



**KANANASKIS
IMPROVEMENT
DISTRICT**

Kananaskis Improvement District Code of Conduct Order

KID Order No. 01-2018



WHEREAS the Government of Alberta (GoA) requires each municipal council therein, pursuant to s. 146.1 of the *Municipal Government Act*, to establish an order for elected officials consistent with the Act and with any regulations made under the Act;

AND WHEREAS the stakeholders, as defined by the Minister , for the Kananaskis Improvement District (KID) are entitled to have fair, ethical, and accountable local government and to expect the highest standards of conduct from the KID Council Members that it elects to KID Council and that the Minister appoints;

AND WHEREAS such a government requires that public officials comply with both the letter and spirit of the laws and policies affecting operations of the government; be independent, impartial, and fair in their judgement and actions; use their public office for the public good and not for personal gain; and conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility;

THEREFORE the KID enacts as follows that:

1 TITLE

1.1 This KID Order may be referred to as the "Code of Conduct Order ".

2 PURPOSE

2.1 As per Ministerial Order (MO) L:200/2017, the KID is required to establish a KID Order (MO L:489/93) that governs the conduct of councillors and is applied to all councillors equally. The Code of Conduct Order supports the KID's values of respect, excellence, integrity, accountability, and collaboration. KID Council is accountable to GoA, stakeholders, as defined by the Minister, for the KID and is responsible for the assets entrusted to KID Council Members.

2.2 Council commits itself to ethical, professional and lawful conduct, including proper use of authority.

2.3 Council must approach its obligations under this order in good faith. In doing so KID Council Members must take into account the context and commentary to this order published by KID Administration, as well as any decisions, opinions or interpretive guidelines issued by KID Administration.

3 APPLICATION

3.1 The purpose of the Code of Conduct Order is to provide standards for KID Council Members of KID Council relating to their roles and obligations, and a procedure for dispute resolution and standards for respect and conduct.

3.2 The Code of Conduct Order applies to all KID Council Members, KID Council as a whole and KID Council committees.

3.3 The Code of Conduct Order must be reviewed and updated every four years.



TABLE OF CONTENTS

1	TITLE	2
2	PURPOSE.....	2
3	APPLICATION	2
4	DEFINITIONS	4
5	COMMUNICATING ON BEHALF OF THE KID.....	4
6	REPRESENTING THE KID.....	5
7	RESPECTING THE DECISION MAKING PROCESS	5
8	ADHERENCE TO POLICIES, PROCEDURES, AND ORDERS	6
9	RESPECTFUL CONDUCT	6
10	CONFIDENTIAL INFORMATION	7
11	CONFLICT OF INTEREST.....	7
12	USE OF INFLUENCE	8
13	USE OF KID ASSETS AND SERVICES.....	8
14	ORIENTATION AND OTHER TRAINING ATTENDANCE.....	8
15	COMPLAINT PROCESS.....	8
16	SANCTIONS	9
	APPENDIX A: KID RESOLUTION PROCEDURE.....	11
	APPENDIX B: KID CODE OF CONDUCT, ETHICS, AND PROCEDURE COMMITMENT	15

