

**SUMMER VILLAGE OF ISLAND LAKE
COUNCIL ORGANIZATIONAL MEETING AGENDA
TUESDAY, AUGUST 22ND, 2023 2023 AT 5:00 P.M.**

Via teleconference

As per bylaw 02-2016 there will be no audio/video recordings of Council or Council
Committee Meetings

- 1. CALL TO ORDER** (by Chief Administrative Officer)
- 2. AGENDA** Tuesday, August 22nd, 2023 Organizational Council Meeting
- 3. NOMINATIONS**
 - a) Mayor – Nominations
 - b) Deputy Mayor – Nomination
- 4. COUNCIL COMMITTEE APPOINTMENTS**
 - a) Public Works (was Fisher)
 - b) BAILS (was Fisher)
 - c) Association of Summer Villages of Alberta ASVA (was Wasmuth)
 - d) Library (was Wasmuth)
 - e) Community League (was Newton)
 - f) Island Lake Days (was Newton)
 - g) Baptist Fire Department (was Newton)
 - h) Land Use Bylaw & Municipal Development Plan Committee (was Wasmuth)
 - i) Intermunicipal Development Plan (was Wasmuth)
 - j) Waterline Feasibility Committee (all of Council; Jim Storoschuk, Dep. Mayor IL South, Keith Wilson, Mayor West Baptiste, Curtis Schoepp, Mayer Whispering Hills, Rob Minns, Athabasca County Councillor, Jamie Giberson, Aspen Reg. Water Serv. Commission)
- 5. FINANCIAL**
 - a) Signing Authority for Alberta Treasury Branch - All of Council and the Chief Administrative Officer and the Assistant Administrator - 2 signatures required on each cheque – 1 elected/1 administration
 - b) Banking Authority – ATB Financial – Onoway, Alberta
- 6. MEETINGS**
 - a) Regular Meeting Dates (3rd Tuesday of each month)
 - b) Time (5:00 p.m.)
 - c) Location (was 10010-12 Avenue Westlock Inn and/or virtual)

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d) Public Notice (website – www.islandlake.ca)

7. **CHIEF ADMINISTRATIVE OFFICER** Confirmation of Chief Administrative Officer Appointment (Wildwillow Enterprises Inc. – Wendy Wildman)
8. **AUDITOR** Confirmation of Auditor Appointment (Seniuk & Company)
9. **SOLICITOR** Confirmation of Solicitor Appointment (Patriot Law Group)
10. **ASSESSOR** Confirmation of Assessor Appointment (Justin Goudreau, Municipal Assessment Services Group)
11. **ASSESSMENT REVIEW BOARD CLERK** Confirmation of Assessment Review Board Clerk Appointment (Capital Region Assessment Services Commission, Gerryl Amarin), (Bylaw 06-2022 **attached**)
12. **DEVELOPMENT AUTHORITY** Confirmation of Development Authority, Real Life Management Solutions Corp. – Matthew Ferris, Development Officer) (Bylaw 03-2020 **attached**)
13. **SUBDIVISION AUTHORITY** Confirmation of Subdivision Authority (Municipal Planning Services Ltd. – Jane Dauphinee – Administration / Council of the Summer Village of Island Lake – Approving Authority)
14. **SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB) CLERKS**
Confirmation of SDAB Clerk Appointments (Milestone Municipal Services, Emily House and Cathy McCartney) (Bylaw 04-2019 **attached**)
15. **FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY (FOIPP)**
Confirmation of FOIPP Coordinator (Chief Administrative Officer, Wendy Wildman)
16. **INTEGRITY COMMISSIONER** – Confirmation of Victoria Message
17. **MUNICIPAL OFFICE LOCATION** Confirmation of Municipal Office Location (2317 Township Road 545, Onoway, Alberta)
18. **POLICY C-COU-REM-1, Council, Administration Staff & Contractor Expense Reimbursement Policy (attached)** (*confirm as is or approve with changes*)

**SUMMER VILLAGE OF ISLAND LAKE
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TUESDAY, AUGUST 22ND, 2023 2023 AT 5:00 P.M.**

Via teleconference

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- 19. CODE OF CONDUCT FOR MEMBERS OF COUNCIL** – (Bylaw 03-2018) MGA 2000, Chapter M-26, Part 5, Section 146.1 outlines the requirements of what is to be included in the Code of Conduct Bylaw. Although it is not legislated, it is an important practice to review the Bylaw at least every four years. Alberta Municipalities has forwarded a new “Councillor Codes of Conduct – A Guide for Municipalities, 2023 Version” (attached) and this will be utilized in review of the current bylaw.

(that Council confirm Bylaw 03-2018, Code of Conduct for Members of Council as is)

(that Council review Bylaw 03-2018, Code of Conduct for Members of Council and that changes be made as discussed and a new Bylaw be brought back to Council at a future meeting)

- 20. PUBLIC PARTICIPATION POLICY AND PLAN (attached)** MGA 2000, Chapter M-26, Part 7, Section 216.1 outlines the requirements of a Public Participation Policy. Although it is not legislated, it is an important practice to also review this Policy at least every 4 years. The last revision of this Policy was in 2019, and it is the intention of Administration to review this annually to ensure it addresses all requirements. This Policy requires review by Council and approved as is, or amended if required.

(that Council confirm receipt and accept Policy C-Cou-Par-1, Public Participation Policy as is)

(that Council review Policy C-Cou-Par-1, Public Participation Policy and that changes be made as discussed and an amended Policy be brought back to a future meeting)

- 21. COUNCIL’S LEGISLATIVE RESPONSIBILITIES** – distributed to Council, Code of Conduct for Members of Council Bylaw and Councillor Codes of Conduct – A Guide for Municipalities, 2023 Version (*pursuant to Section 208(1)(d) of the Municipal Government Act outlining Council’s legislative responsibilities be acknowledged as received*)

22. ADJOURNMENT

Municipal Government Act RSA 2000 Chapter M-26
Section 210, Designated Officer
Section 456, Appoint Assessment Review Board Clerk

**A BYLAW OF THE MUNICIPALITY OF ISLAND LAKE, IN THE PROVINCE OF ALBERTA,
TO ESTABLISH THE POSITION OF DESIGNATED OFFICER**

WHEREAS, pursuant to the provisions of section 210 of the *Municipal Government Act*, the Council may pass a bylaw to establish one or more positions to carry out the powers, duties, and functions of a designated officer.

AND WHEREAS, pursuant to section 456 of the *Municipal Government Act*, the council of a municipality must appoint a designated officer to act as the clerk of the assessment review boards having jurisdiction in the municipality.

NOW THEREFORE, the Council of the Summer Village of Island Lake, in the Province of Alberta, duly assembled, enacts as follows:

1. The Assessment Review Board Clerk is hereby established as a Designated Officer.
2. The Assessment Review Board Clerk is the designated officer for the purpose of the following sections of the *Municipal Government Act*:
 - i) section 456(1) – Duties of the Clerk of the Assessment Review Board
 - ii) section 461 & 462 – Assessment Complaints
 - iii) section 469(1) – Notice of Decision of the Assessment Review Board
 - iv) section 483 – Decision Admissible on Appeal
3. That as the Summer Village has an agreement with Capital Region Assessment Services Commission for the provision of Assessment Review Board services within the Summer Village, Gerryl Amorin be appointed Assessment Review Board Clerk for the Summer Village of Island Lake.
4. THAT this Bylaw is effective on the date of the third and final reading.

Read a first time on this 16th day of August, 2022.

Read a second time on this 16th day of August, 2022.

Unanimous Consent to proceed to third reading on this 16th day of August, 2022.

Read a third and final time on this 16th day of August, 2022.

**Municipal Government Act RSA 2000 Chapter M-26
Section 210, Designated Officer
Section 456, Appoint Assessment Review Board Clerk**

Signed this 16th day of August, 2022.

Mayor, Chad Newton

Chief Administrative Officer, Wendy Wildman

**A BYLAW OF THE SUMMER VILLAGE OF ISLAND LAKE, IN THE
PROVINCE OF ALBERTA TO ESTABLISH THE POSITIONS OF CHIEF
ADMINISTRATIVE OFFICER AND DESIGNATED OFFICERS.**

WHEREAS the *Municipal Government Act* provides that a council must establish by bylaw a position of chief administrative officer;

AND WHEREAS the *Municipal Government Act* provides that a council may by bylaw establish one or more positions to carry out the powers, duties or functions of a designated officer;

AND WHEREAS Council wishes to exercise its authority pursuant to the *Municipal Government Act* by establishing the positions of chief administrative officer and designated officers;

NOW THEREFORE the Municipal Council of the Summer Village of Island Lake, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. TITLE

- 1.1. This Bylaw may be cited as the "Designated Officer Bylaw".

2. INTERPRETATION

- 2.1. In this Bylaw, the following terms shall have the following meanings:
- a) "Bylaw" means this Designated Officer Bylaw;
 - b) "CAO" means the chief administrative officer for the Summer Village appointed pursuant to this Bylaw and as defined in the *Municipal Government Act*;
 - c) "Council" means the municipal council of the Summer Village;
 - d) "Designated Officer" has the same meaning as defined in the *Municipal Government Act*;
 - e) "FOIP" means the *Freedom of Information and Protection of Privacy Act*, RSA 2000 c F-25 and the regulations thereunder;
 - f) "*Municipal Government Act*" or the "Act" means the *Municipal Government Act*, RSA 2000, c M-26 and the regulations thereunder;
 - g) "Qualified Person" means a person who holds the credentials required, if any, to perform the powers, duties and functions of a Designated Officer; and
 - h) "Summer Village" means the municipal corporation of the Summer Village of Island Lake.
- 2.2. Any references in this Bylaw to any statutes, regulations, bylaws or other enactments is to those statutes, regulations, bylaws or other enactments as amended or replaced from time to time and any amendments thereto.

- 2.3. Whenever a singular or masculine form of a word is used in this Bylaw, it shall include the plural, feminine or neutral form of the word as the context requires.
- 2.4. The headings in this Bylaw do not form part of this Bylaw and shall not affect its interpretation.

3. CHIEF ADMINISTRATIVE OFFICER

- 3.1. The position of the CAO is hereby established.
- 3.2. The CAO shall be given the title "Chief Administrative Officer".
- 3.3. The CAO shall be appointed by resolution of Council and may be engaged by an employment or other contract. If applicable, all aspects of employment not addressed in the employment contract shall be addressed by the Summer Village personnel policies.
- 3.4. The CAO shall have all of the powers, duties and functions of a chief administrative officer as set out in the *Municipal Government Act*.
- 3.5. Without limiting the generality of section 3.4 of this Bylaw, the CAO is the head of the Summer Village within the meaning of *FOIP*.
- 3.6. Unless a Designated Officer is expressly appointed in this Bylaw or another bylaw of the Summer Village, the CAO has all the powers, duties and functions given to a Designated Officer under the Municipal Government Act or any other statute or enactment.
- 3.7. The powers, duties and functions assigned to the CAO by this Bylaw are in addition to any other powers, duties or functions assigned or delegated by Council to the CAO or to any other Summer Village employee.

4. DELEGATION BY CAO

- 4.1. The CAO is authorized to delegate and to authorize further delegations of any powers, duties and functions assigned to the CAO by Council under the *Municipal Government Act* and under this or any other bylaw to a Designated Officer or an employee or agent of, or contractor for, the Summer Village.
- 4.2. Without limiting the generality of section 4.1 of this Bylaw, the CAO is authorized to appoint a deputy CAO and delegate the CAO's powers, duties and functions to that deputy CAO and to authorize that deputy CAO to act as the CAO during absences of the CAO.
- 4.3. Without limiting the generality of section 4.1 of this bylaw, the CAO is authorized to appoint an acting designated officer during an illness, scheduled absence or other incapacity of a Designated Officer.

