

**TOWN OF CANMORE**  
**AGENDA**  
Regular Meeting of Council  
Council Chamber at the Civic Centre, 902 – 7 Avenue  
**Tuesday, October 1, 2024 at 9:00 a.m.**

Times are estimates only.

- 9:00 – 9:05      **A. CALL TO ORDER AND APPROVAL OF AGENDA**
1. **Land Acknowledgement**
  2. **Agenda for the October 1, 2024 Regular Meeting of Council**
- 9:05 – 9:35      **B. PUBLIC HEARINGS**
1. **Road Closure Bylaw 2024-17 – Mountain Avenue**
    - (1) Call to order
    - (2) Administration Summary
    - (3) Public Verbal Submissions
    - (4) Public Written Submissions
    - (5) Closing Comments from Administration
    - (6) Council Questions of Administration
    - (7) Adjournment of the Public Hearing
- 9:35 – 9:40      **C. DELEGATIONS – none**
- 9:35 – 9:40      **D. APPROVAL OF MINUTES**
1. **Minutes of the August 20, 2024 Regular Meeting of Council**
  2. **Minutes of the September 3, 2024 Regular Meeting of Council**
- 9:40 – 9:45      **E. BUSINESS ARISING FROM THE MINUTES – none**
- 9:40 – 9:45      **F. UNFINISHED BUSINESS – none**
- 9:40 – 9:45      **G. BYLAW APPROVAL**
1. **Road Closure Bylaw 2024-17 – Mountain Avenue**

Recommendation:

    - 1) That Council amend section 2 of Road Closure Bylaw 2024-17 – Mountain Avenue by striking out “875” and substituting “255”.
    - 2) That Council direct administration to forward the required materials respecting Road Closure Bylaw 2024-17 – Mountain Avenue to the Minister of Transportation and Economic Corridors for approval.
- 9:45 – 10:00      **2. Land Use Bylaw Amendment 2024-22 - Wildlife Exclusion Fencing**

Recommendation: That Council give first reading to Revised Land Use Bylaw Amendment 2024-22 – Wildlife Exclusion Fencing and schedule a public hearing for November 5, 2024.
- 10:00 – 10:15      **Meeting Break**

10:15 – 10:45

**3. Council Code of Conduct Bylaw 2024-06**

Recommendation:

- 1) That Council give first reading to Council Code of Conduct Bylaw 2024-26.
- 2) That Council give second reading to Council Code of Conduct Bylaw 2024-26.
- 3) That Council give leave to go to third reading of Council Code of Conduct Bylaw 2024-26.
- 4) That Council give third reading to Council Code of Conduct Bylaw 2024-26.

10:45 – 11:15

**H. NEW BUSINESS**

**1. Council Paid Medical Leaves Policy and Maternity and Parental Leaves Bylaw**

Recommendations:

- 1) That Council approve Paid Medical Leave for Members of Council Policy EX-010 as presented.
- 2) That Council give first reading to Maternity and Parental Leaves for Elected Officials Bylaw 2024-28.
- 3) That Council give second reading to Maternity and Parental Leaves for Elected Officials Bylaw 2024-28.
- 4) That Council give leave to go to third reading of Maternity and Parental Leaves for Elected Officials Bylaw 2024-28.
- 5) That Council give third reading to Maternity and Parental Leaves for Elected Officials Bylaw 2024-28.

11:15 – 11:25

**2. Alberta Community Partnership Grant – Bow Valley Evacuation Modelling and Plan**

Recommendation: That Council approve the submission of an Alberta Community Partnership Grant application for a Bow Valley Evacuation Modelling and Plan Project.

**I. REPORTS FROM ADMINISTRATION – none**

**J. NOTICES OF MOTION – none**

**K. CLOSED SESSION – none**

11:25

**L. ADJOURNMENT**

**TOWN OF CANMORE  
MINUTES**

Regular Meeting of Council  
Council Chamber at the Civic Centre, 902 – 7 Avenue  
**Tuesday, August 20, 2024 at 9:00 a.m.**

**COUNCIL MEMBERS PRESENT**

Sean Krausert	Mayor
Wade Graham	Deputy Mayor
Tanya Foubert	Councillor
Jeff Hilstad	Councillor
Jeff Mah	Councillor (via Zoom)
Karen Marra	Councillor
Joanna McCallum	Councillor

**COUNCIL MEMBERS ABSENT**

None

**ADMINISTRATION PRESENT**

Sally Caudill	Chief Administrative Officer
Therese Rogers	General Manager of Corporate Services
Whitney Smithers	General Manager of Municipal Infrastructure
Scott McKay	General Manager of Municipal Services
Cheryl Hyde	Manager of the Municipal Clerk's Office
Ben Stiver	Municipal Clerk (recorder)
Adam Driedzic	Town Solicitor
Adam Robertson	Manager of Communications
Chelsey Gibbons	Manager of Finance
Margaret Szamosfalvi	Manager of Recreation
Katherine Van Keimpema	Financial Strategy Manager
Ted Ruiter	Fire Chief
Greg Tulloch	Staff Sergeant, RCMP Detachment
Andy Esarte	Manager of Engineering
Jessica Tomashewski	Engineering Intern
Caitlin Miller	Manager of Municipal Enforcement
Shravan Popuri	Manager of IT
Brennan Piper	Desktop Support Specialist

Mayor Krausert called the August 20, 2024 regular meeting to order at 9:00 a.m.

**A. CALL TO ORDER AND APPROVAL OF AGENDA**  
**1. Land Acknowledgement**

162-2024                    **2. Agenda for the August 20, 2024 Regular Meeting of Council**  
Moved by Mayor Krausert that Council approve the agenda for the August 20, 2024 regular meeting as presented.

**CARRIED UNANIMOUSLY**

**3. Introduction of Fire Chief Ted Ruiter**

**4. Introduction of Staff Sergeant Greg Tulloch, RCMP Detachment**

**B. PUBLIC HEARINGS – none**

**C. DELEGATIONS – none**

**D. APPROVAL OF MINUTES**

163-2024                    **1. Minutes of the June 18, 2024 Special Meeting of Council**  
Moved by Mayor Krausert that Council approve the minutes of the June 18, 2024 special meeting as presented.

**CARRIED UNANIMOUSLY**

164-2024                    **2. Minutes of the July 2, 2024 Special Meeting of Council**  
Moved by Mayor Krausert that Council approve the minutes of the July 2, 2024 special meeting as presented.

**CARRIED UNANIMOUSLY**

**E. BUSINESS ARISING FROM THE MINUTES**

165-2024                    **1. Partners for Affordable Housing Funding Request**  
Moved by Mayor Krausert that Council approve \$250,000 from the General Municipal Operating Reserve to fund Partners for Affordable Housing and direct administration to work with them to identify up to five community housing developments in Canmore and support a joint application to Canada Mortgage and Housing Corporation (CMHC) for the Capital Connect project for a demonstration initiative grant.

**CARRIED UNANIMOUSLY**

166-2024                    **2. Canmore Eagles Accounts Payable Repayment Agreement**  
Moved by Mayor Krausert that Council close the meeting to the public at 9:24 a.m. to prevent disclosure of business information of a third party in accordance with section 16(1) of the *Freedom of Information and Protection of Privacy Act*.

**CARRIED UNANIMOUSLY**

Administration present at the closed session: Sally Caudill, Whitney Smithers, Therese Rogers, Scott McKay, Adam Robertson, Shravan Popuri, Chelsey Gibbons, Margaret Szamosfalvi, Ben Stiver, Cheryl Hyde, Brennan Piper, Adam Driedzic.

Members of the Canmore Eagles present at the closed session until 10:00 a.m.: Darryl Lockwood, Will Heseltine, Al Doll.

167-2024                    Moved by Mayor Krausert that Council return to the public meeting at 10:16 a.m.

**Meeting Break 10:16 a.m. – 10:30 a.m.**

Minutes approved by: \_\_\_\_\_

- 168-2024 Moved by Mayor Krausert that Council direct administration to extend the Accounts Payable Repayment Agreement, Promissory Note, and General Security Agreement with the Canmore Eagles to September 15, 2028 on the same terms except as follows:
- Minimum payment of \$10,000 plus interest payable September 15, 2024,
  - No interest charged after the September 15, 2024 payment, and
  - Minimum payment of 25% of the principal owing as of September 16, 2024 payable on September 15<sup>th</sup> of each year starting in 2025 through 2028.
- CARRIED UNANIMOUSLY**

**F. UNFINISHED BUSINESS – none**

**G. BYLAW APPROVAL**

**1. Division of Class 1 Property Bylaw 2024-19**

Consultant Ben Brunnen of Verum Consulting joined administration in speaking to a written report.

- 169-2024 Moved by Mayor Krausert that Council give first reading to Division of Class 1 Property Bylaw 2024-19.
- CARRIED**  
**In favour: Krausert, McCallum, Hilstad, Mah, Graham, Marra**  
**Opposed: Foubert**
- 170-2024 Moved by Mayor Krausert that Council give second reading to Division of Class 1 Property Bylaw 2024-19.
- CARRIED**  
**In favour: Krausert, McCallum, Hilstad, Mah, Graham, Marra**  
**Opposed: Foubert**
- 171-2024 Moved by Mayor Krausert that Council give leave to go to third reading of Division of Class 1 Property Bylaw 2024-19.
- CARRIED UNANIMOUSLY**
- 172-2024 Moved by Mayor Krausert that Council give third reading to Division of Class 1 Property Bylaw 2024-19.
- CARRIED**  
**In favour: Krausert, McCallum, Hilstad, Mah, Graham, Marra**  
**Opposed: Foubert**
- 173-2024 Moved by Mayor Krausert that Council waive fees to convert Tourist Home properties to Residential until December 31, 2026.
- CARRIED UNANIMOUSLY**

Minutes approved by: \_\_\_\_\_

**H. NEW BUSINESS**

- 174-2024      **1. Request for Exemption to Collection of Levies and Fees Policy**  
Moved by Mayor Krausert that Council grant an exemption from Collection of Levies and Fees Policy PD-001 for Logel Homes to pay off-site levies related to their development on a phased basis.

**CARRIED**  
**In favour: Krausert, Hilstad, Marra, Foubert**  
**Opposed: Mah, McCallum, Graham**

**Lunch Break 12:08 p.m. – 1:15 p.m.**

- 175-2024      **2. IAFF Collective Agreement**  
Moved by Mayor Krausert that Council close the meeting to the public at 1:15 p.m. to:
- (1) Prevent disclosure of information that could reasonably be expected to reveal advice, proposals, recommendations analyses or policy options developed for the Town in accordance to Section 24(1)(a), and
  - (2) Prevent disclosure of information subject to solicitor-client privilege in accordance with Section 27(1)(a) of the *Freedom of Information and Protection of Privacy Act*.

**CARRIED UNANIMOUSLY**

Administration present at the closed session: Sally Caudill, Whitney Smithers, Therese Rogers, Scott McKay, Ben Stiver, Cheryl Hyde, Johanna Sauve, Adam Driedzic, Adam Robertson, Shravan Popuri, Ted Ruitter, Brennan Piper.

- 176-2024      Moved by Mayor Krausert that Council return to the public meeting at 1:47 p.m.

**CARRIED UNANIMOUSLY**

- 177-2024      Moved by Mayor Krausert that Council authorize the signing of the Collective Agreement between the Town of Canmore and the International Association of Fire Fighters (IAFF) – Local 4705, as presented.

**CARRIED UNANIMOUSLY**

**I. REPORTS FROM ADMINISTRATION**

- 1. Community Speed Limits and Automated Traffic Enforcement Updates**  
Administration spoke to a written report providing an update on the impacts of the community speed limit changes and an overview of the upcoming changes to provincial Automated Traffic Enforcement guidelines.

**J. NOTICES OF MOTION – none**

Minutes approved by: \_\_\_\_\_

**K. CLOSED SESSION**

**1. Canmore Eagles Accounts Payable Repayment Agreement**

Addressed during item E2.

**2. Confidential – IAFF Collective Agreement Ratification**

Addressed during item H2.

**3. Offsite Levy Appeal Update**

178-2024

Moved by Mayor Krausert that Council close the meeting to the public at time to prevent disclosure of information subject to solicitor-client privilege in accordance with Section 27(1)(a) of the *Freedom of Information and Protection of Privacy Act*.

**CARRIED UNANIMOUSLY**

Administration present at the closed session: Sally Caudill, Whitney Smithers, Therese Rogers, Scott McKay, Ben Stiver, Cheryl Hyde, Adam Driedzic, Adam Robertson, Shravan Popuri, Brennan Piper.

179-2024

Moved by Mayor Krausert that Council return to the public meeting at 3:15 p.m.

**CARRIED UNANIMOUSLY**

**L. ADJOURNMENT**

180-2024

Moved by Mayor Krausert that Council adjourn the August 20, 2024 regular meeting at 3:15 p.m.

**CARRIED UNANIMOUSLY**

\_\_\_\_\_  
Sean Krausert  
Mayor

\_\_\_\_\_  
Ben Stiver  
Municipal Clerk

Minutes approved by: \_\_\_\_\_

**TOWN OF CANMORE  
MINUTES**

Regular Meeting of Council  
Council Chamber at the Civic Centre, 902 – 7 Avenue  
**Tuesday, September 3, 2024 at 9:00 a.m.**

**COUNCIL MEMBERS PRESENT**

Sean Krausert	Mayor
Joanna McCallum	Deputy Mayor
Tanya Foubert	Councillor
Wade Graham	Councillor
Jeff Hilstad	Councillor
Jeff Mah	Councillor
Karen Marra	Councillor

**COUNCIL MEMBERS ABSENT**

None

**ADMINISTRATION PRESENT**

Sally Caudill	Chief Administrative Officer
Whitney Smithers	General Manager of Municipal Infrastructure
Jill Jamieson	Acting GM of Municipal Services/Manager of Community Social Development
Cheryl Hyde	Acting GM of Corporate Services/Manager, Municipal Clerk's Office
Ben Stiver	Municipal Clerk (recorder)
Adam Robertson	Manager of Communications
Harry Shnider	Manager of Planning & Development
Simon Robins	Solid Waste Services Supervisor
Caitlin Miller	Manager of Protective Services/Director of Emergency Management
Nicky Pacas	Communications Advisor
Ted Ruiter	Fire Chief

Mayor Krausert called the September 3, 2024 regular meeting to order at 9:00 a.m.

**A. CALL TO ORDER AND APPROVAL OF AGENDA**

**1. Land Acknowledgement**

**2. Agenda for the September 3, 2024 Regular Meeting of Council**

181-2024 Moved by Mayor Krausert that Council approve the agenda for the September 3, 2024 regular meeting as presented.

