



**INTEGRITY COMMISSIONER  
ANNUAL REPORT**  

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**CITY OF ST. ALBERT**

**2020**





September 30, 2020

**Mayor and Council**

**City of St. Albert**

5 St. Anne Street

St. Albert, Alberta, T8N 3Z9

**RE: Integrity Commissioner 2020 Annual Report**

Dear Mayor Heron and Council,

The 2020 annual report from the Integrity Commissioner is provided in the following pages. The report includes background information, a description of the Integrity Commissioner role, a summary of activities, and summary of recommendations.

Thank you for the opportunity to serve as the City of St. Albert Integrity Commissioner. I trust that all services provided to date have been thorough and helpful. I remain available to respond to any questions you may have.

Respectfully submitted,

*(Original signed)*

Shari-Anne Doolaege, MPA, Q.Med, Q.Arb, CLGM  
Integrity Commissioner, City of St. Albert  
President, SAGE Analytics Inc.



## Table of Contents

1. Background .....	4
2. Council Code of Conduct Bylaw No. 38/2017 .....	5
3. Role and Duties of Integrity Commissioner.....	7
4. Integrity Commissioner Appointment .....	8
5. Annual Statistics and Activities .....	9
5.1. Complaint Activity:.....	9
5.2. Council Self-Evaluation.....	9
5.3. Bylaw Review .....	10
5.4. Additional Activities.....	10
6. Budget.....	11
7. Recommendations .....	11
7.1. 2020 Recommendations: .....	11
7.2. 2019 Recommendations: .....	13

## **1. Background**

Alberta municipalities are subject to the legislative provisions of the *Municipal Government Act* (MGA)<sup>1</sup>. Various MGA amendments came into force on October 26, 2017. One of the MGA amendments focused on strengthening the accountability of elected officials and required municipalities to have a Code of Conduct in place by July 23, 2018. The City of St. Albert complied with the new legislation and passed a Council Code of Conduct Bylaw No. 38/2017 that came into force on March 31, 2018.

The related MGA section 146.1 reads as follows:

### ***Division 1.1***

#### ***Codes of Conduct***

##### ***Bylaws — codes of conduct***

***146.1(1)*** A council must, by bylaw, establish a code of conduct governing the conduct of councillors.

*(2) A code of conduct under subsection (1) must apply to all councillors equally.*

*(3) 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.*

*(4) A councillor must not be disqualified or removed from office for a breach of the code.*

*(5) The Minister may make regulations*

*(a) respecting matters that a code of conduct established under subsection (1) must address;*

*(b) respecting the date by which councils must establish a code of conduct under subsection (1);*

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<sup>1</sup> The *Municipal Government Act*, *Revised Statutes of Alberta 2000*, Chapter M-26, Current as of September 1, 2020; Accessed online: <http://www.qp.alberta.ca/documents/Acts/m26.pdf>

*(c) respecting sanctions to be imposed for a breach of a code of conduct established under subsection (1);*

*(d) respecting matters that a council must take into consideration in establishing a code of conduct under subsection (1) or (3), or both;*

*(e) respecting implementation of a code of conduct established under subsection (1) or (3), or both;*

*(f) respecting any other matter the Minister considers necessary or advisable to carry out the intent and purpose of this Division.*

## **2. Council Code of Conduct Bylaw No. 38/2017**

The City of St. Albert Council Code of Conduct Bylaw No. 38/2017<sup>2</sup> includes the following Purpose and Application:

*The purpose of this Code of Conduct is to provide standards for the conduct of Council Members relating to their roles and obligations as elected representatives of the City and a procedure for the investigation and enforcement of those standards. This Code of Conduct is one aspect of accountability and transparency both internally, as among Members and as between Council and Administration, as well as externally, with other orders of government, the media and the public at large.*

The Council Code of Conduct Bylaw No. 38/2017 outlines the role for an Integrity Commissioner to receive, review, investigate, and adjudicate formal complaint allegations that a member of Council has contravened the Code of Conduct.

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<sup>2</sup> The City of St. Albert Council Code of Conduct Bylaw No. 38/2017 can be accessed online at:  
[https://stalbert.ca/uploads/legislative/Bylaw\\_38-2017\\_-\\_Council\\_Code\\_of\\_Conduct.pdf](https://stalbert.ca/uploads/legislative/Bylaw_38-2017_-_Council_Code_of_Conduct.pdf)

Other key sections in the Council Code of Conduct Bylaw No. 38/2017 include:

- ◇ Framework and Interpretation
- ◇ Statement of Principles and Values
- ◇ Confidential Information
- ◇ Conflicts of Interest
- ◇ Respect for the City and its Bylaws and Policies
- ◇ Attendance
- ◇ Conduct at Meetings
- ◇ Respect for Decision Making Process
- ◇ External Communications
- ◇ Use of Social Media
- ◇ Discrimination and Harassment
- ◇ Conduct Respecting Administration
- ◇ Use of Municipal Property and Resources
- ◇ Expenses
- ◇ Gifts and Benefits
- ◇ Election-Related Activity
- ◇ Council Self-Evaluation Sessions
- ◇ Compliance with this Code of Conduct
  - Sanctions for Noncompliance
- ◇ Complaint Procedures
  - Informal Complaint Procedure
  - Formal Complaint Procedure
    - Addressed to the Integrity Commissioner

### **3. Role and Duties of Integrity Commissioner**

The City of St. Albert passed an Integrity Commissioner Bylaw No. 45/2017<sup>3</sup> that came into force on March 31, 2018. This bylaw complements the Council Code of Conduct Bylaw by establishing the role, appointment, and duties of the Integrity Commissioner.