5. FINANCE MANAGER

- 5.1. The Designated Officer position of Finance Manager is established.
- 5.2. The CAO shall appoint a Qualified Person to the Designated Officer position of Finance Manager.
- 5.3. In addition to any additional powers assigned to the Finance Manager by the CAO or Council, or through other bylaws, the Finance Manager shall exercise the powers, duties, and functions, and is the Designated Officer for the following sections of the Act:

Section 213	Signing or authorizing of agreements, cheques and other negotiable instruments
Section 270	Opening and closing of accounts that hold municipal funds
Section 309(1.d)	Contents of assessment notices
Section 334(1.e)	Contents of tax notices
Section 336(1)	Certifying date of sending tax notices
Section 343(2)	Application of the tax payments
Section 350	Issuing Tax Certificates
Section 612	Certified Copies

6. DEVELOPMENT AUTHORITY

- 6.1. The Designated Officer position of Development Authority is established.
- 6.2. The CAO shall appoint a Qualified Person to the Designated Officer position of Development Authority.
- 6.3. In addition to any additional powers assigned to the Development Authority by the CAO or Council, or through other bylaws, the Development Authority shall exercise the powers, duties, and functions, and is the Designated Officer for the following sections of the Act:

Section 624	Development Authority
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7. SUBDIVISION AUTHORITY

- 7.1. The Designated Officer position of Subdivision Authority is established.
- 7.2. Subject to the restrictions outlined in section 7.4 below, the CAO is the Subdivision Authority.
- 7.3. In addition to any additional powers assigned to the Subdivision Authority by the CAO or Council, or through other bylaws, and subject to the express restriction outlined below, the Subdivision Authority shall exercise the powers, duties, and functions, and is the Designated Officer for the following sections of the Act:

Section 623

Subdivision Authority

- 7.4. The CAO's authority is restricted in that the decision to grant approval, with or without conditions, or to refuse subdivision approval, shall be retained by the Summer Village and shall be delegated expressly to Council.

8. ASSESSMENT REVIEW BOARD CLERK

- 8.1. The Designated Officer position of Assessment Review Board Clerk is established.
- 8.2. The CAO shall appoint a Qualified Person to the Designated Officer position of Assessment Review Board Clerk.
- 8.3. In addition to any additional powers assigned to the Assessment Review Board Clerk by the CAO or Council, or through other bylaws, the Assessment Review Board Clerk shall exercise the powers, duties, and functions, and is the Designated Officer for the following sections of the Act:

Section 456(1)	Duties of the clerk of Assessment Review Board
Section 461 and 462	Assessment Complaints
Section 469(1)	Notice of decision of Assessment Review Board
Section 483	Decision admissible on appeal

9. MUNICIPAL ASSESSOR

- 9.1. The Designated Officer position of Municipal Assessor is established.
- 9.2. The CAO shall appoint a Qualified Person to the Designated Officer position of Municipal Assessor.
- 9.3. In addition to any additional powers assigned to the Municipal Assessor by the CAO or Council, or through other bylaws, the Municipal Assessor shall exercise the powers, duties, and functions, and is the Designated Officer for the following sections of the Act:

Section 284.2	Carry out duties and responsibilities of a municipal assessor
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10. SUBDIVISION AND DEVELOPMENT BOARD CLERK

- 10.1. The Designated Officer position of Subdivision Development and Appeal Board Clerk is established.
- 10.2. The CAO shall appoint one or more Qualified Persons to the Designated Officer position of Subdivision and Development Appeal Board Clerk.
- 10.3. In addition to any additional powers assigned to the Subdivision and Development Appeal Board Clerk by the CAO or Council, or through other bylaws, the Subdivision Development and Appeal Board Clerk shall exercise the powers, duties, and functions, and is the Designated Officer for the following sections of the Act:

Section 627.1(3) Duties of the clerk of the Subdivision and Development
Appeal Board

11. GENERAL

- 11.1. The CAO shall establish the remuneration payable and other terms and conditions of employment, if applicable, for the Summer Village's Designated Officers.
- 11.2. Unless otherwise directed by Council, Designated Officers are accountable to, and are under the supervision of, the CAO.
- 11.3. Designated Officers may delegate any or all of their powers, duties and functions to other Qualified Persons, and may when absent or otherwise unable to perform their powers, duties and functions, designate a delegate as an acting Designated Officer.
- 11.4. The Summer Village will indemnify and save harmless Designated Officers in relation to errors and omissions made in the good faith exercise of their powers, duties and functions,
- 11.5. Each provision of this Bylaw is independent of all other provisions. If any provision of the Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 11.6. This Bylaw rescinds any previous bylaw in reference to designation of the Chief Administrative Officer or appointment of Designated Officers in their entirety, including any amendments thereto, and shall come into full force when it receives THIRD and FINAL reading and is duly signed. (Bylaws to be rescinded are: 04-2019, 04-2018, 05-2016, 04-2016, 03-2016, 04-2010)

12. COMING INTO FORCE

This Bylaw shall come into effect upon the third and final reading and signing of this Bylaw.

READ a first time this 21st day of July 2020.

READ a second time this 21st day of July 2020.

UNANIMOUS CONSENT to proceed to third reading this 21st of July 2020.

READ a third and final time this 21st day of July 2020.

SIGNED this 21st day of July 2020.

Mayor, Chad Newton

Chief Administrative Officer, Wendy Wildman

Municipal Government Act RSA 2000 Chapter M-26
Section 210, Designated Officer
Section 627.1, Appoint Subdivision and Development Appeal Board Clerk

**A BYLAW OF THE MUNICIPALITY OF ISLAND LAKE, IN THE PROVINCE OF ALBERTA,
TO ESTABLISH THE POSITION OF DESIGNATED OFFICER**

WHEREAS, pursuant to the provisions of section 210 of the *Municipal Government Act*, the Council may pass a bylaw to establish one or more positions to carry out the powers, duties, and functions of a designated officer.

AND WHEREAS, pursuant to section 627.1 of the *Municipal Government Act*, the council of a municipality must appoint a designated officer to act as the clerk of the Subdivision and Development Appeal Board having jurisdiction in the municipality.

NOW THEREFORE, the Council of the Summer Village of Island Lake, in the Province of Alberta, duly assembled, enacts as follows:

1. The Subdivision and Development Appeal Board Clerk is the designated officer for the purpose of the following section of the *Municipal Government Act*:

627.1(1) A council that establishes a subdivision and development appeal board must appoint, and a council that authorizes the establishment of a subdivision and development appeal board must authorize the appointment of, one or more clerks of the subdivision and development appeal board.

2. That as the Summer Village has entered into an agreement with Milestone Municipal Services for the provision of Subdivision and Development Appeal Board services within the Summer Village, Emily House and Cathy McCartney be appointed Subdivision and Development Appeal Board Clerks for the Summer Village of Island Lake.
3. THAT this Bylaw shall come into force and effective on the date of the third and final reading.

Read a first time on this 13th day of August, 2019.

Read a second time on this 13th day of August, 2019.

Unanimous Consent to proceed to third reading on this 13th day of August, 2019.

Read a third and final time on this 13th day of August, 2019.

Signed this 13th day of August, 2019.

Municipal Government Act RSA 2000 Chapter M-26

**Section 210, Designated Officer
Section 627.1, Appoint Subdivision and Development Appeal Board Clerk**



Mayor, Chad Newton

Chief Administrative Officer, Wendy Wildman



Summer Village of Island Lake

Council Policy

Number	Title			
C-COU-REM-1	Council Remuneration and Expense Reimbursement			
Approval	Approved			
(CAO initials)	Resolution No:	22-133		
	Date:	August 16 th , 2022		

Purpose:

To ensure Council Members receive fair compensation for their time and expenses incurred while on Summer Village business.

Policy Statement:

Council Members shall be provided with remuneration for their time and reimbursement for the expenses incurred in fulfilling their duties on Summer Village Council.

Standards:

1. Remuneration is intended to compensate for official business conducted on behalf of the Council as a whole to benefit the Summer Village of Island Lake.
2. Remuneration is not intended to match or replace employment or professional rates that the Councillors or Mayor may expect in their job or profession.
3. Remuneration rates will be adjusted from time to time based upon comparisons, inflation rates and any other considerations deemed appropriate in a manner agreed upon by Council.
4. Cost of living adjustment will be reviewed by Council on an annual basis and may or may not be applied to Council base pay and/or meeting rates at the discretion of Council.
5. Remuneration, travel and meals shall be paid in accordance with the amounts and rates approved at the annual organizational meeting or as amended by Council motion from time to time and as shown in Schedule "A".
6. Other items – actual accepted cost. May include incidentals such as parking, use of public transportation, etc.
7. Monthly Incurred Expense Reimbursements – shall be provided with a monthly communications allowance to cover expenses related to personal communications (telephone, internet, smart phone, etc.) as shown in Schedule "A".
8. Reimbursement amounts shall be reviewed annually.



Summer Village of Island Lake

Council Policy

Schedule "A"

Honorariums

Councillors can claim the following amounts for the following activities:

Approved Training Sessions/Workshops	\$50 (half day up to 4 hours)	\$100 (full day 5 to 8 hours)
Approved Conferences	\$50 (half day up to 4 hours)	\$100 (full day 5 to 8 hours)
Council Meetings		\$150
Communication Expense (monthly)		\$50
Public Works (annually)		\$250
Committee Work (annually)		\$100

Travel Expenses

Mileage – Business Kilometer Rates (includes travel to Council meetings)

- \$0.61 per km
Expense sheets must state origin and destination locations for each trip; and total Kilometers x rate per kilometer.

Other (Taxi, Public Transportation, Parking, Car Rental)

- Taxi, intra-city public transportation, parking – receipts required
- Car rental – receipted cost

Accommodation

- Actual accommodation – at cost (receipt required)

Meals

- Actual cost of the meal, excluding alcoholic beverages, plus a gratuity of up to 15 percent of the mean cost.

**A BYLAW OF THE SUMMER VILLAGE OF ISLAND LAKE, IN THE
PROVINCE OF ALBERTA, TO ESTABLISH A CODE OF CONDUCT FOR
MEMBERS OF COUNCIL, COUNCIL COMMITTEES AND OTHER
BODIES ESTABLISHED BY THE COUNCIL**

WHEREAS Municipal Councils must, by bylaw, establish a code of conduct governing the conduct of Councillors, pursuant to the *Municipal Government Act, RSA 2000 Chapter M-26* as amended from time to time; and

WHEREAS Municipal Council may establish a code of conduct governing the conduct of members of council committees and other bodies established by the council pursuant to the *Municipal Government Act, R.S.A. 2000 Chapter M-26* as amended from time to time; and

WHEREAS the elected officials of the Summer Village of Island Lake recognize that they have an obligation to serve the public in a conscientious and diligent manner; understanding that the function of Council members is to seek the common good of the municipality as a whole and acknowledging that they are held to a higher standard of ethical behavior and conduct due to the trust that has been placed in them; and

WHEREAS, the Council for the Summer Village of Island Lake wishes to exercise its authority pursuant to the Municipal Government Act to enact a bylaw to provide for the Code of Conduct for Members of Council, Council Committees and Other Bodies Established by the Council;

NOW THEREFORE the Council of the Summer Village of Island Lake, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. SHORT TITLE

1.1. This Bylaw may be cited as the "Code of Conduct Bylaw".

2. DEFINITIONS

2.1. "Act" means the *Municipal Government Act, R.S.A. 2000 Chapter M-26*, as amended from time to time.

