. Reeve Link has admitted (in closed session) that she spoke with Mayor Fule of Strathmore regarding the meeting and my attendance. I spoke with Mayor Fule afterward, and prior to the code of conduct allegation. He confirmed that nothing untoward to the County was discussed. This can be confirmed by talking to Mayor Fule and all the other attendees at that meeting. This can also be corroborated by the minutes of the meeting. I have a copy of the minutes and there is nothing untoward regarding the County. You may request a copy of the minutes for yourself by contacting the Chair of the WRP.
3. Councillor Ikert has stated that I did not inform County Council that I was attending the meeting. It is in the record of the minutes of the WRP meeting that I attended as a ratepayer of the county and not as a Councillor. Therefore, I had no duty to inform Council of what I was doing as a private citizen and ratepayer of the County.
4. Councillor Ikert has stated that, "I do understand that some of the conversations that occurred at the WRP were not positive of Wheatland County, with two Councillors in attendance."
  - a. I was not in attendance as a Councillor but as a ratepayer. That is clear in the minutes of the meeting. There is no basis for the above statement. Again, this is hearsay.

Regarding 14d:

I do not dispute the portions of the bylaw; however, as stated, I was not at the meeting representing Wheatland County as a Councillor. Rather, I was there as a ratepayer, which I have the right to do as a citizen of the County.

Stating that I am not allowed to attend this meeting as a private citizen is the same as saying that I cannot attend a community hockey game that has a team that the County does not support.

This is a clear violation of the Canadian Charter of Rights and Freedoms (Provision 2).

Regarding 14e:

The minutes of the meeting can be provided pending the approval of the chair of the WRP. The minutes will refute all of Councillor Iker's statements.

Regarding 14 f:

I do not dispute this.

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**Final Response from Complainant Councillor Ikert dated February 22, 2023:**

Mike:

Our Council passed several motions, that stated that we would not be attending WRP meetings until 2 of the Villages rectified the errors in a letter they sent to Municipal Affairs. Those resolutions were CM2022-07-08 and CM 2022-07-15.

On October 18th, by his own words, Councillor Laursen , attended a WRP meeting.

In doing so he contravened our Code of Conduct Bylaw 2022-05.

He contravened 4.1a Act honestly and in good faith

He contravened 4.1.c Support majority decision of Council or the board

I do not believe any argument that Councillor Laursen has presented, changes the fact that he contravened 4.1a and 4.1c.

I have submitted the agenda in regards to witnesses and I have submitted the resolutions, letter sent to all WRP including County Council and I have included the time stamp of Council discussion.

If you have any other questions, please feel free to reach out to me.

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**Final comments from Councillor Laursen dated May 3, 2023:**

Hi Mike,

Here is my response to Councillor Ikert's comments from February 22, 2023.

Councillor Ikert presents no new information in his email.

I have never denied attending the meeting, and the minutes of the meeting reflect that I was there as a ratepayer, a private citizen, and in no way was I representing the County in any manner. I was merely there as an interested ratepayer at the invitation of one of the members of the WRP who I have known personally for many years. I was there as an observer; I did not vote on any matters that were discussed,

nor did I make any motions. Councillor Ikert's claim that the only way I knew about the meeting was in my role as a County Councillor is false, and he has shown no evidence to prove this allegation.

Had I not stated at the outset of the meeting that I was not there representing the County it could have been implied that I had violated the code of conduct because I am a County Councillor. However, by stating at the outset of the meeting that I was there as a private citizen and in no manner representing the County, it is not a violation of the code of conduct.

Councillor Ikert has not been able to provide any information that would prove, based on a balance of probabilities, that I violated any portion of the Wheatland County Code of Conduct.

In fact, Councillor Ikert has admitted in writing that he cannot prove anything. He "just knows it is true"-- if I remember the statement correctly. He has accused Councillor Koester of the same violation but has not brought a formal complaint against Councillor Koester nor provided any evidence to support his claim.

Feel free to reach out to me if you have any questions that need clarification.

Rick

## B. Analysis

The complaint revolves around a central issue, that of whether a Councillor has a right to attend a meeting as a private citizen after Council has expressly said that members of Council will not attend.

There is a strict legal interpretation which says that a citizen/ratepayer can attend unless the WRP decides to hold their meetings in camera. If it were a strictly legal matter, it must be said that Councillor Laursen had the right to attend as a private citizen.

However, this is not a strictly legal matter. There are two things to consider:

1. Whether attending the meeting is okay if you take off your Councillor hat and put on your private citizen hat; and
2. Whether an elected official has a higher obligation as a private citizen or as a member of Council.

In both cases I offer the opinion that there are many things that a councillor may do in their private life as a citizen, but once you are an elected official, you have a **higher** obligation to support decisions of Council, and you must suppress your rights as a private citizen/ratepayer.

