



COMMITTEE OF THE WHOLE MEETING AGENDA

Date: April 10, 2018

Time: 6:00 p.m.

Place: Town Hall, Council Chambers

1. CALL TO ORDER
2. ADOPTION OF AGENDA
3. PREVIOUS MINUTES FOR REFERENCE
 - 3.1 Nil.
4. DELEGATIONS
 - 4.1 6:30 p.m. – Dave Doonanco, Central Prairie Pharmaceuticals, Re: Cannabis
5. OLD BUSINESS
 - 5.1 Resident Survey Update (HANDOUT)
 - 5.2 Waste Management Strategy
6. NEW BUSINESS
 - 6.1 Policies/Bylaws
 - a) Councillor Code of Conduct Template
 - b) Public Notification Bylaw Template
 - c) Harassment Policy
 - 6.2 Canada Day Celebrations
 - 6.3 Committee Minutes (External)
7. IN CAMERA
 - 7.1 a)
8. ADJOURNMENT

Agenda Item No. 3.0

PREVIOUS MINUTES FOR REFERENCE

Agenda Item No. 4.0

DELEGATIONS

Central Prairie Pharmaceuticals

Growing with the Community

How does this benefit the town of St. Paul?

JOBS!

JOBS!

JOBS!

- ✳ The existing facility will need to be retro-fitted to meet the requirements of Health Canada, this will require local trades people and businesses. Preliminary estimates for this are from \$500,000 to \$800,000 for structural alterations. Along with this there will need to be some added security: cameras, fencing, and secured storage facilities to name a few.
- ✳ Once the facility is up and running CPP will staff up to 20 full time positions.
- ✳ In year's three and four another expansion is planned and this will bring the total number of staff to 30 or 40 full and part time positions.
- ✳ Also in the plan is an expansion into the international market place, which once again will bring the need for more staffing.

Executive Summary

- ✦ Central Prairie Pharmaceuticals is applying to Health Canada for a license to produce and sell medical marijuana, with a focus on dried flower cannabis and cannabis oils.
- ✦ The Company will explore the cultivation and sale of recreational cannabis once legalized in July 2018, pending the outcome of proposed federal and provincial legislation.
- ✦ Central Prairie Pharmaceutical's proposal is to set up a business in St Paul at 4622-56 Ave (Lot1A, Block 42 Plan 122 4552, in the Industrial Manufacturing Development area). The CPP plan is to expand the current building to a 25,000 square foot Medical Cannabis growing operation.
- ✦ The medical marijuana market in Canada is experiencing rapid growth (20 – 30% each quarter), and is anticipated to grow to anywhere from \$1.3 - \$3.0 billion by 2024.

- ✳️ Proposed legislation for a legalised recreational market would add another \$5 – 8 billion of annual consumption, requiring a significant increase in industry-wide capacity.
- ✳️ Consumption of cannabis oil is also growing in popularity, and the volume of equivalent kilograms of oil surpassed the sale of dried flower in the three months ending June 30, 2017 disclosed by Health Canada.
- ✳️ Also included in these costs are business development expenses, initial inventory costs, and professional fees, including professional support for its ACMPR application.
- ✳️ From a financial standpoint, Central Prairie is investing upfront capital of \$7 million, mostly relating to facility construction, security infrastructure, and equipment.

Key Management Personnel

Director – Joanne Penner

Director – Darryl Barber

Director – John Grimstad

Director – Chris Fralic

Regulatory Overview

- ✳ Under the current medicinal regime, in order to cultivate, import and sell medical marijuana in Canada, a company has to achieve a licence to produce (“LP”), issued by Health Canada
- ✳ Medical marijuana is legal on a federal level, by prescription only, and is not taxed by the government.
- ✳ In 2013 the federal government created a new commercial model for cultivating and selling medical marijuana, the *Access to Cannabis for Medical Purposes Regulations* (“ACMPR”) has created a framework for commercial production by licensed producers (LPs).
- ✳ Producers can only grow medicinal marijuana indoors and under heavy security precautions. Health Canada does not regulate the manner in which marijuana is grown otherwise, albeit to limit which fungicides can be used on the plants
- ✳ End product must be tested for microbes and heavy metals, and be within the product specifications.
- ✳ The regulatory model was heavily adapted from a pharmaceutical approach and requires stringent operational and qualitative monitoring by each LP.

Market Size and Potential

- ✳ At August 31, 2017, the number of registered patients licensed to access medical marijuana surpassed 230,000. In the most recent 3 months 5,905kg of dried cannabis sales, this represents sales of over \$41 million, or over \$160 million annualized.
- ✳ Sales of cannabis oil have been growing rapidly and surpassed the sale of dried product, with sales of 7,669 kg and estimated annualized sales of approximately \$460 million.
- ✳ In 2013, a Health Canada publication forecasted the market to reach \$1.3 billion in sales by 2024, with nearly 450,000 users.

Security Overview

- * Central Prairie will develop a fully compliant security system that will meet or exceed all of the performance and operational requirements for the internal/integrated security system contained in the Description of Security Measures issued by Health Canada.
- * The internal / integrated security system will be installed in a way that all necessary alarm points may be connected in parallel to a typical security alarm system provided by a Local Security Monitoring System that is certified ULC.
- * The Health Canada directives have been used to design the internal / integrated security system that will be used to secure the facility and provide internal security monitoring and report abilities.
- * The entire facility will be designed in a fully integrated, highly sophisticated manner. The integrated security system includes perimeter access restrictions through fencing, monitoring of exterior/interior premises through security cameras and monitoring, and access controls through physical card readers.
- * The vault storage for the controlled substance is stored in a highly secured environment that is monitored by a certified ULC monitoring station.

Central Prairie Pharmaceutical Operations Plan

- * Our Company will be selling dry cannabis and cannabis oil wholesale to the provincial government (AGLC), which in turn will be distributing to all retail stores in Alberta.
- * We will also be selling online to medical customers, but at no time will any over the counter sales happen.
- * All Product will be shipped by courier and large shipments will be shipped by secure transportation companies.
- * We plan to install state of the art security and to have a full-time security officer on site at all times.
- * If the town of St Paul approves our proposal, we plan to be operational around January or February of 2019.

Central Prairie Pharmaceutical and Community Involvement

- ✦ CPP plans to support the Community with several yearly donations to local groups and will look at financial support to local addiction centres.
- ✦ With the proposed legislative changes to municipal taxation and agricultural zoning bylaws we at CPP realize there will be some undue hardships placed on municipal government finances. Because of this CPP is prepared to look at alternatives that will offset this situation. Partnering on specific projects and creating a capital reserve fund are just two solutions to look at.

We feel Central Prairie Pharmaceutical will be a great addition to the
business sector in St Paul
and will create sustainable job opportunities and bring new families
into the community.

We would be happy to answer any questions you may have.

What are the next steps?