**CARRIED UNANIMOUSLY**



**B. PUBLIC HEARINGS**

**1. Town of Canmore Municipal Development Plan Amendment 2024-07 – Discouraging Employee Housing in Industrial Areas and Revised Land Use Bylaw Amendment 2024-08 – Discouraging Employee Housing in Industrial Districts**

**(1) Call to order**

Mayor Krausert called the public hearing to order for Town of Canmore Municipal Development Plan Amendment 2024-07 – Discouraging Employee Housing in Industrial Areas and Revised Land Use Bylaw Amendment 2024-08 – Discouraging Employee Housing in Industrial Districts at 9:02 a.m.

**(2) Administration Summary**

Administration provided a verbal briefing on the proposed Town of Canmore Municipal Development Plan Amendment 2024-07 – Discouraging Employee Housing in Industrial Areas and Revised Land Use Bylaw Amendment 2024-08 – Discouraging Employee Housing in Industrial Districts.

**(3) Public Submissions**

**In favour**

Name	Verbal	Written
Tremblay, Nicole		X

**Neutral or Unstated – none**

**Opposed**

Name	Verbal	Written
Ashton, Steve	X	X
Baty, Cam	X	X
Biggings, Shawn & Bignold, Russ		X
Casey, Ron	X	X
Cote, Wayne	X	
Fisekci, Birol		X
Graul, Peter		X
Harmacy, Gavin		X
Huston, Donna	X	
Johnson, Derek		X
Jonker, Shane		X
Ludwig, Rachel	X	X
McKenzie, Bruce		X
O'Donnell, Ian	X	X
Poonja, Faizel	X	X
Salzgeber, Brian		X
Salzgeber, Ernst		X
Salzgeber-Jones, Sara		X
Sarna, Dale		X
Sethi, Vijay		X
Shiple, Michael	X	
Sparks, Dan	X	
Taylor, Dustin		X

Minutes approved by: \_\_\_\_\_

**(4) Public Written Submissions**

The recording secretary read into the record the names of those who provided written submissions. These submissions are recorded in the list of public submissions above and are published in the record of public submissions for this meeting.

**(5) Closing Comments from Administration**

Administration provided final closing comments based on the verbal and written submissions.

**(6) Council Questions of Administration**

Administration addressed questions of clarification from Council.

**(7) Adjournment of the Public Hearing**

Mayor Krausert adjourned the public hearing at 10:27 a.m.

**Meeting Break 10:27 a.m. – 10:50 a.m.**

**C. DELEGATIONS – none**

**D. APPROVAL OF MINUTES – none**

**E. BUSINESS ARISING FROM THE MINUTES – none**

**F. UNFINISHED BUSINESS – none**

**G. BYLAW APPROVAL**

1. **Town of Canmore Municipal Development Plan Amendment 2024-07 – Discouraging Employee Housing in Industrial Areas and Revised Land Use Bylaw Amendment 2024-08 – Discouraging Employee Housing in Industrial Areas**

182-2024 Moved by Councillor McCallum that Council postpone second reading of both the Town of Canmore Municipal Development Plan Amendment 2024-07 – Discouraging Employee Housing in Industrial Areas and Revised Land Use Bylaw Amendment 2024-08 – Removal of Employee Housing from Industrial Districts until November 5, 2024 to provide further time for Council to review the additional public submissions.

**CARRIED UNANIMOUSLY**

2. **Committee Eligibility and Code of Conduct Bylaw 2024-21**

183-2024 Moved by Mayor Krausert that Council give first reading to Committee Eligibility and Code of Conduct Bylaw 2024-21.

**CARRIED UNANIMOUSLY**

184-2024 Moved by Mayor Krausert that Council give second reading to Committee Eligibility and Code of Conduct Bylaw 2024-21.

**CARRIED UNANIMOUSLY**

Minutes approved by: \_\_\_\_\_

185-2024 Moved by Mayor Krausert that Council give leave to go to third reading of Committee Eligibility and Code of Conduct Bylaw 2024-21.  
**CARRIED UNANIMOUSLY**

186-2024 Moved by Mayor Krausert that Council give third reading to Committee Eligibility and Code of Conduct Bylaw 2024-21.  
**CARRIED UNANIMOUSLY**

**H. NEW BUSINESS**

**1. Teepee Town Road Right of Way Pilot Project**

187-2024 Moved by Mayor Krausert that Council approve an exception to Land Transactions Policy EX-007 for the purpose of advancing the Teepee Town Road Right of Way Pilot Project.  
**CARRIED UNANIMOUSLY**

**G. BYLAW APPROVAL – continued**

**3. Road Closure Bylaw 2024-17 – Portion of Plan 1095F**

188-2024 Moved by Mayor Krausert that Council give first reading to Road Closure Bylaw 2024-17 – Portion of Plan 1095F and schedule a public hearing for October 1, 2024.  
**CARRIED UNANIMOUSLY**

**H. NEW BUSINESS**

**2. Collection Vehicle Budget Increases**

189-2024 Moved by Mayor Krausert that Council approve a revised budget for capital project 3 Tonne Collection Vehicle Replacement (CAP 7197) from \$300,000 to \$320,000 with the additional \$20,000 funded by \$16,000 from the Solid Waste Collection Reserve and \$4,000 from the Solid Waste Recycling Reserve.  
**CARRIED UNANIMOUSLY**

190-2024 Moved by Mayor Krausert that Council approve a revised budget for capital project 3 Tonne Collection Vehicle Replacement (CAP 7253) from \$300,000 to \$355,000 with the additional \$55,000 funded by \$27,500 from the Solid Waste Collection Reserve and \$27,500 from the Solid Waste Recycling Reserve.  
**CARRIED UNANIMOUSLY**

191-2024 Moved by Mayor Krausert that Council approve a revised budget for capital project 1 Tonne Collection Vehicle Replacement (CAP 7254) from \$250,000 to \$280,000 with the additional \$30,000 funded by \$12,000 from the Solid Waste Collection Reserve and \$18,000 from the Solid Waste Recycling Reserve.  
**CARRIED UNANIMOUSLY**

**3. Waste Long Haul Contract**

192-2024 Moved by Mayor Krausert that Council approve the signing of a new multiyear contract with the Town of Banff for the hauling of municipal solid waste to landfill.  
**CARRIED UNANIMOUSLY**

Minutes approved by: \_\_\_\_\_

193-2024                    **4. FRIAA Grant Application – Community Fireguard Phase 2: Construction**  
Moved by Mayor Krausert that Council approve the submission of a Request for Proposals in the FRIAA Community Fireguard Program, for Phase 2: Construction.

**CARRIED UNANIMOUSLY**

194-2024                    **5. FRIAA Grant Application – FireSmart Projects**  
Moved by Mayor Krausert that Council approve the submission of an Expression of Interest for the 2024 Forest Resource Improvement Association of Alberta grant for Vegetation Management/Fuel Modification project.

**CARRIED UNANIMOUSLY**

195-2024                    Moved by Mayor Krausert that Council approve the submission in response to the FireSmart Request for Proposal for the 2024 Forest Resource Improvement Association of Alberta grant for a municipal document FireSmart review project.

**CARRIED UNANIMOUSLY**

196-2024                    Moved by Mayor Krausert that Council approve the submission in response to the FireSmart Request for Proposal for the 2024 Forest Resource Improvement Association of Alberta grant for an interagency wildfire exercise.

**CARRIED UNANIMOUSLY**

**I. REPORTS FROM ADMINISTRATION – none**

**J. NOTICES OF MOTION – none**

**K. CLOSED SESSION – none**

**L. ADJOURNMENT**

197-2024                    Moved by Mayor Krausert that Council adjourn the September 3, 2024 regular meeting of council at 12:50 p.m.

**CARRIED UNANIMOUSLY**

\_\_\_\_\_  
Sean Krausert  
Mayor

\_\_\_\_\_  
Ben Stiver  
Municipal Clerk

Minutes approved by: \_\_\_\_\_



# Request for Decision

**DATE OF MEETING:** October 1, 2024 **Agenda #: G 1**

**TO:** Council

**SUBJECT:** Road Closure Bylaw 2024-17 – Mountain Avenue

**SUBMITTED BY:** Harry Shnider, Manager of Planning & Development

**RECOMMENDATION:** That Council amend section 2 of Road Closure Bylaw 2024-17 – Mountain Avenue by striking out “875” and substituting “255”.

That Council direct administration to forward the required materials respecting Road Closure Bylaw 2024-17 – Mountain Avenue to the Minister of Transportation and Economic Corridors for approval.

## EXECUTIVE SUMMARY

Council gave first reading to Bylaw 2024-17 on September 3, 2024, and held a public hearing at the October 1 regular council meeting. Administration is requesting that Council authorize the circulation of the relevant information to the Minister of Transportation and Economic Corridors for bylaw approval. After ministerial approval, Council shall further consider the Road Closure Bylaw application through second and third reading of the bylaw.

## RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

None.

## DISCUSSION

As noted in the September 1 Request for Decision report, administration has been approached by a developer of 1405 and 1409 Mountain Avenue, (Lots 26, 27 and 28, Block 94, Plan 1095F), to redevelop these lots from single detached dwellings to a multi-unit development.

To close the road, a road closure bylaw (Attachment 2) must be given three readings by Council as well as approved by the Minister of Transportation. A road closure bylaw requires first reading of the bylaw by Council, an opportunity for the public to make their opinions known to Council at a public hearing, and circulation and approval of the bylaw to the Minister of Transportation and Economic Corridors. Following ministerial approval, the bylaw returns to Council for second and third reading. The road closure bylaw is also required to be circulated to utility companies to determine any required easements or utility-right-of way.

Since first reading of the bylaw, the Towns’ surveyor has advised that the area proposed for closure measures 255 m<sup>2</sup>, not 875 m<sup>2</sup> as was stated in the bylaw at first reading and is a typographical error. Administration recommends that Council approve an amendment to the bylaw before sending it to the Minister.

**ANALYSIS OF ALTERNATIVES**

None.

**FINANCIAL IMPACTS**

None.

**INTEREST HOLDER ENGAGEMENT**

Administration has notified landowners within 60 metres of the subject property of the public hearing. The public hearing was also advertised in the Rocky Mountain Outlook on September 12, 19, and 26, 2024.

**ATTACHMENTS**

- 1) Request for Decision from the September 3, 2024 Regular Council Meeting
- 2) Road Closure Bylaw 2024-17 – Mountain Avenue

**AUTHORIZATION**

Submitted by:	Harry Shnider Manager of Planning and Development	Date: <u>September 9, 2024</u>
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Approved by:	Whitney Smithers GM of Municipal Infrastructure	Date: <u>September 11, 2024</u>
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Approved by:	Sally Caudill Chief Administrative Officer	Date: <u>September 20, 2024</u>
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# Request for Decision

**DATE OF MEETING:** September 3, 2024 **Agenda #: G 3**

**TO:** Council

**SUBJECT:** Road Closure Bylaw 2024-17, Portion of Plan 1095F

**SUBMITTED BY:** Harry Shnider, Manager of Planning and Development

**RECOMMENDATION:** That Council give first reading to Bylaw 2024-17 and schedule a public hearing for October 1, 2024

## EXECUTIVE SUMMARY

Road closures are regulated in Section 22 of the Municipal Government Act. In established areas of the Town, the road right-of-way (ROW) is often wider than what is required for physical transportation and utility access. Closure of this portion of the road would allow this underutilized land to be disposed and consolidated for a higher density development. This will facilitate the provision of the Teepee Town Road Right of Way Pilot Project, which is discussed in item H1 on the agenda. Following first reading, a Public Hearing for the Bylaw will be advertised and held, then circulation to the Minister of Transportation and Economic Corridors for approval. Following Ministerial approval, Council shall further consider the Road Closure Bylaw application through second and third reading of the bylaw.

## RELEVANT COUNCIL DIRECTION, POLICY OR BYLAWS

None.

## DISCUSSION

In some of the older neighbourhoods in Canmore, road rights-of-way are often wider than what is necessary to meet physical transportation needs and underground utilities. This often results in portions of the road ROW that are underutilized. The Teepee Town Road Right of Way Pilot Project presents an opportunity to adjust the width of these ROWs and dispose of excess land to an adjacent property owner who would then consolidate with their existing lands. This would support re-development to a higher density on a larger parcel area.

Administration has been approached by a developer of 1405 and 1409 Mountain Avenue, (Lots 26, 27 and 28, Block 94, Plan 1095F), to redevelop these lots from single detached dwellings to a multi-unit development. The portion of road right-of-way that is the subject of this report is currently within the road right-of-way, to the east of these lots. The proposed road closure runs parallel to these lots and is 4.0m wide and 59.1m long (see Attachment 1). Note that the lots shown on the plan of survey in the bylaw correspond to the legal description, not the municipal address.

To close the road, a Road Closure Bylaw (Attachment 2) must be given three readings by Council as well as approved by the Minister of Transportation. The process is as follows:

1. A Road Closure Bylaw requires first reading of the bylaw by Council,

2. Following first reading, the bylaw must be advertised and there must be an opportunity for the public to make their opinions known to Council at a Public Hearing,
3. Following the Public Hearing, circulation and approval of the Bylaw to the Minister of Transportation and Economic Corridors is required, and
4. Following ministerial approval, the Bylaw returns to Council for second and third reading.

Administratively, the road closure bylaw is also circulated to utility companies to determine any required easements or utility-right-of way.

**ANALYSIS OF ALTERNATIVES**

None.

**FINANCIAL IMPACTS**

Costs associated with the land transfer for the pilot project are nominal, and include a survey, contract development, and registration of the newly created parcel on title.

**INTEREST HOLDER ENGAGEMENT**

The road closure bylaw process has mandatory requirements for a public hearing.

**ATTACHMENTS**

- 1) Road Closure Bylaw 2024-17 - Mountain Avenue

**AUTHORIZATION**

Submitted by:	Jennica Collette Development Planner	Date: <u>August 12, 2024</u>
Approved by:	Harry Shnider Manager of Planning and Development	Date: <u>August 12, 2024</u>
Approved by:	Whitney Smithers GM of Municipal Infrastructure	Date: <u>August 12, 2024</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date: <u>August 26, 2024</u>

RFD Submitted September 3, 2024





BYLAW 2024-17

A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF CLOSING A ROAD TO PUBLIC TRAVEL

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

TITLE

- 1 This bylaw shall be known as "Road Closure Bylaw 2024-17 – Mountain Avenue."

ROAD CLOSURE

- 2 The following road is hereby closed to public travel for the purpose of disposing the road, subject to rights of access granted by other legislation:

a portion of the lands described as Mountain Avenue, comprised of approximately 875 m², as shown as Area A in the Survey Plan attached as Schedule A, excepting thereout all mines and minerals.

ENACTMENT/TRANSITION

- 3 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
4 Schedule A forms part of this bylaw.
5 This bylaw comes into force on the date it is passed.