I conclude that Councillor Laursen should have supported the wishes of Council rather than pursuing his rights as a citizen. By attending the WRP meeting he violated Section 4.1a to act honestly and in good faith and he violated Section 4.1c to support the majority decision of Council.

If Councillor Laursen had informed Council in advance of his desire to attend the meeting, or better yet, requested prior approval or asked to debate his attendance, he would have appeared to have been acting above-board and in good faith.



## IV. Summary and Recommendations

This Code of Conduct investigation was initiated by Wheatland County Councillor Tom Ikert. No witnesses were called in an effort to keep the scope of the investigation contained.

Councillor Laursen has breached the following sections of Council's Code of Conduct Bylaw:

- **Section 4.1a** to act honestly and in good faith;
- **Section 4.1c** to support the majority decision of Council or the Board.

### Recommendation

There are numerous options listed in the Bylaw to sanction a councillor found in breach of the Code of Conduct Bylaw. They include:

1. Issue a letter of reprimand to the Councillor or Member;
2. Request that the Councillor or Member issue a letter of apology;
3. Publish the letter of reprimand or request for apology and the Councillor or Member's response.
4. Require the Councillor or Member to attend training;
5. Where the complaint is against the Reeve, suspend or remove the appointment of a Councillor as the Chief Elected Official under Section 150(2) of the Act;
6. Where the complaint is against the Reeve, suspend or remove the Chief Elected Official's presiding duties under Section 154 of the Act;
7. Where the complaint is against the Deputy Reeve or Acting Reeve, suspend or remove the appointment of a Councillor as the Deputy Chief Elected Official or Acting Chief Elected Official under Section 152 of the Act;
8. Suspend or remove the Councillor or Member from some or all Boards to which that Councillor or Member has been appointed by Council;
9. Reduce or suspend remuneration as defined in Section 275.1 of the Act corresponding to a reduction in duties, excluding allowances for attendance at Council meetings;
10. Where the complaint against a Councillor involves Pecuniary Interest or a matter within the scope of Section 174 of the Act, a decision to pursue an application to disqualify the Councillor pursuant to the Act; and/or
11. Reporting the Councillor misconduct to Alberta Municipal Affairs or other appropriate authority including but not limited to a request to the Minister of Municipal Affairs to undertake an inquiry into the conduct of the Councillor pursuant to the Act.

In this case, however, I do not believe that any of the options will have a positive effect on Councillor Laursen. Rather, I am recommending that Council hold a refresher on the Code of Conduct which includes examples of grey areas and where the high road should be taken in juggling the obligations of an elected official versus exercising your rights as a private citizen.



## APPENDICES

**Appendix I:** October 27, 2022 Code of Conduct Complaint from Councillor Ikert

**Appendix II:** Summary of Correspondence

**Appendix III:** Bylaw No. 2022-05

## Appendix I: October 27, 2022 Complaint from Councillor Ikert

Councillor Code of Conduct Complaint  
October 27, 2022  
Submitted to County Council on November 1, 2022

Section 14 of Bylaw 2022-05 (a – f)

14a	Tom Ikert 254061 TWP 240 Wheatland County T1P0Y8 403 361 1473
14b	Councillor Rick Laursen
14c	<p>It was brought to my attention from some of the attendees of the Wheatland Regional Partnership (WRP) meeting that Councillor Rick Laursen attended the WRP meeting on October 18<sup>th</sup>, 2022 in Rockyford at 6:30 P.M. This is after 2 Council resolutions, a letter that was emailed to all of Council and all members of the WRP and a discussion at our Organizational Meeting in the morning of October 18<sup>th</sup> discussing not attending any WRP meetings, which includes the one attended.</p> <p>Councillor Laursen did not inform County Council that he was attending this meeting, and it was brought to my attention after he attended. I do understand that some of the conversations that occurred at the WRP were not positive of Wheatland County, with two County Councillors in attendance.</p> <p>This meeting is not advertised to the public; therefore the only way Councillor Laursen could have known this meeting was occurring was through his position as a Councillor.</p>
14d	<p>Bylaw 2022-05</p> <p>4.1.a) Act honestly and in good faith</p> <p>4.1.c) Support the majority decision of Council or the Board</p>
14e	All attendees at Wheatland Regional Partnership meeting on October 18, 2022. (Town of Strathmore, Villages of Hussar, Standard and Rockyford) representatives. Glenn Koester and Vicky Cook.
14f	See attached resolutions, letter sent to all WRP members including County Council and timestamp of Council discussion.

### **RESOLUTION CM-2022-07-08**

Moved by KOESTER

THAT Council continue to attend the scheduled Wheatland Regional Partnership meetings, including the meeting on July 5, 2022, moving forward.