Agenda Item No. 5.0

OLD BUSINESS

Agenda Item No. 6.0

NEW BUSINESS

Councillor Codes of Conduct

A Guide for Municipalities



Councillor Codes of Conduct: A Guide for Municipalities

Table of Contents

Part 1: The Councillor Code of Conduct Guide	3
I. What is a Code of Conduct?	3
II. Why adopt a Councillor Code of Conduct?	3
III. Why have Councillor Codes of Conduct become Mandatory?	3
IV. What do the new Municipal Government Act amendments require?	4
V. Are there sanctions for breaching the Code?	9
VI. Who should enforce the Code?	10
VII. How do you develop, approve and communicate your new Code?	11
Part 2: Bylaw Template	15

The following has been prepared by the Alberta Association of Municipal Districts and Counties (AAMDC), and the Alberta Urban Municipalities Association (AUMA), in partnership with Brownlee LLP.

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

Part 1: The Councillor Code of Conduct Guide

I. What is a Code of Conduct?

A Code of Conduct sets standards to govern people's actions. Typically, a Code of Conduct will outline behaviour that is acceptable and behaviour that is prohibited; it may also include a statement of principles that set out an organization's values which can help guide decision making when the Code of Conduct is silent on a particular matter.

There is currently no set format or model for a Councillor Code of Conduct (Code). Some Codes are aspirational: setting out principled standards of conduct councillors ought to aspire to. Other Codes are prescriptive: laying out prohibitions and rules councillors must abide by or risk sanction. The most effective Codes are a hybrid of both, combining core values and key principles related to the holding of public office and outlining those behaviours and conduct councillors are obliged to model or avoid.

II. Why adopt a Councillor Code of Conduct?

In Alberta, many municipalities have code of conduct policies that apply to their employees; however, it is less common to find a Code that applies to councillors. Although many issues addressed in an employee code may equally apply to councillors, councillors are not municipal employees.

The *Municipal Government Act* establishes the general duties of all councillors and requires that all councillors take the official oath prior to assuming office.¹ It establishes rules regarding pecuniary interests² and specifies what events/conduct will cause a councillor to be disqualified from holding office.³ Despite this, the *Municipal Government Act* does not address councillor conduct that falls short of being a disqualifying event. Instead, the Legislature has seen fit to leave it to each Council to consider how it will govern itself and, accordingly, has delegated authority to a Council to pass bylaws in relation to the conduct of Council and councillors.⁴

III. Why have Councillor Codes of Conduct become mandatory?

In recent years, there is an increased recognition that municipalities benefit from a more detailed and comprehensive Code that governs Council and which complements legislation. In some jurisdictions, such codes have been mandatory for some time.⁵ A Code is one aspect of accountability and transparency both internally, among councillors and between Council and Administration, as well as externally, to the public at large.

In 2016, when the Government of Alberta sought feedback on the current *Municipal Government Act*, it received submissions about councillor conduct. These included submissions that Codes needed to be updated and enforced; that disciplinary sanctions, systems and tools to discourage inappropriate conduct needed to be considered in order

¹ MGA, ss. 153, 155 and 156 respectively.

² MGA, ss. 169-173.

³ MGA, ss. 174-179.

⁴ MGA, s. 145.

⁵ For example, Ontario and Saskatchewan.

to hold councillors accountable; and, that municipalities should have the power to determine the accountability of their councillors through the creation and enforcement of a Code. Submissions were also made about mechanisms to remove councillors and disallowing disqualified councillors from seeking re-election.

The result of these consultations led to the provisions in Bill 20, *Municipal Government Amendment Act, 2015.a*.

IV. What do the new *Municipal Government Act* amendments require?

Bill 20, *Municipal Government Amendment Act, 2015* came into force on October 26, 2017. It amends the *Municipal Government Act* to provide that Council must, by bylaw, establish a Code to govern all councillors equally, by **July 23, 2018**. It also provides that councillors cannot be disqualified or removed from office for a breach of the Code. Further, it amended the councillor duties listed in section 153 to include the duty that councillors adhere to the Code established by Council.

The *Code of Conduct for Elected Officials Regulation, AR 200/2017 (Regulation)* also came into force on October 26, 2017. The *Regulation* sets out the topics each municipality's Code must include.

According to the *Municipal Government Act* and the *Regulation*, Codes must, at minimum, address the following topics:

- 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, Codes 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 in 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.

Council is to consider ss. 3 and 153 of the *Municipal Government Act* when drafting their Code, but Council is prohibited from including provisions or sanctions that prevent a councillor from fulfilling their legislated duties as a councillor.

What kinds of conduct should be addressed under each of the topics?

The topics enumerated in the *Municipal Government Act* and the *Regulation* are purposefully broad, leaving it open to each Council to determine its values and prescribe conduct that will govern individual councillors. Alberta Municipal Affairs has developed an “Implementation Fact Sheet” for Codes which outlines the intent and rationale of each of the topics, as noted below.⁶ However, there are a number of issues Council may want to consider in relation to each topic as it develops its Code.

a. *Representing the municipality: to build and inspire public trust and confidence in local government by upholding high standards and ideals*

Council may want to consider its key values and principles under this topic. Council should consider the purposes of a municipality⁷ and the general duties of councillors⁸, particularly the duty to consider the welfare and interests of the municipality as a whole and to bring to Council’s attention to anything that would promote the welfare or interests of the municipality. In addition, Council may want to provide that councillors should aspire to be good public role models by governing their public behaviours in accordance with Code and ensuring they conduct their personal affairs with integrity in accordance with the law.

b. *Communicating on behalf of the municipality: to promote public confidence by respecting the process established by council for communicating with the public on behalf of council*

Council may want to consider establishing communication protocols in its Code to address a number of communication issues, including: which councillor or councillors speak on behalf of Council when a matter is decided upon (usually this would be the Mayor/Reeve), how Council and individual councillors address the media, and how Council and individual councillors address communications with third parties, particularly other levels of government.

Council may also want to clarify that communications concerning matters of a political nature should be directed through the Mayor/Reeve whereas matters of an administrative/operational nature are to be directed through the Chief Administrative Officer (CAO). With respect to political matters, the Code should set limits on the

⁶ 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>.

⁷ MGA, s. 3.

⁸ MGA, s. 153.

Mayor/Reeve's authority and confirm that the Mayor/Reeve must be careful to communicate only positions approved by Council as a whole.

c. Respecting the decision-making process: to support effective decision-making through the processes set out in legislation and local bylaws for making decisions

The *Municipal Government Act* requires Council to conduct its deliberations and make its decisions in public, save for exceptions expressly set out in the *Municipal Government Act*. Therefore, Council may want to include provisions in its Code that require councillors to bring their issues, correspondence, secondary materials and information to the attention of all of Council by placing such matters on the agenda or presenting the information to Council in accordance with the process set out by Council. These types of provisions should be consistent with the Council Procedure Bylaw, specifically those provisions dealing with public meeting requirements and agenda processes.