The Role of the Integrity Commissioner is defined in Bylaw No. 45/2017 as follows:

*The role of the Integrity Commissioner is to receive, review, investigate and adjudicate Formal Complaints and if a contravention of the Code of Conduct is established, to provide recommendations to Council regarding the imposition of a penalty.*

The Duties of the Integrity Commissioner are defined in Bylaw No. 45/2017 as follows:

#### ***Duties***

*6. The Integrity Commissioner shall:*

- a. Receive, review, investigate and adjudicate complaints based on the Formal Complaint Procedure outlined in the Code of Conduct;*
- b. Determine whether the matter is within the jurisdiction of the Integrity Commissioner to process;*
- c. Determine whether to proceed to investigate a Formal Complaint or dispose of the Formal Complaint in a summary manner;*
- d. Ensure that Formal Complaints are fully and fairly investigated;*
- e. Respect confidentiality of information and documentation received and reviewed when conducting an investigation;*

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<sup>3</sup> The City of St. Albert Integrity Commissioner Bylaw No. 45/2017 can be accessed online at:  
[https://stalbert.ca/uploads/legislative/Bylaw\\_45-2017\\_-\\_Integrity\\_Commissioner.pdf](https://stalbert.ca/uploads/legislative/Bylaw_45-2017_-_Integrity_Commissioner.pdf)

- f. Provide advice and recommendations to Council regarding amendments to the Code of Conduct and any other procedures, rules, or policies governing Council Members' ethical behaviour; and*
- g. Prepare and deliver an **annual report** to Council containing a summary of the Integrity Commissioner's activities during the calendar year.*

This annual report to Council is provided in accordance with one of the required duties of the Integrity Commissioner referenced above.

#### **4. Integrity Commissioner Appointment**

Establishing an official Integrity Commissioner position is an optional level of service for a municipality and is a 'gold standard' approach in addressing Council code of conduct complaints. Maintaining an office of the Integrity Commissioner allows the City to exercise preparedness where formal complaints can be addressed in a consistent and timely manner.

This appointment reflects a reciprocal agreement and understanding that formal complaints will be received and adjudicated externally by the Integrity Commissioner. Services are provided as an independent contractor on a flexible, as needed basis.

The City of St. Albert undertook a competitive recruitment process in 2018 and City Council subsequently appointed Shari-Anne Doolaege of SAGE Analytics Inc. as the Integrity Commissioner for the City of St. Albert effective November 6, 2018. Ms. Doolaege is serving her second one-year term appointment as Integrity Commissioner which will expire on November 5, 2020.

Shari-Anne Doolaege is the president of [SAGE Analytics Inc.](#), a municipal consulting company based out of Edmonton, AB. She has a strong background and education in municipal government, evaluation, complaint investigation, and dispute resolution. She has also served as a provincially appointed municipal inspector for nine municipalities since 2015.



## **5. Annual Statistics and Activities**

### **5.1. Complaint Activity:**

Two formal complaints were received by the Integrity Commissioner in 2020 as of the date of this annual report, as follows:

1. #C-01-2020 was received in May 2020. This complaint was investigated, and a report was provided to Council in July 2020.
2. #C-02-2020 was received in June 2020. This complaint was investigated, and a report was provided to Council in July 2020.

Investigation reports remain confidential until Council rises and reports on the matter, as stated in Bylaw 38/2017 s. 70(1)(n):

*n. All reports from the Integrity Commissioner to Council, other than annual or other periodic reports, are strictly confidential and shall be considered by Council in camera. Integrity Commissioner reports will be made available to the public only after Council rises and reports on the matter.*

As of the date of this annual report, the individual investigation reports for complaints #C-01-2020 and #C-02-2020 remain strictly confidential.

### **5.2. Council Self-Evaluation**

City Council participated in a self-evaluation survey and session in January 2020. This fulfilled a requirement of the Council Code of Conduct Bylaw No. 38/2017, which reads:

#### ***Council Self-Evaluation Sessions***

**64.** *Council shall hold Council Self-Evaluation Sessions every twelve months.*

**a.** *Council Self-Evaluation Sessions may include reviews of Council's working relationships and whether the working relationship is, or have*

*been, inconsistent with this Council's values, approved plans, goals and objectives, this Code of Conduct or any other City bylaw or policy.*

This evaluation was also noted in Recommendation #1 of the 2019 annual report from the Integrity Commissioner. Governance evaluations can be very helpful for officials to gauge their overall effectiveness and to consider insights from their Council colleagues. Periodic external governance evaluations can also be helpful to provide an objective perspective on governance effectiveness. City Council used a complementary variation of the SAGE Governance Evaluation Model© for their 2020 self-evaluation.