2.2. "Bylaw" means a bylaw of the Summer Village of Island Lake.

2.3. "Chief Administrative Office," or "CAO" means the person appointed to the position of Chief Administrative Officer by Council.

- 2.4. *"Code of Conduct"* means the Summer Village of Island Lake Code of Conduct for Members of Council, Council Committees and Other Bodies Established by Council.
- 2.5. *"Committee"* means a board, commission, authority, task force or any other public body established by Council.
- 2.6. *"Confidential Information"* means any information that is prohibited from being disclosed under Alberta's Freedom of Information and Protection of Privacy Act (FOIPP) and also includes any information received by a Member in confidence by virtue of their position on Council, a Council Committee or other body established by the Council, as well as matters discussed in meetings that have been closed to the public, unless those matters have subsequently been made public by Council.
- 2.7. *"Council"* means the Council of the Summer Village of Island Lake.
- 2.8. *"Integrity Commissioner" or "Commissioner"* means the individual appointed by Council to receive, assess, investigate and adjudicate complaints regarding breach of the Code of Conduct.
- 2.9. *"Member"* is intended to include both Members of Council and Members of Council Committees or other bodies established by the Council.
- 2.10. *"Member of Council"* means a duly elected Member of Council and includes the Mayor and Deputy Mayor.
- 2.11. *"Member of Council Committee or other body established by the Council"* means member of a committee, board, authority, task force or other body duly appointed by Council.
- 2.12. *"Summer Village"* means the Corporation or the Summer Village of Island Lake.

3. **CODE OF CONDUCT**

- 3.1. That the *Code of Conduct for Members of Council, Council Committees and Other Bodies Established by the Council* is attached hereto as "Schedule A" and forms part of this bylaw.

4. **PROCEDURE FOR COMPLAINTS, INVESTIGATIONS AND SANCTIONS**

- 4.1. That the *Procedure for Complaints, Investigations and Sanctions Regarding Breach of the Code of Conduct*, is attached hereto as "Schedule B" and forms part of this bylaw.

5. **AMENDMENTS**

- 5.1. That amendments or additions to the *Code of Conduct for members of Council, Council Committees and Other Bodies Established by the Council* (Schedule A) or the *Procedure for Complaints, Investigations and Sanctions Regarding Breach of the Code of Conduct* (Schedule B) will require an amendment to this Bylaw.

6. **INTERPRETATION**

- 6.1. Terms which are not defined in the Code of Conduct Bylaw will be given their ordinary meaning.
- 6.2. Within the text of the Code of Conduct Bylaw:
- a) use of a pronoun or determiner which indicates one gender shall include all genders unless the context requires otherwise, and
 - b) use of the singular shall include the plural and the plural shall include the singular as the context requires.

7. **SEVERABILITY**

- 7.1. It is the intention of the Council of the Summer Village of Island Lake that each section of this Bylaw should be considered as being separate and severable from all other sections. Should any section or part of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall be effective and enforceable.

8. **COMING INTO FORCE**

This Bylaw shall come into effect upon the third and final reading and signing of this Bylaw

READ a first time this 19th day of June 2018.

READ a second time this 19th day of June 2018.

UNANIMOUS CONSENT to proceed to third reading this 19th day of June 2018.

READ a third and final time this 19th day of June 2018.

SIGNED this 19th day of June 2018

Mayor, Chad Newton

Chief Administrative Officer, Wendy Wildman

SCHEDULE A

THE SUMMER VILLAGE OF ISLAND LAKE CODE OF CONDUCT FOR MEMBERS OF COUNCIL, COUNCIL COMMITTEES AND OTHER BODIES ESTABLISHED BY THE COUNCIL

1. PURPOSE AND PRINCIPLES

- 1.1.** The purpose and intent of this Code of Conduct is to establish standards of conduct for Members of Council, Council Committees and other bodies established by the Council so that they may carry out their entrusted duties with diligence and impartiality while maintaining the highest standard of integrity.
- 1.2.** The Code is intended to supplement existing superior legislation and municipal by-laws and policies that govern the conduct of Members of Council, Council Committees and other bodies established by the Council.
- 1.3.** The key principles underlying this Code of Conduct are as follows:
 - a)** The public should have confidence that the elected and appointed officials of the Summer Village of operate from a basis of integrity, justice, courtesy and propriety and will carry out their duties in a fair, impartial and transparent manner;
 - b)** Holding public office is a privilege and responsibility and Members shall put the interests of the residents and rate payers of the municipality as a whole above personal interests;
 - c)** Members should demonstrate respect for the law and for the policies, procedures and processes of the Summer Village of;
 - d)** Members have a duty to treat members of the public, representatives from other agencies or municipalities, each other and staff with respect and dignity and without abuse, bullying or intimidation;
 - e)** Members of Council, Council Committees and other bodies established by the Council must exercise due care in the treatment of any Confidential Information obtained through their elected or appointed positions.

2. COMPLIANCE WITH CODE OF CONDUCT

- 2.1.** This Code of Conduct applies to all Members of Council and Members of Council Committees and other bodies established by the Council and all Members must observe and comply with all provisions of the Code of Conduct as well as other policies and procedures established by Council which affect the Member.
- 2.2.** Members of Council shall sign and agree to comply with the Code of Conduct at or prior to the first meeting of Council after their election to

office.

- 2.3.** Members of Council Committees or other bodies established by the Council of the Summer Village of who are not Members of the Summer Village of Island Lake Council or the Council of another municipality, shall sign and agree to comply with the Summer Village of Island Lake Code of Conduct on or before attending their first committee meeting. Members of Council Committees or other bodies established by the Council who are Members of a Council of another municipality will adhere to their own municipality's Code of Conduct for Members of Council.
- 2.4.** Members of Council of the Summer Village of Island Lake, who are Members of another municipalities Council Committee or other body created by the Council of that municipality, are expected to adhere in their dealings with that committee to the Summer Village of Island Lake Code of Conduct for Members of Council, Council Committees and Other Bodies Established by the Council.
- 2.5.** Members of Council Committees or other bodies established by the Council who are not Members of a municipal council who fail to sign and agree to comply with the Code of Conduct may be required to relinquish their position on the Committee.
- 2.6.** All Members shall respect the processes for complaints and investigations under the Code of Conduct and cooperate fully with these processes.
- 2.7.** No Member shall threaten or undertake any act of reprisal against a complainant or a person providing information in the investigation of an alleged violation of the Code of Conduct.

3. GENERAL PERSONAL CONDUCT

- 3.1.** Members shall strive for excellence in the performance of their duties of Council, Council Committees or other bodies established by the Council.
- 3.2.** As representatives of the Summer Village of Island Lake, Members will, at all times, conduct themselves in all their affairs with integrity so as to reflect positively on the municipality and promote public confidence.
- 3.3.** Members of Council shall carry out their duties with impartiality, putting the interests of the residents and rate payers of the whole municipality above personal interests.
- 3.4.** Members will take particular care to ensure that during meetings of Council, Council Committees or other bodies established by the Council, they do not make comments that could be offensive to other Members, staff or the

public or that could be construed as sexist, racist or otherwise discriminatory.

- 3.5.** Members will conduct municipal business and their duties in an open and transparent manner so that the public can understand the process and rationale that has been used to make decisions.
- 3.6.** Members of Council shall show respect for other Members of Council, for decisions and the decision-making process of Council and for Council procedures as outlined in the Summer Village of Island Lake Procedural Bylaw. Members of Council Committees or other bodies established by the Council who are Members of a Council of another municipality will adhere to their own municipality's Code of Conduct for Members of Council.
- 3.7.** Members of Council of the Summer Village of Island Lake, who are Members of another municipality's Council Committee or other body created by the Council of that municipality, are expected to adhere in their dealings with that committee to the Summer Village of Island Lake Code of Conduct for Members of Council, Council Committees and Other Bodies established by the Council.
- 3.8.** Members of Council Committees or other bodies established by the Council who are not Members of a municipal council who fail to sign and agree to comply with the Code of Conduct may be required to relinquish their position on the Committee.
- 3.9.** All Members shall respect the processes for complaints and investigations under the Code of Conduct and cooperate fully with these processes.
- 3.10.** No Member shall threaten or undertake any act of reprisal against a complainant or a person providing information in the investigation of an alleged violation of the Code of Conduct.

4. GENERAL PERSONAL CONDUCT

- 4.1.** Members shall strive for excellence in the performance of their duties of Council, Council Committees or other bodies established by the Council.
- 4.2.** As representatives of the Summer Village of Island Lake, Members will, at all times, conduct themselves in all their affairs with integrity so as to reflect positively on the municipality and promote public confidence.
- 4.3.** Members of Council shall carry out their duties with impartiality, putting the interests of the residents and rate payers of the whole municipality above personal interests.

- 4.4.** Members will take particular care to ensure that during meetings of Council, Council Committees or other bodies established by the Council, they do not make comments that could be offensive to other Members, staff or the public or that could be construed as sexist, racist or otherwise discriminatory.
- 4.5.** Members will conduct municipal business and their duties in an open and transparent manner so that the public can understand the process and rationale that has been used to make decisions.
- 4.6.** Members of Council shall show respect for other Members of Council, for decisions and the decision-making process of Council and for Council procedures as outlined in the Summer Village of Procedure Bylaw.
- 4.7.** The venue for discussions on matters before Council, a Council Committee or other body established by the Council is within their respective meetings. Members shall not engage in debate with each other via public mediums such as letters to the editor, bios or social media.
- 4.8.** Members are expected to use good judgement as to what is appropriate use of electronic social media and must not communicate anything that could harm the reputation of the Summer Village of Island Lake. Providing personal comments on matters before the Town Council, Council Committees or other bodies established by the Council on social media is inappropriate.
- 4.9.** If a difference or conflict between Members is not easily resolved, processes outlined in the Procedure Bylaw and best practices in conflict resolution shall be employed in order to resolve the issue and maintain working relationships among Members.

5. OBLIGATIONS OF MEMBERS

- 5.1.** Members must conduct themselves in accordance with the requirements and obligations set out in municipal, provincial and federal legislation or regulations, including but not limited to the following:
 - a)** Alberta Human Rights Act;
 - b)** Alberta Local Authorities Election Act;
 - c)** Canadian Human Rights Act;
 - d)** Criminal Code of Canada;
 - e)** Freedom of Information and Protection of Privacy Act;
 - f)** The Summer Village of Island Lake Procedural Bylaw;
 - g)** Municipal Government Act;
 - h)** Occupational Health and Safety Act, Regulation and Code, including the Summer Village of Island Lake Health and Safety Program.

- 5.2.** As outlined in the Municipal Government Act, Members of Council have a duty to participate in council meetings, council committee meetings and meetings of other bodies to which they are appointed by Council
- 5.3.** All Members are expected to be suitably prepared for meetings of Council or any Committee or other body established by the Council on which they serve.
- 5.4.** All Members must attend orientation or training sessions as offered by the municipality.

6. AVOIDANCE OF CONFLICTS OF INTEREST

- 6.1.** Members of Council shall disclose any pecuniary or personal interest that may influence or appear to influence their decision in a matter that comes before the Council.
- 6.2.** Members of a Council Committee or other body established by the Council shall disclose any pecuniary or personal interest that may influence or appear to influence their decision in a matter that comes before the Committee or other body on which they serve.
- 6.3.** Members shall remove themselves from the proceedings regarding any matter in which they have a pecuniary interest.
- 6.4.** Members shall not influence or attempt to influence a decision in a matter that they have a pecuniary or personal interest which comes before Council, a Council Committee or other body established by the Council on which they serve.
- 6.5.** Members shall not place themselves in a position of obligation to any person or organization which may benefit from special consideration or preferential treatment from Council, a Council Committee or other body established by the Council.
- 6.6.** Members shall not allow their personal interests or connection to volunteer organizations to influence their impartiality with respect to the duties they carry out as Members of Council, a Council Committee or other body established by the Council.
- 6.7.** Members shall not engage in any activity that is incompatible with the ethical performance of their official duties in the public interest, as members of Council, as Council Committee or other body established by the Council.