Council may also want its Code to affirm that Council as a whole maintains the authority for all decision-making and that an individual councillor must not purport to bind Council, either by publicly expressing personal views on behalf of Council when not authorized to do so or by giving direction to Administration. Your Code may reinforce that Council may only act by bylaw or resolution passed at a Council meeting held in public at which there is a quorum.⁹ Your Code may confirm that once Council makes a decision, individual councillors should respect the decision and should not attempt to undermine it.

d. Adherence to policies, procedures and bylaws: to promote service of the public interest and show leadership up holding legislation, local bylaws and policies adopted by council

Council should include provisions in its Code that require individual councillors to abide by and uphold legislation, local bylaws and policies adopted by Council. Council may also want to include provisions that disallow councillors from encouraging the public to disobey or disrespect laws, bylaws or council policies.

e. Respectful interactions with councillors, staff, the public and others: to promote treatment of council members, municipal employees, and others with dignity, understanding and respect

The Code should recognize the different roles and responsibilities of Administration, Council and individual councillors. The *Municipal Government Act* provides that councillors are to obtain information about the operation or administration of the municipality from the CAO or someone designated by the CAO.¹⁰ Moreover, councillors must avoid involving themselves in matters of Administration, which fall within the jurisdiction of the CAO.¹¹ The Code should be consistent with these statutory requirements.

⁹ MGA, ss. 180 and 181.

¹⁰ MGA, s. 207(c).

¹¹ MGA, s. 201(2).

As such, Council may want to establish provisions in its Code for making inquiries of Administration outside of Council meetings. The Code may outline the manner in which inquiries are made of Administration and should stipulate that any information provided in response to a councillor inquiry is provided to all of Council.¹² The Code should be consistent with any existing Council Procedures Bylaw or any such Bylaw must be amended concurrently with the adoption of the Code.

Council may also want to include communication protocols when a member of the public makes an inquiry to a councillor and when a councillor, as a member of the public, makes an inquiry to Administration.

f. Confidential information: *to promote public trust by refraining from using information in a way that would be detrimental to the public interest*

The *Municipal Government Act* provides that a councillor must keep in confidence matters discussed in private at a Council or Council Committee meeting until discussed at a meeting held in public.¹³ However, councillors may also be privy to confidential information received outside of an *in-camera* meeting. As such, Council may wish to broaden the definition of confidential information and prohibit disclosure unless such disclosure is required by law.

It should be noted that the determination of whether confidential information ought to be disclosed is not the decision of an individual councillor. In general, it is a decision that ought to be made by Council as a whole. In the case of information requests made under the *Freedom of Information and Protection of Privacy Act* (FOIP), the determination of whether such information should be released is made by the head of the municipality for the purposes of FOIP.

In order to reduce the risk of unauthorized disclosure of confidential information (inadvertent or otherwise), Council may want to include provisions in its Code that require councillors to return all confidential documents at the conclusion of an *in-camera* portion of a meeting. Further, your Code may remind councillors that it is an offence to willfully collect, use or disclose personal information in contravention of Part 2 of FOIP. A conviction for an offence under this legislation carries with it a fine of up to \$10,000.

g. Conflicts of interest: *to promote public trust by refraining from exploiting the position of councillor for private reasons or that would bring discredit to the office*

The *Municipal Government Act* addresses both the process by which a councillor must deal with pecuniary (i.e. financial) conflicts of interest and the sanctions.¹⁴ Your Code may affirm the importance of abiding by these provisions and should confirm that the determination of whether a councillor has a pecuniary interest is a decision to be made by the individual councillor. Council cannot draft provisions in its Code that allow Council the discretion to dictate whether a councillor must recuse him or herself from discussion of a particular matter.

¹² MGA, s. 153.1.

¹³ MGA, s. 153(e).

¹⁴ MGA, ss. 169-172.

Although councillors must make their own determination about conflicts of interest, a councillor may seek the advice of the CAO respecting a potential conflict prior to the matter coming before Council. Council may go further and include provisions in its Code that encourage a councillor to obtain *independent* legal advice on a potential conflict. If Council includes such provisions, it should address whether the municipality will pay for (or reimburse) a councillor for obtaining independent legal advice and under what circumstances, or whether such advice is obtained at the councillor's sole expense.

With respect to non-financial conflicts of interest, it is important to remember that the Code cannot include provisions or sanctions that prevent a councillor from fulfilling his or her legislated duties as a councillor¹⁵, including the duty to vote.¹⁶ Therefore the Code cannot create additional duties that require councillors to abstain for non-financial conflicts of interest, but it may include value statements that guide councillor conduct in this regard including statements about acting in the interests of the municipality as a whole, keeping an open mind, allowing affected persons fair and reasonable opportunities to share their views and considering all arguments fairly and thoughtfully before making a decision.

h. Improper use of influence: *to promote the priority of municipal interests over the individual interests of councillors, and to refrain from seeking to influence decisions for personal reasons*

Council should emphasize the importance of advocating for the municipality as a whole in its Code. It should also include statements that promote municipal interests over individual interests, including individual councillor interests. Council should also prohibit councillors from using their influence inappropriately, including to obtain employment with the municipality for themselves, close friends or family, to give individuals or organizations preferential treatment, to act as an agent or advocate of an individual or organization before Council or any of its committees, and to influence members of any adjudicative body whose members are appointed by Council, such as the Subdivision and Development Appeal Board or the Local or Composite Assessment Review Board.

Additionally, Council may want to reiterate the federal *Criminal Code* prohibitions against municipal corruption.¹⁷ The *Criminal Code* states that councillors shall not use the influence of their office for any purpose other than the exercise of their official duties and shall not use their office for any private advantage, sell their vote or receive any preferential treatment from or provide any preferential treatment to another person or corporation.

i. Use of municipal assets and services: *to promote stewardship and public trust by refraining from the use of municipal assets or resources for personal reasons*

Councillors may, by virtue of their office, have access to various municipal property, equipment and supplies. Council must include provisions in its Code addressing appropriate access and use. Council may want to limit use for municipal and council purposes and disallow business use, personal use or profit. Council may also want to

¹⁵ *Regulation*, s. 6.

¹⁶ *MGA*, s. 174(1)(f).

¹⁷ *Criminal Code of Canada*, s. 123.

address appropriate use of electronic devices (i.e. visiting appropriate sites, streaming and downloading limits, roaming charges).

- j. *Orientation and other training attendance:*** *to promote effective leadership and personal development by accessing training opportunities*

The amendments to the *Municipal Government Act* include a provision that municipalities must offer orientation to councillors within 90 days of the councillor taking the oath of office.¹⁸ Council must draft provisions that address orientation and may want to require councillor attendance at orientation and other training as determined by Council.

V. Are there sanctions for breaching the Code?

Without an enforcement mechanism, a Code is merely a series of guidelines. A Code must establish procedures and consequences in the event a councillor fails to adhere to any provision contained in the Code. This will require designating a person or persons for overseeing compliance of the Code.

The *Regulation* provides that sanctions may be imposed if a councillor fails to adhere to the Code and it provides a list of possible sanctions. These include 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 *Municipal Government 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 *Municipal Government Act*;
- g.** suspension or removal of the chief elected official's presiding duties under section 154 of the *Municipal Government 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 *Municipal Government Act* corresponding to a reduction in duties, excluding allowances for attendance at council meetings.

