
Council Code of Conduct Investigation and Sanction Policy

Date Approved by Council:

Resolution:

Review Date: Reviewed with Bylaw 518-18

Related Bylaw: 518-18 Council Code of
Conduct

Amendments:

Purpose

The Council Code of Conduct Bylaw provides standards for the ethical conduct of councillors relating to their roles and obligations as representatives of the Municipality and a procedure for the investigation and enforcement of those standards.

Due to the Village only having three elected councillors, there is the possibility of either real or perceived favouritism in any sanctions being imposed on councillors as a result of investigation by the CAO. There is also the possibility of either real or perceived favouritism in the investigative process performed by the CAO.

The purpose of this policy is to provide a standard guideline for the investigative procedure of the CAO, as well as to provide recommended sanctions to be imposed on councillors for breaches to the Bylaw. In addition, this policy will provide residents with information on next steps if they do not believe that the processes laid out in the Bylaw or this policy were conducted appropriately.

Investigation

All formal complaints must meet all requirements of Part 18 of the Bylaw. If a complaint is received by the CAO that does not meet the requirements of Part 18, the CAO should make an attempt to help the complainant meet all the requirements.

As part of determining whether to conduct a full investigation the CAO may make an attempt to discuss the complaint with the complainant in person or by phone or order to better understand the situation surrounding the complaint.

As part of a formal investigation the CAO should attempt to interview the complainant. If the complainant had already been contacted when determining whether to conduct an investigation, this prior conversation will be considered to be an interview.

As part of a formal investigation the CAO should attempt to interview the councillor(s) against whom the complaint was made as per section 18.1(h) of the Bylaw. This interview should be scheduled so as not to provide an instance where the councillor(s) and complainant will be at the Village Office at the same time.

As part of a formal investigation the CAO should attempt to contact any other individuals or witnesses that may be brought forward by either the complainant or councillor(s).

Recommended Sanctions

Upon completion of an investigation by the CAO, the CAO will include in the report to council whether or not the councillor(s) against whom the complaint was made appeared to be in breach of the Bylaw and include which specific section(s) of the Bylaw appeared to have been breached. The CAO will also include the recommended sanction for the breach as provided for in this policy.

Should the councillor(s) be found to be in breach of the Bylaw the recommended sanction for a first offense is at the minimum to issue a letter of reprimand addressed to the councillor(s) and to request that the councillor(s) issue a letter of apology to the complainant.

Should the councillor(s) be found to be in breach of the Bylaw for a second offense the recommended sanction, at the minimum, is to issue a letter of reprimand addressed to the councillor(s) and to request the councillor(s) issue a letter of apology, and to publish either the letter of reprimand, the letter of apology or both on the Village website as well any other location Council deems appropriate.

Should a single breach involve the Mayor or Deputy Mayor, and is considered by council to show a serious disregard for the Bylaw, the recommended sanction is the suspension or removal of the appointment as Mayor or Deputy Mayor.

Should the Mayor or Deputy Mayor be found to be in breach of the Bylaw in an ongoing manner (either a continuous breach or multiple separate breaches) the recommended sanction is the suspension or removal of the appointment as Mayor or Deputy Mayor.

Should the councillor(s) be found to be in breach of the Bylaw and the complaint is in relation to the conduct of the councillor(s) on committees and other bodies to which council has a right to appoint members the recommended sanction is the suspension or removal of the councillor from some or all of those committees or bodies. The councillor(s) will also receive a reduction in remuneration as a result of this suspension or removal; this is to mean that if the councillor continues to attend those meetings from which they have been suspended or removed they will not receive a per diem, mileage or other expenses related to those meetings.

Right of Appeal

Neither the complainant nor councillor(s) who have been found to be in breach may appeal the decision to council; all council decisions are final.

Should either party believe that the Village did not follow due process in the investigation or decision, that party may file a complaint with the Alberta Ombudsman.