7. USE OF MUNICIPAL ASSETS AND SERVICES

- 7.1.** Members shall use municipal assets and services for activities relevant to their role as Members of Council, a Council Committee or other body established by the Council, and in accordance with any applicable municipal policy or procedure.
- 7.2.** Members shall use municipal computers, smart phones or other related technology devices or systems, including email and internet, in accordance with the municipality's policies and procedures
- 7.3.** Members of Council shall not use the property, land, facilities, equipment, supplies, services or other resources of the municipality for any election campaign or campaign-related activities, unless otherwise authorized by policy or bylaw.
- 7.4.** No Member of Council shall use the services of persons for election-related purposes during hours in which those persons are receiving compensation from the municipality.
- 7.5.** No Member shall obtain personal or financial gain or advantage through the use of municipal assets or services or from municipally developed intellectual property.

8. USE OF INFLUENCE OF OFFICE

- 8.1.** No Member shall use the influence of his or her position on Council, a Council Committee or other body established by the Council for any purpose other than for the exercise of his or her official duties.
- 8.2.** Members shall not use their position to obtain employment or contracts with the municipality for themselves, family members or close associates.

9. ACCEPTANCE OF GIFTS OR BENEFITS

- 9.1.** Acceptance of gifts or benefits by a Members shall be in accordance with federal and provincial legislation and must be accepted or reported in accordance with any Summer Village policy or procedure.
- 9.2.** 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 from Council, a Council Committee or other body established by the Council through the acceptance of gifts or benefits.

10. INTERACTIONS WITH MUNICIPAL STAFF

- 10.1.** Council's sole employee is the Chief Administrative Officer (CAO); Members of Council will respect the CAO's authority to direct staff.
- 10.2.** Members will treat municipal staff with dignity, understanding and respect and will adhere to any of the Summer Village of Island Lake policies, procedures or directives in order to ensure that the municipal work environment is free from discrimination, bullying and harassment.
- 10.3.** No Member shall use, or attempt to use, their authority for the purpose of influencing any staff member with the intent of interfering in staff's duties.
- 10.4.** No Member shall maliciously or falsely impugn or injure the professional or ethical reputation of staff and all Members shall show respect for the professional capacities of the staff of the municipality.
- 10.5.** No Members shall compel staff to engage in partisan political activities or subject staff to threat or discrimination for refusing to participate in such activities.

11. INTERACTIONS WITH OTHER AGENCIES OR MUNICIPALITIES AND THE PUBLIC

- 11.1.** In the performance of their duties, Members will treat representatives of other agencies or municipalities and members of the public with dignity, understanding and respect and will adhere to any and or all of the Summer Village of Island Lake policies, procedures or directives put in place to ensure that workplace environments are free from discrimination, bullying and harassment.

12. CONFIDENTIAL INFORMATION

- 12.1.** Personal information collected by the Summer Village of Island Lake will only be used for the purpose for which it was collected, and only disclosed if such disclosure complies with Alberta's Freedom of Information and Protection of Privacy Act (FOIPP).
- 12.2.** Members are encouraged to acquire an understanding of the principles of FOIPP.
- 12.3.** Members shall not release information subject to solicitor-client privilege without express authorization from Council unless required by law to do so.

- 12.4.** Members shall not release or divulge any matters discussed while in a closed meeting including any aspect of the closed meeting deliberations to anyone, unless expressly authorized by Council or required by law to do so.
- 12.5.** Members who speak or write publicly are responsible for ensuring that they do not divulge Confidential Information.
- 12.6.** The responsibility for protecting Confidential Information includes the responsibility for ensuring that documents or digital information are not directly or indirectly made available to unauthorized persons.
- 12.7.** No Member shall use Confidential Information for personal gain or benefit, or for the personal gain or benefit of any other person or body.
- 12.8.** A Member's responsibility for maintaining confidentiality extends beyond the term of office or the period of appointment.

13. IMPLEMENTATION

- 13.1.** The Code of Conduct for Members of Council, Council Committees and Other Bodies Established by the Council and the Procedure for Complaints Investigations and Sanctions Regarding Breach of the Code of Conduct will be adopted by bylaw as required by Section 146.1 of the Municipal Government Act, or as amended from time to time.
- 13.2.** Amendments or additions to the Code of Conduct or the Procedure for Complaints Investigations and Sanctions Regarding Breach of the Code of Conduct will require an amendment to the Code of Conduct Bylaw.
- 13.3.** Council will review the Code of Conduct on an annual basis at the Organizational Meeting to ensure it is current and remains relevant to the day-to-day conduct of Members.
- 13.4.** Council will appoint an Integrity Commissioner who will be responsible for accepting, assessing, investigating and adjudicating complaints or requests for investigation regarding breach of the Code of Conduct.
- 13.5.** The process for appointing the Integrity Commissioner will be the same process as for appointments to Council Committees or other bodies established by Council.
- 13.6.** The position of Integrity Commissioner will be a paid contract position, with an appropriate hourly rate of pay or daily per diem, to be established by Council at the time of appointment. The Commissioner may also be reimbursed for expenses approved by the Mayor, or the Deputy Mayor or

any 2 members of Council who are not the subject of any complaint under investigation.

- 13.7.** The term for an Integrity Commissioner will be 4 years; a Commissioner may be re- appointed at the end of their first term but may not serve more than two (2) consecutive terms.
- 13.8.** If at any time it is determined by Council that the Integrity Commissioner has conflict of interest or has acted in an unfair or unethical manner, Council may require the Commissioner to relinquish their position.
- 13.9.** Complaints and requests for investigations into allegations that a Member has breached the Code of Conduct will follow the procedure outlined in the *Procedure for Complaints Investigations and Sanctions Regarding Breach of the Code of Conduct*, Schedule B of the Code of Conduct Bylaw.

SCHEDULE B**THE SUMMER VILLAGE OF ISLAND LAKE
PROCEDURE FOR COMPLAINTS, INVESTIGATIONS AND SANCTIONS
REGARDING BREACH OF THE CODE OF CONDUCT**

Where a member of the public, a Member of Council, a Member of a Council Committee or other body established by the Council, or an employee of the Summer Village of Island Lake, has reasonable grounds to believe that a Member has breached this Code, a complaint or request for inquiry may be submitted in confidence to the Integrity Commissioner or to a designated alternate in the absence of the Commissioner.

All complaints or requests for inquiries must be in writing and should include:

- a) the complainant's name and contact information;
- b) the name of the Member(s) to whom the complaint relates;
- c) the nature of the alleged contravention;
- d) the specific provision(s) of the Code allegedly contravened;
- e) names of any witnesses to the alleged contravention;
- f) any other supporting documentation that will assist the Commissioner in evaluating the complaint.

The Commissioner may refuse to undertake an investigation if the complainant fails to provide sufficient documentation to support their complaint.

If after reviewing the complaint, if the Commissioner determines that the complaint is an allegation of a criminal nature consistent with the Criminal Code, the Commissioner will inform the complainant that the allegation must be made through the appropriate police service.

If the complainant is a Member or municipal staff, the Commissioner will review the complaint to determine if it falls under any of the Summer Villages harassment or respectful workplace policies, procedures or directives intended to ensure a working environment free of discrimination, bullying and harassment. If it does, the Commissioner will advise the complainant to contact the appropriate party (CAO, Manager or Supervisor) to initiate the process outlined in the applicable policy, procedure or directive.

Formal investigation of any complaint will be at the discretion of the Commissioner. If the Commissioner finds the allegations to be frivolous or unsubstantiated he or she may decline to conduct an investigation and will inform the complainant of this decision.

If it is found that an investigation is warranted, the Member whose conduct is in question will be provided with a copy of the complaint and supporting documentation

and be given the opportunity to provide a written response to the allegations being made.

Once the investigation is complete, the Commissioner will submit a written report which may include statements from both the complainant and the Member who is the subject of the complaint as well as a recommendation for appropriate sanctions (if any) to the Council of the Summer Village of Island Lake. The report will be discussed at a closed meeting session of Council. Neither the Member who is the subject of the complaint, nor the complainant may attend this closed meeting session but they may submit written statements to the Commissioner for consideration and inclusion in the report to Council, if they choose to do so. Council (excluding the Member who is subject of the complaint) will then determine what sanctions (if any) will be imposed. In the event that all of Council are the subjects of the complaint, it will fall to the Commissioner to determine what sanctions (if any) will be imposed.

The Commissioner may recommend that Council impose any of the following sanctions:

- a) Require a written or verbal public apology;
- b) Require additional training on ethical and/or respectful conduct;
- c) Return of property or reimbursement of its value or of monies spent;
- d) Removal from membership of a Committee; Removal as chair of a Committee;
- e) Reporting the misconduct to Alberta Municipal Affairs or another appropriate authority; or
- f) Other consequences as deemed appropriate and necessary but not including disqualification of a Member of Council.

The results of an investigation by the Commissioner and the imposition (or lack of the imposition) of sanctions by Council or the Commissioner have no appeal mechanism and are to be considered final.



Councillor Codes of Conduct

A Guide for Municipalities

2023 Version

The following has been prepared by Alberta Municipalities (ABmunis) and the Rural Municipalities of Alberta (RMA), in partnership with Brownlee LLP.

This Guide is an educational tool that contains general information intended to assist Councils in reviewing and updating their Code of Conduct Bylaw. This Guide is NOT a substitute for legal advice and municipalities are encouraged to consult with their legal advisors.

Introduction

In 2018, Alberta Municipalities (ABmunis) and the Rural Municipalities of Alberta (RMA), in partnership with Brownlee LLP, first published Councillor Codes of Conduct: A Guide for Municipalities in response to legislative changes that were about to take effect in Alberta. This updated version of the Guide highlights many lessons-learned since mandatory Codes of Conduct were implemented in Alberta and provides tips (including pitfalls to avoid) and issues for Councils to consider when reviewing their Codes of Conduct.

A Brief Legislative Refresher

Section 146.1 of the *Municipal Government Act* (MGA) requires every Council in Alberta to establish, by bylaw, a Code of Conduct governing the conduct of councillors. The Code of Conduct must apply to all councillors equally. Additionally, a Council may, in its sole discretion, by bylaw, establish a Code of Conduct governing the conduct of members of Council committees and other bodies established by the Council who are not councillors. For the purposes of this Guide, we will use the term “councillors” recognizing a Code of Conduct may apply to both councillors and members.

There is no model Code of Conduct prescribed by legislation. Instead, the *Code of Conduct for Elected Officials Regulation* (Regulation) simply mandates what topics must, at a minimum, be addressed in a Code of Conduct, namely:

- a. representing the municipality;
- b. communicating on behalf of the municipality;
- c. respecting the decision-making process;
- d. adherence to policies, procedures and bylaws;
- e. respectful interactions with councillors, staff, the public and others;
- f. confidential information;
- g. conflicts of interest;
- h. improper use of influence;
- i. use of municipal assets and services; and,
- j. orientation and other training attendance.