Council may choose to adopt some or all the sanctions listed in the *Regulation*. Arguably, Council may also choose to adopt other sanctions more directly related to addressing the breach of the Code, such as limiting council related travel and/or expenses, requiring the return of certain municipal property, limiting access to certain municipal facilities or

¹⁸ MGA, s. 201.1(1).

restricting how documents are provided to the councillor. If Council decides to adopt any of these sanctions, it is important to remember that any sanctions that are imposed cannot have the effect of preventing a councillor from carrying out his or her legislated responsibilities under the *Municipal Government Act*. Additionally, Council does not have the authority to remove a councillor from office; only a Court or the Minister of Municipal Affairs can do so.¹⁹

VI. Who should enforce the Code?

Although the recent amendments to the *Municipal Government Act* have made Codes mandatory, the provisions still respect the autonomy of Councils to govern themselves. Council, as a whole, is expected to enforce its Code. It is not appropriate for a member of Administration, such as the CAO, to enforce the Code or impose sanctions against a councillor.

Each Code must have a complaint system. Council must develop a system which considers the following:

- a.** Who can make complaints? – Fellow Councillors? Administration? Ratepayers? The general public? Affected parties? All the above?
- b.** How will complaints be made? - Do complaints have to be in writing? To whom must complaints be made or given? Will anonymous complaints be accepted?
- c.** How will Council determine if a complaint is valid? - Who will conduct the investigation? Will all complaints require a formal investigation? Will there be a mechanism to address/dismiss invalid, frivolous or vexatious complaints?
- d.** How will sanctions be imposed? – What will be considered in deciding which sanction to impose?

Your Code must specify who can make complaints and who will receive complaints. If complaints are to be handled internally by Council, complaints may be received by the Mayor/Reeve but there should be an alternate person, such as the Deputy Mayor/Reeve, if the complaint is about the Mayor/Reeve. Alternatively, complaints could be directed to a third party investigator or independent integrity commissioner (if Council creates such an office) but it is not appropriate for complaints to be directed to the CAO or staff in Administration for investigation.

Council may want to consider if it will have an initial informal complaint process which must be engaged prior to accessing a formal complaint process. Council should have a process to vet complaints to determine if a complaint is invalid, frivolous or vexatious and the Code should outline what it will do with such complaints.

The Code should also address who will investigate complaints and how they will be investigated. It may be Council as a whole, or authority may be delegated to the Mayor/Reeve to investigate complaints. Alternatively, Council may want to create a local or even an intermunicipal council committee comprised entirely of councillors or public members or a combination of both to investigate complaints. A further option would be to

¹⁹ MGA, ss. 175-178 and 572-574 respectively.

assign an independent third party to investigate complaints, either through retaining an external consultant on an ad hoc or standing basis or by establishing an office of the integrity commissioner. If Council chooses to tailor investigations to the nature of the complaint, the Code should identify the factors that would trigger a particular type of investigation (Mayor/Reeve versus council committee versus third party) and the process for setting up each investigation (how would the committee be formed or how would the third party be retained).

Although the *Municipal Government Act* and the *Regulation* require every Code to include a complaint process, neither imposes a specific process on Council. Therefore, in deciding what type of complaint process to adopt, Council should consider the following:

- Availability of resources and/or expertise;
- Costs;
- Formality of process;
- Seriousness of complaint; and
- Level of independence.

In enforcing the Code, Council must bear in mind that principles of natural justice and procedural fairness likely apply to Council sanctions. In other words, prior to imposing any sanction, the accused councillor should be provided with notice as to the nature of the alleged contravention of the Code and the potential sanction(s) as well as a right to respond to the allegation. Procedurally, after reviewing the results of the investigation and receiving the submissions from the accused councillor, Council should withdraw *in-camera* to consider whether a breach has been established. If there is no consensus then separate reasons can follow, but the decision of Council on whether to sanction the accused councillor must be delivered in public, as Council can only pass a resolution in the public portion of the meeting.

As noted above, some municipalities may choose to create an office of the integrity commissioner to receive complaints, investigate, and recommend sanctions. If you decide to pursue this option, it is important to note that the commissioner needs to be independent and that their mandate should only extend to investigating complaints and *recommending* sanctions. It is still up to Council to make a final determination about the enforcement of its Code and the imposition of sanctions. Establishing an independent office of the integrity commissioner is a significant undertaking which may involve the creation of a designated officer position by bylaw, with potentially significant cost implications, and a thorough discussion regarding this matter is beyond the scope of this Guidance Document.

VII. How do you develop, approve and communicate your new Code?

The ideal time to consider adopting a Code is when there are no immediate or ongoing councillor conduct issues or disputes. That way, your Code can be developed in a calm environment and in a reasonable, principle-driven way. Developing a Code early in Council's term ensures that expectations are agreed upon at an early stage, setting the groundwork for good governance. **Your Code must be adopted by July 23, 2018.**

Developing a Code requires consideration of Council's values. These values will help formulate the ethical basis of the Code and they will help guide behaviour when the Code is unclear or silent. Your Code should not be driven by Administration – it should be driven by Council.

Workshopping with a facilitator can be an effective way to reflect on the values and behaviours Council wants to adopt. Council may also want to seek public input on the values and standards the public believes Council should abide by. Council should also seek legal advice prior to formally adopting the Code to ensure its Code is in line with relevant legislation and case law.

Council must adopt its Code by bylaw. This means the Code will be available for public review and comment. Once adopted, the Code should be made available to Council, Administration and the public. Council may also want to make an annual review and/or training about the Code a provision of the Code.

What are some other things to consider in your Code?

The *Municipal Government Act* and the *Regulation* provide the minimum topics your Code must address. However, there are a number of other issues that are often included in Codes. We have addressed a few of these additional optional considerations below.

a. A Statement of Values

As discussed above, many Codes identify and elaborate on key principles and values that Council agrees are fundamental to the successful performance of a councillor's duties as an elected official. Common themes include, but are not limited to, integrity, accountability, leadership, responsibility, service, respect, and transparency.

b. Councillor Conduct at Meetings

If not already dealt with in a Council Procedure Bylaw, the Code could set out appropriate behaviours at meetings including prohibitions on inappropriate, foul or abusive language or limitations on the use of electronic devices.

c. Election Campaigns

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.

d. Remuneration and Expense Claims

Councillors inevitably incur a diverse array of expenses in the course of the official duties. Many Codes set out what expenses are reimbursable, including the imposition of any expense limits. Council may want to establish parameters for reimbursement in the following instances:

- Conference fees and any incidental costs including travel, meal and lodging expenses;
- Tickets to community and charitable functions;
- Expenses incurred while hosting third parties, including officials from other heads of government and out-of-town delegations;
- Meal expenses;
- Mileage;
- Cell phone charges;
- General out-of-pocket expenses; and
- Political fundraising events.

With respect to political fundraising events, it is important to note that a municipality is a “prohibited corporation” for the purposes of the *Election Finances and Contributions Disclosure Act*. A prohibited corporation must not reimburse a councillor for buying a ticket to a fund-raising event held by a Provincial political party, a constituency association or a candidate. Such reimbursement has been determined by Alberta’s Chief Electoral Officer to be an indirect contribution in violation of the *Act*.