For (2): KOESTER, and LAURSEN

Against (4): LINK, KLASSEN, IKERT, and LAPRISE

• Lost (2 to 4)

### **RESOLUTION CM-2022-07-15**

Moved by LINK

THAT Council send a letter to the Wheatland Regional Partnership (WRP) clarifying its commitment to the partnership and outlining that Council intends to defer its attendance at future WRP meetings until outstanding legal matters have been addressed by the Village of Rockyford and the Village of Standard.

For (4): LINK, KLASSEN, IKERT, and LAPRISE

Against (2): KOESTER, and LAURSEN

• Carried (4 to 2)

October 18<sup>th</sup>, 2022 Organizational meeting (9 a.m. – 11 a.m.)

<https://www.youtube.com/watch?v=w4wDjH2qjOE>

Time stamp of conversation: 1:26:50

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**From:** Shanna Pierson  
**Sent:** July 5, 2022 3:05 PM  
**To:** Kevin Scoble; Village of Rockyford; Village Of Standard; Brian Henderson  
**Cc:** Amber Link; Donna Biggar; Glenn Koester; Rick Laursen; Scott Klassen; Shannon Laprise; Tom Ikert; brent.wiley@strathmore.ca; debbie.mitzner@strathmore.ca; Denise Peterson; jason.montgomery@strathmore.ca; melissa.langmaid@strathmore.ca; Mayor Pat Fule; richard.wegener@strathmore.ca; m.gauthier@villageofstandard.ca; c.allard@villageofstandard.ca; sommerfeldt.a@gmail.com; l.casey@villageofstandard.ca; r.bryan@villageofstandard.ca; mayor@rockyford.ca; Matthew Boscarol  
**Subject:** Wheatland Regional Partnership Meetings  
**Attachments:** 20220705 Letter to WRP re Wheatland County Council Attendance.pdf

Good afternoon everyone,

Please see the attached letter from Wheatland County Council.

Mayor Burke – could you please forward on the attached to your Council members?

Thank you,



[wheatlandcounty.ca](http://wheatlandcounty.ca) [infinitewc.ca](http://infinitewc.ca)

**Shanna Pierson**  
Executive Assistant

P: 403-361-2030

242006 Range Road 243  
Wheatland County, AB T1P 2C4

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**Office of the Reeve**

July 5, 2022

Wheatland Regional Partnership

Via email:

[kevin.scoble@strathmore.ca](mailto:kevin.scoble@strathmore.ca)

[cao@rockyford.ca](mailto:cao@rockyford.ca)

[cao@villageofstandard.ca](mailto:cao@villageofstandard.ca)

[brian.henderson@wheatlandcounty.ca](mailto:brian.henderson@wheatlandcounty.ca)

**RE: Wheatland County Council Meeting Attendance**

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At the July 5, 2022, Regular Council Meeting the following resolution was made:

*THAT Council send a letter to the Wheatland Regional Partnership (WRP) clarifying its commitment to the partnership and outlining that Council intends to defer its attendance at future WRP meetings until outstanding legal matters have been addressed by the Village of Rockyford and the Village of Standard.*

Sincerely,

Scott Klassen – Deputy Reeve  
Wheatland County

cc: Wheatland County Council  
Town of Strathmore Council  
Village of Standard Council  
Village of Rockyford Council



WHEATLAND REGIONAL PARTNERSHIP MEETING  
Tuesday, October 18<sup>th</sup>, 2022  
Commencing at 6:30 p.m.  
Village of Rockyford – Municipal Office

AGENDA

1. Call to Order
2. Approval of Agenda
3. Approval of July 5<sup>th</sup>, 2022 Meeting Minutes
4. Appointments:
  - Glenn Koester – Spokesperson WHMB
  - Vicki Cook – CAO WHMB
5. Business Arising from Minutes
  - A. Resolution 22-07-03 - Village of Hussar Regional Health Initiative update
  - B. Resolution 22-07-04 – Attracting new medical doctors to the region (Reside/RhPAP)
  - C. Resolution 22-07-05 – Increasing Utility Fees
  - D. Resolution 21-06-04 – Handi-bus service
6. New Business
  - A. Community Updates
7. Adjourn and next meeting date/time/location

## Appendix II: Summary of Correspondence

### Chronology and Summary of Documents

<b>DATE</b>	<b>SUMMARY</b>
Oct 27, 2022	Code of Conduct Complaint from T Ikert against R Laursen
Feb 8, 2023	e-mail from M Koziol to T Ikert introducing myself as the person who will investigate
Feb 8, 2023	e-mail from M Koziol to R Laursen introducing myself and outlining the process which I will follow in conducting the investigation.
Feb 21, 2023	e-mail from R Laursen to M Koziol with his response to the complaint
Feb 21, 2023	e-mail from M Koziol to T Ikert forwarding R Laursen defense comments
Feb 22, 2023	e-mail from T Ikert to M Koziol rebutting R Laursen's defense.
Feb 26, 2023	e-mail from M Koziol to R Laursen inviting his final comments on T Ikert's rebuttal.
Mar 1, 2023	Telephone call from B Henderson to M Koziol requesting to halt investigation.
Apr 27, 2023	e-mail from B Henderson asking to continue the investigation
Apr 30, 2023	e-mail invitation from M Koziol to R Laursen to provide comments as per Feb 26 request.
May 2, 2023	e-mail and cell call from M Koziol to R Laursen soliciting final comments
May 3, 2023	e-mail from R Laursen giving his final comments to M Koziol