Additionally, every Code of Conduct must:

- a. adopt a complaint system outlining who can make complaints, the method by which complaints can be made, the process to determine a complaint's validity, and the process to determine how sanctions will be imposed for valid complaints;
- b. incorporate by reference any matter required in the Code that is addressed or included in another bylaw; and
- c. include a provision for the review of the Code and any bylaws incorporated by reference at least once every four years from the date the Code was passed.

The Regulation provides that a Council must consider sections 3 and 153 of the MGA when drafting their Code. A Council is prohibited from including provisions or sanctions that prevent a councillor from fulfilling their legislated duties as a councillor and a councillor may not be disqualified or removed from office for a breach of the Code. Alberta Municipal Affairs has developed an "Implementation Fact Sheet" for Codes of Conduct, which outlines the intent and rationale of each of the topics.¹

Why a Code of Conduct?

Beyond the legislative requirement to adopt a Code of Conduct, the Code of Conduct can be an effective governance tool for Council and a useful educational tool for the public. It can guide councillors in respect of how to carry out their roles and responsibilities and it can educate members of the public about the role of councillors and what the public can reasonably expect from their councillors.

A Code of Conduct establishes an agreed upon framework to guide the behaviour of councillors. by setting clear, concise and enforceable rules of conduct. Not everyone universally agrees on how councillors should be expected to behave. Reasonable people can disagree on what makes an effective councillor. One person's view of a badly behaving councillor may be another's highly-esteemed Council watchdog and champion of the people. Absent any agreed upon norms of behaviour, misunderstandings and frustration may ensue. A well-drafted Code of Conduct serves as the benchmark for behaviour and is the ruler by which alleged misconduct can be measured, acted upon and (hopefully) corrected.

A well drafted and considered Code of Conduct can be a useful tool to facilitate good governance, but Councils should remember that good governance cannot rely on the Code of Conduct. The Code of Conduct should compliment and reinforce principles of democracy, transparency and accountability that already exist in the MGA.

Reviewing Your Code

A Code of Conduct must be reviewed at least once every four years from the date the Code was adopted. However, beyond the minimum statutory requirement, Council may wish to consider additional reviews as appropriate and necessary to ensure the Code is relevant and enforceable.

Council may decide to bring the Code forward for review at the beginning of each Council term. This will provide an opportunity to orient the new Council regarding the current standards of behaviour expected of them, but also to consider what, if any, updates may be required or beneficial to enhance the Code. Alternatively, Council may bring the Code forward for formal review midway through its term of office. This will allow newly elected councillors, who are often overwhelmed by the sheer breadth and scope of information they are presented with and asked to retain at the beginning of their term, a chance to consider the Code after having some real Council experience. It will also allow Council as a whole to assess how they interact as a team and whether the Code needs to be revised to accommodate the team dynamic. Other Councils find it beneficial to review the Code towards the end of the term of office in the hopes of leaving

¹ See "Implementation Fact Sheet: Code for Elected Officials" at <https://open.alberta.ca/dataset/ab5db63d-302c-4c1b-b777-1eeb0fe23090/resource/7909d159-924a-4429-a3ea-062d1197e136/download/code-of-conduct-for-elected-officials.pdf>

a better Code for their successors (although a new Council is always free to make further amendments at any time).

Of course, if relevant amendments to either the MGA or the Regulation are passed by the Legislature, the Code may need to be brought forward to ensure compliance with the updated legislative scheme. Council should provide for a review of the Code to meet the minimum legislative requirement and Council may want to provide for additional opportunities to review as needed.

Setting the Bar

A Code of Conduct is a bylaw - a legally binding and enforceable set of local rules. As such, councillors should carefully consider precisely what standards of behaviour they are prepared to accept and be held accountable to when reviewing the content of their Code of Conduct. Setting the bar too high or being overly prescriptive can trap Council in an endless cycle where standards of near perfection are bound to be breached from time to time and formal complaints are all too frequent. Conversely, setting the bar too low does little to enhance accountability and engender public trust in Council. The role of a Code of Conduct is to supplement, not replace, the legal rules and municipal policies that are already in place. The goal should be to set reasonable expectations for behaviour that are achievable and reflect community standards.

It is simply not possible, or practicable, to draft a Code of Conduct to address every possible scenario. Council should carefully consider including fewer, more general statements, with discrete prescriptions and prohibitions, as appropriate, over attempting to create an exhaustive Code by generating a voluminous list of do's and don'ts. The broader the scope of the Code and the more complexity and nuance Council introduces, the more challenging, time consuming and costly it will likely be to implement and administer the Code. For example, the more detailed and issue-specific a Code becomes, the more vulnerable the Code may be to being exploited for loopholes. Likewise, the more onerous the Code's regulation of councillor conduct becomes, the more likely the volume of complaints received will rise, whether from members of Council or members of the public, as applicable.

Drafting Code Provisions

Wherever the bar is set, Council should ensure that the standards of behaviour prescribed in the Code can be properly evaluated. This means using clear, concise language to outline objective standards of conduct. Using subjective words and phrases that are open to multiple interpretations should be avoided. For example, saying "councillors shall adequately communicate the attitudes of Council" is vague and therefore difficult to assess and enforce. Instead, it is clearer to say "councillors shall accurately communicate the position of Council".

Additionally, the Code must be internally consistent; that is, provisions within the Code cannot conflict with one another. For example, if the Code places a limit of \$100 on the acceptance of hospitality, gifts or other benefits related to the councillor's office, having a further provision requiring councillors to report to Council any gifts or benefits they receive that exceed the \$100 limits raises the question of whether such gifts may be accepted or must be declined.

Jurisdiction

When updating the Code, Council must ensure it does not exceed its jurisdiction. For example, once a councillor's term of office is over, or they resign or are removed from office by order of

the Court, that individual is no longer subject to the Code of Conduct. As such, provisions that state a councillor will remain subject to the Code “for at least 12 months after leaving office” (or any other period of time) are invalid and of no force and effect. Council must also remain mindful that the Code does not replace existing legislation governing the conduct of councillors and that the Code must comply with the *Canadian Charter of Rights and Freedoms*. While a Code may impose reasonable limits on protected *Charter* rights and freedoms it cannot, as an example, attempt to completely extinguish a councillor's right to freedom of expression. For example, it may be reasonable to say that councillors shall not speak for Council unless specifically authorized by Council. This is a reasonable limit because Council acts as a group and in most municipalities the chief elected official is the spokesperson of Council.

To Whom Does the Code Apply?

As noted above, a Code of Conduct must apply to all councillors equally, which includes the chief elected official. However, Council is free to decide whether to establish a Code of Conduct governing the conduct of members of Council committees and other bodies established by the Council who are not councillors. This can be done in one of two ways: (a) incorporating members of committees and other bodies who are not councillors into the Code of Conduct for councillors, as appropriate; or (b) establishing a separate and distinct Code of Conduct exclusively to govern members who are not councillors. It is critical to remember, however, that the MGA only authorizes Council to establish a Code for members of Council committees and other bodies established by the Council. In other words, Council cannot impose a Code of Conduct on members of third-party organizations that were not established by the Council even if Council has the right to appoint one or more members to the board of that organization. Third-party organizations may include regional service commissions or library boards.

Before adopting a Code of Conduct that applies to members who are not councillors, Council should carefully consider whether it is necessary or desirable to do so. Absent any Code, appointed members simply serve at the pleasure of Council, subject only to the terms and conditions of their appointment as prescribed by the terms of reference or bylaw establishing the committee or other body. Imposing a Code of Conduct on appointed members can be an effective governance tool that sets clear standards of conduct expected of all members; however, imposing rules of behaviour by way of a Code of Conduct will also necessitate some form of a complaint process with the requisite procedural fairness safeguards. Depending on the sheer number of committees and other bodies a Council has established and how many members appointed to those committees are not councillors, some Councils may struggle to administer a Code of Conduct for its unelected members.

If Council is considering expanding the Code of Conduct to include members of Council committees and other bodies established by the Council who are not councillors, a further consideration is whether to treat all committees and other bodies as the same and regulate them collectively. Specifically, the definition of “council committee” in the MGA expressly excludes an assessment review board established under section 454 or a subdivision and development appeal board established under section 627. Careful consideration should be given to whether these quasi-judicial adjudicative bodies should be treated the same as Council committees, which are typically only advisory, not decision-making bodies. Different considerations and different rules of behaviour may be appropriate for each given their distinct mandates and roles.

Additional Topics to Consider

The Regulation specifies the bare *minimum* topics the Code must address. Additional topics to consider to address in order to enhance a Code of Conduct may include one or more of the following:

(i) Conduct at Meetings

If not already dealt with in Council's Procedure Bylaw, the Code could set out appropriate standards of behaviours expected of councillors during meetings of Council, Council committees and other bodies. Such items may include a general requirement to maintain decorum during meetings, prohibitions on the use of inappropriate, foul and abusive language and restrictions on the use of electronic devices, including the unauthorized recording of meetings, live streaming or posting on social media by councillors while the meeting is in session (e.g. live tweeting debates).

(ii) Social Media

Although a Code of Conduct may simply state that "this bylaw applies to all forms of communication", many Councils find it beneficial to expressly address the use of social media as a standalone in the Code. The sheer pervasiveness of social media in our daily lives, coupled with the unique role that elected officials play in society, can make articulating what constitutes appropriate and inappropriate use of social media a challenging topic of discussion. Council will need to balance the individual rights and autonomy of each councillor with the legitimate desire to protect the collective reputation of Council and the municipality as a whole. Individual councillors may struggle to accept that while they have a right to maintain a personal life, as a holder of public office, "councillor" is not a title they simply assume before each Council meeting and put away once the meeting is adjourned.

Basic rules of engagement may include prohibitions on obscenity, bullying, harassment, threats, knowingly posting false or misleading information and the like. Council may want to provide that disseminating or amplifying inappropriate content of third parties, including reposting, linking to, or "liking" someone else's post on a social media platform is prohibited. Many councillors are shocked to learn that reposting or retweeting someone else's defamatory post is considered to be a "publication" according to the law of defamation and can result in the councillor being held liable for damages.

Careful consideration should be given to whether councillors will be provided with official social media accounts expressly for municipal purposes while in office or if they will be left to use their own existing personal social media accounts or create new personal accounts if they so choose. If Council adopts official social media accounts for its members what rules of engagement will apply? Is it appropriate to promote a particular local business on a councillor's social media account or is that inappropriate because it may be perceived as the councillor showing favoritism to one business over another? What about use of the municipality's logo or crest on a councillor's social media? What about a councillor's personal social media accounts? Are those accounts subject to the Code? Where does Council draw the line? Are you a councillor 24/7 or does Council accept that every councillor is entitled to have a private life that is beyond the reach of Council even if "off-duty conduct" could bring Council and the municipality into disrepute? Council may also want to develop protocols about how councillors should respond to comments from residents posted on social media sites, whether these are service requests, compliments or complaints.

(iii) Election Activities

The regulation of municipal election campaigns is governed by the *Local Authorities Election Act* (LAEA). Nevertheless, your Code may address campaign-related issues in a manner that complements the LAEA. For example, your Code may stipulate that councillors are not permitted to use the municipality's equipment and facilities for campaign-related activities. Similarly, the Code may provide that councillors may not engage municipal staff for any election-related purpose during working hours. It would also be prudent to prohibit the use of municipal websites, email and social media accounts for election campaigning, including restricting the linking of private campaign websites and social media accounts to the municipality's website. Further, your Code may stipulate that councillors are personally responsible for ensuring their compliance with all applicable election-related statutes, and therefore should not make inquiries of, or rely on municipal employees for advice and direction in this regard.