ADVERTISED: Rocky Mountain Outlook on (date 1) and (date 2).

FIRST READING:

PUBLIC HEARING:

Approved on behalf of the Town of Canmore:

Sean Krausert Mayor

Date

Cheryl Hyde Manager, Municipal Clerk's Office

Date

Bylaw approved by: \_\_\_\_\_

Approved by the Minister of Transportation and Economic Corridors:

\_\_\_\_\_  
Minister of Transportation

\_\_\_\_\_  
Date

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

\_\_\_\_\_  
Sean Krausert  
Mayor

\_\_\_\_\_  
Date

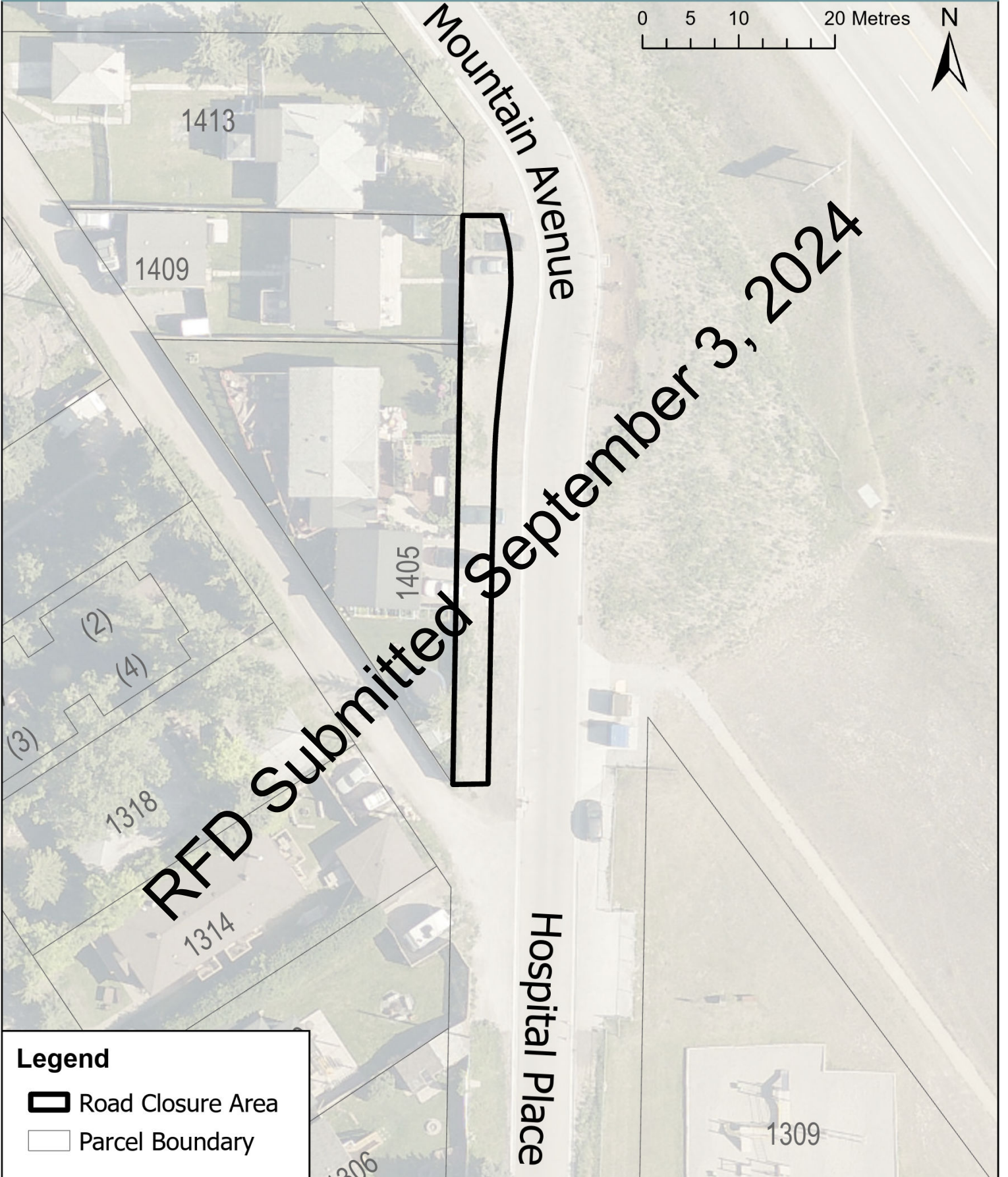
\_\_\_\_\_  
Cheryl Hyde  
Manager, Municipal Clerk's Office

\_\_\_\_\_  
Date


RFD Submitted September 3, 2024

Bylaw approved by: \_\_\_\_\_

# Schedule A: Road Closure Bylaw 2024-17



### Legend

-  Road Closure Area
-  Parcel Boundary



**BYLAW 2024-17**

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA,  
FOR THE PURPOSE OF CLOSING A ROAD TO PUBLIC TRAVEL**

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The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

**TITLE**

- 1 This bylaw shall be known as “Road Closure Bylaw 2024-17 – Mountain Avenue.”

**ROAD CLOSURE**

- 2 The following road is hereby closed to public travel for the purpose of disposing the road, subject to rights of access granted by other legislation:

a portion of the lands described as Mountain Avenue, comprised of approximately 875 m<sup>2</sup>, as shown as Area A in the Survey Plan attached as Schedule A, excepting thereout all mines and minerals.

**ENACTMENT/TRANSITION**

- 3 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 4 Schedule A forms part of this bylaw.
- 5 This bylaw comes into force on the date it is passed.

FIRST READING: September 3, 2024

ADVERTISED: Rocky Mountain Outlook on September 12, 19, and 26, 2024.

PUBLIC HEARING:

Approved by the Minister of Transportation and Economic Corridors:

\_\_\_\_\_  
Minister of Transportation and  
Economic Corridors

\_\_\_\_\_  
Date

SECOND READING:

THIRD READING:

Bylaw approved by: \_\_\_\_\_

Approved on behalf of the Town of Canmore:

\_\_\_\_\_  
Sean Krausert  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cheryl Hyde  
Manager, Municipal Clerk's Office

\_\_\_\_\_  
Date

Bylaw approved by: \_\_\_\_\_

LAND TITLES OFFICE

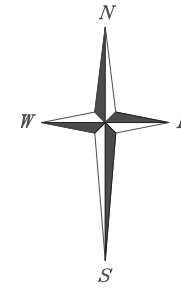
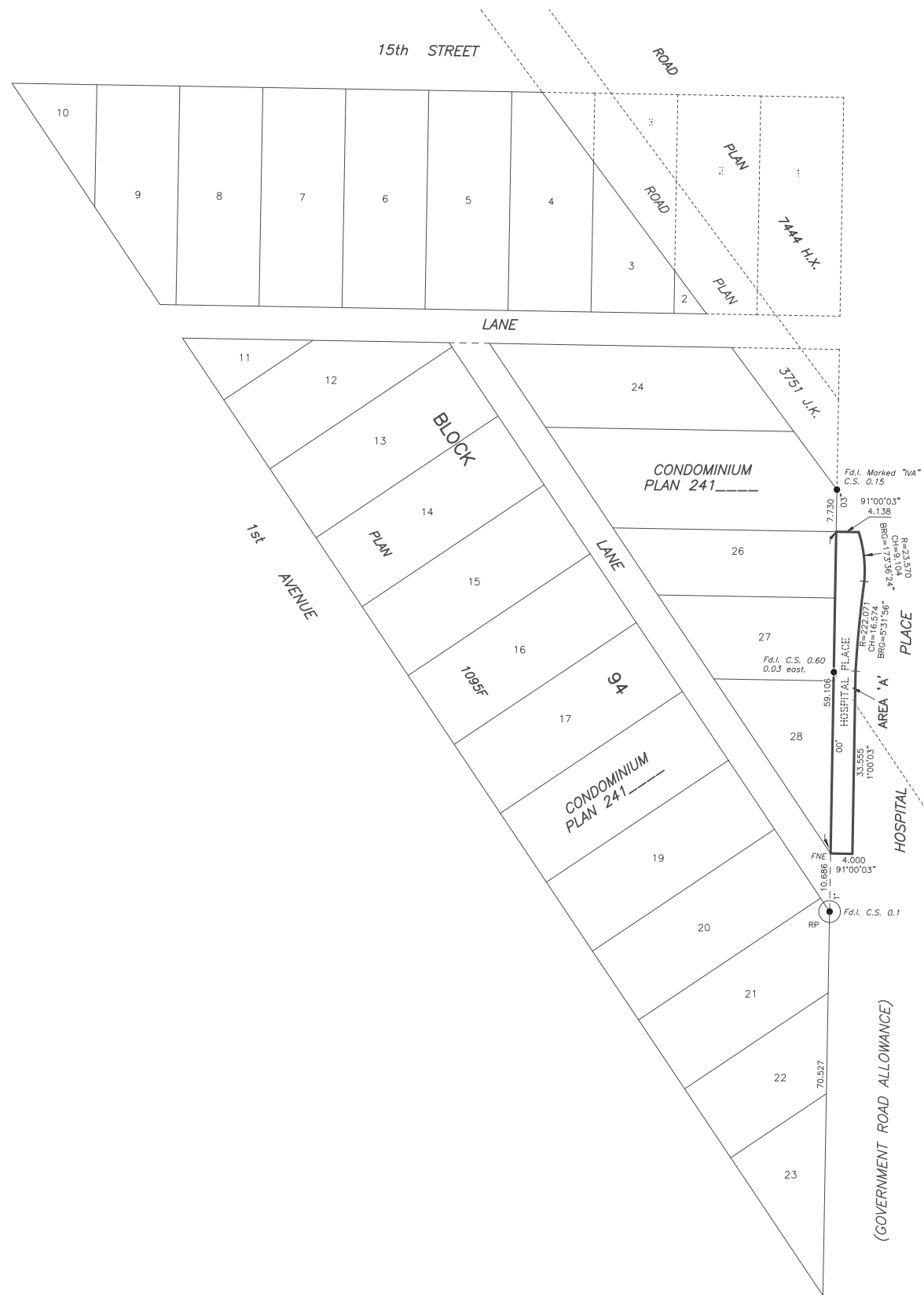
PLAN NO. \_\_\_\_\_

ENTERED AND REGISTERED

ON \_\_\_\_\_

INSTRUMENT NO : \_\_\_\_\_

A.D. REGISTRAR

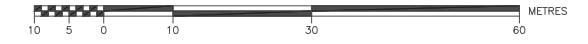


**CANMORE, AB**

PROPOSED PLAN OF SURVEY  
SHOWING AREA REQUIRED  
FOR  
ROAD CLOSURE PURPOSES  
AFFECTING PART OF  
ROAD, SUBDIVISION PLAN 1095F  
WITHIN THE  
N.E.1/4 SEC.32, TWP.24, RGE.10, W5M.

BY: GARRET DILLABOUGH, 2024

SCALE = 1:500



**LEGEND:**

- STATUTORY IRON POSTS FOUND SHOWN THUS: ● F.d.I.
- FOUND NO EVIDENCE: ○ F.N.E.
- SECTION: ..... SEC.
- TOWNSHIP: ..... TWP.
- RANGE: ..... RGE.
- MERIDIAN: ..... M.
- HECTARE: ..... ha.
- GEO-REFERENCE POINT: ○ RP

**NOTES:**

DISTANCES SHOWN ARE IN METRES AND DECIMALS THEREOF AND ARE BETWEEN SURVEY MONUMENTS UNLESS SHOWN OTHERWISE.  
COORDINATES AND BEARINGS ARE GRID, BASED ON NAD83(CSR) DATUM, 3TM PROJECTION, REFERENCE MERIDIAN 114° WEST LONGITUDE AND WERE DERIVED USING GNSS OBSERVATIONS. A COMBINED SCALE FACTOR OF 0.999807 CAN BE APPLIED TO REDUCE DISTANCES TO MEAN SEA LEVEL AND THE PROJECTION PLANE FOR CALCULATION OF 3TM COORDINATES.  
STATUTORY IRON POSTS PLANTED MARKED 'P057'.  
AREA AFFECTED BY THE REGISTRATION OF THIS PLAN SHOWN BOUNDED THUS: \_\_\_\_\_ AND CONTAINS: 0.025 ha.  
THE 3TM COORDINATES OF THE GEO-REFERENCE POINT ARE:  
NORTHING: 5662932.889  
EASTING: -94695.382

**SURVEYOR:**

NAME: GARRET DILLABOUGH, A.L.S.  
SURVEYED BETWEEN THE DATES OF \_\_\_\_\_, 2024 AND \_\_\_\_\_, 2024 IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYS ACT.



**SURVEY PLAN REQUESTED BY:**

TOWN OF CANMORE  
PURSUANT TO SECTION 81(2) OF THE LAND TITLES ACT.

BLOCK 1  
PLAN 821 1403

**McElhanney**  
Land Surveys (Alta.) Ltd.  
203 - 502 BOW VALLEY TRAIL, CANMORE, ALBERTA T1W 1N9  
PH (403) 678-6363; FAX (855) 407-3895

FILE: 00628	00628TRC.DWG
DRAWN BY: K.G.	DATE PLOTTED: 8/6/30/2024



# Request for Decision

**DATE OF MEETING:** October 1, 2024 **Agenda #: G 2**

**TO:** Council

**SUBJECT:** Land Use Bylaw Amendment 2024-22 – Wildlife Exclusion Fencing

**SUBMITTED BY:** Harry Shnider, Manager, Planning and Development

**RECOMMENDATION:** That Council give first reading to Revised Land Use Bylaw Amendment 2024-22 – Wildlife Exclusion Fencing and schedule a public hearing for November 5, 2024.

## EXECUTIVE SUMMARY

The proposed amendment will permit the construction and maintenance of a Wildlife Exclusion Fence without the requirement to obtain a development permit.

## RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

On March 5, 2024, Council passed Motion 50-2024, directing administration to “prepare an amendment to the Land Use Bylaw that will facilitate the development of Wildlife Exclusion Fencing in accordance with approved Area Structure Plans, the approved 2024 Capital Project - Human Wildlife Coexistence Implementation 2024 (#7361), or any other future Wildlife Exclusion Fencing determined necessary by the Town or the Province of Alberta.”

## DISCUSSION

A proposed alignment and design of a Wildlife Exclusion Fence is currently being considered by the Province of Alberta, in consultation with Town Administration, for areas within the Three Sisters Village Area Structure Plan. As development proceeds within this ASP, and the Smith Creek ASP, the alignment of the Wildlife Exclusion Fence will expand as required.

Previous Wildlife Exclusion Fences installed by the Town were exempt from requiring a Development Permit through Section 1.9.0.1 (j) of the Land Use Bylaw. This subsection allows the Town to construct municipal projects on publicly owned or controlled land, however, the exemption does not extend to cover infrastructure approved by the Province of Alberta.