Further, your Code may set out a process for the review and approval of expense claims, if such a process does not already exist elsewhere in policy.

e. Gifts and Hospitality

Council may want 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 received gifts or hospitality as an incidental benefit and as a genuine token of appreciation but 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 for 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 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.

f. Use of Social Media

Although Council is required to address a number of communication issues, Council may want to specifically address the appropriate use of social media. Council may want to adopt provisions that recognize that personal use of social media should be kept separate from a councillor’s professional use. Your Code may want to discourage councillors from opening up their personal social networks for official business as doing so can result in a blurring of the lines between a councillor’s official capacity and their personal capacity and potentially expose the councillor to unintended and undesirable consequences.

Councils may also consider adopting guidelines on responsible social media use by councillors to ensure that the reputation of Council and the municipality is not adversely affected by the social media activity of one councillor. 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.

Part 2: Bylaw Template

The following is a sample bylaw for a councillor code of conduct. It is intended to be a template for municipalities in Alberta to assist in the drafting of a bylaw that establishes a code of conduct. It should be carefully reviewed and tailored to the specific needs of each municipality. Each municipality should use their respective bylaw review processes to ensure consistency and accuracy.

Town of St. Paul

Council Code of Conduct Bylaw

A BYLAW TO ESTABLISH A CODE OF CONDUCT FOR MEMBERS OF COUNCIL

WHEREAS, pursuant to section 146.1(1) of the *Municipal Government Act*, a council must, by bylaw, establish a code of conduct governing the conduct of councillors;

[Optional provision if the Code is also to apply to non-elected members of Council Committees: AND WHEREAS, pursuant to section 146.1(3) of the *Municipal Government Act*, a council may, 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]; [NOTE: if this bylaw is to apply to non-elected members of council committees the definition of “Member” in Section 2 below will need to be updated accordingly.]

AND WHEREAS, pursuant to section 153 of the *Municipal Government Act*, councillors have a duty to adhere to the code of conduct established by the council;

AND WHEREAS the public is entitled to expect the highest standards of conduct from the members that it elects to council for the Town of St. Paul;

AND WHEREAS the establishment of a code of conduct for members of council is consistent with the principles of transparent and accountable government;

AND WHEREAS a code of conduct ensures that members of council share a common understanding of acceptable conduct extending beyond the legislative provisions governing the conduct of councillors;

NOW THEREFORE the Council of the Town of St. Paul, in the Province of Alberta, duly assembled, enacts as follows:

1. Short Title

1.1. This Bylaw may be referred to as the “Council Code of Conduct Bylaw”.

2. Definitions

2.1. In this Bylaw, words have the meanings set out in the Act, except that:

- (a) “Act” means the Municipal Government Act, R.S.A. 2000, c. M-26, and associated regulations, as amended;
- (b) “Administration” means the administrative and operational arm of the Municipality, comprised of the various departments and business units and including all employees who operate under the leadership and supervision of the [insert applicable title: e.g. CAO];
- (c) [Insert applicable title, e.g. “CAO”, “City Manager”, County Manager, “Town Manager”, etc] means the chief administrative officer of the Municipality, or their delegate;
- (d) “FOIP” means the Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25, any associated regulations, and any amendments or successor legislation;
- (e) “Investigator” means Council or the individual or body established by Council to investigate and report on complaints;
- (f) “Member” means a member of Council and includes a councillor or the [insert as applicable: Mayor or Reeve];

-OR-

- (f) “Member” means a member of Council and includes a councillor or the [insert as applicable: Mayor or Reeve] and includes members of council committees or other bodies established by Council who are not councillors or the [insert as applicable: Mayor or Reeve];
- (g) “Municipality” means the municipal corporation of the [Insert name of municipality].

3. Purpose and Application

3.1. The purpose of this Bylaw is to establish standards for the ethical conduct of Members relating to their roles and obligations as representatives of the Municipality and a procedure for the investigation and enforcement of those standards.

4. Representing the Municipality

4.1. Members shall:

- (a) act honestly and, in good faith, serve the welfare and interests of the Municipality as a whole;
- (b) perform their functions and duties in a conscientious and diligent manner with integrity, accountability and transparency;
- (c) conduct themselves in a professional manner with dignity and make every effort to participate diligently in the meetings of Council, committees of Council and other bodies to which they are appointed by Council; and

- (d) arrange their private affairs and conduct themselves in a manner that promotes public confidence and will bear close public scrutiny.

5. Communicating on Behalf of the Municipality

- 5.1. A Member must not claim to speak on behalf of Council unless authorized to do so.
- 5.2. Unless Council directs otherwise, the Mayor is Council's official spokesperson and in the absence of the Mayor it is the Deputy Mayor. All inquiries from the media regarding the official Council position on an issue shall be referred to Council's official spokesperson.
- 5.3. A Member who is authorized to act as Council's official spokesperson must ensure that their comments accurately reflect the official position and will of Council as a whole, even if the Member personally disagrees with Council's position.
- 5.4. No Member shall make a statement when they know that statement is false.
- 5.5. No Member shall make a statement with the intent to mislead Council or members of the public.

6. Respecting the Decision-Making Process

- 6.1. Decision making authority lies with Council, and not with any individual Member. Council may only act by bylaw or resolution passed at a Council meeting held in public at which there is a quorum present. No Member shall, unless authorized by Council, attempt to bind the Municipality or give direction to employees in Administration, agents, contractors, consultants or other service providers or prospective vendors to the Municipality.
- 6.2. Members shall conduct and convey Council business and all their duties in an open and transparent manner other than for those matters which by law are authorized to be dealt with in a confidential manner in an in-camera session, and in so doing, allow the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.
- 6.3. Members shall accurately communicate the decisions of Council, even if they disagree with Council's decision, such that respect for the decision-making processes of Council is fostered.

7. Adherence to Policies, Procedures and Bylaws

- 7.1. Members shall uphold the law established by the Parliament of Canada and the Legislature of Alberta and the bylaws, policies and procedures adopted by Council past.
- 7.2. Members shall respect the Municipality as an institution, its bylaws, policies and procedures and shall encourage public respect for the Municipality, its bylaws, policies and procedures.

- 7.3. A Member must not encourage disobedience of any bylaw, policy or procedure of the Municipality in responding to a member of the public, as this undermines public confidence in the Municipality and in the rule of law.

8. Respectful Interactions with Council Members, Staff, the Public and Others

- 8.1. Members shall act in a manner that demonstrates fairness, respect for individual differences and opinions, and an intention to work together for the common good and in furtherance of the public interest.
- 8.2. Members shall treat one another, employees of the Municipality and members of the public with courtesy, dignity and respect and without abuse, bullying or intimidation.
- 8.3. No Member shall use indecent, abusive, or insulting words or expressions toward another Member, any employee of the Municipality or any member of the public.
- 8.4. No Member shall speak in a manner that is discriminatory to any individual based on the person's race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.
- 8.5. Members shall respect the fact that employees in Administration work for the Municipality as a corporate body and are charged with making recommendations that reflect their professional expertise and a corporate perspective and that employees are required to do so without undue influence from any Member or group of Members.
- 8.6. Members must not:
 - (a) involve themselves in matters of Administration, which fall within the jurisdiction of the [Insert applicable title, e.g. "CAO", "City Manager", County Manager, "Town Manager", as defined above];
 - (b) use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any employee of the Municipality with the intent of interfering in the employee's duties; or
 - (c) maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of employees of the Municipality.