4 DEFINITIONS

- 4.1** "Act" means the *Municipal Government Act*, R.S.A 2018, c.M-26.
- 4.2** "KID Administration" includes, but not limited to the CAO, advisors and administrators.
- 4.3** "KID Council Chair" is the person voted by KID Council to preside over KID Council and provides leadership of KID Council.
- 4.4** "Chief Administrative Officer" or "CAO" means a person appointed by the Minister as the KID Chief Administrative Officer within the meaning of the Act and as modified by MO 08/11.
- 4.5** "Confidential information" means information that a KID Council Member has a legal duty not to disclose. It also includes information that is not public, and the disclosure of which could reasonably harm the interests of individuals or organizations, including KID.
- 4.6** "Complainant" means an individual who submits a complaint in respect to a prohibited activity.
- 4.7** "Council" means KID Council.
- 4.8** "Councillor" means a KID Council Member of the KID Council but does not include the CAO.
- 4.9** "Harassment" means unwelcome conduct based on race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation of that person or of any other person.
- 4.10** "In confidence" means the information has been provided under circumstances that would create the reasonable expectation of the source that the information will not be disclosed.
- 4.11** "KID" means Kananaskis Improvement District
- 4.12** "KID Council Member" or "KID Council Members" means all elected and appointed officials on KID Council.
- 4.13** "Order" means the KID Code of Conduct Order.
- 4.14** "Prohibited activity" means an action, event, or behavior from any KID Council Member, public delegation, and/or KID Administration that contravenes the Code of Conduct Order, notwithstanding any other enforceable behaviors defined within the *Criminal Code of Canada*.
- 4.15** "Minister" means the Minister of Alberta Environment and Parks.
- 4.16** "Respondent" means the individual against whom a complaint is submitted.
- 4.17** "Vexatious allegation" means a complaint or accusation against another without reasonable or probable cause, often with the motive to harass or annoy the respondent.
- 4.18** "Bullying" means a repeated pattern of negative behaviour aimed at a specific person or group.
- 4.19** "Workplace Violence" means the threatened, attempted or actual conduct of a person that causes or is likely to cause physical injury.

5 COMMUNICATING ON BEHALF OF THE KID

- 5.1** The KID Council Chair, as the official spokesperson for the KID Council, is authorized to speak publically and issue written communications, on behalf of KID Council discussing KID Council, as a whole, views and positions.
- 5.2** No other KID Council Member shall speak publically or issue written communications on behalf of the KID Council, as a whole, unless authorized by an agreement with the KID Council and the CAO to do so.



- 5.3 KID Council Members wishing to speak publically on behalf of the KID shall request permission stating the key messages to the KID Council Chair and KID CAO.
- 5.4 KID Council may use email to confirm agreement in authorizing KID Council Members, other than the KID Council Chair, to speak publicly on behalf of the KID.
- 5.5 KID Council Members acknowledge that official information related to decisions and resolutions made by KID Council will normally be communicated to the public by KID Administration by means of the KID website, <http://kananaskisid.ca>.
- 5.6 All communication to the Minister must be channeled through the KID Council Chair and the KID CAO.

6 REPRESENTING THE KID

- 6.1 KID Council Members shall:
 - a) not engage in prohibited activity;
 - b) govern their conduct in accordance with the requirements and obligations set out in the Act and MOs;
 - c) commit to ethical, businesslike and lawful conduct, including proper use of authority and appropriate decorum when acting as council KID Council Members;
 - d) not take action beyond the powers granted by the Act, as modified by MOs;
 - e) represent the best interests of the KID;
 - f) participate when appointed as a KID Council Member of committees or boards and to inform council as a whole of the activities of that committee or board;
 - g) disclose their affiliations or interest with an organization that may affect their decision making on matters before council regarding that organization;
 - h) take all points of view into account when making decisions;
 - i) support decisions of council by way of motions in a positive holistic manner when interacting with the public and the media;
 - j) engaged in healthy debates and respect the expression of differences of opinion;
 - k) explicitly state that opinions do not represent KID Council or the KID when expressing personal opinions or positions;
 - l) preserve the integrity and impartiality of KID Council;
 - m) direct comments or opinions regarding KID Administration to the KID CAO;
 - n) avoid public comments regarding KID Administration and their performance; and
 - o) think independently and refrain from forming allegiances or factions within council.

7 RESPECTING THE DECISION MAKING PROCESS

- 7.1 KID Council Members shall base decisions on objective criteria, avoiding bias that favours one person more than another.
- 7.2 KID Council Members shall support the official policies and positions of the KID Council.
- 7.3 A KID Council Member will uphold and respect council's decisions:
 - a) irrespective of the KID Council Member's personal position on the issue; and
 - b) in the event the KID Council Member is absence from an open council meeting in which a decision is made.