Nothing in statute prevents a sitting councillor from seeking the nomination and, if successful, running for elected office of another order of government (e.g. Member of the Legislative Assembly or Member of Parliament) while serving as a councillor. The rules simply require the councillor to resign from office if they are elected as a person cannot hold both offices concurrently. While legally it is permissible, practically speaking many issues can arise if a sitting councillor decides to run for another elected office. It is recommended that Council get out ahead of this issue and proactively address what is expected of a councillor should they find themselves in this situation. Council may want to consider including provisions in the Code that prohibit councillors from using their office as councillor or their official duties to campaign for another elected office, that require councillors to take a leave of absence to campaign, and that clarify whether councillors will continue to receive any remuneration while on a leave of absence for campaign purposes.

(iv) Gifts and Benefits

Council may wish to include provisions about the acceptance of gifts, including prizes, and hospitality in its Code, which are items closely related to the topics of "conflict of interest" and "undue influence". Councillors often receive gifts or hospitality as an incidental benefit and as a genuine token of appreciation. However, if a gift or hospitality is given, or perceived to be given, in an effort to influence, or manipulate a councillor, it may be problematic. Council may want to include provisions in its Code to clarify when acceptance of a gift or offer of hospitality is acceptable, including protocols and parameters which address the following:

- circumstances where a councillor receives a benefit from a supplier and subsequently participates in a decision involving that supplier;
- the receipt of food, alcoholic beverages, lodging, transportation and/or entertainment from third parties;
- the entitlement of councillors to accept a complementary ticket or a reduced ticket rate for events such as fundraisers, golf tournaments, concerts, sporting events, etc., and if so when and in what context;
- the use of property or facilities such as vehicles, office space, or vacation property from third parties;

- the maximum value of gifts which may be accepted by an individual councillor; and,
- the receipt of a gift on behalf of the municipality.

It is common for Codes to recognize certain exemptions for gifts and benefits received by a councillor that “normally accompany the responsibilities of office” and are received “as an incident of protocol or social obligation”. Food and beverages consumed by a councillor at events that serve “a legitimate business purpose” is another common exception to the rule against accepting gifts, although additional parameters may be established, such as requiring a representative of the organization extending the invitation to be in attendance and/or a stipulation that the value of the food/drink be “reasonable” and the invitations “infrequent”.

As noted above, your Code may also establish reasonable monetary limits respecting the receipt of gifts and benefits from any one person or organization over the course of a specified period. Further, or in the alternative, your Code might require that councillors file an annual disclosure statement listing the gifts and benefits received during a specified period, including an approximation of their monetary value. Council may also want to address the receipt of “official gifts” received on behalf of the municipality by a councillor as a matter of protocol. The Code may, for example, clarify that such gifts are the property of the municipality and will remain with the municipality after the councillor ceases to hold office.

Before embarking on amendments to its Code in this regard, Council should thoroughly inventory the list of events councillors are routinely invited to and attend, the types of gifts and other benefits councillors have historically received and attempt to quantify the dollar values associated with the gifts, hospitality and other benefits councillors have received. Then Council should ask what legitimate business purpose was served in each case and attempt to weigh that against public perceptions and concerns regarding undue influence and conflicts of interest.

Who Can Make a Complaint?

As part of establishing a complaint system for the Code of Conduct, Council must identify who may make a complaint alleging a breach of the Code. Who may make a complaint is not prescribed in the MGA. When mandatory Codes of Conduct were first introduced in Alberta, many Councils were concerned they could be flooded with illegitimate, frivolous and vexatious complaints lodged by a small number of disgruntled residents or political rivals. As such, some Councils restricted the ability to lodge a complaint under the Code of Conduct to members of Council only. Others decided that the Code of Conduct is a document internal to the municipal corporation and limited complainants to include members of Council and staff within Administration.

Both examples are legitimate exercises of a Council’s discretion; however, experience has since shown that Councils that allowed members of the public to lodge complaints under the Code of Conduct have not been inundated with unfounded allegations of misconduct. Moreover, opening up the complaint system to include members of the public has in some cases allowed members of the public to bring forward legitimate allegations that warrant investigation without requiring a councillor to awkwardly lodge the complaint on their behalf. Similarly, allegations of inappropriate councillor conduct involving an elected official of a neighbouring municipality can more readily be dealt with when complaints may be made by any member of the public (including councillors of other municipalities).

Regardless of what Council decides, the Code should be clear about who can file a complaint and how the complaint is filed.

Dealing with Improper Complaints

It is prudent to include a process to address frivolous, vexatious and bad faith complaints within the Code of Conduct complaint system. Not every complaint legitimately warrants investigation and having a process whereby a complaint can be initially vetted and, where appropriate, summarily dismissed without investigation or further process is an effective means of limiting the time and resources dedicated to improper complaints. Council will need to carefully consider who is authorized to initially vet a complaint to determine whether it merits investigation or not. Is this done internally by the chief elected official or the deputy chief elected official, or by a committee of Council or by Council itself? Or externally by a third-party investigator? Further, is there a common understanding of what constitutes a “frivolous”, “vexatious” or “bad faith” complaint or is there a need to expressly define these terms in the Code.

Additional clarity can be brought to the Code by also expressly addressing complaints that are clearly outside of Council’s jurisdiction. For example, the Code could provide that any complaint that is not about a current councillor, does not allege a breach of the Code of Conduct, or is covered by another applicable legislative appeal, complaint or court process will be immediately dismissed without further process.

Informal Complaint Process

The Regulation mandates that every Code of Conduct include a complaint system, but not every alleged breach of the Code may warrant a lengthy (and often costly) third-party investigation. Councils should carefully consider including an *informal complaint* process in their Code. Minor, inadvertent or first-time breaches may be addressed more efficiently and effectively through one or more of the following means:

- a one-on-one private conversation between the complainant and the councillor who is alleged to have breached the Code;
- an informal discussion among the parties, facilitated by the chief elected official or deputy if the informal complaint is about the chief elected official;
- a closed session discussion among all of Council if the complaint is internal to Council;
- the parties voluntarily agreeing to engage in some form of conflict resolution (e.g. mediation); or
- if the misconduct is admitted by the councillor in question, when confronted with the complaint, the councillor may voluntarily offer to apologize or otherwise make amends, take training, etc.

Filing a formal complaint under the Code of Conduct should, ideally, be a last resort after all other reasonable means to resolve the matter have been exhausted. That said, there are rare occasions when a single incident of misconduct, even a first instance, is so serious or the nature of the misconduct is such that it would not be reasonable or advisable to encourage, let alone require, a complainant to exhaust the informal complaint process before filing a formal

complaint. For this reason, Councils are cautioned against mandating that a complainant must exhaust the informal complaint process before filing a formal complaint.

Formal Complaint Process

In addition to determining who is entitled to file a complaint under the Code of Conduct, Council should review its formal complaint process to ensure the procedures are clear, do not create unreasonable barriers to filing a formal complaint and provide adequate procedural fairness to any councillor against whom a complaint is made. Issues to consider may include:

- whether anonymous complaints will be accepted or whether a complaint must be signed by an identifiable individual;
- whether complaints must be made on a specific form approved by Council or whether an email or handwritten note suffice;
- whether a complaint must be filed within a specified period of time after the alleged misconduct (e.g. 30, 60, 90 days or more) to ensure complaints are dealt with in a timely manner or whether a complaint may be filed at any time; and
- whether to include provisions outlining the investigator's authority to decide on questions of jurisdiction and summarily dismiss complaints that are not about a current councillor, are not a formal complaint under the Code of Conduct or that make allegations that are more properly addressed through other applicable legislative appeals, complaint or court processes.

If the Code imposes a timeline within which a complaint must be filed it is prudent to consider giving Council, or the investigator, the authority to accept a complaint that is filed outside the time limit in specific circumstances. A delay in filing a complaint may occur in good faith, through no fault of the complainant, and it would serve the public interest to investigate the complaint even though it is, technically, filed out of time. For example, allegations of bullying, harassment or abuse may be difficult for a complainant to bring forward in a timely manner due to trauma, shame or fear of reprisals. Of course, Council will need to balance any exercise of discretion in favour of a complainant who files a late complaint against any substantial prejudice to the councillor whose conduct is in question as a result of the delay.

Who Should Investigate Complaints?

The statutory scheme does not prescribe who may investigate complaints – instead, each Council is authorized to decide this matter when establishing and reviewing its Code of Conduct complaint process. A recent Alberta Court decision does, however, provide some helpful guidance to inform Council's decision on this issue:

"The importance of transparent, accountable and trusted municipal governments would be supported by the appointment of an investigator who is, and is reasonably perceived by informed persons to be, independent and unbiased."

If Council intends to investigate complaints internally, either collectively as Council as a whole, or by assigning the role of investigator to the chief elected official, deputy chief elected official, or to a Council committee, it is critically important consider and address how Council will safeguard against any real or perceived bias inherent to an internal investigation process.

Alternatively, engaging an independent third-party investigator can be an effective means to ensure impartiality and eliminate most allegations of bias. Due to concerns around reasonable apprehension of bias, it is not recommended that Council engage its in-house legal counsel, if such resources exist, to conduct the investigation. Likewise, caution should be exercised when engaging external legal counsel to investigate a Code of Conduct complaint if the lawyer/firm is the municipality's solicitor(s) of record and has a vested interest in maintaining and/or generating future legal work from the municipality outside of the Code of Conduct investigation.

Beyond ensuring the independence and impartiality of the investigator, Council should carefully consider the qualifications required of an investigator. For example, if Council is looking to keep investigations internal, the question to ask is whether members of Council have the requisite knowledge and training, as well as the necessary time and resources, to serve as an investigator. Investigating Code of Conduct complaints requires skills in interviewing witnesses, assessing the credibility of witnesses, gathering evidence, document review, making findings of fact, interpreting the Code and applying facts to the Code, along with investigation report writing, among other things. Considerable time is often required to conduct a thorough investigation, time which many councillors likely don't have, particularly if they're already juggling serving on Council with a full-time job, other community involvement and/or family commitments.

If Council is looking to retain an independent, third-party investigator, typical candidates usually include lawyers and consultants. The statutory scheme does not require an investigator to be a member in good standing of the Law Society of Alberta, or even legally trained, but suitably experienced lawyers will have the necessary skills to conduct an investigation, as well as the benefit of extensive knowledge of the case law and principles of statutory interpretation. That said, not every investigation necessarily requires a lawyer and the cost to engage a lawyer as an investigator may put this option out of reach for some municipalities. Among the broad spectrum of consultants, there are individuals and firms with suitable knowledge and experience to undertake investigations including, but not limited to, former police officers, human resources professionals, management consultants and the like. When selecting either a lawyer or a consultant, Council would be wise to look for firms and individuals with municipal knowledge and experience. A Council Code of Conduct investigation is not an HR investigation; councillors are not municipal employees. Similarly, councillors are not shareholder appointees to a board of directors; they are locally elected officials (i.e. politicians). Appointing an investigator who is live to these distinctions and is familiar with the MGA and the inner workings of municipalities is a real asset and will go a long way to avoiding any misapprehension or misapplication of the Code of Conduct by the investigator.

What About the Chief Administrative Officer?

Every councillor who has completed orientation training is familiar with the phrase "Council only has one employee – the Chief Administrative Officer (CAO)." The CAO *is* Council's employee and, as such, the CAO should not be tasked with conducting investigations into the conduct of the CAO's employer, effectively the members of Council. This also applies to HR staff or other staff in Administration, all of whom report up to and through the CAO.