9. Confidential Information

- 9.1. Members must keep in confidence matters discussed in private at a Council or Council committee meeting until the matter is discussed at a meeting held in public.
- 9.2. Members shall refrain from disclosing or releasing any confidential information acquired by virtue of their office except when required by law or authorized by Council to do so.

- 9.3. No Member shall use confidential information for personal benefit or for the benefit of any other individual organization.
- 9.4. In the course of their duties, Members may also become privy to confidential information received outside of an “in-camera” meeting. Members must not:
- (a) disclose or release by any means to any member of the public, including the media, any confidential information acquired by virtue of their office, unless the disclosure is required by law or authorized by Council to do so;
 - (b) access or attempt to gain access to confidential information in the custody or control of the Municipality unless it is necessary for the performance of the Member’s duties and is not otherwise prohibited by Council, and only then if the information is acquired through appropriate channels in accordance with applicable Council bylaws and policies;
 - (c) use confidential information for personal benefit or for the benefit of any other individual or organization.
- 9.5. **[Optional additional provision]:** Confidential information includes information in the possession of, or received in confidence by, the Municipality that the Municipality is prohibited from disclosing pursuant to legislation, court order or by contract, or is required to refuse to disclose under FOIP or any other legislation, or any other information that pertains to the business of the Municipality, and is generally considered to be of a confidential nature, including but not limited to information concerning:
- (a) the security of the property of the Municipality;
 - (b) a proposed or pending acquisition or disposition of land or other property;
 - (c) a tender that has or will be issued but has not been awarded;
 - (d) contract negotiations;
 - (e) employment and labour relations;
 - (f) draft documents and legal instruments, including reports, policies, bylaws and resolutions, that have not been the subject matter of deliberation in a meeting open to the public;
 - (g) law enforcement matters;
 - (h) litigation or potential litigation, including matters before administrative tribunals; and
 - (i) advice that is subject to solicitor-client privilege.

10. Conflicts of Interest

- 10.1. Members have a statutory duty to comply with the pecuniary interest provisions set out in Part 5, Division 6 of the Act and a corresponding duty to vote unless required or permitted to abstain under the Act or another enactment.
- 10.2. Members are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends or associates, business or otherwise.
- 10.3. Members shall approach decision-making with an open mind that is capable of persuasion.
- 10.4. **[Optional additional provision:]** It is the individual responsibility of each Member to seek independent legal advice, at the Member's sole expense, with respect to any situation that may result in a pecuniary or other conflict of interest.

11. Improper Use of Influence

- 11.1. No Member shall use the influence of the Member's office for any purpose other than for the exercise of the Member's official duties.
- 11.2. **[Optional additional provision:]** No Member shall act as a paid agent to advocate on behalf of any individual, organization or corporate entity before Council or a committee of Council or any other body established by Council.]
- 11.3. **[Optional additional provision:]** Members shall not contact or otherwise attempt to influence members of any adjudicative body regarding any matter before it relating to the Municipality.
- 11.4. **[Optional additional provision:]** Members shall refrain from using their positions to obtain employment with the Municipality for themselves, family members or close associates. Members are ineligible to apply or be considered for any position with the Municipality while they hold their elected position and for one year after leaving office.

12. Use of Municipal Assets and Services

- 12.1. Members shall use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Member.
- 12.2. **[Alternative Provision:]** Members shall use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Member, subject to the following limited exceptions:
 - (a) municipal property, equipment, service, supplies and staff resources that are available to the general public may be used by a Member for personal use upon the same terms and conditions as members of the general public, including booking and payment of any applicable fees or charges;
 - (b) electronic communication devices, including but not limited to desktop computers, laptops, tablets and smartphones, which are supplied by the

Municipality to a Member, may be used by the Member for personal use, provided that the use is not for personal gain, offensive or inappropriate.

13. Orientation and Other Training Attendance

- 13.1. Every Member must attend the orientation training offered by the Municipality within 90 days after the Member takes the oath of office.
- 13.2. Unless excused by Council, every Member must attend any other training organized at the direction of Council for the benefit of Members throughout the Council term.

[Alternate Provision]

- 13.3. Every Member must attend the orientation training offered by the Municipality within 90 days after the Member takes the oath of office. Attendance at additional training sessions throughout the Council term is discretionary.

[Alternate Provision]

- 13.4. Every Member must attend all orientation and other training organized at the direction of Council for the benefit of Members throughout the Council term.

[Optional Provision: Remuneration and Expenses]

- 13.5. Members are stewards of public resources and shall avoid waste, abuse and extravagance in the use of public resources.
- 13.6. Members shall be transparent and accountable with respect to all expenditures and strictly comply with all municipal bylaws, policies and procedures regarding claims for remuneration and expenses.

[Optional Provision: Gifts and Hospitality]

- 13.7. Members shall not accept gifts, hospitality or other benefits that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved.
- 13.8. Members may accept hospitality, gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation, provided that the value of the hospitality, gift or benefit does not exceed **[insert dollar limit]**.
- 13.9. Gifts received by a Member on behalf of the Municipality as a matter of official protocol which have significance or historical value for the Municipality shall be left with the Municipality when the Member ceases to hold office.

[Optional Provision: Election Campaigns]

- 13.10. No Member shall use any facilities, equipment, supplies, services, municipal logo or other resources of the Municipality for any election campaign or campaign-related activity.

[Optional Provision: Informal Complaint Process]

- 13.11. **[Insert as applicable: Any person [or] Any Member]** who has identified or witnessed conduct by a Member that the **[Insert as applicable: person [or] Member]** reasonably believes, in good faith, is in contravention of this Bylaw may address the prohibited conduct by:
- (a) advising the Member that the conduct violates this Bylaw and encouraging the Member to stop,
 - (b) requesting the **[insert as applicable: Mayor/Reeve]** to assist in informal discussion of the alleged complaint with the Member in an attempt to resolve the issue. In the event that the **[insert as applicable: Mayor/Reeve]** is the subject of, or is implicated in a complaint, the person may request the assistance of the **[insert as applicable: Deputy Mayor/Deputy Reeve]**.
- 13.12. Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying conduct that they believe violates this Bylaw. However, an individual is not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure outlined below.