**WHEATLAND COUNTY  
BYLAW NO. 2022-05**

**BEING A BYLAW OF WHEATLAND COUNTY IN THE PROVINCE OF ALBERTA TO ESTABLISH A CODE OF CONDUCT GOVERNING THE CONDUCT OF ITS COUNCILLORS AND MEMBERS OF COUNCIL COMMITTEES AND OTHER BODIES ESTABLISHED BY WHEATLAND COUNTY COUNCIL.**

**WHEREAS** under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, a Council must, by bylaw, establish a code of conduct governing the conduct of Councillors;

**AND WHEREAS** under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, Council may, by bylaw, establish a code of conduct governing the conduct of members of Council committees and other bodies established by Council who are not Councillors;

**AND WHEREAS** the *Code of Conduct for Elected Officials Regulation, A/R 200/2017* sets out matters which must be included in a code of conduct for Councillors;

**AND WHEREAS** Wheatland County Council recognizes that Councillors and members of Council Committees and other bodies established by Council who are not Councillors have an obligation to conduct themselves and to perform their roles and duties in a professional, ethical and trustworthy manner in accordance with the *Municipal Government Act*;

**NOW THEREFORE** Wheatland County Council, duly assembled, enacts as follows:

**1. Title**

This Bylaw may be referred to as the "Code of Conduct Bylaw".

**2. Purpose**

- 2.1 The intent of this Bylaw is to establish the standard of behaviour, actions and conduct for Wheatland County Councillors and members of Council committees, boards, and other bodies established by Council who are not Councillors as an effort to maintain public confidence in and respect for local government.
- 2.2 This Bylaw applies to all forms of Councillor and Member communication including posts on Social Media.
- 2.3 Each individual Wheatland County Councillor is obligated to uphold the Code of Conduct Bylaw when carrying out his/her duties as Councillor, Reeve or Deputy-Reeve.
- 2.4 Each individual member of a Council committee, board or other body established by Council who is not a Councillor is obligated to uphold the Code of Conduct Bylaw when carrying out his/her duties as a member of a Council committee, board or other body established by Council.
- 2.5 Councillors and Members shall sign a written acknowledgement agreeing to be bound by this Bylaw at or prior to the first meeting of Council or the Board, as applicable.
- 2.6 No Member shall be permitted to participate in a meeting of a Board prior to signing the written acknowledgement referenced in Section 2.5.

### 3. Definitions

- 3.1 **"Act"** means the *Municipal Government Act*, R.S.A. 2000 Chapter M-26, as amended, together with all regulations passed thereunder.
- 3.2 **"Administration"** means County employees including but not limited to the Chief Administrative Officer.
- 3.3 **"Board"** means a Council committee, commission, board, appeal board, task force, or other body established by Council.
- 3.4 **"Chief Administrative Officer"** means that individual appointed by Council as Chief Administrative Officer for the County in accordance with the Act, or his/her designate.
- 3.5 **"Confidential Information"** means any information that is prohibited from being disclosed pursuant to the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000 Chapter F-25, as amended, together with any information that the Councillor or Member receives during an "in camera" portion of a meeting until such time as those matters have subsequently been made public by Council or the Board including but not limited to: confidential negotiations; advice; proposals; recommendations; policy options; drafts of agreements, resolutions, bylaws and other documents; draft reports; and information subject to solicitor and client privilege;
- 3.6 **"Council"** means the duly elected Council of the County;
- 3.7 **"Councillor"** means a duly elected Councillor of the County.
- 3.8 **"County"** means the municipal corporation of Wheatland County and its jurisdictional boundaries, as the context requires.
- 3.9 **"Member"** means a person appointed to a Board who is not a Councillor.
- 3.10 **"Pecuniary Interest"** has the same meaning as set out in Part 5, Division 6, of the Act.
- 3.11 **"Social Media"** means Facebook, Twitter, Instagram, blogs, electronic newsletters, letters to the editor, and other websites and applications which enable users to create and share content.
- 3.12 Any term or phrase which is not defined in this Part 3 shall be given its ordinary meaning.
- 3.13 Within the text of this Bylaw, each gender shall include all genders, the singular shall include the plural, and the plural shall include the singular, as the text requires.