- ◇ The SAGE Governance Evaluation Model© contains proprietary information and is the intellectual property of SAGE Analytics Inc., to be used only with permission.  
<https://sageanalytics.ca/governance/>

### **5.3. Bylaw Review**

Providing advice for Code of Conduct amendments is another duty of the Integrity Commissioner, as referenced in Bylaw No. 45/2017 s.6.f:

- f. Provide advice and recommendations to Council regarding amendments to the Code of Conduct and any other procedures, rules, or policies governing Council Members' ethical behaviour;*

The Council Code of Conduct Bylaw No. 38/2017 and the Integrity Commissioner Bylaw No. 45/2017 were reviewed, and various recommendations are provided in a subsequent section of this annual report. It is also noted that Council made various edits to both bylaws and consolidated versions of each bylaw were created in 2019.

### **5.4. Additional Activities**

Various additional activities were completed over the past year at no cost to the City:

1. Maintained periodic email correspondence with the City's contract representative.
2. Monitored, networked, and kept informed on the growing field of Council Conduct and Integrity Commissioner services.

3. Completed formal investigations training through the Foundation of Administrative Justice ([FOAJ](#)).
4. Completed code of conduct complaint investigations in other jurisdictions.

## **6. Budget**

Compensation for Integrity Commissioner services is set out in the contract as follows:

- ◇ \$2,000 per month for retainer (until July 5, 2020).
- ◇ \$200 per hour for complaint investigation services.

The contract specifies that the amount payable to the contractor will not exceed \$40,000. Since November 2019, the City spent a total of \$27,200 plus GST to retain Integrity Commissioner services.

## **7. Recommendations**

### **7.1. 2020 Recommendations:**

The following **2020** recommendations are based on a review of relevant City bylaws and the general field of Council Conduct and Integrity Commissioner services.

#### **1. Boards and Committees**

The MGA section 146.1(3) provides the authority for a council to establish a code of conduct for committee members who are not councillors, as follows:

*(3) 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.*

Some municipalities have extended a code of conduct beyond elected officials to reach appointed positions in council committees to clarify and standardize acceptable conduct. St. Albert's Code of Conduct Bylaw No. 38/2017 focuses on elected officials only. It would be beneficial for Council to have a discussion to

consider passing a code of conduct bylaw to guide members of council committees and other bodies.

**2020 RECOMMENDATION: That City Council consider establishing a Committee Code of Conduct Bylaw in accordance with the MGA s. 146.1(3).**

## **2. Complaints During Election Year**

Some municipalities allow a complaint to be suspended for a period immediately prior to a municipal election. The following example is taken from the City of Edmonton [Code of Conduct Bylaw No. 18483](#), pg 15:

*Investigation Complaints accepted by the Integrity Commissioner will be investigated, however:*

*a) complaints received or under investigation within 90 days prior to a municipal election may be suspended until after election day;*

During an election year there is a possibility that incumbent council members seeking reelection may be targeted through the complaint investigation process. If an investigation report was publicized just prior to an election, this could impact voter support by shining positive or negative spotlight on an incumbent.

Providing flexibility in an election year for the Integrity Commissioner to pause an investigation or extend the timeframe to provide a pending report to the Council after an election is complete is worth Council's consideration. An Integrity Commissioner could exercise discretion in this regard considering the timing and the nature of a complaint.

**2020 RECOMMENDATION: That City Council consider amending the Council Code of Conduct Bylaw No. 38/2017 to allow investigations to be suspended during the 90-day timeframe prior to a municipal election.**

## 7.2. 2019 Recommendations:

Recommendations from **2019** have either been acted upon or are pending Council's consideration, as follows. Full descriptions are provided in the 2019 annual report.

### 1. Council Self-Evaluation – **COMPLETED in January 2020**

**2019 RECOMMENDATION:** That City Council undertake a 2019 self-evaluation in accordance with the Council Code of Conduct Bylaw No. 38/2017.

### 2. Integrity Commissioner Reports – **PENDING Council's consideration**

**2019 RECOMMENDATION:** That City Council consider amending the Council Code of Conduct Bylaw No. 38/2017 to allow additional reporting to Council at the discretion of the Integrity Commissioner.

### 3. Anonymity of Council Members as Complainants – **PENDING Council's consideration**

**2019 RECOMMENDATION:** That City Council consider amending the Council Code of Conduct Bylaw No. 38/2017 to limit the anonymity of a Council member Complainant, except in exceptional circumstances.

### 4. Informal Complaints – **PENDING Council's consideration**

**2019 RECOMMENDATION:** That City Council consider amending the Council Code of Conduct Bylaw No. 38/2017 and Integrity Commissioner Bylaw No. 45/2017 to expand the jurisdiction of the Integrity Commissioner to include assisting with informal complaints upon request.

### 5. Expanded Dispute Resolution Options – **PENDING Council's consideration**

**2019 RECOMMENDATION:** That City Council consider amending the Integrity Commissioner Bylaw No. 45/2017 to allow for expanded dispute resolution options.



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**Nothing can dim the light that  
shines from within.**

Maya Angelou

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