However, the CAO still has a legitimate role to play in Council's review of the Code of Conduct and in the processing of complaints brought under the Code. The CAO is Council's chief advisor (MGA, s 207) and brings to the role a wealth of knowledge and experience that can assist Council in its decision-making processes. The CAO is also typically responsible for retaining and instructing legal counsel and otherwise procuring the services of consultants on behalf of the municipality. While the CAO should have no role in investigating and/or deciding on the

merits of a complaint under the Code of Conduct, they may provide Council with advice on the process, assist Council in setting up a special meeting of Council to review a complaint, ensure the confidential agenda package is sent out, engage legal counsel to advise Council, retain a third-party investigator on Council's request and so on.

What Does Procedural Fairness Require?

The Supreme Court of Canada has held that administrative decision-making processes can give rise to a duty of procedural fairness. The content of this duty is "eminently variable" and the specific procedural requirements that the duty imposes are determined with reference to all of the circumstances, having regard for what are known as the *Baker Factors*:

- 1) the nature of the decision being made and the process followed in making it;
- 2) the nature of the statutory scheme;
- 3) the importance of the decision to the individual or individuals affected;
- 4) the legitimate expectations of the person challenging the decision; and
- 5) the choices of procedure made by the administrative decision maker itself.

In the context of Council Code of Conduct complaints, there is still limited case law directly on point in Alberta. However, a recent Court decision has held that such decisions are adjudicative in nature, which suggests a higher standard of procedural fairness than would be owed if Council were acting in a purely legislative capacity (e.g. passing a bylaw of general application). The Court went on to find that the nature of the statutory scheme laid out in the MGA is to maintain public confidence in municipal councils and ensure effective decision making through establishing and enforcing ethical conduct standards, which also points to a higher degree of procedural fairness. Further, the Court held that a finding of a serious ethical breach or the imposition of a serious sanction threatens a councillor's dignity (as a public figure in local politics and the impact on their reputation) and livelihood, giving rise to a higher degree of procedural fair being owed.

In general terms, the content of the duty of procedural fairness in the Code of Conduct context may include:

- adequate notice of a complaint;
- disclosure of the complaint, including any evidence gathered during the investigation;
- the right to be heard before any decision is made or sanctions imposed;
- the opportunity to respond to the complaint and the investigator's report;
- the right to an impartial decision maker; and
- the right to a timely decision.

It remains a live issue whether Council should provide written reasons for its decision on a Code of Conduct complaint. Reasons are not mandated by the MGA, but may be required as part of the duty of procedural fairness owed to the parties to a Code of Conduct complaint. Written reasons are intended to provide a transparent and intelligible justification for the decision. In the absence of written reasons being provided it may be exceedingly difficult for the parties (or a reviewing Court) to determine whether Council's decision is justified, particularly if the Council proceedings were largely conducted in a meeting closed to the public for reasons of

confidentiality. A failure to provide reasons may require the decision to be set aside and the matter remitted back to the decision maker for reconsideration and preparation of written reasons. The Alberta Ombudsman's "Administrative Fairness Guidelines"² note that Canadian courts impose a common law obligation on administrative decision-makers to provide adequate reasons for their decisions as part of the duty of fairness. Although not binding precedent here in Alberta, a recent Court decision out of Saskatchewan had this to say regarding the need for written reasons in the Code of Conduct context:

"[W]hen a decision-maker's deliberations in support of its decision are undertaken in camera - rather than through a public debate - it will be considerably more difficult for those affected by the decision to understand why the decision was made. When deliberations take place in private, as is the case here, reasons may be required to explain a decision."

Until either the MGA or Regulation is amended to clarify this issue or a binding decision from the Courts is issued, each Council will need to decide whether to impose a requirement in its Code of Conduct Bylaw that any decision on a complaint be supported by a written decision with reasons or not. Additionally, Council must consider if the reasons will be made public in all situations or only if sanctions are imposed.

Imposing Sanctions

If a formal complaint has been filed under the Code of Code and is determined to be valid then Council may, in its discretion, impose sanctions for the breach of the Code. Section 5 of the Regulation provides that sanctions may be imposed, including any of the following:

- (a) a letter of reprimand addressed to the councillor;
- (b) requesting the councillor to issue a letter of apology;
- (c) publication of a letter of reprimand or request for apology and the councillor's response;
- (d) a requirement to attend training;
- (e) suspension or removal of the appointment of a councillor as the chief elected official under section 150(2) of the Act;
- (f) suspension or removal of the appointment of a councillor as the deputy chief elected official or acting chief elected official under section 152 of the Act;
- (g) suspension or removal of the chief elected official's presiding duties under section 154 of the Act;
- (h) suspension or removal from some or all council committees and bodies to which council has the right to appoint members; and
- (i) reduction or suspension of remuneration as defined in section 275.1 of the Act corresponding to a reduction in duties, excluding allowances for attendance at council meetings.

A recent Alberta Court decision held that the list of sanctions contained in the Regulation is not exhaustive. Other sanctions not contemplated in the Regulation may be justified to fulfill the object and purpose of a Code of Conduct. For example, a Code may include, and Council may impose, a communication sanction on a councillor to address the improper disclosure of confidential information or harassing of staff in order to protect the municipality's interests in confidentiality or maintain a work environment free of harassment. Such a sanction would be

² https://www.ombudsman.ab.ca/wp-content/uploads/2019/01/OMB-Administrative-Fairness-Guidebooks_web.pdf

upheld provided that it was reasonably connected to the misconduct and would not effectively prevent the councillor from performing their functions in a meaningful way. However, the Regulation is clear that Council may not impose any sanction that prevents a councillor from fulfilling the legislative duties of a councillor. Further, a councillor may not be disqualified and removed from office for a breach of the Code.

It is well established in the case law that regulatory sanctions are not intended to be punitive, but rather remedial in nature, although specific and general deterrence may be taken into account. The objective is to correct behaviour and discourage future misconduct. Sanctions should not be arbitrary; there needs to be a rational connection between the sanction being imposed and the conduct. Further, the principle of proportionality applies to sanctions; that is, the nature of the conduct and its impact must be in proportion to the penalty being imposed. A recent Alberta Court decision held:

“Imposing crushing or unfit sanctions can undermine public confidence in the institution or its processes and thereby defeat the purpose of the enforcement system...”

When Council is considering a sanction, some of the factors Council should consider include the following:

- whether it is a first-time offence or a repeated pattern of behaviour;
- the nature and severity of the breach of the Code;
- whether the breach arose inadvertently or by reason of a genuine error in judgment;
- the extent to which the behaviour is impeding the functioning of Council;
- the impact of the misconduct on the public's image of Council; and
- any other mitigating or aggravating factors.

Council is cautioned to avoid lashing out in anger or frustration and “throwing the book” at a recalcitrant councillor found in breach of the Code. Instead, Council is encouraged to abide by the principle of progressive discipline with a view to using sanctions to correct bad behaviour; recognizing that the sanctioning tools available to Council are somewhat limited and unleashing multiple sanctions on a councillor for a first offence leaves little room for Council to address any subsequent breach down the road. Further, sanctions cannot be indefinite or subject to a discretionary term with no standards or conditions attached to the exercise of discretion. Councillors have a right to know how long a sanction will apply and exactly what, if anything, they must do in order to get out from under the effect of a sanction.

There is no statutory obligation to impose sanctions for misconduct. Whether to sanction or not is a discretionary decision of Council, although Council needs to be consistent, not selective, in its application and enforcement of the Code. It may be prudent to expressly state in the Code that Council retains discretion to not impose a sanction in a particular case even if a breach has been found. For example, for a first offence of a minor nature or in a case where the misconduct is freely admitted by the councillor and they voluntarily apologize for their misconduct or otherwise make amends, there may be no legitimate purpose served by imposing sanctions.

Dealing with A Defiant Councillor

Councillors are entitled to vigorously defend themselves throughout the Code of Conduct complaint process. As one recent Alberta Court decision held:

"An apology can be mitigating, but a fair system of justice does not regard a failure to apologize as aggravating. [...] Forcing them to apologize on pain of a greater sanction would place them in an impossible position."

In rare cases, however, a councillor who has been found in breach of the Code may try to wear it as a badge of honour, dig in their heels, and simply refuse to comply with any sanctions imposed. Council will likely have a pretty clear idea of how a particular councillor may react to having sanctions imposed on them and Council should carefully consider and tailor any sanctions to the individual. For example, requesting a councillor to apologize may not be an effective sanction if the councillor clearly shows no remorse and has no intention of apologizing (although Council may decide to publish the councillor's refusal to apologize). Similarly, Council may wish to reflect on whether requesting an apology may be a hollow sanction; how sincere really is an apology that has to be coerced by way of sanction?

If Council imposes a requirement that a councillor attend training, does the sanction make it clear who decides what specific training program must be completed and how course completion will be verified? If the training is not completed within the time specified does this failure to comply automatically trigger a further specified sanction or is this failure deemed to be a further breach of the Code that Council will need to consider?

Following the principle of progressive discipline will allow Council to impose a series of escalating sanctions for repeated breaches of the Code by the same councillor. For example, escalating sanctions could move from suspending the councillor from one or more Council committees to removal from one or more (or even all) committee appointments until the next organizational meeting of Council, or even for the balance of the Council term in appropriate circumstances. If it appears that a councillor may be beyond redemption under the Code of Conduct, Council may simply need to move on in the knowledge that Council is governed by the will of the majority of its members and a delinquent councillor is but one voice and one vote at the Council table. In an extreme case, steps may need to be taken to alert the Minister of Municipal Affairs of serious and/or serial misconduct by a councillor and request that the Minister undertake an inspection or inquiry into the conduct of the councillor. Further, or in the alternative, Council may determine it is in the public interest to bring an application before the Court of King's Bench for either an injunction to compel the councillor to cease their misconduct or for an order removing the councillor from office for breaching their fiduciary duty to the municipality.

Final Thoughts

It should go without saying that the Code of Conduct must not be used as a political weapon to silence or smear a political rival or to retaliate for a perceived slight (including filing a retaliatory complaint under the Code). The Code of Conduct is a governance tool and is intended to serve as one aspect of accountability both internally, as among the members of Council and as between Council and the staff in Administration, and externally, as between Council and the public at large.

The vast majority of councillors in Alberta serve on Council out of a sense of civic duty, not as their chosen career, and may come to the role without any prior governance experience. Being a councillor can be challenging and individuals may have varied views on what the role entails and how to effectively represent their community. The Code is a governance tool which every Council can tailor to fit their local values and community to facilitate civil and, ultimately, effective governance.

An effective Code of Conduct is there to instruct councillors on the way they are to govern and conduct themselves and to educate the public on what they can reasonably expect of their elected officials. When alleged misconduct arises, the Code provides a process for complaints to be brought forward (ideally for informal resolution, if possible) and where necessary for thorough investigations to be conducted in a procedurally fair manner that respects the rights of all parties. If a breach of the Code is found, Council may impose sanctions commensurate to the misconduct in order to correct and deter bad behaviour. Councils are encouraged to embrace the Code of Conduct as an effective governance tool and continuously work to enhance and improve its Code of Conduct and ensure it meets the needs and expectations of Council and the public its members were elected to serve.



Summer Village of Island Lake

Council Policy

Number	Title			
C-COU-PAR-1	Public Participation Policy			
Approval	Originally Approved		Last Revised	
(CAO initials)	Resolution No:	19-159	Resolution No:	
	Date:	Dec. 17, 2019	Date:	

PURPOSE AND APPLICATION

In accordance with Section 216.1 of the *Municipal Government Act*, this Public Participation Policy has been developed to recognize the value of public participation and create opportunities for meaningful public participation in decisions that directly impact the public.