### 4. General Conduct

- 4.1 At all times, Councillors and Members shall:
- a) act honestly and in good faith;
  - b) engage in respectful, fulsome and healthy debate on matters in Council or Board meetings;
  - c) support the majority decision of Council or the Board;
  - d) respect the personal opinions of other Councillors and Members;

- e) unless authorized by Council to represent Council's position on an issue, to ensure that any public statements are clearly stated to reflect the personal opinion of the Councillor, not the opinion or position of Council;
  - f) unless authorized by the Board to represent the Board's position on an issue, to ensure that any public statements are clearly stated to reflect the personal opinion of the Member, not the opinion or position of the Board;
  - g) publicly express his/her personal opinions in such a manner that maintains respect for Council or the Board, other Councillors or Members and any decisions made by Council or a Board;
  - h) along with the bylaws and policies of Wheatland County Council and other applicable legislation, the following provincial and federal legislation governs the conduct of Councillors and Members:
    - a. Municipal Government Act; M-26, RSA 2000, as amended,
    - b. Freedom of Information and Protection of Privacy Act, RSA 2000, F-25, as amended,
    - c. Local Authorities Election Act; RSA 2000, L-21, as amended,
    - d. Alberta Human Rights Act; RSA 2000, A-25.5, as amended,
    - e. Canadian Human Rights Act, RSC 1985, H-6, as amended,
    - f. Occupational Health and Safety Act; RSA 2017, O-2.1, as amended,
    - g. Criminal Code of Canada; RSC, 1985, C-46, as amended
  - i) keep in confidence all Confidential Information including but not limited to matters discussed in camera at a Council or Board meeting until that matter is discussed at a public meeting or disclosure of that information is otherwise required by the Courts, a board or tribunal having jurisdiction;
  - j) adhere to County bylaws, policies and procedures;
  - k) act with integrity, professionalism and respect when interacting with other Councillors or Members, Administration, members of the public, other government officials and County consultants and advisors;
  - l) consider the welfare and interests of the County as a whole;
  - m) demonstrate fairness, accountability and impartiality on all matters;
  - n) not make improper use of his/her position as a Councillor or Member to:
    - i. gain or attempt to gain or advance, directly or indirectly, a personal or private interest for him/herself or another person;
    - ii. cause or attempt to cause detriment, prejudice or embarrassment to the County, Council, Board, any individual Councillor or Member, any member of Administration, any member of the public or third parties; or
    - iii. seek personal benefit or gain from any information obtained through his/her position as a Councillor or Member.
- 4.2 No Councillor nor Member shall use the influence of his/her position on Council or a Board for any purpose other than for the exercise of his/her official duties as Councillor or Member.
- 4.3 Councillors and Members shall not utilize social media to attack, undermine, belittle, humiliate, embarrass, intimidate, bully or harass other Councillors, Members, members of Administration, members of the public or representatives from other agencies, government or municipalities.

## **5. Respecting the Decision Making Process**

- 5.1 The appropriate forum for healthy and fulsome debate and discussion of matters before Council or a Board is during a Council or Board meeting.
- 5.2 All Councillor and Members are expected to be suitably prepared for Council and Board meetings.
- 5.3 All Councillors and Members should be given a full opportunity to address issues before Council or a Board in a full, open and professional manner to encourage and promote healthy debate of issues.
- 5.4 Council decisions are made by majority vote by the Councillors. Board decisions are made by majority vote by the Members. The decision of Council or a Board must be accepted, respected and supported by all Councillors and Members even if some individual Councillors or Members do not agree with the majority decision.
- 5.5 While an individual Councillor or Member may publicly state that he/she did not vote with the majority of Council or a Board on an issue, this type of statement must be made in a manner that respects Council or the Board, Council's or the Board's decision, other Councillors or Members and Administration.

## **6. Use of County Assets and Services**

- 6.1 Councillors and Members may not utilize County resources, property, equipment, services, information, supplies, personnel or intellectual property to pursue, facilitate or support their private interests or the private interests of other parties including but not limited to election campaigns and election campaign activities.
- 6.2 Councillors and Members may only utilize County resources, property, equipment, services, information, supplies, personnel or intellectual property in relation to their role as Councillor or Member and shall at all times strictly adhere to all applicable County policies and procedures.
- 6.3 No Councillor nor Member shall obtain personal or private gain or advantage through the use of County assets or services or from County developed intellectual property.

## **7. Expenditures**

- 7.1 When incurring expenditures, Councillors and Members shall act responsibly and respect that public money must be used for the public good.
- 7.2 Councillors and Members shall avoid waste, abuse and extravagance in the provision or use of public monies and resources.
- 7.3 Councillors and Members shall be open, transparent and accountable with respect to all expenditures.
- 7.4 Councillors and Members shall strictly adhere to all County bylaws, policies and guidelines addressing expenditures and reimbursement.