- 7.4** When presenting a personal opinion or position that is at variance with a KID Council position, a KID Council Member shall explicitly state that the view expressed does not represent KID Council as a Whole.
- 7.5** If required, decisions made in-camera are to be recorded through a formal motion identifying the type of misconduct and type of sanction to be delivered. In accordance with this Order, the KID Council Chair, and/or CAO may deliver on any relevant sanction deemed appropriate to the misconduct.
- 7.6** If the KID Council Member accused of misconduct disagrees with the decision of the council, they may submit a written appeal to the Minister. Further process may include an inquiry in accordance with s.572 of the Act.

8 ADHERENCE TO POLICIES, PROCEDURES, AND ORDERS

- 8.1** Council shall adhere to the KID Procedural Order and failure to do so may be addressed under the Code of Conduct Order as council deems necessary.
- 8.2** Council must respect and comply with all obligations imposed on council by statute or other legal enactment, including but not limited to:
- a) the Act;
 - b) the *Local Authorities Election Act (LAEA)*;
 - c) the *Freedom of Information and Protection of Privacy Act (FOIP)*;
 - d) MOs applicable to the KID and KID Council; and
 - e) KID Orders.

9 RESPECTFUL CONDUCT

- 9.1** KID Council Members must communicate with other members of the public, one another, KID Administration and with GoA employees respectfully, without abuse, bullying or intimidation.
- 9.2** A KID Council Member must debate in a manner that is respectful, considerate and healthy and will be limited to the topic that is directly related to the motion on the table.
- 9.3** KID Council Members must notify the KID Council Chair and/or the KID CAO of all incidents of workplace violence even if there was no physical injury.
- a) Examples of workplace violence include the following:
 - i. threatening behaviour such as shaking fists, destroying property or throwing objects;
 - ii. verbal or written threats (any expression of intent to cause harm);
 - iii. online threats, bullying or harassment; or
 - iv. physical attacks such as hitting, shoving, pushing or kicking.
 - b) Any breach under this section of workplace violence, will undergo a formal resolution process as outlined in Appendix A: KID Resolution Procedure.
- 9.4** The KID Council Chair is responsible for maintaining decorum in meetings.
- 9.5** KID Council Members must not make false or vexatious allegations against another KID Council Member, KID Administration, GoA employee, or KID stakeholder.



- a) Any complaint or disclosure of alleged prohibited conduct or activity that is reported by a KID Council Member and is identified by the KID Council Chair or the KID CAO to be knowingly false or vexatious will be reprimanded by council by means of sanctions listed in the Order as KID Council deems appropriate and a formal apology from the complainant to the alleged offending KID Council Member as council deems appropriate.

9.6 Notwithstanding 9.3 of this Order, KID Council Members who witness prohibited activity in breach to this order shall first follow the informal resolution procedure detailed in Appendix A.

- a) If the informal process is unsuccessful KID Council Members can lodge a complaint using the formal resolution process in Appendix A.

10 CONFIDENTIAL INFORMATION

10.1 In addition to the statutory duties set out in the Act and FOIP, KID Council Members shall:

- a) refrain from disclosing or releasing by any means to any KID Council Member of the public or the media, any confidential information acquired by virtue of their office in either oral, written or electronic form, except when required by law or authorized by council to do so;
- b) refrain from use of confidential information for personal or private gain, or for the gain of relatives or any person or corporation; or
- c) refrain from accessing or attempting to gain access to confidential information in the custody of the KID unless it is necessary for the performance of their duties and not prohibited by council policy, order or prevailing legislation.

10.2 Particular care should be exercised in ensuring confidentiality of the following:

- a) information relating to the security of the property of the organization;
- b) personal matters about an identifiable individual, including but not limited to, KID Council Members, KID Administration, GoA employees or KID stakeholders;
- c) a proposed or pending acquisition or disposition of land within KID; or
- d) labour relations or employee negotiations;
- e) litigation or potential litigation, including matters before administrative tribunals, affecting the KID;
- f) financial, taxation, and budgetary matters associated with the KID that have not been made public;
- g) advice that is subject to solicitor-client privilege, including communication necessary for that purpose;
- h) sources of complaints where the identity of the complainant is given in confidence, leading up to a formal resolution process outlined in Appendix A.
- i) information about suppliers provided for evaluation which is of a proprietary nature or might be useful to other suppliers;
- j) any information in relation to a tender that has or will be issued but that has not been awarded; and
- k) schedules of prices in contract tenders.

