



TOWN OF EDSON BYLAW NO. 2228

A Bylaw of the Town of Edson in the Province of Alberta, amending Town of Edson Bylaw No. 2212 for the purpose of governing the conduct of Town Council, in accordance with section 146.1 of the *Municipal Government Act*, Chapter M-26 of the Statutes of Alberta 2000, as amended.

WHEREAS the Council of the Town of Edson established a code of conduct for its members of Council to ensure interactions with town staff, members of the public and members of council are conducted in a fair, equal and respectful manner; and

WHEREAS the Town of Edson deems it desirable and expedient to amend the Town of Edson Code of Conduct Bylaw No. 2212;

NOW THEREFORE the Municipal Council of the Town of Edson, in the Province of Alberta, duly assembled, hereby enacts as follows:

That section 14 of the Code of Conduct Bylaw No. 2212 be deleted and replaced with the following:

14. Breaches

Informal Complaint Process

14.1. Any person who has identified or witnessed conduct by a member of Council that the person reasonably believes, in good faith, is in contravention of this Bylaw may address the prohibited conduct by:

14.1.1. advising the member of Council that the conduct violates this Bylaw and encouraging the member to stop,

14.1.2. requesting the Mayor to assist in informal discussion of the alleged complaint with the member of Council in an attempt to resolve the issue. In the event that the Mayor is the subject of, or is implicated in a complaint, the person may request the assistance of the Deputy Mayor.

14.2. Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying conduct that they believe violates this Bylaw. However, an

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individual is not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure outlined below.

Formal Complaint Process

14.3. Any person who has identified or witnessed conduct by a member of Council that the person reasonably believes, in good faith, is in contravention of this Bylaw may file a formal written complaint. Such complaint shall be brought to the attention of the CAO and must:

- 14.3.1. be in writing, dated and signed by the submitting member of Council or individual;
- 14.3.2. submitted to the CAO or his/her designate;
- 14.3.3. include any supporting documentation or information, including any additional witnesses.

Any complaint submitted not meeting the above criteria shall be returned to the submitting individual.

If the CAO determines, in his/her reasonable discretion, and in consultation with the Mayor or Deputy Mayor if the Mayor is the subject of the complaint, determines that the complaint is frivolous, vexatious, or made in bad faith, the CAO will immediately dismiss the complaint.

14.4. Upon receipt of a completed written complaint, the CAO shall commence a formal investigation. Formal investigations must be conducted in a fair, timely, and confidential manner that respects the principals of procedural fairness and natural justice. The procedure for a formal investigation shall be as follows:

- 14.4.1. The CAO shall provide written notice of the investigation to the complainant and the respondent Councillor. The respondent Councillor will also receive a copy of the written complaint, any related materials, and will be required to submit a written response to the allegation(s) to the CAO within fourteen days.
- 14.4.2. The CAO shall provide a copy of the respondent Councillor's response to the complainant, along with a request for a reply within fourteen days.
- 14.4.3. If necessary, after reviewing all submitted materials, the CAO may speak to any witness involved, access and examine other documents or electronic materials, or take any other necessary steps in order to appropriately conduct the investigation or come to a potential resolution.
- 14.4.4. The CAO shall bring the results of his/her investigation to Council during a Council Meeting. The discussions and deliberations with respect to the complaint must be conducted in-camera, and all discussions shall remain confidential under the applicable section(s) of the *FOIP Act*. During such in-camera deliberations, both the complainant and the respondent Councillor shall be given the opportunity to present their case.

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14.4.5. At any time, the complainant may withdraw their complaint and the CAO shall cease his or her investigation. Further, should a resolution be found prior to the CAO's completion of the formal investigation, and both the complainant and the respondent Councillor agree in writing that the complaint has been resolved, the CAO shall cease his or her investigation and consider the matter complete.

Compliance and Enforcement

14.5. Members of Council have a duty to help create a responsive, accessible, transparent, and fair municipal government. Accordingly, members of Council have a duty to question whether another Council member is violating legislation, ethics, or respectful behaviours as set out in this Bylaw.

14.6. No Member of Council shall:

14.6.1. Undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to Council or the CAO;

14.6.2. Obstruct Council, or any other person, in carrying out the objectives or requirements of this Bylaw.

14.7. After review and consideration of all materials submitted by the CAO, Council may decide:

14.7.1. the materials submitted demonstrate only a small, insignificant breach of this Bylaw and thus no sanctions shall be administered;

14.7.2. the materials submitted demonstrate a breach of this Bylaw and thus sanctions shall be administered; or

14.7.3. the materials submitted demonstrate a substantial breach of this Bylaw, beyond the mediating capabilities of Council, and a professional third party is required to help arbitrate and make recommendations to Council as to how to proceed with sanctions and resolution.

14.8. In the event that Council does find that a breach of this Bylaw has occurred, Council may by resolution take any of the following action(s);

14.8.1. request a letter of apology from the member of Council to the impacted individual(s);

14.8.2. issue a written reprimand to the member of Council;

14.8.3. publication of item 14.6.1 and/or 14.6.2 in the local newspaper(s);

14.8.4. suspension or removal from some or all Council committees and boards to which such member of Council has been appointed;

14.8.5. suspension or dismissal of the member of Council from the position of Deputy Mayor or Chairperson of a Committee;


14.8.6. reduction or suspension of remuneration as defined in section 275.1 of the MGA,

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- corresponding to a reduction in duties (excluding the allowance to attend Council meetings);
- 14.8.7. suspension or removal of the chief elected official's presiding duties as described under section 154 of the *MGA*; and/or
- 14.8.8. mandatory training on ethical and respectful conduct to be provided by a third party.
- 14.9. All of Council must be present at the in-camera meeting during discussion of the suspected or substantiated breach of this Bylaw and when voting on a motion to proceed with sanctions, a Council vote of 5 to 7 is required.
- 14.10. Any action taken by Council should include a time frame and what remedial action is required.
- 14.11. At an in-camera meeting of Council, the CAO shall inform Council when the remedial action(s) have been satisfied.
- 14.12. Time shall remain of the essence during the investigation, deliberations and resolution, of the complaint.

READ a first time this 16th day of October, 2018




Mayor, Kevin Zahara




Michael Derricott, CAO

READ a second time this 6th day of November 2018

READ a third and finally passed this 6th day of November 2018



Mayor, Kevin Zahara



Michael Derricott, CAO

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