## **8. Interaction with Administration and the Public**

- 8.1 Councillors and Members shall respect the professional opinion and capabilities of Administration. No Councillor nor Member shall maliciously or falsely dispute the truth, validity, or honesty of (a statement or motive), damage or undermine the professional or ethical reputation of members of Administration.
- 8.2 Councillors and Members shall not abuse relationships or dealings with Administration by attempting to take advantage of their positions as Councillors or Members to influence or coerce Administration or interfere in Administration's functions or operations.

- 8.3 Councillors and Members will, at all time, refrain from behaviour that may be perceived to be bullying, harassment, intimidation or coercion of Administration.
- 8.4 Councillor and Member requests for information shall be directed through the Chief Administrative Officer.
- 8.5 Councillors and Members will treat all people including but not limited to members of the public and representatives of other agencies, governments and municipalities with professionalism, courtesy and respect.
- 8.6 Councillors and Members will treat all people in good faith and without bias and shall not discriminate against any person on the basis of:
- a) differences in personal opinions; or
  - b) race, ancestry, place of origin, colour, ethnic origin, culture, citizenship, religion, creed, language, gender, sexual orientation, age, family status, disability or occupation.
- 8.7 All Councillors and Members are responsible to ensure that the County work environment is free from discrimination, bullying and harassment.
- 8.8 Council's sole employee is the Chief Administrative Officer who is the Administrative head of the County. It is recognized that it is the sole responsibility of the Chief Administrative Officer to hire, discipline and terminate members of Administration and that all information pertaining to County staff employment matters is strictly confidential.
- 8.9 No Councillor nor Member shall interfere with the Chief Administrative Officer's role in the hiring, disciplinary action or termination of any member of Administration by way of coercion, persuasion, threats, intimidation, bullying, or any other form of influence. The Chief Administrative Officer shall immediately report any incident of this nature to Council as a whole.
- 9. Attendance at Orientation and Other Training Sessions**
- 9.1 Unless excused by Council, Councillors shall attend:
- a) Councillor orientation training at the start of each Council term; and
  - b) any Councillor training session or workshop organized at the direction of Council or mandated by the Province of Alberta.
- 9.2 Councillors may attend such other training, workshops or conferences of their choosing as long as there is sufficient budget available within Council's account.
- 9.3 Once appointed to a Board, Members shall attend:
- a) general orientation sessions hosted by the County; and
  - b) any specific Board training or workshop offered by the County.
- 10. Confidential Information**
- 10.1 Councillors and Members shall inform themselves of and strictly adhere to the provisions of the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, Chapter F-25, and any amendments thereto, with respect to the access to, gathering, use and disclosure of information.
- 10.2 Councillor and Members shall not release nor divulge Confidential Information unless expressly authorized by Council or the Board or required by order or direction of a Court, board or tribunal having jurisdiction.

- 10.3 Councillors and Members who speak or write publicly including posting on Social Media are responsible for ensuring that they do not inadvertently divulge Confidential Information.
- 10.4 Councillors and Members are personally responsible to ensure that they do not directly or indirectly release, divulge or make available Confidential Information to unauthorized parties including ensuring that all Confidential Information is properly secured against access by unauthorized parties.
- 10.5 Councillors and Members shall not use Confidential Information gained through their position on Council or a Board for any private or personal benefit or gain.
- 10.6 Councillors and Members shall not release, disclose, publish or comment on Confidential Information received during an "in camera" meeting until such information is disclosed at a public meeting.
- 10.7 Councillors and Members shall not release Confidential Information that is subject to solicitor-client privilege unless expressly authorized by Council, the Board or required by law to do so.
- 10.8 Councillors and Members shall not use Confidential Information that they have knowledge of by virtue of their position as a Councillor or Member that is not in the public domain, including e-mails and correspondence from other Councillors, Members or third parties, in a manner such that it may cause harm, detriment or embarrassment to the County, Council, other Councillors, a Board, other Members, Administration, members of the public or third parties.
- 10.9 A Councillor and Member's obligations with respect to maintaining confidentiality extends beyond his/her term of office or appointment and continues in perpetuity.

## **11. Conflict of Interest**

- 11.1 Councillors and Members shall adhere to the Pecuniary Interest requirements as established in Part 5, Division 6, of the Act.
- 11.2 The decision with respect to whether or not the Councillor or Member may have a Pecuniary Interest in a matter is the individual Councillor's or Member's decision to make.
- 11.3 It is each Councillor's and Member's personal responsibility to make him/herself aware of the Pecuniary Interest provisions of the Act and to be alert to matters in which he/she may have a Pecuniary Interest. No other Councillor, Member, Chief Administrative Officer or other member of Administration is responsible to make a Councillor or Member aware of a potential Pecuniary Interest situation.
- 11.3 It is the personal responsibility of each Councillor or Member to seek independent legal advice, at their sole cost, with respect to any situation that may result in a Pecuniary Interest.
- 11.4 If a Councillor or Member believes that he/she may have a Pecuniary Interest in a matter before Council or a Board, he/she shall follow the Pecuniary Interest disclosure and procedure requirements as established in Part 5, Division 6, of the Act.