11 CONFLICT OF INTEREST

11.1 KID Council Members are in conflict of interest and in violation of this Order if:

- a) the KID Council Member does not disclose that the decision might further a private interest;



- b) use their public role to influence or seek to influence a GoA decision which could further a private interest of the employee, their spouse or minor child; or
- c) use or communicate information not available to the general public that was gained by the KID Council Member in the course of carrying out their duties, to further or seek to further a private interest of the employee, their spouse or minor child.

12 USE OF INFLUENCE

12.1 A KID Council Member must only use the influence of their office for the exercise of their official duties.

13 USE OF KID ASSETS AND SERVICES

13.1 Employees, KID Council Member, and independent contractors are required to care for KID assets, which includes all property, equipment, software, information, and time. KID assets may only be used for KID purposes.

14 ORIENTATION AND OTHER TRAINING ATTENDANCE

14.1 All KID Council Members must:

- a) complete Munis 101: The Essentials of Municipal Governance or an equivalent course approved by the CAO within the first 6 months, or as available;
- b) sign the KID Code of Conduct, Ethics, and Procedure Commitment, in Appendix B, within 1 month of being elected or appointed; and
- c) familiarize themselves to the KID specific legislation, policies, orders and requirements.

15 COMPLAINT PROCESS

15.1 Complaints made against KID Council Members may come from, KID Council Members, KID Administration, and GoA Employees.

- a) Public Stakeholders may file a complaint through this process, when another process does not exist.
- b) Public complainants will be directed by KID Administration to follow the KID Procedural Order and KID Public Participation Policy to file formal complaints in breach of this Order.

15.2 All complainants shall follow the process for resolution outlined in Appendix A. In the event that this process does is not resolved via the informal resolution process, the complainant shall:

- a) Make a complaint in writing, dated and signed by the person making it; and
- b) Include in the complaint all of the facts available at the time it is made, including how the complainant became aware of the breach of this Order, the nature of the alleged breach of this Order, names of witnesses, and the date, time and location of the alleged breach of this Order; and
- c) Deliver or direct the complaint in writing to the KID Council Chair or CAO in a confidential manner.
 - i. if the allegation of breach of this Order is against the KID Council Chair, it is to be delivered or directed to the KID CAO.
 - ii. If the allegation of breach of this Order is against the KID CAO, it is to be delivered or directed to the KID Council Chair.

15.2.1 In addition to the process complaints made of discrimination or harassment shall:



- a) allow the KID Council Member to participate in the resolution and/or mediation processes in accordance with this order and the *Occupational Health and Safety Act and Code* and *Alberta Human Rights Act*;
- b) If the KID Council Member does not participate in these processes or if the complaint is not resolved through these processes, the complainant may lodge a complaint to the *Alberta Human Rights Commission*.
- c) Within thirty (30) days, the Chair, or CAO as the case may be, shall deal with the allegation at a council meeting as an in camera item.

15.3 Any complaint or disclosure of alleged prohibited conduct or activity of a KID Council Member that is reported by KID Administration or GoA employee and is identified by the KID CAO to be knowingly false or vexatious will be reprimanded through policies and procedures in place by AEP Human Resources that can be up to and including termination of employment. And, a formal apology from the complainant to the alleged offending KID Council Member as the KID CAO deems appropriate.

15.4 If the complainant is a KID Council Member and is not satisfied with the action taken by the KID Council Chair, or KID CAO, the complainant may request an in-camera session of the council in order that the allegation can be discussed.

- a) KID Council Members may document and submit the issue for discussion with the whole of council. KID Council shall consider the facts surrounding the conflict/issue, discuss the findings and make recommendations in an “in camera” meeting of council. If required, a formal motion on the recommendation/decision can be made on the conflict/issue after coming out of “in camera.”