14. Formal Complaint Process

- 14.1. **[Insert as applicable: Any person [or] Any Member]** who has identified or witnessed conduct by a Member that the **[Insert as applicable: person [or] Member]** reasonably believes, in good faith, is in contravention of this Bylaw may file a formal complaint in accordance with the following procedure:
- (a) All complaints shall be made in writing and shall be dated and signed by an identifiable individual;
 - (b) All complaints shall be addressed to the Investigator;
 - (c) The complaint must set out reasonable and probable grounds for the allegation that the Member has contravened this Bylaw, including a detailed description of the facts, as they are known, giving rise to the allegation;
 - (d) If the facts, as reported, include the name of one or more Members who are alleged to be responsible for the breach of this Bylaw, the Member or Members concerned shall receive a copy of the complaint submitted to the Investigator;
 - (e) Upon receipt of a complaint under this Bylaw, the Investigator shall review the complaint and decide whether to proceed to investigate the complaint or not. If the Investigator is of the opinion that a complaint is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, the Investigator may choose not to investigate or, if already commenced, may terminate any investigation, or may dispose of the complaint in a summary manner. In that event, the complainant and Council, if Council is not the Investigator, shall be notified of the Investigator's decision;

- (f) If the Investigator decides to investigate the complaint, the Investigator shall take such steps as it may consider appropriate, which may include seeking legal advice. All proceedings of the Investigator regarding the investigation shall be confidential;
- (g) If the Investigator is not Council, the Investigator shall, upon conclusion of the investigation, provide the Council and the Member who is the subject of the complaint, the results of the Investigator's investigation;
- (h) A Member who is the subject of an investigation shall be afforded procedural fairness, including an opportunity to respond to the allegations before Council deliberates and makes any decision or any sanction is imposed;
- (i) A Member who is the subject of an investigation is entitled to be represented by legal counsel, at the Member's sole expense.

15. Compliance and Enforcement

- 15.1. Members shall uphold the letter and the spirit and intent of this Bylaw.
- 15.2. Members are expected to co-operate in every way possible in securing compliance with the application and enforcement of this Bylaw.
- 15.3. No Member shall:
 - (a) undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to Council or to any other person;
 - (b) obstruct Council, or any other person, in carrying out the objectives or requirements of this Bylaw.
- 15.4. Sanctions that may be imposed on a Member, by Council, upon a finding that the Member has breached this Bylaw may include:
 - (a) a letter of reprimand addressed to the Member;
 - (b) requesting the Member to issue a letter of apology;
 - (c) publication of a letter of reprimand or request for apology and the Member's response;
 - (d) suspension or removal of the appointment of a Member as the chief elected official under section 150(2) of the Act;
 - (e) suspension or removal of the appointment of a Member as the deputy chief elected official or acting chief elected official under section 152 of the Act;
 - (f) suspension or removal of the chief elected official's presiding duties under section 154 of the Act;
 - (g) suspension or removal from some or all Council committees and bodies to which council has the right to appoint members;

- (h) 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;
- (i) any other sanction Council deems reasonable and appropriate in the circumstances provided that the sanction does not prevent a Member from fulfilling the legislated duties of a councillor and the sanction is not contrary to the Act.

16. Review

- 16.1. This Bylaw shall be brought forward for review at the beginning of each term of Council, when relevant legislation is amended, and at any other time that Council considers appropriate to ensure that it remains current and continues to accurately reflect the standards of ethical conduct expected of Members.

READ a First time this ___ day of _____ 2018.

READ a Second time this ___ day of _____ 2018.

READ a Third time this ___ day of _____ 2018.

SIGNED AND PASSED this ___ day of _____ 2018.

[INSERT: MAYOR/REEVE]

[INSERT: CHIEF ADMINISTRATIVE
OFFICER/OTHER]

Part 4: Public Notification Bylaw Template

[INSERT NAME OF MUNICIPALITY]

[INSERT BYLAW NUMBER]

A BYLAW TO ESTABLISH **[insert as applicable: AN ALTERNATE METHOD [or] ALTERNATE METHODS]** FOR ADVERTISING STATUTORY NOTICES

WHEREAS, pursuant to section 606 of the *Municipal Government Act*, a council must give notice of certain bylaws, resolutions, meetings, public hearings or other things by advertising in a newspaper or other publication circulating in the area, mailing or delivering a notice to every residence in the affected area or by another method provided for in a bylaw under section 606.1;

AND WHEREAS, pursuant to section 606.1(1) of the *Municipal Government Act*, a council may, by bylaw, provide for one or more methods, which may include electronic means, for advertising proposed bylaws, resolutions, meetings, public hearings and other things referred to in section 606;

AND WHEREAS Council is satisfied that the advertising method set out in this Bylaw is likely to bring matters advertised by that method to the attention of substantially all residents in the area to which the bylaw, resolution or other thing relates or in which the meeting or hearing is to be held;

NOW THEREFORE the Council of the **[insert name of municipality]**, in the Province of Alberta, duly assembled, enacts as follows:

Short Title

1. This Bylaw may be referred to as the **[insert e.g.: “Advertising Bylaw” [or] “Public Notification Bylaw.**

Advertising Method

2. Any notice required to be advertised under section 606 of the *Municipal Government Act* of a bylaw, resolution, meeting, public hearing or other thing may be given, in accordance with the timelines prescribed in section 606, **[insert the following as applicable or an alternate method:]**

electronically by posting the notice prominently on the **[insert name of municipality]** official website.

[and]

electronically by posting the notice prominently on any of the **[insert name of municipality]**'s official social media sites.

Public Participation Policies and Public Notification: A Guide for Municipalities

[and]

by posting the notice prominently on the bulletin board provided for that purpose in the following municipal facilities: **[insert as applicable:** Administrative Office, Recreation Centre, Community Hall, etc.]

[and}

By posting the notice in the local newspaper for two consecutive weeks.

[or]

by posting the notice prominently on roadside signage located at the following locations: **[insert as applicable** e.g. each entrance to the Municipality, specific address(es), community league facility(ies), etc.]

READ a First time this ____ day of _____ 2018.

PUBLIC HEARING held on this ____ day of _____, 2018

READ a Second time this ____ day of _____ 2018.

READ a Third time this ____ day of _____ 2018.

SIGNED AND PASSED this ____ day of _____ 2018.

[INSERT: MAYOR/REEVE]

**[INSERT: CHIEF ADMINISTRATIVE
OFFICER/OTHER]**

Harassment Policy

POLICY STATEMENT

The Town of St. Paul is committed to providing a comfortable working environment in which all individuals are treated with respect and dignity. Each employee has the right to work in a professional atmosphere which promotes equal opportunities and prohibits discriminatory practices.

Workplace harassment is offensive, degrading and threatening. The Town of St. Paul has adopted this harassment policy to make clear that workplace harassment will not be tolerated. The Town of St. Paul encourages reporting of all incidents of workplace harassment, regardless of who the offender may be. Employees, regardless of rank and/or seniority, found to have engaged in conduct constituting workplace harassment may be severely disciplined.

APPLICATION OF THE POLICY

This policy applies to all employees of the Town of St. Paul.

1.0 PURPOSES

1.1 The purposes of this policy are:

- i) to maintain a working environment that is free from harassment;
- ii) to alert all employees of the Town of St. Paul to the fact that most forms of workplace harassment are an offence under the law;
- iii) to set out the types of behaviour that may be considered objectionable, abusive or offensive;
- iv) to establish a mechanism for receiving complaints of workplace harassment and to provide a procedure by which the Town of St. Paul will deal with these complaints; and,
- v) to provide the steps towards maintaining a working environment in which employees treat each other with mutual respect.