The proposed bylaw amendment includes a definition of Wildlife Exclusion Fence and exempts the construction and maintenance of a Wildlife Exclusion Fence from requiring a Development Permit where the lead approving agency is the Province of Alberta, as opposed to the Town.

## ANALYSIS OF ALTERNATIVES

None.

## FINANCIAL IMPACTS

There are no financial implications anticipated in association with the proposed revisions.

**INTEREST HOLDER ENGAGEMENT**

None.

**ATTACHMENTS**

- 1) Land Use Bylaw Amendment 2024-22
- 2) Redline of the Revised Land Use Bylaw 2018-22

**AUTHORIZATION**

Submitted by: Harry Shnider, RPP, MCIP  
Manager of Planning and Development Date: September 3, 2024

Approved by: Whitney Smithers  
General Manager of Municipal Infrastructure Date: September 12, 2024

Approved by: Sally Caudill  
Chief Administrative Officer Date: September 20, 2024





## BYLAW 2024-22

### A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO AMEND REVISED LAND USE BYLAW 2018-22

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The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

#### TITLE

- 1 This bylaw shall be known as “Revised Land Use Bylaw Amendment 2024- 22 – Wildlife Exclusion Fencing.”

#### INTERPRETATION

- 2 Words defined in revised Land Use Bylaw 2018-22 shall have the same meaning when used in this bylaw.

#### PROVISIONS

- 3 Revised Land Use Bylaw 2018-22 is amended by this bylaw.
- 4 Section 1.9.0.1 Development Permits Not Required is amended by adding the following after subsection v.:

w. Construction and development of a Wildlife Exclusion Fence, as required by an Area Structure Plan or Area Redevelopment Plan, or under the jurisdiction of the Province of Alberta.

- 5 Section 13 Definitions is amended by adding the following:

Wildlife Exclusion Fence means a vertical physical barrier intended to limit access and movement of wildlife.

#### ENACTMENT/TRANSITION

- 6 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 7 This bylaw comes into force on the date it is passed.

FIRST READING:

PUBLIC HEARING:

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

\_\_\_\_\_  
Sean Krausert  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cheryl Hyde  
Manager, Municipal Clerk's Office

\_\_\_\_\_  
Date

Bylaw approved by: \_\_\_\_\_

## Excerpt from Revised Land Use Bylaw 2018-22

**1.9 DEVELOPMENT PERMITS NOT REQUIRED**

1.9.0.1 The following developments do not require a development Permit where the work proposed or development complies with all regulations of this Bylaw:

- a. Those uses exempted by the Act and regulations thereto.
- b. Works of maintenance, renovation, or repair on a structure, either internally or externally, if, in the opinion of the development officer, such work is consistent with any development Permits issued for the site, and does not include:
  - i. Structural alterations;
  - ii. Changes to the use or intensity of the use of the structure; and
  - iii. Multi-unit residential buildings and buildings within commercial Land Use districts, which do not, in the opinion of the development Authority, substantially change the exterior appearance of the building.
- c. The completion of a building which was lawfully under construction at the date this Bylaw comes into full force and effect, provided that:
  - i. the building is completed in accordance with the terms of any permit granted by the municipality, subject to the conditions of that permit; and
  - ii. the building, whether or not a permit was granted in respect of it, is completed in accordance with 1.12.0.1 or as otherwise specified in the development Permit or in the conditions of development approval. **[2021-24]**
- d. The use of any building referred to in subsection 1.9.0.1c for the purpose for which construction was commenced.
- e. The erection or installation of machinery and equipment needed in connection with construction of a building for which a development Permit has been issued, for the period of construction.
- f. The construction and maintenance of a Public Utility by the town placed in or upon a public thoroughfare or public utility easement provided any required authorizations have been obtained.
- g. The erection, construction, or the maintenance of pedestrian gates, fences, walls, or other means of enclosure less than 2.5 m in height.
- h. The installation and operation of a satellite dish antenna 1.0 m or less in diameter and the installation of tower antenna no more than 1.0 m higher than the maximum height of the principal building on site.
- i. The installation of solar collectors or other energy collecting and storage devices, including geothermal or other subsurface works.
- j. The use by the municipality of publicly owned or controlled land in connection with any municipal project and may without restricting the generality of the foregoing, include buildings, roads, traffic management projects, interchanges, vehicular and pedestrian bridges, water, gas, telephone and power installations, substations and pumping stations, water reservoirs, storm and sanitary sewer including treatment or related facilities, street furniture, street lighting, public recreational facilities, or similar facilities, works depots, parks, playgrounds, landscaping and streetscape improvement projects.

## Excerpt from Revised Land Use Bylaw 2018-22

- k. The construction, maintenance and repair of private walkways, pathways, landscaping and similar works. driveways are not excluded from requiring a development Permit unless they are approved by the town of Canmore as part of a valid Building Permit.
- l. Removal of trees or soil from a site or stockpiling of soil on a site when a development Permit or subdivision approval has been issued, and where a development Agreement has been duly executed for that site and said permit or agreement allows for or requires such activity.
- m. The digging of test holes requiring less than 6.0 m<sup>2</sup> in surface area for exploration purposes.
- n. The erection of a retaining wall that is no more than 1.0 m in height measured from the lowest ground elevation adjacent to the wall, and does not require a letter of engagement from a professional engineer as per the Engineering design and Construction Guidelines (EdCG). **[2020-16]**
- o. The construction of an Accessory Building located in a residential district.
- p. A change of use or interior renovations within an existing commercial or industrial building where the following requirements are met to the satisfaction of the development officer:
  - i. The change of use is from a Permitted or discretionary Use to a Permitted Use in the Land Use district applicable to the site; and
  - ii. the total GFA of the structure or structures constituting the development is less than 500 m<sup>2</sup>; and
  - iii. **[Repealed by 2023-18]**
  - iv. A Certificate of Conformance has been applied for and received from the development Authority that certifies that the proposed change of use conforms to the above clauses; and
  - v. the change is to a use that has required Employee Housing no greater than that of the use it is replacing; and
  - vi. the change of use is not located within a building or on a portion of a site identified to be in the steep Creek Hazard development overlay. **[2021-24]**
- q. Construction of, internal or external addition to, or demolition of a detached dwelling (with or without an Accessory dwelling Unit), manufactured dwelling, or duplex dwelling, where: **[2021-24]**
  - i. The total gross floor area of the structure or structures constituting the development is less than 500 m<sup>2</sup>; and
  - ii. The use is a Permitted Use, or for an external renovation or addition to an approved discretionary Use; and
  - iii. The construction complies with all provisions of this Bylaw; and
  - iv. **[Repealed by 2023-18]**
  - v. The development is not located in the steep Creek Hazard development overlay; and

## Excerpt from Revised Land Use Bylaw 2018-22

- vi. Where there are no off-site levies, local improvement levies, or municipal fees owing against the land, or where the present owner has entered into an agreement with the town for the payment of such levies or fees. **[2020-15]**
- r. An Accessory dwelling Unit, Attached or Accessory dwelling Unit, detached.
- s. Home occupation – Class 1.
- t. The installation of a sign that is compliant with all the regulations as set out in section 9: signage or is exempt as per section 9.14. **[2021-24]**
- u. The restoration, rehabilitation or reclamation of disturbed areas.
- v. The use of a dwelling Unit as a show Home. **[2021-24]**
- w. **Construction and development of a Wildlife Exclusion Fence, as required by an Area Structure Plan or Area Redevelopment Plan, or under the jurisdiction of the Province of Alberta.**

**SECTION 13 DEFINITIONS**

**Wildlife Exclusion Fence** means a vertical physical barrier intended to limit access and movement of wildlife.



# Request for Decision

**DATE OF MEETING:** October 1, 2024 **Agenda #: G 3**

**TO:** Council

**SUBJECT:** Council Code of Conduct Bylaw 2024-06

**SUBMITTED BY:** Adam Driedzic, Town Solicitor

**RECOMMENDATION:** That Council give first reading to Council Code of Conduct Bylaw 2024-26.

That Council give second reading to Council Code of Conduct Bylaw 2024-26.

That Council give leave to go to third reading of Council Code of Conduct Bylaw 2024-26.

That Council give third reading to Council Code of Conduct Bylaw 2024-26.

## EXECUTIVE SUMMARY

Council reviewed the Code of Conduct Bylaw (the Code) at Committee of the Whole (COW) and provided direction to administration on preparing updates to the Code. Administration is reporting back to Council with its recommended updates to the Code.

## RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

The *Municipal Government Act* (MGA) requires a periodic review of the Code, which Council reviewed at the March 19, 2024 Committee of the Whole meeting (COW). Administration spoke to a written report that made preliminary recommendations for updates to the Code. COW provided direction to administration on these proposed updates as discussed below. The Town Solicitor reviewed bylaws from several other municipalities in Alberta and across Canada as a basis for the recommended amendments in this report.

## DISCUSSION

The proposed Bylaw 2024-26 attached to this report includes the updates in response to the motions from COW discussed below. A redline version of the existing Bylaw 2018-02 is attached for ease of identification of the new provisions. Council should not be concerned with numbering and formatting changes in this redline version caused by the additions, as Bylaw 2018-02 will be fully replaced by Bylaw 2024-26.

This report identifies the sections of Bylaw 2024-26 that contain the updates and provides further discussion where the direction to administration was to research options for the updates. For options, Model “A” is the recommended option and Models “B” and “C” are for comparison.

The proposed bylaw 2024-26 includes housekeeping amendments. This includes changes to Bylaw 2018-02 to meet the current numbering and formatting system for Town bylaws. It also includes provision for appointment of multiple persons as Investigators to fit the recommended practice of having more than one Investigator on a roster.

### **8-2024COW**

#### **[T]hat administration research examples of specific sanctions from other municipalities beyond the sanctions listed in the [MGA]**

Most code of conduct bylaws in Alberta rely on the list of sanctions in the *Code of Conduct for Elected Officials Regulation* (the Regulation) under the MGA. Several bylaws from British Columbia also rely on the list of sanctions from the Alberta Regulation. Sanctions beyond the list in the Regulation are less common. Examples include:

- Requirements for the councillor to return municipal property or reimburse the municipality.
- Requirements for the councillor to return a gift or benefit or reimburse the donor.
- Restrictions on the councillor's access to municipal facilities, property or supplies.
- Recommendations that the councillor attend training or counselling related to the conduct at issue.
- Restrictions on how documents are provided to the councillor.
- Restrictions on representing the municipality at events or conferences.
- Restrictions on travelling to or attending events or conferences.
- Reporting the misconduct to the Minister of Municipal Affairs.
- Public censure of a councillor.<sup>1</sup>
- Any other sanctions deemed appropriate or suitable for the nature of the breach.
- Any other remedy recommended by the Investigator, so long as that remedy is within the authority of Council.

Several of the specific sanctions listed above cannot be recommended without further research for various reasons:

- Sanctions that prevent councillors from doing their legislated duties are prohibited by the Regulations.
- Bylaws that restrict councillors' civil rights may raise constitutional issues.
- Sanctions that are merely recommendations will be unenforceable.

Administration recommends that the Code provide Council with general discretion to impose other sanctions deemed appropriate for the breach, and any other remedy recommended by the Investigator. The Town is well-positioned to allow discretionary sanctions as the Code makes use of an independent Investigator to recommend sanctions and the Town has access to legal counsel to advise on proposed sanctions. As sanctions are typically punitive in nature, allowing further remedies recommended by the Investigator enables

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<sup>1</sup> "Censure" means to express severe disapproval of someone or something, especially in a formal statement.

non-punitive measures, while providing the safeguard that less common measures are recommended by an independent expert.

Administration also recommends that the Code provide factors to guide the exercise of discretion on unlisted sanctions and remedies. Examples from other bylaws of factors to consider when determining sanctions include:

- The degree and nature of the conduct.
- Whether the contravention was as single or repeated act.
- Whether the councillor knowingly contravened the bylaw.
- Whether the councillor took steps to remedy or mitigate the contravention.
- The councillor’s history of other contraventions.

The above recommendations have been added to section 63 and 64 in Bylaw 2024-26. Further references to “sanctions” have been changed to “sanctions or remedies”.

**9-2024COW**

**[T]hat Council consider requiring the Investigator to provide a copy of the complaint to all members of Council if the complainant is a member of Council.**

The above recommendation has been added to section 44(b) in Bylaw 2024-26. Note that Section 13.6 and 13.7 of the current Code restricts the Investigator’s reporting to Council on complaints that the Investigator summarily dismissed. This procedure will continue to apply.

**10-2024COW**

**[T]hat administration research examples of specific alternative dispute resolution process from other municipalities to be added to the Code.**

Many codes of conduct include alternative dispute resolution (ADR) in addition to a formal investigation process. There is a trend towards the early resolution of disputes but divergence on how to do it. Below are three general models:

**Model A (recommended): More options for ADR after a complaint is filed.**

Under Model A:

- The complaint files a complaint.
- The Investigator assesses the suitability of the complaint for ADR.
- If the complainant is a councillor, then the Investigator refers the complaint to the Mayor to attempt resolution.
- If the complainant is an employee or a member of the public, then the Investigator refers the complaint to the CAO to attempt resolution.
- If the Mayor or CAO is unsuited to attempt resolution of the complaint, then the Investigator may engage a third-party service provider.



- The investigator may consider culturally appropriate, transformative or restorative justice processes when determining the suitable service provider.

Model A is recommended. It is a natural expansion of the current Code which allows the Investigator to refer a complaint to mediation but no other ADR process.

Model A is also recommended because it makes the person in the ADR role someone different from the Investigator. This avoids the need for the Investigator to remove themselves from cases where the Investigator acts in the ADR role and the ADR fails, resulting in need for an investigation.

One concern with Model A is that Mayors and CAOs may lack the training to act in the ADR role and may not want to. This role goes beyond the responsibilities of the Mayor and CAO under the MGA. The safeguard is that the Investigator must determine if these persons are suited to attempt a resolution. If the Mayor or CAO are unsuited or do not want the role, then the Investigator can refer the matter to a third-party service provider to attempt the ADR.

Some bylaws provide guidance on where ADR is unsuitable and must not be used. Examples include:

- Where there is a significant power imbalance between the complainant and respondent
- Where there is a reasonable apprehension of harm
- Issues of financial impropriety
- Sexual harassment
- Violence
- Criminality
- Where either party does not consent to ADR
- Other circumstances that prevent success of ADR

The above list of factors is recommended. The external Investigators should have the training to determine if a complaint is suitable for ADR; however, the above list could be helpful with a general transition to a model where persons other than the Investigator have roles under the Code.