15.5 KID Council Members shall not request anonymity or that no action be taken, when making a complaint through a formal resolution process (Appendix A).

- a) Anonymity will not be granted when a complaint is filed as the respondent has the right to refute accusations with knowledge of the complainant.
- b) Confidentiality of the complainant and respondent will be maintained throughout the process until appropriate sanctions or decisions have been directed by KID Council Chair or KID CAO.

16 Sanctions

- a) If council determines that a complaint reviewed under this Order is valid then council, by resolution, may impose one or more of the following sanctions against the offending KID Council Member:
 - i. written apology from the offender;
 - ii. verbal reprimand to be provided by the KID Council Chair or CAO if the KID Council Chair is the offender;
 - iii. written censure to be provided by the KID Council Chair or CAO if the KID Council Chair is the offender;
 - iv. termination or suspension to a defined date of the KID Council Member’s appointment to one or more committees and/or boards;
 - v. restriction of access to KID owned buildings except for council or committee meetings;



**KANANASKIS
IMPROVEMENT
DISTRICT**

- vi. restriction of access to electronic devices provided by the KID;
 - vii. request for an inquiry under Part 14 of the Act;
 - viii. initiation of legal action under Part 5 Division 8 of the Act and MO 53/96; and/or
 - ix. other measures as determined by the CAO and/or council in order to restore the accountability of council.
- b) Any costs or inconveniences, legal or otherwise, arising from a breach or sanction imposed are solely at the cost of the offender.



APPENDIX A: KID RESOLUTION PROCEDURE

Informal Issue Resolution Process

Speak to the individual directly, if possible, or send them an email if you are not comfortable speaking to them directly. These are difficult conversations to have but KID Council Members, are expected in most instances to do their best to work things out with each other before escalating to KID Council Chair or KID CAO.

If speaking to the individual does not resolve the issue or if you are not comfortable in approaching the individual, KID Council Members can speak to KID Council Chair or KID CAO. KID Council Members are encouraged to work with KID Council Chair or KID CAO to develop a plan for how the situation can be addressed moving forward.

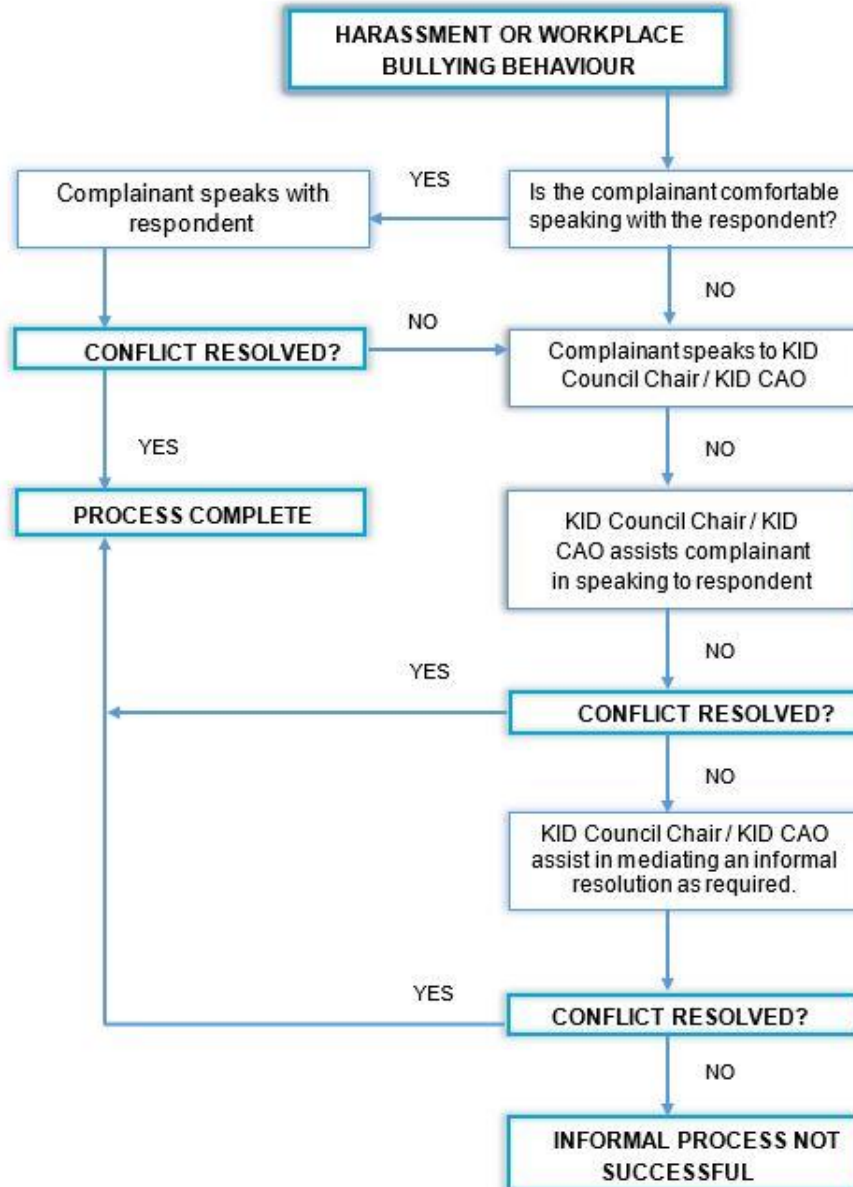
KID Council Members may request KID Council Chair or KID CAO to assist in coaching/mediating an informal resolution.

