

CITY OF ST. ALBERT

BYLAW 39/2020

A Bylaw to amend the Council Code of Conduct Bylaw and the Integrity Commissioner Bylaw

The Council of the City of St. Albert, duly assembled, ENACTS AS FOLLOWS:

1. Bylaw 45/2017, the *Integrity Commissioner Bylaw*, is amended by adding the following new section:

“10. Notwithstanding Section 9, this Bylaw is not in force during the period from 11:59 pm on November 6, 2020 to 11:59 p.m. on March 31, 2022.”

2. Bylaw 38/2017, the *Council Code of Conduct Bylaw*, is amended:

- (a) In Section 2 by repealing subsection (h) and substituting in its place the following:

“(h) “Formal Complaint” means a written allegation pursuant to Section 70, or pursuant to Schedule A when that Schedule is in force, that a Council Member has breached or is in breach of the Code of Conduct set out in this Bylaw;”

- (b) In Section 69 by adding “or in Schedule A when that Schedule is in force” immediately after each occurrence of the expression “outlined in Section 70”

- (c) by adding the following new section 74:

“74. Section 70 is not in force during the period from 11:59 pm on November 6, 2020 to 11:59 p.m. on March 31, 2022, and during that time Schedule A is in force.

- (d) by adding the Schedule A attached to this bylaw,

EFFECTIVE DATE

3. This Bylaw comes into effect when it is passed.

READ a First time this ____ day of _____ 20____.

READ a Second time this ____ day of _____ 20____.

READ a Third time this ____ day of _____ 20____.

SIGNED AND PASSED this ____ day of _____ 20____.

MAYOR

CHIEF LEGISLATIVE OFFICER

SCHEDULE "A"
COUNCIL CODE OF CONDUCT BYLAW
FORMAL COMPLAINT PROCESS
(in effect November 7, 2020 to March 31, 2022)

1. A Formal Complaint that a Council Member has breached the Council Code of Conduct ("the Code") set out in this Bylaw may be made only by a person who would qualify as an "elector" in St. Albert as specified in the *Local Authorities Election Act* if an election were being held on the day the Formal Complaint is made.
2. A Formal Complaint must be made in writing, sent by mail or hand delivered to:

City of St. Albert
Legal and Legislative Services
3d Floor, St. Albert Place
5 St. Anne Street
St. Albert, Alberta T8N 3Z9
Attention: Chief Legislative Officer
3. A Formal Complaint must:
 - (a) state clearly and precisely the nature of the alleged breach with reference to specific provisions of the Code;
 - (b) state when the breach is alleged to have occurred;
 - (c) include or describe any facts or evidence offered to support the allegation;
 - (d) include proof that the person making the Formal Complaint ("the Complainant") has standing to do so.
4. A Complainant may request in writing that their identity be known only within the office of the Chief Legislative Officer ("CLO") or by any external investigator appointed to investigate the matter, and the CLO must comply with such a request.
5. Upon receipt of a Formal Complaint the CLO shall promptly forward the Formal Complaint to the Council Member alleged to have breached the Code, with any redactions required to avoid disclosing the identity of the Complainant (if the Complainant has so requested) and shall specify a reasonable time for the Council Member to provide a confidential written response to the CLO.

6. If a Council Member does not respond to a Formal Complaint within the time limited by the CLO for response and if no request for a time extension is received by the CLO, then the CLO shall cause the Formal Complaint (redacted if applicable) to be placed on the Agenda of a Council meeting that is closed to the public. After deliberations *in camera* Council shall deal with the matter if, as and when it sees fit in an open meeting, which may include a debate and vote on a motion to declare that Council finds that a breach of the Code has occurred, and/or to impose sanctions on a Council member found by Council to be in breach of the Code.
7. When a Council Member provides a written response to an allegation contained in a Formal Complaint, the CLO shall make the determinations and take the actions set out in Section 8 or Section 9 of this Schedule, as applicable.
8. If the CLO determines that there is no material discrepancy between the facts as alleged in a Formal Complaint and the facts as stated in the Council Member's written response, then the CLO shall cause the Formal Complaint and the Councillor's written response (redacted as necessary to avoid disclosing either the identity of the Complainant or any other matters required or permitted under the *Freedom of Information and Protection of Privacy Act* to be kept confidential) to be placed on the Agenda of a Council meeting that is closed to the public. After deliberations *in camera* Council shall deal with the matter if, as and when it sees fit in an open meeting, which may include a debate and vote on a motion to declare that Council finds that a breach of the Code has occurred, and/or to impose sanctions on a Council member found by Council to be in breach of the Code.
9. If the CLO determines:
 - (a) that there is a material discrepancy between the facts as alleged in a Formal Complaint and the facts as stated in the Council Member's written response, and
 - (b) that depending on how the material factual discrepancy is resolved there is a possibility that a breach of the Code may have occurredthen the CLO shall forward the Formal Complaint and the response received from the Council member to a qualified external investigator with a request that an investigation into the matter be conducted and that a confidential written report on the investigation be provided to the CLO, the report to contain only:
 - (c) the content of the Formal Complaint and the Council member's response;
 - (d) a summary of how the investigation was carried out;
 - (e) the investigator's relevant findings of fact.

10. Upon receipt of an investigator's report the CLO shall cause the report to be provided to Council as a confidential attachment to a confidential Agenda item at a Council meeting that is closed to the public. After deliberations *in camera*, Council shall deal with the matter if, as and when it sees fit in an open meeting, which may include a debate and vote on a motion to declare that Council finds that a breach of the Code has occurred, and/or to impose sanctions on the Council member if found by the Council to be in breach of the Code.
11. Council may, but is not obligated to, disclose publicly an investigator's report, and if Council so decides then the report shall be reviewed by the City's head of local body under the *Freedom of Information and Protection of Privacy Act* for any appropriate redactions before it is publicly disclosed.
12. If the CLO receives a Formal Complaint during the 90 day period immediately preceding the date of a general municipal election, the CLO shall refrain from taking any steps set out in this Schedule until the election has been held, and shall thereafter proceed as though the Formal Complaint had been received on the day the election results are announced pursuant to the *Local Authorities Election Act*.