Model A has been added to sections 47 through 49 of Bylaw 2024-26. The proposed wording is that “physical violence, intimidation and aggression” will be unsuitable for ADR. Definitions of violence in law and policy have been expanding to recognize non-physical violence since the time that the above list of examples was created in other municipalities’ bylaws. It is possible that some cases of non-physical violence could be suitable for ADR as recommended by the Investigator.

Further references to “mediation” have been changed to “ADR”.

### **Model B: Attempt direct resolution before filing a complaint.**

Under Model B:

- If person believes they have seen a breach of the Code, then this person can inform the councillor directly and ask the councillor to stop.
- If the councillor does not stop, then the person can ask the Mayor to assist in an informal discussion.

In some versions of Model B the informal process is voluntary and the person with the concern can go straight to a formal complaint. Other versions of Model B require a councillor to attempt direct resolution with the other councillor before filing a complaint against another councillor. If the councillor does not attempt direct resolution, then the Investigator can dismiss the complaint. This requirement typically does not apply to complainants from the public.

Model B is not recommended. Attempting a direct resolution with the other party is not always better than involving detached third parties in an ADR role. It assumes that participants have the training and commitment to engage in productive conflict. It also puts the onus on the person who believes that there was a breach to initiate a direct confrontation before they can access their legal rights. If this model backfires, it can enable a culture of intimidation in which concerns are silenced.

Model B also raises the same concern as Model A with putting the Mayor into an ADR role, but without the fallback on use of third-party service providers before proceeding to a formal complaint. Model B is further problematic if the Mayor is asked to resolve disputes between other councillors and members of the public. If the point of Model B is merely to encourage councillors to approach each other with concerns and to ask the Mayor for help before filing complaints, then this can be done outside of the Code.

### **Model C: The type of concern directs the process.**

A third option is to recognize a new category of concern or grievance that gets directed to a separate process from the type of complaints that lead to investigations. Interpersonal conflict and inappropriate behaviour that aren't necessarily breaches of the listed prohibitions in the Code could be streamed to ADR, coaching or restorative process. There should also be a means to switch from the ADR stream to the investigation stream if warranted.

Model C shows potential for avoiding fallout from complaints and investigations. It probably has the highest value where the parties are all members of council or employees rather than members of the public. By making use of third-party service providers, it also avoids the problems of direct confrontations and putting municipal officials into ADR roles.

Model C requires changes to the Code that go beyond the direction of COW and the research conducted by administration. It would require creating a new category of concerns in the Code or another Council document to trigger the ADR stream. It would be inappropriate and probably impossible to force councillors into an ADR process without this guidance from a bylaw or Council policy. Administration is not in position to make recommendations on Model C for these updates to the Code.

### **11-2024COW**

**[T]hat Council consider having the Investigator provide the investigation report to all members of Council.**

The above recommendation has been added to section 54(e) of Bylaw 2024-26.

**12-2024COW**

[T]hat Council direct administration to research and recommend practices for reporting investigation outcomes to the complainant.

The above resolution varies from administration's original recommendation to COW, which was that:

[T]he Investigator inform the complainant of the outcome of the investigation.

Administration's rationale was that the level of disclosure of investigation findings to complainants may need to vary with each case.

Most of the bylaws reviewed provided for some level of disclosure to complainants. The examples that did not offer some level of disclosure to complainants were apt to lack any guidance on disclosure of reports. Below are three general models for consideration:

**Model A (recommended): Commit to some disclosure to the complainant, with discretion on how much disclosure.**

Under Model A, the investigator must:

- Notify the complainant that the investigation is complete and inform them that the report, or a summary thereof, will be released by Council.
- Provide the investigation report to the respondent.
- Provide the investigation report to Council 48 hours after providing the report to the respondent.

Council will then be able to discuss and decide how much disclosure to provide to the complainant as part of Council's discussion on the outcomes of the investigation.

Model A is recommended. It ensures that the complainant will receive at least some disclosure of the substantive outcomes of the investigation, while allowing Council to decide the scope of the reporting to the complainant after considering the investigation report and any advice. It balances Council's concerns with the advice of administration, legal advisors and investigators as discussed at COW.

Model A has been added to section 54(a) and 62 of Bylaw 2024-26. The requirement for the Investigator to provide all complainants with the full findings and recommendations as provided by section 13.14 of the current bylaw has been deleted.

**Model B: Require investigation reports to be disclosed, but limit what they can include.**

Some bylaws require the Investigator to only include disclosures in the investigation report that in the Investigator's opinion are necessary for the purpose of the investigation report. Presumably, this will be findings of fact to determine if a breach of the bylaw occurred and to recommend sanctions. If the investigator determines that a breach occurred, then the Investigator must provide a confidential copy of the report to the respondent, the complainant, and Council.

Model B is not recommended as it requires providing full reports to the complainant in all cases. Requiring the Investigator to limit content in reports mitigates risks of over-disclosure but it could limit the inclusion of relevant context.

**Model C: Require disclosure of reports to specific persons, who must keep the report confidential.**

Under Model C, the Investigator must provide a written, confidential report to Council, the complainant and the respondent. Model C also provides for the CAO to receive and retain copies of all reports.

Model C is not recommended. Requiring that reports be kept confidential to a circle of listed persons could be against Council's wishes and the interests of transparency in some cases. Model C also requires enforcement of confidentiality obligations. Councillors and staff who receive reports will have duties of confidentiality and face recourse within the organization if they breach this duty, but members of the public do not. It will be necessary to enter into non-disclosure agreements with members of the public and to enforce these obligations through civil litigation for breach of contract, which could have low value after the breach of confidentiality has occurred.

Several bylaws that provide for disclosure of reports to complainants also require that the report be made public. There is no separate recommendation on this topic. If the complainant is a member of the public, then disclosure of the report to the complainant is akin to public disclosure unless the complainant has confidentiality obligations to the Town.

**13-2024COW**

**[T]hat Council consider having the Investigator provide a preliminary report to the respondent and complainant for their response within a limited time, before the final report being provided to Council.**

The above resolution differs from administration's original recommendation to COW, which was:

[H]aving the respondent's response to the Investigator's report be made to Council instead of to the investigator.

Many bylaws only provide for respondents to participate in the initial investigation leading to the report. The current Code already goes farther by allowing the respondent to provide a reply on the investigation report to the Investigator. The above resolution and administration's original recommendation continue to offer additional participation opportunities to the respondent, but in different ways.

**Model A (recommended): Keep the Code as-is.**

If Council wants to keep the respondent's reply on the investigation report to be directed at the Investigator rather than at Council, then this can be done by keeping this part of the Code as-is. The Code provides the respondent with a chance to rebut the investigator's findings and recommended sanctions before the Investigator reports to Council. This will provide fairness to the respondent by providing a final chance to respond to allegations that the respondent was unable to respond to before knowing the investigation

findings. It also helps maintain integrity of the investigation process as this is the only additional opportunity provided to respondents when compared to other interviewees in the investigation process.

Model A is recommended. This process has been moved from the section of the current bylaw regarding Complaints into section 54 of Bylaw 2024-26 regarding Investigation Reports to distinguish this opportunity for the respondent to rebut the Investigator's findings from the respondent's participation in the initial investigation process.

Some bylaws expressly state that the respondent must have an opportunity to respond to the complaint as part of the initial investigation process. This should be self-evident to the external Investigators, but it has been added to section 44 of Bylaw 2024-26 for completeness as the updates will enable a variety of ADR processes and service providers.

**Model B: Respondent provides their response to the investigation report to Council.**

In Model B, the respondent can participate in a closed meeting of Council to respond to the investigation report before Council deliberates on the investigation report and decides on the outcome. Model B is found in some bylaws and fits administration's original recommendation to COW, but it is counter to the resolution from COW.

**Model C: Investigator must provide opportunity for respondent to comment before finalizing report.**

Model C prevents the Investigator from issuing a report to Council before the respondent has received notice of the Investigator's proposed findings and recommendations and receives an opportunity to comment on the same. Model C is like the resolution from COW but broader in the rights provided to the respondent.

Model C is not recommended. It goes beyond allowing the respondent to participate in the initial investigation process and to provide responses to the findings of investigation reports. The prohibition on the Investigator reporting to Council before sharing preliminary findings with the respondent for comment is getting close to providing the respondent with a right to be consulted on the investigator's work product before it is finalized. It could go beyond duties of fairness owed to the respondent and compromise the investigation process.

**14-2024COW**

**[T]hat Council consider adding the decision-making process proposed in administration's March 19, 2024 briefing to COW to the Code.**

The above resolution adopted recommendations for procedural provisions that were too lengthy to restate in the report.

The provisions to meet the above resolution have been added as a new part on Decisions Process consisting of sections 56 and through 62 of Bylaw 2024-26. **ANALYSIS OF ALTERNATIVES**

There is no requirement to amend the Code. Council can accept, reject, or modify the recommended amendments.

Council could wait until the Provincial Bill 20 (Municipal Affairs Statutes Amendment Act) comes into force to update the Code. Bill 20 has passed through the provincial legislature but most of it will only come into force on proclamation. Bill 20 adds provisions on councillor conflict of interest to the MGA that could warrant amending the sections of the Code on conflict of interest. This option is not recommended as these updates were outside the scope of the current review of the Code and the research directed by Council. These updates to the Code will be narrower in scope and can be done if warranted if and when Bill 20 comes into force.

**FINANCIAL IMPACTS**

None.

**INTEREST HOLDER ENGAGEMENT**

Internal and external engagement was discussed in the report to COW. Further external engagement done on these final recommendations included discussion with an external consultant who specializes in municipal governance topics and had experience as a practicing lawyer. The consultant provided the Town Solicitor with access to a database of Code of Conduct Bylaws from other municipalities maintained by the Canadian Association of Municipal Administrators.

**ATTACHMENTS**

- 1) Council Code of Conduct Bylaw 2024-26
- 2) Council Code of Conduct Bylaw 2018-02 Redline

**AUTHORIZATION**

Submitted by:	Adam Driedzic Town Solicitor	Date: <u>September 9, 2024</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date: <u>September 18, 2024</u>



## BYLAW 2024-26

### A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO ESTABLISH A CODE OF CONDUCT FOR ELECTED OFFICIALS

---

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

#### TITLE

- 1 This bylaw shall be known as “Council Code of Conduct Bylaw 2024-26”.

#### SCOPE

- 2 The Council Code of Conduct Bylaw is intended to address matters of conduct not already addressed in the Municipal Government Act or the Local Authorities Election Act.
- 3 In the event of a conflict between this bylaw and provincial legislation, the provincial legislation takes precedence.

#### REPRESENTING THE MUNICIPALITY

- 4 In addition to the responsibilities established in the Municipal Government Act, the distinct charge of council is to work collaboratively, with the benefit of individual knowledge, experience, and community connections, to make balanced decisions to sustain and uphold community values for the betterment of the Town of Canmore.
- 5 Council members must not attempt to disguise or mislead as to their identity or status as an elected representative of the Town.

#### COMMUNICATING ON BEHALF OF THE MUNICIPALITY

- 6 Unless Council directs otherwise, the mayor is Council’s official spokesperson.
- 7 Council members must not purport to speak on behalf of Council unless authorized by Council to do so.
- 8 Council’s official spokesperson must ensure their comments accurately reflect the official position of Council as a whole, even when the official spokesperson disagrees with that position.
- 9 Council members must not publish anything that is intentionally dishonest, untrue, unsubstantiated, or misleading in any way.

#### RESPECT FOR THE DECISION-MAKING PROCESS

- 10 Council members must not purport to bind Council, either by publicly expressing their personal views on behalf of Council when not authorized to do so or by giving direction to employees, agents, contractors, consultants, or other service providers of the Town.

- 11 Council members shall accept and accurately communicate the decisions of Council even when they disagree with Council's decision.

### **ADHERENCE TO POLICIES, PROCEDURES, AND BYLAWS**

- 12 Council members shall read, understand, and comply with all policies, procedures, and bylaws that apply to their duties as elected officials.

### **RESPECTFUL INTERACTIONS**

- 13 Council members shall demonstrate respect for process, each other, and members of the public.
- 14 Council members must not maliciously or falsely injure the professional or ethical reputation of any Town employee.
- 15 Council members shall read, understand, and comply with Respectful Workplace Policy HR-009.

### **CONFIDENTIAL INFORMATION**

- 16 Confidential information means information that a council member has a legal duty not to disclose.
- 17 Council members will collect, use, retain, and disclose information only for purposes consistent with the use for which it was collected.
- 18 Council members must not disclose confidential information, including to Town employees and members of the public, except as authorized by Council or a Town employee authorized to approve disclosure.
- 19 Council members must protect confidential information from inadvertent disclosure and take reasonable care to prevent examination of confidential information by unauthorized persons.
- 20 Council members must not use confidential information with the intent to cause harm or detriment to Council, the Town, or any other person or body.
- 21 Council members must not take personal advantage of, or use for their own benefit, corporate or financial opportunities learned about through access to confidential information.

### **CONFLICTS OF INTEREST**

- 22 A council member must abstain from voting on a matter before council if the member has a conflict of interest that is a pecuniary interest as set out in the Municipal Government Act.
- 23 A council member is not permitted to abstain from voting on a matter before council if they have a conflict of interest that is not pecuniary; this would be where a member believes a non-pecuniary personal or private interest may influence their vote, or where a member believes another person may perceive that a member's non-pecuniary personal or private interest may influence their vote.
- 24 In the event a council member believes they have a conflict of interest that is not pecuniary, or where they believe another person may perceive them to have a conflict of interest that is not pecuniary, the council member may declare the interest before they vote on the matter, and that



declared interest will be recorded in the minutes of the meeting.

- 25 Council members will not accept or provide any gift, benefit, or favour in exchange for special consideration or influence, or where it may be perceived by a reasonable person to be in exchange for special consideration or influence.
- 26 Council members may accept a token or gift that is
  - a) part of the normal exchange of hospitality among persons doing business such as a lunch or event ticket,
  - b) a small holiday gift showing appreciation (e.g., cards, cookies, chocolates),
  - c) advertising material (e.g., calendars, note pads, pens, caps),
  - d) a corporate discount available to all Town employees,
  - e) a protocol item (e.g., symbolic or ceremonial gifts), or
  - f) a conference door prize.
- 27 Council members may not accept cash or gift cards/certificates that have a monetary value, with the exception of donations made to support a charitable cause.

#### **IMPROPER USE OF INFLUENCE**

- 28 Council members must not use the influence of their office for any purpose other than for the exercise of their official duties.
- 29 Council members must not use, or attempt to use, their authority or influence for the purpose of directing the work of any Town employee.
- 30 Council members must not act as a paid agent to advocate on behalf of any individual, organization, or corporate entity before Council, a committee of Council, or any other body established by Council.
- 31 Council members shall not attempt to influence members of any adjudicative body regarding any matter before it relating to the Town.
- 32 Council members must not ask any Town employee to undertake personal or private work on their behalf or accept such work from a Town employee.