This Public Participation Policy is in addition to and does not modify or replace the statutory public hearing requirements in the *Municipal Government Act*.

GENERAL POLICY PRINCIPLES

Council recognizes that good governance includes engaging Municipal Stakeholders in Public Participation by:

1. Creating opportunities for Municipal Stakeholders who are affected by a decision to influence the decision;
2. Promoting sustainable decisions by recognizing various Municipal Stakeholder interests;
3. Providing Municipal Stakeholders with the appropriate information and tools to engage in meaningful participation; and
4. Recognizing that although Councillors are elected to consider and promote the welfare and interest of the Municipality as a whole and are generally required to vote on matters brought before Council, facilitating Public Participation for matters beyond those where public input is statutorily required can enrich the decision-making process.



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DEFINITIONS

1. **"Chief Administrative Officer"** means the chief administrative officer of the Municipality or their delegate, abbreviated "CAO".
2. **"Council"** means the elected representatives of the Municipality
3. **"Municipal Stakeholders"** means the residents of the Municipality, as well as other individuals, organizations or persons that may have an interest in, or are affected by, a decision made by the Municipality.
4. **"Municipality"** means the Summer Village of Island Lake.
5. **"Public Participation"** includes a variety of non-statutory opportunities where Municipal Stakeholders receive information and/or provide input to the Municipality.
6. **"Public Participation Plan"** means a plan which identifies which Public Participation Tools to be used to obtain public input in a particular circumstance.
7. **"Public Participation Tools"** means the tools that may be used, alone or in combination, to create Public Participation opportunities including, but not limited to:
 - (a) in-person participation which may include at-the-counter interactions, door-knocking, interviews, meetings, round-tables, town halls, open houses and workshops;
 - (b) digital participation which may include online workbooks, chat groups, webinars, message boards/discussion forums, and online polls or surveys;
 - (c) written participation which may include written submissions, email, and mail- in surveys, polls and workbooks; and
 - (d) representative participation which may include being appointed to an advisory committee, ad hoc committee or citizen board.



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I. POLICY RESPONSIBILITIES

1. Council Responsibilities

(a) Council shall:

- i. review and approve Public Participation Plans developed by the CAO in accordance with this Policy or as directed by Council;
- ii. consider input obtained through Public Participation; and
- iii. review this Policy to ensure the Policy complies with all relevant legislation, municipal policies and the spirit and intent of Public Participation.
- iv. ensure appropriate resources are available to solicit Public Participation in accordance with this Policy;

2. Administration Responsibilities

(a) CAO shall:

- i. in accordance with this Policy or as directed by Council, develop Public Participation Plans, for Council approval;
- ii. implement approved Public Participation Plans; and
- iii. report the findings of the Public Participation to Council.
- iv. consider timing, resources and engagement and historical effectiveness when developing and modifying Public Participation Plans;
- v. develop the necessary guidelines to implement this Policy;

II. PUBLIC PARTICIPATION OPPORTUNITIES

(b) CAO shall develop and implement a Public Participation Plan in the following circumstances:

- i. when new programs or services are being established;
- ii. when existing programs and services are being reviewed;



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- iii. when identifying Council priorities;
- iv. when gathering input or formulating recommendations with respect to the Municipality's strategic plans or business plans;
- v. as otherwise directed by Council.

III. POLICY EXPECTATIONS

1. Legislative and Policy Implications

- (a) All Public Participation will be undertaken in accordance with the *Municipal Government Act*, the *Freedom of Information and Protection of Privacy Act* and any other applicable legislation.
- (b) All Public Participation will be undertaken in accordance with all existing municipal policies.
- (c) This Policy shall be available for public inspection and may be posted to the Municipality's website.
- (d) This Policy will be reviewed at least once every four years.

2. Public Participation Standards

- (a) Public Participation will be conducted in a sustainable and inclusive manner having regard to different levels of accessibility.
- (b) Public Participation activities will be conducted in a professional and respectful manner.
- (c) Public Participation plans will consider early, ongoing and diverse opportunities to provide input.
- (d) Municipal Stakeholders who participate in any manner of Public Participation are required to be respectful and constructive in their participation. Municipal Stakeholders who are disrespectful, inappropriate or offensive, as determined by Administration, may be excluded from Public Participation opportunities.
- (e) The results of Public Participation will be made available to Council and Municipal Stakeholders in a timely manner in accordance with municipal policies.



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IV. PUBLIC PARTICIPATION PLANS

- a. When so directed by this Policy or Council, the CAO shall develop a Public Participation Plan for approval by Council which shall consider the following:
 - i. the nature of the matter for which Public Participation is being sought;
 - ii. the impact of the matter on Municipal Stakeholders;
 - iii. the demographics of potential Municipal Stakeholders in respect of which Public Participation Tools to utilize, level of engagement and time for input;
 - iv. the timing of the decision and time required to gather input;
 - v. what information is required, if any, to participate; and
 - vi. available resources and reasonable costs.
- b. Public Participation Plans will, at minimum, include the following:
 - i. a communication plan to inform the public about the Public Participation plan and opportunities to provide input;
 - ii. identification of which Public Participation Tools will be utilized;
 - iii. timelines for participation;
 - iv. information about how input will be used;
 - v. the location of information required, if any, to inform the specific Public Participation.

REPORTING AND EVALUATION

- a. Information obtained in Public Participation will be reviewed by the CAO and a report shall be provided to Council.
- b. The report shall include, at minimum, the following:
 - i. an overview of the Public Participation Plan and how it was developed;
 - ii. an assessment of the effectiveness of the plan based on the level of engagement and the quality of input;



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- iii. a summary of the input obtained; and
 - iv. may include recommendations for future Public Participation Plans.
- c. Reports shall be provided to Council for review.

Legal References: MGA 216.1, 230, 606, 692

Cross References: International Association for Public Participation

Attachment: Public Participation Plans

Revisions:

Resolution Number	MM/DD/YY



PUBLIC PARTICIPATION PLANS

Summer Village of Island Lake

The purpose of this plan is to outline Council and Administration's plan to engage and encourage public participation with the Summer Village of Island Lake.

Date Approved: __December 17, 2019__

Motion #: __19-159__

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Introduction

Relationships among people are a critical element of municipal business. This Plan provides some guidance about how the Summer Village can maintain good relationships through appropriate public input regarding decisions made by Council.

It is anticipated that the readers of this document will be:

- a) those in municipal administration who are responsible for integrating public input opportunities into municipal projects and plans,
- b) those on Council who will be making decisions about appropriate public input,
- c) those in municipal administration who will be determining if developers or other proponents have provided for an adequate public input process, and
- d) those who own property within the municipality

Public Input

The Purpose of Public Input

Municipal Councils make decisions in public for the public good. This plan supports the involvement of citizens in these public decisions. The public input is sought after when there is a decision to be made that will impact the residents of the Summer Village. Public input is valuable for decisions that impact residents for three reasons:

1. It helps strengthen the relationship between the council and the citizens of the Summer Village
2. It informs the citizens of the Summer Village, therefore, minimizing complaints and costs caused by last minute changes
3. It leads to better solutions for everyone involved in the Summer Village

Determining When Public Input is Needed

Public input is essential to the municipal decision process. The Municipal Government Act (MGA) has a legal requirement for Council and Council committees to conduct business in public and to ensure the public is notified of certain kind of decisions.

Most of the decisions made by council can be or are enhanced by public input. The few situations where public input is not required are referred to as directive decisions. Directive decisions are those made by a person authorized to do so, and are issued to others simply to inform them the decision has been made. The situations where a directive decision is appropriate are as follows:

1. There is an urgent need to respond immediately (e.g. flood response).
2. A person in authority is acting within their authority (e.g. police carrying out their duties).

3. The decisions are routine and are accepted as part of the Municipality's operations (e.g. snow removal after a heavy snowfall).
4. The decisions are dictated by law (e.g. improvements to water treatment plant).
5. The decisions have substantial effect only on those who have already agreed to be affected through some form of contract (e.g. employment, volunteerism, accepting elected office).

In these cases, the Municipality is acting within its authority and is expected to implement the decision efficiently. These decisions are posted to the public through the website. The public can also contact the Summer Village's office if they have any questions or concerns about the decisions made.

Public input is necessary when consultative decisions are to be made. These types of decisions usually have one or more of the following characteristics:

1. Public notification and input are required by law (see MGA requirements in the Introduction).
2. The decision is a known concern of other parties, or is likely to have a significant impact on other parties (e.g. a proposed casino).
3. The decision affects society's moral or emotional expectations (e.g. expansion of a recreation centre).
4. The decision affects the "comfort envelope" (lifestyle or habits) of citizens (e.g. road closure affecting how people access the highway).
5. People perceive there are risks associated with the decision (e.g. approving a "half-way" house to support convict rehabilitation).
6. Council or Administration requests public input prior to making the decision (e.g. public buildings or open space management).

Consultative decisions are common in Municipalities, however, the final decision rests with Council. For consultative decisions, public engagement is required. Ways in which the Summer Village encourages engagement is through surveys, the annual gatherings, Council meetings that are open to the public, and annual newsletters.

Ways in Which the Summer Village Solicits Input

During the decision making process, the following questions will aid Council and Administration when determining what manner of public input is required:

- What kind of decision is being made?
- Who is going to be affected?
- How will those affected perceive the matter?

After asking these questions, Council and Administration can determine, choose from the listing above, which way public input is carried out.

While the MGA defines the minimum legal requirements for a Municipality to provide public notification which are strictly followed, some additional ways that public input is and can be petitioned by the Summer Village are:

- Summer Village website page
- Annual picnics, gatherings, information meetings
- On-line or Paper Surveys
- Community information signage
- Annual newsletters
- Council meetings
- Mailouts

These methods are used to encourage public input from a variety of people who belong to certain demographic groups. This allows for a wide range of input to help Council members come to a decision that can help satisfy the needs of the Municipality.

Resources

Resources are available to help residents develop more informed inputs for decisions regarding the Municipality. The following resources are posted on the Summer Village's website:

- All policies that effect the Summer Village
- All bylaws that effect the Summer Village
- All meeting agendas and minutes from Council meetings
- Contact information for the Summer Village

With the help of these resources, Council and Administration hopes that the public will utilize them to help make better informed inputs.

- (b) ensures that the policies and programs of the municipality are implemented;
- (c) advises and informs the council on the operation and affairs of the municipality;
- (d) performs the duties and functions and exercises the powers assigned to a chief administrative officer by this and other enactments or assigned by council.

1994 cM-26.1 s207

Performance of major administrative duties**208(1)** The chief administrative officer must ensure that

- (a) minutes of each council meeting
 - (i) are recorded in the English language,
 - (ii) include the names of the councillors present at the council meeting,
 - (iii) are given to council for adoption at a subsequent council meeting, and
 - (iv) are recorded in the manner and to the extent required under section 230(6) when a public hearing is held;
- (b) all bylaws, minutes of council meetings and other records and documents of the municipality are kept safe;
- (c) the Minister is sent a list of all the councillors and any other information the Minister requires within 5 days after the term of the councillors begins;
- (d) the council is advised in writing of its legislative responsibilities under this Act.

(2) Subsection (1) applies to the chief administrative officer in respect of council committees that are carrying out the powers, duties and functions delegated to them by the council.

RSA 2000 cM-26 s208;2015 c8 s22;2019 c22 s10(7)

Delegation by chief administrative officer

209 A chief administrative officer may delegate any of the chief administrative officer's powers, duties or functions under this Act, including the chief administrative officer's duties referred to in section 208(1), or under any other enactment or bylaw to a designated officer or an employee of the municipality.

RSA 2000 cM-26 s209;2015 c8 s23