## **12. Acceptance of Gifts and Benefits**

- 12.1 Councillors and Members shall ensure that they do not place themselves in a position of obligation to any person or organization which may benefit from special consideration or preferential treatment by Council or a Board through the acceptance of gifts or benefits.
- 12.2 With the exception of token and minor gifts or benefits having an estimated value under \$100, Councillors and Members shall provide a written declaration to Council

detailing the acceptance of any gifts or benefits including the estimated value and donor of the gift or benefit.

- 12.3 While token and minor gifts or benefits having an estimated value under \$100 can be accepted by Councillors and Members, substantial or material gifts or benefits should either be rejected by Councillors and Members or accepted on the condition that the gift or benefit is accepted on behalf of Council or the Board and donated to a third party, who is not associated with the Councillor or Member.
- 12.4 This Bylaw does not apply to gifts donated to the County as an organization nor to gifts or hospitality that is normally received as a matter of protocol or social obligations that normally accompany the position of Councillor or Member and that are not related to any particular transaction or activity of the County or a decision by Council or a Board.
- 12.5 The decision with respect to whether or not the Councillor or Member may have a Conflict of Interest with respect to a matter is the individual Councillor's or Member's decision to make.
- 12.6 It is the individual responsibility of each Councillor and Member to seek independent legal advice with respect to any situation that may result in a Conflict of Interest.

### **13. Council and Board Public and Media Statements**

- 13.1 Public or media statements or the release of information conveying the County's position or decisions on matters made by the Council will only be communicated by the Reeve, or in his/her absence the Deputy-Reeve, or in the absence of both the Reeve and Deputy-Reeve, any other person authorized by Council.
- 13.2 Public or media statements or the release of information conveying a Board's position or decisions on matters made by the Board will only be communicated by the Board Chair, or in his/her absence the Vice-Chair, or in the absence of both the Chair and Vice-Chair, any other person authorized by the Board.

### **14. Complaints, Investigations and Sanctions**

#### **Complaints**

- 14.1 Where a Councillor, Member, member of Administration or member of the public has reasonable grounds to believe that a Councillor or Member has breached this Bylaw, a complaint may be submitted to the Reeve or, where the complaint involves the Reeve, the complaint may be submitted to the Deputy Reeve, or where the complaint involves both the Reeve and Deputy Reeve, the complaint may be submitted to Council as a whole during an in-camera session.
- 14.2 A complaint must be in writing and must include the following information:
- a) The complainant's name and contact information,
  - b) The name of the Councillor or Member to whom the complaint relates,
  - c) The nature of the alleged Bylaw contravention,
  - d) The specific provisions of the Bylaw which have been contravened,
  - e) Names of any witnesses to the alleged contravention,
  - f) Any other supporting documentation that will assist in the evaluation of the complaint.
- 14.3 Council may refuse to undertake an investigation if the complainant fails or refuses to provide the information set out in Section 14.2.
- 14.4 Upon receipt of a complaint, the Reeve or Deputy Reeve shall inform Council of the complaint during an in-camera session.

- 14.5 Upon being advised of a complaint, Council shall appoint an investigation team which shall consist of any or all of the following:
- a) Councillors who are not involved in the complaint as complainant, respondent or witness, and/or
  - b) a third-party investigator or consultant.
- (the "Investigation Team")
- 14.6 If, after reviewing the complaint, the Investigation Team determines that the complaint involves an allegation of a criminal nature, the Investigation Team shall advise the complainant in writing that the allegation must be made through the appropriate police service or RCMP.
- 14.7 If, after reviewing the complaint, the Investigation Team determines that the complaint is frivolous or vexatious, the Investigation Team may recommend to Council during an in-camera meeting that no further investigation be undertaken. Council may uphold the Investigation Team's recommendation or direct that an investigation be undertaken. Council's decision shall be communicated to the complainant in writing. Council's decision is final and is not subject to appeal.
- 14.8 If, after reviewing the complaint, the Investigation Team determines that further investigation is warranted, the Investigation Team shall provide the Councillor or Member who is the subject of the complaint with a copy of the written complaint and any supporting documentation, and the Councillor or Member shall be given 14 days to provide a written response to the complaint.
- 14.9 The Investigation Team shall complete its initial review of the complaint and advise the complainant in writing if:
- a) an investigation will be undertaken,
  - b) the complaint involves a criminal allegation which should be made to the appropriate police organization or RCMP, or
  - c) the Investigation Team has determined that the complaint is frivolous or vexatious and Council has directed that no further investigation be undertaken,
- within thirty (30) days after receipt of the complaint.