If the matter involves the KID Council Chair or CAO, KID Council Members may also bring concerns to KID Council Chair or KID CAO or alternatively to the Alberta Parks Kananaskis Regional Director in an effort to find a solution prior to filing a formal complaint. For more information, please reference the Informal Issue Resolution Process flowchart on page 12.

Failing a successful informal resolution, KID Council Members may consider pursuing the formal complaint process.

Informal Issue Resolution Process

Complainants may consult with the KID Council Chair and/or KID CAO at any time during the informal resolution process. . All participants should demonstrate respectful engagement throughout the informal resolution process.



Please see formal resolution process for additional options.

Complainant - An individual who submits a Complaint of harassment or bullying.
Respondent - The individual against whom a Complaint is submitted.



Formal Issue Resolution Process

Complaints will be accepted by the KID Council Chair and KID CAO at any time. The earlier a complaint is submitted, the sooner disrespectful behaviour can be addressed. It also helps to support an effective investigation and to deal with disrespectful behaviour in a timely manner.

A formal complaint can be filed in accordance with the Formal Issue Resolution Process flowchart on page 14.

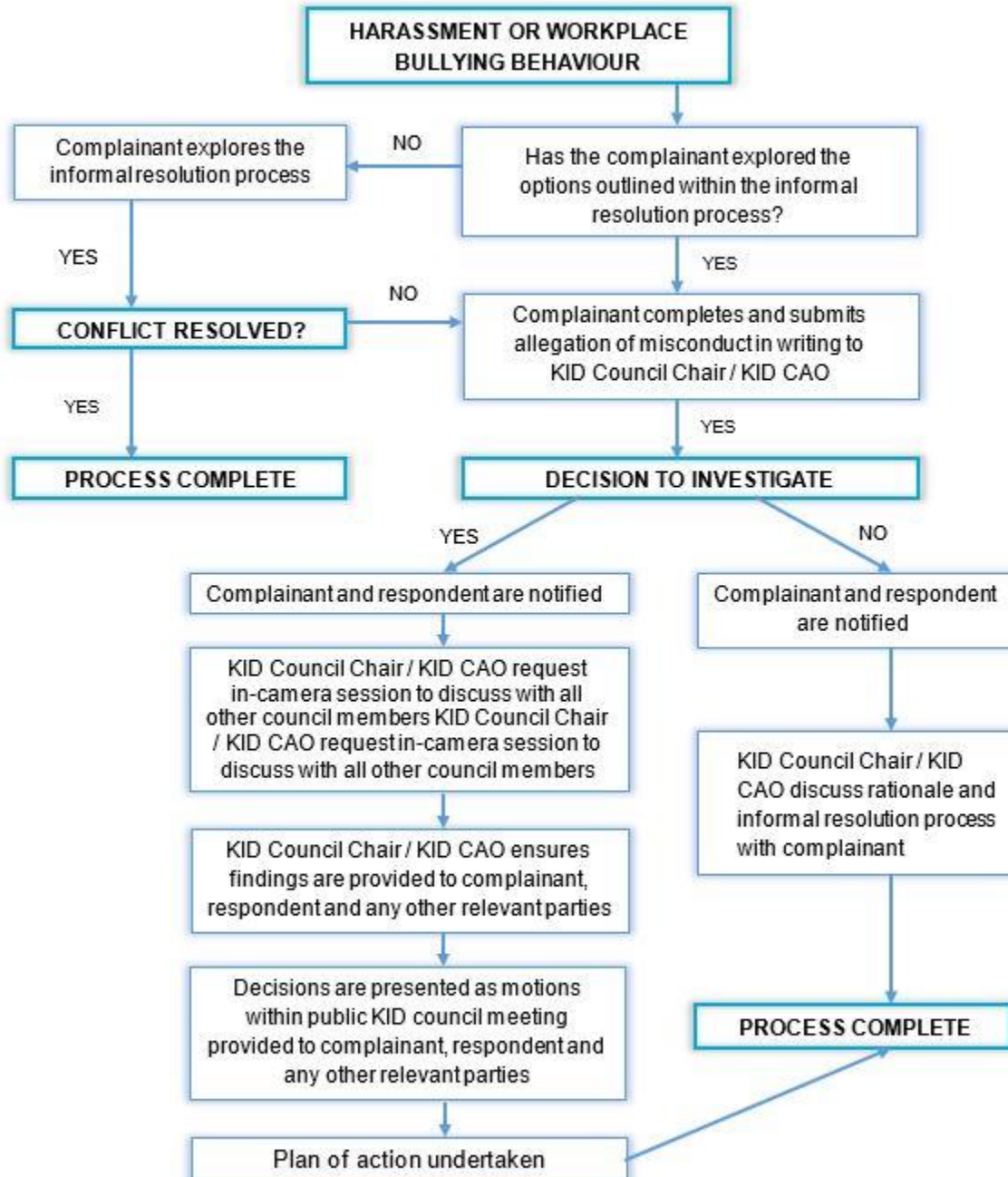
After an initial review of the complaint, it may proceed to an investigation through the Formal Issue Resolution Process, during which all individuals with relevant information to share will be interviewed.

Once the investigation is completed and the findings are reviewed by the appropriate party as determined by the department, a decision will be made regarding appropriate action.



Formal Issue Resolution Process

Complainants may consult with the KID Council Chair and/or KID CAO at any time during the informal resolution process. All participants should demonstrate respectful engagement throughout the informal resolution process.



Complainant - An individual who submits a Complaint of harassment or bullying.
Respondent - The individual against whom a Complaint is submitted.



Appendix B: KID Code of Conduct, Ethics, and Procedure Commitment

KID Council member (please print): _____

Representing (please print): _____

The demonstration of respect is the commitment and responsibility of every KID Council Member. Inappropriate behaviour, including bullying and harassment, will not be tolerated. It is imperative that all KID Council Members have read and understood, KID Code of Conduct Order, KID Order No. 01-2018.

- I acknowledge that I have read and understood the KID Code of Conduct Order, and I agree to abide with the outlined requirements.

- I understand that I and all delegates to KID Council have an ongoing responsibility to abide by the KID Code of Conduct.

KID Council Member: _____

Chief Administrative Officer: _____

Date (m/d/y): _____

THIS DOCUMENT IS TO BE SIGNED AND RETAINED ON KID COUNCIL MEMBER'S OFFICIAL FILE