1.2 This policy is not intended to constrain social interaction between employees or to affect the ordinary and proper evaluation of the performance of an employee's duties.

1.3 The policy is intended to foster a working environment in which employees treat each other with mutual respect.

2.0 DEFINITIONS

2.1 Personal Harassment

"Personal harassment" includes "sexual harassment" as defined below and "retaliation" as defined below and is one or a series of incidents involving unwelcome comments or actions concerning a person's race, colour, ancestry, place of origin, political belief, religious beliefs, marital status, source of income, physical or mental disability, age, sex, or sexual orientation:

- When such conduct might reasonably be expected to cause insecurity, discomfort, offence or humiliation to another employee or group of employees; when submission to such conduct is made either implicitly or explicitly a condition of employment;
- When submission to or rejection of such conduct is used as a basis for any employment decision including, but not limited to, matters of promotion, raise in salary, job security or benefits affecting the employee and evaluation; or
- When such conduct has the purpose or the effect of interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment.

Types of behaviour which constitute personal harassment include, but are not limited to:

- any violent or threatening physical or verbal outburst or abuse,
- sarcastic or derogatory comments or actions which undermine, demean, belittle or humiliate an employee or group of employees or their ability or intelligence,
- yelling, screaming, swearing or similar behaviour aimed at intimidating, frightening, coercing or offending those employees at whom it is directed

2.2 Sexual Harassment

For the purposes of this policy "sexual harassment" is defined as one or a series of incidents involving unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature:

- when such conduct might reasonably be expected to cause embarrassment, insecurity, discomfort, offence or humiliation to another employee or group of employees;
- when submission to such conduct is made either implicitly or explicitly a condition of employment;
- when submission to or rejection of such conduct is used as a basis for any employment decision (including, but not limited to, matters of promotion, raise in salary, job security or benefits affecting the employee); or
- when such conduct has the purpose or the effect of interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment

Types of behaviour which constitute sexual harassment include, but are not limited to:

- sexist jokes causing embarrassment or offence, told or carried out after the joker has been advised that they are embarrassing or offensive, or that are by their nature clearly embarrassing or offensive;

- leering;
- the display of offensive material of a sexual nature;
- sexually degrading words used to describe a person;
- drawing attention to an employee's sex and having the effect of undermining the employee's role in a professional and business environment;
- derogatory or degrading remarks directed towards members of one sex or one sexual orientation;
- sexually suggestive or obscene comments or gestures;
- unwelcome sexual flirtations, advances, or propositions;
- unwelcome inquiries or comments about an employee's sex life;
- persistent unwanted contact or attention after the end of a consensual relationship;
- requests for sexual favours;
- unwanted touching;
- verbal abuse or threats; and
- sexual assault.

2.3 Retaliation

Retaliation is any action taken against an employee in retaliation for:

- having invoked this policy whether on behalf of oneself or another employee;
- having participated or cooperated in any investigation under this policy; or
- for having been associated with an employee who has invoked this policy or participated in these procedures.
- examples of retaliation include: dismissal, demotion, unwanted transfer, denial of opportunities within the Town of St. Paul or harassment of an individual as a result of his/her having made a complaint or having provided evidence regarding the complaint.

3.0 PROCEDURES

If you are being harassed:

- 3.1 Tell the harasser his/her behaviour is unwelcome and ask him/her to stop, if that is appropriate or possible.
- 3.2 Keep a record of incidents (dates, times, locations, possible witnesses, what happened, your response). You do not have to have a record of events in order to file a complaint, but a record can strengthen your case and help you remember details over time.
- 3.3 File a written complaint. If the harassment continues after asking the harasser to stop his/her behavior or you do not feel that telling the harasser is appropriate or possible, report the problem to either your immediate supervisor or **[Chief Administrative Officer]**. In the alternative, you may contact the **[Director, Human Resources]**.
- 3.4 You also have the right to contact the Alberta Human Rights Commission and/or the police to file a complaint.

4.0 COMPLAINT PROCEDURES

- 4.1 Once a written complaint is received, it will be kept strictly confidential. An investigation will be undertaken immediately by the [**Chief Administrative Officer**] and the necessary steps taken to resolve the problem. If appropriate, action taken may include conciliation or mediation. In the absence of the [**Chief Administrative Officer**], the [**Director, Human Resources**] will undertake the investigation.
- 4.2 Both the complainant and the alleged harasser will be interviewed, as will any individuals who may be able to provide relevant information. All information will be kept in confidence so long as doing so remains consistent with the enforcement of this policy and adherence to the law.
- 4.3 If the investigation reveals evidence to support the complaint of harassment, the harasser will be disciplined appropriately. The incident will be documented in the harasser's file. In addition, if any employee of the Town is found to be involved in the harassment of another person, they will be subject to immediate disciplinary action including but not limited to suspension without pay or termination of employment. No documentation will be placed on the complainant's file where the complaint is filed in good faith, whether the complaint is upheld or not.
- 4.4 If the investigation fails to find evidence to support the complaint, there will be no documentation concerning the complaint placed in the file of the alleged harasser. The investigation will be deemed closed.
- 4.5 If any employee has knowingly made false statements regarding an allegation of personal harassment, immediate disciplinary action will be taken and may include suspension without pay or immediate dismissal without further notice.
- 4.6 Results of the investigation will be communicated to all parties.
- 4.7 Regardless of the outcome of a harassment complaint made in good faith, the employee lodging the complaint, as well as anyone providing information, will be protected from any form of retaliation by either co-workers or superiors.
- 4.8 An appeal may be filed in writing within 10 days of the results of the investigation have been issued. The appeal shall contain the reason(s) for appeal. If the investigation was undertaken by the [**Chief Administrative Officer**], the appeal will be undertaken by the [**Director, Human Resources**]. If the investigation was undertaken by the [**Director, Human Resources**], the appeal will be undertaken by the [**Chief Administrative Officer**]. If the complaint involves either of the above-named officials, another member of management or, in the case of the Chief Administrative Officer, the Mayor or the Mayor's designate will conduct the appeal investigation. The appeal shall be completed as soon as possible.
- 4.9 The appeal is the last step in the process and the ruling of the appeal investigation will be considered final.

5.0 RESPONSIBILITY OF MANAGEMENT

- 5.1 It is the responsibility of a director, manager, or any person within the Town of St. Paul supervising one or more employees to take immediate and appropriate action

to report or deal with incidents of harassment of any type whether brought to their attention or personally observed.

- 5.2 Under no circumstances should a legitimate complaint be dismissed or downplayed nor should the complainant be told to deal with it personally.

Draft

Agenda Item No. 7.0

IN-CAMERA SESSION

Note: The in-camera session information is distributed to each Council member (on yellow paper) for discussion at the meeting. Section 197: Public Presence at meetings of the Municipal Government Act dictates when Council may close part of their meetings to the public.