#### **USE OF MUNICIPAL ASSETS AND SERVICES**

- 33 Council members are required to care for Town assets, which includes all property, equipment, software, and information.

- 34 Council members must not use, or permit the use of, Town land, facilities, equipment, supplies, services, employees or other resources for activities other than Town business, subject to the following exceptions:
- a) municipal property, equipment, service, supplies, and staff resources that are available to the general public may be used by Council members for personal use under the same terms and conditions as apply to the general public, including booking and payment of fees or charges; and
  - b) electronic communication devices supplied to Council members by the Town, including but not limited to desktop computers, laptops, tablets and smartphones, may be used by Council members for personal use, with the caveat that the devices and all information contained on them remain the property of the Town.
- 35 Council members must not use any facilities, equipment, supplies, services, municipal logo, or any other resources of the Town for any election campaign or campaign-related activity.

#### **ORIENTATION AND OTHER TRAINING ATTENDANCE**

- 36 Unless excused by Council, council members must attend
- a) orientation training offered by the municipality in accordance with the Municipal Government Act, and
  - b) any training organized at the direction of Council or mandated by the Province of Alberta.

#### **COMPLAINTS**

- 37 Any person who has witnessed or experienced conduct by a council member which they believe to be in contravention of this bylaw may address the contravention by submitting a complaint to the Investigator in accordance with this bylaw.
- 38 Complaints submitted to the Investigator must
- a) be made in writing and include the date and the name and signature of an identifiable individual,
  - b) be addressed to the Town of Canmore Investigator, and
  - c) set out reasonable and probable grounds for the complaint.
- 39 A complaint is considered received when the Investigator personally receives it.

#### **INVESTIGATIONS AND ALTERNATIVE DISPUTE RESOLUTION**

- 40 Upon receipt of a complaint, the Investigator shall determine whether the conduct described is within the Investigator's authority to consider and whether the information given in the complaint provides reasonable grounds for believing that a violation of this bylaw may have occurred.

- 41 The Investigator may request further information from the person who submitted the complaint before determining whether or not there are reasonable grounds for believing a violation of this bylaw may have occurred.
- 42 If the Investigator, on receipt of the complaint or at any time thereafter, is of the opinion that
- a) the matter is not within the Investigator's authority to investigate, or
  - b) there are no grounds or insufficient grounds for conducting an investigation, or
  - c) the complaint is frivolous, vexatious, or not made in good faith;
- then the Investigator: shall not conduct an investigation, or shall terminate an investigation that has already started; shall advise the person who submitted the complaint in writing, setting out the reasons; and shall close the file.
- 43 If a complaint is dismissed pursuant to section 42, the fact of the complaint shall not be reported to council, other than in the form of statistics.
- 44 If a complaint is not dismissed pursuant to section 42, the Investigator shall
- a) within 10 days of receiving the complaint, notify the council member who is the subject of the complaint, either personally or by email, that an investigation has been initiated and provide the respondent member of Council with
    - i) the written complaint, and
    - ii) the name of the person who submitted the complaint, and
    - iii) an opportunity to respond to the complaint through the processes enabled by this bylaw;
  - b) notwithstanding any other provisions of this bylaw restricting disclosure of complaints, where the complainant is a member of Council the Investigatory shall provide a copy of the complaint to all members of Council; and
  - c) take such steps as the Investigator considers appropriate to investigate the complaint.
- 45 Notwithstanding section 44, the Investigator will not disclose the name of the person who submitted the complaint if the Investigator determines such disclosure could reasonably be expected to threaten anyone else's safety or mental or physical health or interfere with public safety.
- 46 In the course of an investigation, the Investigator is authorized to speak to anyone, access and examine any records in the custody and control of the Town and enter any Town work location relevant to the complaint.

- 47 When the Investigator is of the opinion there are reasonable grounds to believe a violation of this bylaw has occurred; however that the complaint could be resolved without an investigation, then the Investigator may initiate an alternate resolution dispute (ADR) process as follows:
- a) if the complainant is a member of Council, then the Investigator shall refer the complaint to the mayor to attempt resolution;
  - b) if the complainant is an employee or a member of the public, then the Investigator shall refer the complaint to the chief administrative officer to attempt resolution; and
  - c) if the mayor or chief administrative officer is unsuited, unwilling or unavailable to attempt a resolution of the complaint, then the Investigator may engage a third-party service provider to attempt a resolution of the complaint.
- 48 When engaging third-party service providers to attempt resolution of a complaint, the Investigator shall have discretion on the form of recommended ADR process and service provider and may consider culturally appropriate, transformative or restorative justice processes.
- 49 The Investigator shall not refer a complaint to ADR where any of the following circumstances exist:
- a) where there is a significant power imbalance between the complainant and the respondent,
  - b) where there is a reasonable apprehension of harm,
  - c) issues of financial impropriety,
  - d) sexual harassment,
  - e) physical violence, intimidation or aggression,
  - f) criminality,
  - g) where either party does not consent to ADR, or
  - h) other circumstances that in the Investigator's opinion prevent the success of ADR.
- 50 If a complaint is resolved through ADR, the Investigator shall
- a) terminate the investigation,
  - b) provide written notice of the termination of the investigation to the person who submitted the complaint and the respondent, and
  - c) close the file.

- 51 If a complaint is resolved through ADR, the fact of the complaint shall not be reported to Council, other than in the form of statistics.
- 52 When a complaint cannot be resolved through ADR, the Investigator shall proceed with the investigation.

### **INVESTIGATION REPORTS**

- 53 Where the Investigator finds no violation of this bylaw has occurred, the fact of the investigation shall not be reported to Council, other than in the form of statistics.
- 54 Where the Investigator finds a complaint to be substantiated, in whole or in part, the Investigator shall
  - a) notify the complainant when the investigation is complete and inform the complainant that a report, or a summary thereof, will be released by Council;
  - b) unless determined otherwise by the Investigator, include the name of the person who made the complaint in the investigation report;
  - c) provide the investigation report to the respondent;
  - d) provide the respondent with a deadline of 14 days from receipt of the investigation report to provide any further comment or response to the findings and recommendations of the investigation report, if any; and
  - e) provide all members of Council with a copy of the Investigator report two days after providing the Investigator report to the respondent.
- 55 If the Investigator finds a complaint to be substantiated, in whole or in part, but finds the respondent took all reasonable steps to prevent the contravention, or that the contravention was trivial or committed through inadvertence or genuine error of judgment, then the Investigator shall recommend that no sanction be imposed.

### **DECISION PROCESS**

- 56 Council shall deliberate and decide on the outcome of an investigation in accordance with sections 57, 58, and 59.
- 57 Step 1: The Investigator shall present the investigation report findings and recommendations, the respondent's response to the report findings and recommendations, and any further recommendations to Council; this presentation
  - a) shall occur at a meeting scheduled within the two regularly scheduled meetings following the deadline for the respondent's response to the Investigator on the findings and recommendations of the report;
  - b) shall be made in a meeting closed to the public;

Bylaw approved by: \_\_\_\_\_

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- c) shall take the form of presentation by the Investigator, without Council deliberations or decisions on the investigation outcomes;
- d) shall provide the respondent with an opportunity to attend; and
- e) shall occur at a regular or special council meeting or at Committee of the Whole meeting as needed to avoid delay.

58 Step 2: After receiving the Investigator's presentation of the investigation report as provided by Step 1, Council shall meet to discuss the investigator's findings and recommendations and any reply to the investigation report made by the respondent; this meeting

- a) shall be closed to the public,
- b) shall provide the respondent with opportunity to attend,
- c) shall provide the respondent with an opportunity to be heard by other members of Council,
- d) shall not involve any decisions of Council, and
- e) may occur at a regular or special council meeting or at Committee of the Whole meeting as needed to avoid delay.

59 Step 3: Council shall meet to deliberate on the outcome of the investigation and decide on any sanctions or remedies; this deliberation and

- a) shall occur at a regular or special meeting that allows Council to vote and act by way of resolution;
- b) may include deliberation in a meeting closed to the public, however any votes to issue sanctions or remedies shall be decided in public as needed to make valid resolutions of Council; and
- c) shall be held without the respondent.

60 The respondent shall be assumed to have a conflict of interest in the Step 3 meeting to deliberate and decision on sanctions or remedies and shall abstain from attending this meeting to avoid any applicable requirements for councilors to vote on matters in which they participate.

61 The meetings required through Step 1 through 3 shall be spread over at least two separate dates and maybe spread over three dates; in scheduling the meetings for these three steps, Council shall consider the value of time to contemplate the outcome of the investigation and the value of a timely resolution of the complaint.

- 62 The Step 3 meeting shall be used for Council to decide whether the investigation report or a summary thereof will be released to the complainant as provided by Section 54(a) if Council has not already made this decision at an earlier date.

### **SANCTIONS AND OTHER REMEDIES**

- 63 If the Investigator finds that a Council member has failed to adhere to this bylaw, Council may impose one or more of the following sanctions or remedies:
- a) a letter of reprimand addressed to the Council member,
  - b) a request that the Council member issue a letter of apology,
  - c) publication of a letter of reprimand or request for apology and the Council member's response,
  - d) a requirement to attend training,
  - e) suspension or removal of the appointment of a Council member as the deputy chief elected official under section 152 of the Municipal Government Act,
  - f) suspension or removal of the chief elected official's presiding duties under section 154 of the Municipal Government Act,
  - g) suspension or removal from some or all council committee 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 Municipal Government Act corresponding to a reduction in duties, excluding allowances for attendance at council meetings,
  - i) any other sanction deemed appropriate or suitable by Council for the nature of the breach, and
  - j) any other remedy recommended by the Investigator, so long as that remedy is within the authority of Council.
- 64 When deliberating sanctions and remedies, Council may consider
- a) the degree and nature of the conduct,
  - b) whether the contravention was a single or repeated act,
  - c) whether the member of council knowingly contravene the bylaw,
  - d) whether the member of council took steps to remedy or mitigate the contravention, and
  - e) the member of council's history of other contraventions.

### COMPLAINT PARAMETERS

- 65 In the period ninety days prior to the date of a municipal election, the Investigator may suspend any investigation underway or decline to commence an investigation.
- 66 The Investigator may reject any complaint received
- a) more than 180 days after the date of the alleged bylaw contravention, or
  - b) more than 180 days after the person submitting the complaint became aware of the alleged bylaw contravention, or
  - c) after the date of a municipal election which intervenes between the alleged bylaw contravention and the date the Investigator receives the complaint.

### INVESTIGATOR

- 67 Council shall appoint one or more persons to act as the Investigator.
- 68 The following persons are not eligible to act as the Investigator:
- a) a council member, a council member's spouse or adult interdependent partner, a council member's children or the children's spouse or interdependent partner, the parents of a council member, and the parents of a council member's spouse or interdependent partner;
  - b) a Town employee.
- 69 The records in the custody and control of the Investigator are considered property of the Town and so are subject to the *Freedom of Information and Protection of Privacy Act* and Town information governance policies.

### ENACTMENT/TRANSITION

- 70 Council shall review this bylaw, at a minimum, once every four years or when relevant legislation is amended.
- 71 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 72 Bylaw 2018-02 is repealed.
- 73 This bylaw comes into force on the day it is passed.



FIRST READING:

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

\_\_\_\_\_  
Sean Krausert  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cheryl Hyde  
Manager, Municipal Clerk's Office

\_\_\_\_\_  
Date

Bylaw approved by: \_\_\_\_\_



## BYLAW 2018-02 – REDLINE VERSION

### A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO ESTABLISH A CODE OF CONDUCT FOR ELECTED OFFICIALS

---

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

#### 1: TITLE

- 1.1. This bylaw shall be known as the “Council Code of Conduct Bylaw.” Test

#### 2: SCOPE

- 2.1. The Council Code of Conduct Bylaw is intended to address matters of conduct not already addressed in the Municipal Government Act or the Local Authorities Election Act.
- 2.2. In the event of a conflict between this bylaw and provincial legislation, the provincial legislation takes precedence.

#### 3: REPRESENTING THE MUNICIPALITY

- 3.1. In addition to the responsibilities established in the Municipal Government Act, the distinct charge of council is to work collaboratively, with the benefit of individual knowledge, experience, and community connections, to make balanced decisions to sustain and uphold community values for the betterment of the Town of Canmore.
- 3.2. Council members must not attempt to disguise or mislead as to their identity or status as an elected representative of the Town.

#### 4: COMMUNICATING ON BEHALF OF THE MUNICIPALITY

- 4.1. Unless Council directs otherwise, the mayor is Council’s official spokesperson.
- 4.2. Council members must not purport to speak on behalf of Council unless authorized by Council to do so.
- 4.3. Council’s official spokesperson must ensure their comments accurately reflect the official position of Council as a whole, even when the official spokesperson disagrees with that position.
- 4.4. Council members must not publish anything that is intentionally dishonest, untrue, unsubstantiated, or misleading in any way.

#### 5: RESPECT FOR THE DECISION-MAKING PROCESS

- 5.1. Council members must not purport to bind Council, either by publicly expressing their personal views on behalf of Council when not authorized to do so or by giving direction to employees, agents, contractors, consultants, or other service providers of the Town.

- 5.2. Council members shall accept and accurately communicate the decisions of Council even when they disagree with Council's decision.

**6: ADHERENCE TO POLICIES, PROCEDURES, AND BYLAWS**

- 6.1. Council members shall read, understand, and comply with all policies, procedures, and bylaws that apply to their duties as elected officials.

**7: RESPECTFUL INTERACTIONS**

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- 7.3. Council members shall read, understand, and comply with Respectful Workplace Policy HR-009.

**8: CONFIDENTIAL INFORMATION**

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- 8.4. Council members must protect confidential information from inadvertent disclosure, and take reasonable care to prevent examination of confidential information by unauthorized persons.
- 8.5. Council members must not use confidential information with the intent to cause harm or detriment to Council, the Town, or any other person or body.
- 8.6. Council members must not take personal advantage of, or use for their own benefit, corporate or financial opportunities learned about through access to confidential information.

**9: CONFLICTS OF INTEREST**

- 9.1. A council member must abstain from voting on a matter before council if the member has a conflict of interest that is a pecuniary interest as set out in the Municipal Government Act.
- 9.2. A council member is not permitted to abstain from voting on a matter before council if they have a conflict of interest that is not pecuniary; this would be where a member believes a non-pecuniary personal or private interest may influence their vote, or where a member believes another person may perceive that a member's non-pecuniary personal or private interest may influence their vote.
- 9.3. In the event a council member believes they have a conflict of interest that is not pecuniary, or where they believe another person may perceive them to have a conflict of interest that is not pecuniary, the council member may declare the interest before they vote on the matter, and that

declared interest will be recorded in the minutes of the meeting.