### **Investigation**

- 14.10 The Investigation Team shall carry out investigations in accordance with the following:
- a) complaints will be investigated as promptly as possible;
  - b) only those individuals absolutely necessary to the investigation of the complaint will be interviewed in order to maintain the confidentiality of the complaint, the complainant and the respondent to the greatest extent possible;
  - c) individuals with knowledge of the incident shall not discuss the details of the incident with others; and
  - d) the safety of the complainant will be a paramount consideration throughout the investigation process.
- 14.11 The complaint and all information related to the complaint investigation is Confidential Information.
- 14.12 Councillors and Members shall cooperate with the Investigation Team and respect the confidentiality and sensitivity related to the investigation process.



- 14.13 The Councillor or Member who is the subject of the complaint shall be given full opportunity to respond to the complaint.
- 14.14 The complainant and the Councillor or Member may be represented by legal counsel, at their sole cost, if they wish.
- 14.15 No Councillor or Member shall take retaliatory action against a complainant or witness with the intention of dissuading or punishing an individual for participating in the complaint process.
- 14.16 At the conclusion of the investigation, the Investigation Team shall prepare a written report for Council to be presented at an in-camera meeting of Council. The report shall include the following information:
- a) statements from the complainant,
  - b) statements from the Councillor or Member who is the subject of the complaint,
  - c) summary of evidence from witnesses,
  - d) recommendations with respect to the resolution of the complaint including, where appropriate, recommendations with respect to the appropriate sanctions to be imposed.
- 14.17 During the in-camera session of Council referenced in Section 14.16, neither the complainant nor the Councillor or Member who is the subject of the complaint shall be in attendance unless Council decides to hear from the parties in accordance with Section 14.18.
- 14.18 In its sole discretion, Council may decide to hear from the complainant and the Councillor or Member who is the subject of the complaint during an in-camera session. In the event that Council decides to hear from the parties, the parties shall be notified in writing of the date and time of the hearing not less than five (5) days prior to the scheduled hearing. The hearing shall be conducted in accordance with the County's Procedure Bylaw and the rules of the right for a fair hearing without bias.

### **Decision and Sanctions**

- 14.19 Within 14 days following the presentation of the Investigation Team's report or, where applicable, hearing from the complainant and the Councillor or Member who is the subject of the complaint, Council shall decide whether to dismiss the complaint or uphold the complaint and impose sanctions.
- 14.20 Council's decision shall be provided in writing to the complainant and to the Councillor or Member who is the subject of the complaint. Council's decision is final and is not subject to appeal.
- 14.21 Where Council decides to uphold the complaint, Council may impose any or all of the following sanctions:
- a) issue a letter of reprimand to the Councillor or Member;
  - b) request that the Councillor or Member issue a letter of apology;
  - c) publish the letter of reprimand or request for apology and the Councillor or Member's response;
  - d) require the Councillor or Member to attend training;
  - e) where the complaint is against the Reeve, suspend or remove the appointment of a Councillor as the Chief Elected Official under Section 150(2) of the Act;
  - f) where the complaint is against the Reeve, suspend or remove the Chief Elected Official's presiding duties under Section 154 of the Act,
  - g) where the complaint is against the Deputy Reeve or Acting Reeve, suspend or remove the appointment of a Councillor as the Deputy Chief Elected Official or Acting Chief Elected Official under Section 152 of the Act;
  - h) suspend or remove the Councillor or Member from some or all Boards to which that Councillor or Member has been appointed by Council;

- i) reduce or suspend remuneration as defined in Section 275.1 of the Act corresponding to a reduction in duties, excluding allowances for attendance at Council meetings;
- j) where the complaint against a Councillor involves Pecuniary Interest or a matter within the scope of Section 174 of the Act, a decision to pursue an application to disqualify the Councillor pursuant to the Act; and/or
- k) reporting the Councillor misconduct to Alberta Municipal Affairs or other appropriate authority including but not limited to a request to the Minister of Municipal Affairs to undertake an inquiry into the conduct of the Councillor pursuant to the Act.

**15. General**

15.1 Council shall review this Bylaw on an annual basis at Council's Organizational Meeting to ensure that the Bylaw remains current and relevant to the County's operations.

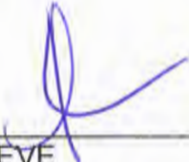
15.2 This Bylaw repeals Code of Conduct Bylaw 2021-32 upon third reading of this Bylaw.

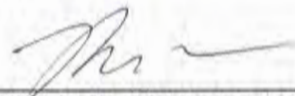
15.3 This Bylaw comes into force upon third reading.

Read a first time this 15<sup>th</sup> day of February, 2022.

Read a second time this 15<sup>th</sup> day of February, 2022

Read a third time and passed this 15<sup>th</sup> day of February, 2022.

  
\_\_\_\_\_  
REEVE

  
\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

REPORT PREPARED BY:



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