- 9.4. Council members will not accept or provide any gift, benefit, or favour in exchange for special consideration or influence, or where it may be perceived by a reasonable person to be in exchange for special consideration or influence.
- 9.5. Council members may accept a token or gift that is:
- a) Part of the normal exchange of hospitality among persons doing business such as a lunch or event ticket;
  - b) A small holiday gift showing appreciation (e.g., cards, cookies, chocolates);
  - c) Advertising material (e.g., calendars, note pads, pens, caps);
  - d) A corporate discount available to all Town employees;
  - e) A protocol item (e.g., symbolic or ceremonial gifts);
  - f) A conference door prize.
- 9.6. Council members may not accept cash or gift cards/certificates that have a monetary value, with the exception of donations made to support a charitable cause.

## **10: IMPROPER USE OF INFLUENCE**

- 10.1. Council members must not use the influence of their office for any purpose other than for the exercise of their official duties.
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- 10.3. Council members must not act as a paid agent to advocate on behalf of any individual, organization, or corporate entity before Council, a committee of Council, or any other body established by Council.
- 10.4. Council members shall not attempt to influence members of any adjudicative body regarding any matter before it relating to the Town.
- 10.5. Council members must not ask any Town employee to undertake personal or private work on their behalf, or accept such work from a Town employee.

## **11: USE OF MUNICIPAL ASSETS AND SERVICES**

- 11.1. Council members are required to care for Town assets, which includes all property, equipment, software, and information.

11.2. Council members must not use, or permit the use of, Town land, facilities, equipment, supplies, services, employees or other resources for activities other than Town business, subject to the following exceptions:

- a) Municipal property, equipment, service, supplies, and staff resources that are available to the general public may be used by Council members for personal use under the same terms and conditions as apply to the general public, including booking and payment of fees or charges;
- b) Electronic communication devices supplied to Council members by the Town, including but not limited to desktop computers, laptops, tablets and smartphones, may be used by Council members for personal use, with the caveat that the devices and all information contained on them remain the property of the Town.

11.3. Council members must not use any facilities, equipment, supplies, services, municipal logo, or any other resources of the Town for any election campaign or campaign-related activity.

## **12: ORIENTATION AND OTHER TRAINING ATTENDANCE**

12.1. Unless excused by Council, Council members must attend:

- a) Orientation training offered by the municipality in accordance with the Municipal Government Act; and
- b) Any training organized at the direction of Council or mandated by the Province of Alberta.

## **13: COMPLAINTS**

13.1. Any person who has witnessed or experienced conduct by a council member which they believe to be in contravention of this bylaw may address the contravention by submitting a complaint to the Investigator in accordance with this bylaw.

13.2. Complaints submitted to the Investigator must:

- a) Be made in writing and include the date and the name and signature of an identifiable individual;
- b) Be addressed to the Town of Canmore Investigator; and
- c) Set out reasonable and probable grounds for the complaint.

13.3. A complaint is considered received when the Investigator personally receives it.

13.4. Upon receipt of a complaint, the Investigator shall determine whether the conduct described is within the Investigator's authority to consider and whether the information given in the complaint provides reasonable grounds for believing that a violation of this bylaw may have occurred.

13.5. The Investigator may request further information from the person who submitted the complaint before determining whether or not there are reasonable grounds for believing a violation of this bylaw may have occurred.

13.6. If the Investigator, on receipt of the complaint or at any time thereafter, is of the opinion that:

- a) The matter is not within the Investigator's authority to investigate, or
- b) There are no grounds or insufficient grounds for conducting an investigation, or
- c) The complaint is frivolous, vexatious, or not made in good faith,

The Investigator shall not conduct an investigation, or shall terminate an investigation that has already started, shall advise the person who submitted the complaint in writing, setting out the reasons, and shall close the file.

13.7. If a complaint is dismissed pursuant to section 13.6, the fact of the complaint shall not be reported to council, other than in the form of statistics.

13.8. If a complaint is not dismissed pursuant to section 13.6, the Investigator shall:

- a) Within 10 days of receiving the complaint, notify the council member who is the subject of the complaint, either personally or by email, that an investigation has been initiated and provide the council member with:
  - i) The written complaint and
  - ii) \_\_\_\_\_ The name of the person who submitted the complaint; and
  - iii) an opportunity to respond to the complaint through the processes enabled by this bylaw;
- b) notwithstanding any other provisions of this bylaw restricting disclosure of complaints, where the complainant is a member of Council the Investigatory shall provide a copy of the complaint to all members of Council.
- c) Take such steps as the Investigator considers appropriate to investigate the complaint.

13.9. Notwithstanding section 13.8 (ii), the Investigator will not disclose the name of the person who submitted the complaint if the Investigator determines such disclosure could reasonably be expected to threaten anyone else's safety or mental or physical health, or interfere with public safety.

13.10. In the course of an investigation, the Investigator is authorized to speak to anyone, access and examine any records in the custody and control of the Town, and enter any Town work location relevant to the complaint.

13.11. When the Investigator is of the opinion there are reasonable grounds to believe a violation of this bylaw has occurred, however that the complaint could be resolved without an investigation, then the Investigator may initiate an alternate resolution dispute (ADR) process as follows: the Investigator may attempt to resolve the complaint through mediation with the person who submitted the complaint and the council member who is the subject of the complaint.

- a) if the complainant is a member of Council, then the Investigator shall refer the complaint to the mayor to attempt resolution;
- b) if the complainant is an employee or a member of the public, then the Investigator shall refer the complaint to the chief administrative officer to attempt resolution; and
- c) if the mayor or chief administrative officer is unsuited, unwilling or unavailable to attempt a resolution of the complaint, then the Investigator may engage a third-party service provider to attempt a resolution of the complaint.

When engaging third-party service providers to attempt resolution of a complaint, the Investigator shall have discretion on the form of recommended ADR process and service provider and may consider culturally appropriate, transformative or restorative justice processes.

The Investigator shall not refer a complaint to ADR where any of the following circumstances exist:

- d) where there is a significant power imbalance between the complainant and the respondent,
- e) where there is a reasonable apprehension of harm,
- f) issues of financial impropriety,
- g) sexual harassment,
- h) physical violence, intimidation or aggression,
- i) criminality,
- j) where either party does not consent to ADR, or
- k) other circumstances that in the Investigator's opinion prevent the success of ADR.

If a complaint is resolved through ~~mediation~~ADR, the Investigator shall:

- a) ~~l)~~ Terminate the investigation,

~~b)m)~~ Provide written notice of the termination of the investigation to the person who submitted the complaint and the council member who is the subject of the complaint, and

~~e)n)~~ Close the file.

13.12. If a complaint is resolved through ~~mediation~~ADR, the fact of the complaint shall not be reported to council, other than in the form of statistics.

13.13. When a complaint cannot be resolved through ~~mediation~~ADR, the Investigator shall proceed with the investigation and shall provide the findings along with any recommendations, in writing, to the person who submitted the complaint and the council member who is the subject of the complaint no later than 90 days after receiving the complaint.

13.14. Where the Investigator finds no violation of this bylaw has occurred, the fact of the investigation shall not be reported to Council, other than in the form of statistics.

13.15. Where the Investigator finds a complaint to be substantiated, in whole or in part, the Investigator shall:

~~a) Allow the council member who is the subject of the complaint fourteen days from the date the notice under section 13.14 was provided to submit a response, either in person or in writing, on the proposed finding and recommended sanction, if any, and~~

~~b) Report the findings, the council member's response, and any recommendations to Council within the two regularly scheduled business meetings following the deadline for the council member's response.~~

~~a) notify the complainant when the investigation is complete and inform the complainant that a report, or a summary thereof, will be released by Council;~~

~~b) unless determined otherwise by the Investigator, include the name of the person who made the complaint in the investigation report;~~

~~c) provide the investigation report to the respondent;~~

~~d) provide the respondent with a deadline of 14 days from receipt of the investigation report to provide any further comment or response to the findings and recommendations of the investigation report, if any; and~~

~~e) provide all members of Council with a copy of the Investigator report two days after providing the Investigator report to the respondent.~~



~~13.16.~~—A report made under section 13.16(b) shall include the name of the person who made the complaint unless determined otherwise by the Investigator.

~~13.17:~~13.16. If the Investigator finds a complaint to be substantiated, in whole or in part, but finds the Council member took all reasonable steps to prevent the contravention, or that it was trivial or committed through inadvertence or genuine error of judgment, the Investigator shall recommend that no sanction be imposed.

~~13.18:~~13.17. Upon receipt of a report made under section 13.16(b), council shall determine which, if any, sanctions will be imposed.

### **DECISION PROCESS**

Council shall deliberate and decide on the outcome of an investigation in accordance with sections 57, 58, and 59.

Step 1: The Investigator shall present the investigation report findings and recommendations, the respondent's response to the report findings and recommendations, and any further recommendations to Council; this presentation

- a) shall occur at a meeting scheduled within the two regularly scheduled meetings following the deadline for the respondent's response to the Investigator on the findings and recommendations of the report;
- b) shall be made in a meeting closed to the public;
- c) shall take the form of presentation by the Investigator, without Council deliberations or decisions on the investigation outcomes;
- d) shall provide the respondent with an opportunity to attend; and
- e) shall occur at a regular or special council meeting or at Committee of the Whole meeting as needed to avoid delay.

Step 2: After receiving the Investigator's presentation of the investigation report as provided by Step 1, Council shall meet to discuss the investigator's findings and recommendations and any reply to the investigation report made by the respondent; this meeting

- a) shall be closed to the public,
- b) shall provide the respondent with opportunity to attend,
- c) shall provide the respondent with an opportunity to be heard by other members of Council,
- d) shall not involve any decisions of Council, and

e) may occur at a regular or special council meeting or at Committee of the Whole meeting as needed to avoid delay.

Step 3: Council shall meet to deliberate on the outcome of the investigation and decide on any sanctions or remedies; this deliberation and

f) shall occur at a regular or special meeting that allows Council to vote and act by way of resolution;

g) may include deliberation in a meeting closed to the public, however any votes to issue sanctions or remedies shall be decided in public as needed to make valid resolutions of Council; and

h) shall be held without the respondent.

The respondent shall be assumed to have a conflict of interest in the Step 3 meeting to deliberate and decision on sanctions or remedies and shall abstain from attending this meeting to avoid any applicable requirements for councilors to vote on matters in which they participate.

The meetings required through Step 1 through 3 shall be spread over at least two separate dates and maybe spread over three dates; in scheduling the meetings for these three steps, Council shall consider the value of time to contemplate the outcome of the investigation and the value of a timely resolution of the complaint.

The Step 3 meeting shall be used for Council to decide whether to disclose the investigation report or a summary thereof to the complainant as provided by Section 54(a) if Council has not already decided whether to disclose the report or a summary thereof.

#### **14: SANCTIONS AND OTHER REMEDIES**

14.1. If the Investigator finds that a Council member has failed to adhere to this bylaw, Council may impose one or more of the following sanctions:

- a) A letter of reprimand addressed to the Council member;
- b) A request that the Council member issue a letter of apology;
- c) Publication of a letter of reprimand or request for apology and the Council member's response;
- d) A requirement to attend training;
- e) Suspension or removal of the appointment of a Council member as the deputy chief elected official under section 152 of the Municipal Government Act;
- f) Suspension or removal of the chief elected official's presiding duties under section 154 of the Municipal Government Act,

- g) Suspension or removal from some or all council committee 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 Municipal Government Act corresponding to a reduction in duties, excluding allowances for attendance at council meetings.
- i) any other sanction deemed appropriate or suitable by Council for the nature of the breach, and
- j) any other remedy recommended by the Investigator, so long as that remedy is within the authority of Council.

When deliberating sanctions and remedies, Council may consider

- a) the degree and nature of the conduct,
- b) whether the contravention was a single or repeated act,
- c) whether the member of council knowingly contravene the bylaw,
- d) whether the member of council took steps to remedy or mitigate the contravention, and
- e) the member of council's history of other contraventions.

**14:15: COMPLAINT PARAMETERS**

14.1.15.1. In the period ninety days prior to the date of a municipal election, the Investigator may suspend any investigation underway or decline to commence an investigation.

14.2.15.2. The Investigator may reject any complaint received:

- a) More than 180 days after the date of the alleged bylaw contravention; or
- b) More than 180 days after the person submitting the complaint became aware of the alleged bylaw contravention; or
- c) After the date of a municipal election which intervenes between the alleged bylaw contravention and the date the Investigator receives the complaint.

**15:16: INVESTIGATOR**

15.1.16.1. Council shall appoint a person to act as the Investigator.

15.2.16.2. The following persons are not eligible to act as the Investigator:

Bylaw approved by: \_\_\_\_\_

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- a) a council member, a council member’s spouse or adult interdependent partner, a council member’s children or the children’s spouse or interdependent partner, the parents of a council member, and the parents of a council member’s spouse or interdependent partner;
- b) a Town employee.

~~15.3.16.3.~~ The records in the custody and control of the Investigator are considered property of the Town and so are subject to the Freedom of Information and Protection of Privacy Act and Town information governance policies.

**~~16.17:~~ ENACTMENT/TRANSITION**

~~16.4.17.1.~~ Council shall review this bylaw, at a minimum, once every four years or when relevant legislation is amended.

~~16.2.17.2.~~ If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

~~16.3.17.3.~~ This bylaw comes into force on the day it is passed.

FIRST READING: April 3, 2018

SECOND READING: April 3, 2018

THIRD READING: April 3, 2018

Approved on behalf of the Town of Canmore:

\_\_\_\_\_  
John Borrowman  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cheryl Hyde  
Municipal Clerk

\_\_\_\_\_  
Date

Bylaw approved by: \_\_\_\_\_



# Request for Decision

**DATE OF MEETING:** October 1, 2024 **Agenda #:** H 1

**TO:** Council

**SUBJECT:** Council Paid Medical Leaves Policy and Maternity and Parental Leaves Bylaw

**SUBMITTED BY:** Johanna Sauvé, Manager of Human Resources

**RECOMMENDATION:** That Council approve Paid Medical Leave for Members of Council Policy EX-010 as presented.

That Council give first reading to Maternity and Parental Leaves for Elected Officials Bylaw 2024-28.

That Council give second reading to Maternity and Parental Leaves for Elected Officials Bylaw 2024-28.

That Council give leave to go to third reading of Maternity and Parental Leaves for Elected Officials Bylaw 2024-28.

That Council give third reading to Maternity and Parental Leaves for Elected Officials Bylaw 2024-28.

**EXECUTIVE SUMMARY**

Administration is bringing forward a Council Maternity/Parental Leave Bylaw and a Council Medical Leave Policy as recommended by the Council Remuneration Review Committee.

**RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS**

March 7, 2023	48-2023	Council directed administration to draft a terms of reference to establish a new committee to review council remuneration.
May 2, 2023	95-2023	Council Remuneration Review Committee Bylaw approved.
Oct. 24, 2023	254-2023	Council appointed public members to the Council Remuneration Committee.
June 18, 2024	129-2024	Council accepted the Council Remuneration Review Committee’s recommendations.
June 18, 2024	130-2024	Council directed administration to return Council with options for a Council Maternity/Parental Leave Bylaw.
June 18, 2024	131-2024	Council directed administration to return to Council with options for a Council Medical Leave Policy.
June 18, 2024	132-2024	Council directed administration to return to Council with an update to the Council Remuneration Policy as recommended by the Council Remuneration Review Committee.

**DISCUSSION**

The Council Remuneration Committee was struck in October 2023 and members Craig Saloff, Simon Orell, Laurie Edward, Harry Scott and Jen Marran were selected by Council following an application and interview process. Administrative support was provided by Johanna Sauvé, Jolene Noël and Therese Rogers. The committee met from November 2023 through to June 2024, presenting its recommendations to Council on June 18, 2024. The committee's mandate and purpose are included in Bylaw 2023-12 attached to this report. Council accepted the committee's recommendations and directed administration to return to Council with an updated Council Remuneration Policy as recommended by the review committee, and to bring forward a Council Medical Leave Policy and a Council Maternity/Parental Leave Bylaw. Administration is bringing forward the Medical Leave Policy and Council Maternity/Parental Leave Bylaw now and will bring the updated Council Remuneration Policy to a Committee of the Whole Meeting for discussion before bringing it for approval.

The Council Remuneration Review Committee recognized that significant circumstances which may temporarily prevent members of Council from fulfilling their duties, need not be circumstances that will discourage members of the public from running for Council, or circumstances that should disqualify members of Council from fulfilling their term. As such, the committee recommended a Medical Leaves Policy be implemented for Council that aligns with Alberta Employment Standards Legislation and the leaves offered to Town of Canmore employees, and that a Maternity and Parental Leaves Bylaw also be implemented for Council.

Section 174 of the Municipal Government Act states that a Councillor who is absent from all regular council meetings held during any 60-day period is disqualified from Council unless the absence is authorized by a resolution of council passed before the end of the 60 days, or if the absence is in accordance with a bylaw respecting maternity and parental leave for councillors. This means that the policy presented for medical leaves will provide the consistent set of terms and conditions for council to apply when passing a resolution authorizing the leave, and that the bylaw presented for maternity and parental leaves would eliminate the need for council to pass a resolution authoring maternity and parental leaves.

***MEDICAL LEAVE***

For councillor medical leaves the attached policy includes the following:

**Length of Leave:**

- Medical Leave for a period of up to 15 weeks due to personal illness or injury that prevents the councillor from carrying out their normal duties.

**Other Terms and Conditions:**

- Unless unforeseen circumstances exist, a member must submit a request for leave prior to commencing leave.
- Unless circumstances prevent an ill or injured councillor from doing so, a Leave Agreement must be completed and approved by the mayor, chief administrative officer, and any impacted councillors that includes:
  - The duties the councillor will not perform during the period of the leave.
  - Any duties the councillor intends to continue to perform during all or part of the leave.
  - Any workplace accommodations required by the councillor during or following the period of leave.

- Compensation is at 75% of the basic rate, in alignment with provisions for Town employees.
- All other terms of the Council Remuneration Policy continue to apply as described in the policy.
- This policy will be reviewed during the last year of each term of council.

**How the Municipality will continue to be represented during periods of leave:**

- The councillor on leave may attend council meetings, committee meetings, and events at their discretion and with medical documentation supporting their participation.
- As outlined in the Leave Agreement, duties and responsibilities may be accepted by other council members during the leave, and the councillor on leave may choose to continue to perform some duties during all or part of the leave.

***MATERNITY AND PARENTAL LEAVE***

The inclusions required by the Municipal Government Act for a municipality to establish a bylaw allowing leave prior to or after the birth or adoption of their child, are as follows:

- provisions respecting the length of the leave, other terms and conditions of the leave entitlement, and how the municipality will continue to be represented during periods of leave.
- that a councillor is not disqualified by being absent from all regular meetings during any period of 60 consecutive days if the absence is in accordance with the established bylaw for maternity and parental leave.

These requirements are included in the Maternity and Parental Leave Bylaw as follows:

**Length of Leave:**

- Parental Leave for either parent (including the birth mother) of up to 26 consecutive weeks, which must be completed within 78 weeks of the date the baby is born.
- Maternity Leave for the birth mother, up to eight consecutive weeks, to begin anytime within the eight weeks leading up to the estimated due date and ending no later than eight weeks following the date the baby is born and must be immediately preceding their Parental Leave.
- If the pregnancy of a councillor results in Pregnancy Loss within 16 weeks of the estimated due date, the Councillor is entitled to leave up to 16 weeks from the date of the loss.

**Other Terms and Conditions:**

- Unless unforeseen circumstances exist, a member must provide at least six weeks' written notice to the mayor and chief administration officer.
- A Leave Agreement must be completed and approved by the mayor, chief administrative officer and any impacted councillors, that includes:
  - The duties the councillor will not perform during the period of the leave.
  - Any duties that the councillor intends to continue to perform during all or part of the leave.
  - Any workplace accommodations required by the councillor during or following the period of leave.
- The councillor may request an amendment to the agreement after it has been approved.
- Compensation will be at 75% of the basic rate, in alignment with provisions for Town employees on maternity and parental leave.
- All other terms of the Council Remuneration Policy continue to apply as described in the policy.

- This bylaw will be reviewed during the last year of each term of council.

**How the municipality will continue to be represented during periods of leave:**

- The councillor on leave may attend council meetings, council committee meetings, and events at their discretion.
- As outlined in the Leave Agreement, duties may be assigned to other council members during the leave, and the councillor on leave may choose to continue to perform some duties during all or part of the leave.

**ANALYSIS OF ALTERNATIVES**

The options presented meet the recommendations of the Council Remuneration Review Committee, which is advisory in nature, as well as the motions of council from June 18, 2024. Council may consider adding other critical temporary leaves to the Medical Leave Policy, further aligning with the benefits offered to employees under legislation. The two other leaves to consider adding are:

- “Family Caregiver Leave” - a paid leave of absence to care for an immediate family member who is critically injured or ill and requires the care and support of one or more family members for a period of
  - a) Up to 36 weeks for the critical illness of a child, or
  - b) Up to 16 weeks for the critical illness of an adult.
- “Compassionate Care Leave” - a paid leave of absence for a period of up to 27 weeks to care for an immediate family member who has a serious medical condition and a significant risk of dying within six months.

**FINANCIAL IMPACTS**

Administration believes that there will be no additional financial cost for implementation of the Council Medical Leave Policy or the Council Maternity and Parental Leave Bylaw, as council members are not backfilled when on a leave of absence.

**INTEREST HOLDER ENGAGEMENT**

The Council Remuneration Review Committee engaged current and former council members via survey to assess compensation needs and concerns, as well as the time commitments required to fulfill the role of municipal council in our community. The committee also assessed the remuneration and benefits of other Alberta municipal elected officials for comparison.



**ATTACHMENTS**

- 1) Paid Medical Leave for Members of Council Policy EX-010
- 2) Maternity and Parental Leaves for Elected Officials Bylaw 2024-28
- 3) Council Remuneration Review Committee Bylaw 2023-12

**AUTHORIZATION**

Submitted by:	Johanna Sauvé Manager of Human Resources	Date:	<u>September 9, 2024</u>
Approved by:	Chelsey Gibbons Manager of Finance	Date:	<u>September 13, 2024</u>
Approved by:	Adam Robertson Acting General Manager of Corporate Services	Date:	<u>September 13, 2024</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date:	<u>September 20, 2024</u>



# Council Policy

**Policy Title:** Paid Medical Leave for Members of Council

**Policy Number:** EX-010

**Date in Effect:** October 1, 2024

## POLICY STATEMENT

- 1 It is the Town of Canmore’s policy that members of council will be provided with paid Medical Leaves for personal illness or injury that temporarily prevents a Member from fulfilling their normal council duties.

## PURPOSE

- 2 The purpose of this policy is to establish guidelines and procedures for paid Medical Leave for members of council.
- 3 Should any part of this policy not meet at least the minimums required under the *Municipal Government Act*, the Act will prevail.

## DEFINITIONS

- 4 “Approved Leave” means a Medical Leave approved by council motion;
- 5 “Leave Agreement” means a written and signed agreement that outlines the commitments of the parties for the duration of the Approved Leave;
- 6 “Member” means an elected member of council;
- 7 “Medical Leave” means a paid leave of absence for a period of up to 15 weeks due to personal illness or injury that prevents a Member from carrying out their normal council duties.

## PARAMETERS

- 8 A Member may apply for a Medical Leave by submitting a written request to the mayor and chief administrative officer that includes
  - a) the start date of the leave,
  - b) the anticipated length of the leave, and
  - c) medical documentation supporting the leave.
- 9 A Medical Leave must be authorized by council for the compensation outlined in this policy to apply.

Policy approved by: \_\_\_\_\_

- 10 Before commencing an Approved Leave or as soon as is reasonably practicable under the circumstances, unless a Member is not able to do so due to limited functional ability, the Member, the mayor, and the chief administrative officer must complete and sign a Leave Agreement that includes
  - a) the duties the Member will not perform during the Approved Leave,
  - b) any duties the Member intends to continue to perform during all or part of the Approved Leave, and
  - c) any other workplace accommodations required by the Member to balance their recovery with their council duties during or following the Approved Leave.
- 11 Council may, by resolution, approve an extension to an Approved Leave or grant a subsequent leave.
- 12 During the period in which a Member is on Approved Leave
  - a) the Member may be absent from all council meetings, council committee meetings, and any other duties assigned to the Member by council or under the *Municipal Government Act*, including any responsibilities of the Member to residents and for representation of the Town;
  - b) the Member will not be disqualified from council for being absent from council meetings; and
  - c) the Member may attend council meetings, council committee meetings, and events at their discretion and if documentation is submitted from their medical care provider supporting functional ability to safely participate.
- 13 A Member on Approved Leave will be remunerated at 75% of the basic rate as set out in the Council Remuneration Policy.
- 14 Notwithstanding Section 13, a Member on Approved Leave will continue to be eligible for all other amounts, expenses, and benefits as set out under the Council Remuneration Policy.

**RESPONSIBILITIES**

- 15 The mayor must provide for coverage of the Member's duties identified in the Leave Agreement, including seeking council resolutions for council committee and deputy mayor appointments.
- 16 The chief administrative officer must
  - a) provide for the safekeeping of all records related to an Approved Leave,
  - b) notify any committees or other affected parties of a Member's leave and who will be providing interim coverage, and
  - c) ensure the Member's remuneration is adjusted in accordance with section 13 while on Approved Leave.

Policy approved by: \_\_\_\_\_

**POLICY REVIEW**

- 17 This policy will be reviewed during the last year of the term of each council.
- 18 Council may request that this policy be included for review by the Council Remuneration Committee.

**AUTHORIZATION:**

\_\_\_\_\_  
 Sean Krausert  
 Mayor

\_\_\_\_\_  
 Cheryl Hyde  
 Manager, Municipal Clerk’s Office

**REVISION HISTORY**

Action	Date	Council Motion	Notes
Approved	2024.10.01		New policy.

Policy approved by: \_\_\_\_\_



## BYLAW 2024-28

### A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO ESTABLISH MATERNITY AND PARENTAL LEAVES FOR ELECTED OFFICIALS

---

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

#### TITLE

- 1 This bylaw shall be known as Maternity and Parental Leaves for Elected Officials Bylaw 2024-28.

#### INTERPRETATION

- 2 In this bylaw
  - a) “Leave Agreement” means a written and signed agreement that outlines the commitments of the parties for the duration of Maternity Leave and/or Parental Leave;
  - b) “Member” means an elected member of Council;
  - c) “Maternity Leave” means a period of time during which a Member who is the birth mother may take leave for health reasons related to pregnancy and childbirth;
  - d) “Parental Leave” means a period of time during which any Member may take leave in the event of the birth or adoption of their child;
  - e) “Pregnancy Loss” means any situation where a pregnancy ends other than in a live birth.

#### MATERNITY AND PARENTAL LEAVE

- 3 A Member is eligible to take Parental Leave beginning on the day of or any time after the birth or the adoption of their child for a period of up to 26 consecutive weeks and must be completed within 78 weeks of the date the baby is born or placed with the parent(s).
- 4 Notwithstanding section 3, a Member who is the birth mother is also eligible to take Maternity Leave beginning any time within the eight weeks leading up to the estimated due date and ending no later than eight weeks following the date the baby is born for a maximum of 16 consecutive weeks, and immediately preceding their Parental Leave.
- 5 Notwithstanding sections 3 and 4, if a pregnancy of a Member results in Pregnancy Loss within 16 weeks of the estimated due date, the Member is entitled to Maternity Leave for a period of up to 16 weeks from the date of loss.
- 6 A Member who takes Maternity and/or Parental Leave may be absent from all council meetings, council committee meetings, and any other duties assigned to the Member by council or under the *Municipal Government Act*, including any responsibilities of the Member to residents and for representation of the Town.

#### NOTICE

- 7 Unless circumstances do not permit, a Member must provide at least six (6) weeks’ written notice to the mayor and the chief administrative officer of their intent to take Maternity Leave and/or Parental Leave, including

Bylaw approved by: \_\_\_\_\_

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- a) the start date of the leave,
- b) the anticipated length of the leave,
- c) the estimated date of birth or adoption of the child or, if the child has already been born or adopted at the time of notice, the actual date of the birth or adoption, and
- d) if applicable, the general nature of the circumstances that prevented the Member from providing six (6) weeks' notice.

#### **MATERNITY AND PARENTAL LEAVE AGREEMENT**

- 8 After providing written notice required in Section 7 and before commencing the Maternity and/or Parental Leave, a Member shall submit a signed Leave Agreement to the mayor and chief administrative officer, which includes
- a) the duties the Member will not perform during the Approved Leave,
  - b) any duties that the Member intends to continue to perform during all or part of the leave, and
  - c) any other workplace accommodations required by the Member to balance their role as a parent with their council duties during or following the period of leave.
- 9 Amendments to a Leave Agreement may be approved as follows:
- a) Council may, by resolution, approve an extension to the Parental Leave or grant a subsequent leave;
  - b) the mayor and CAO may approve amendments to conditions set out pursuant to section 8.

#### **REPRESENTATION**

- 10 The mayor must
- a) arrange for coverage of the tasks and duties that the Member will not continue to perform, including seeking council resolutions for council committee and deputy mayor appointments, and
  - b) provide for notification of any committees or other affected parties of a Member's leave and who will be providing interim coverage.
- 11 A Member on Maternity Leave or Parental Leave may attend council meetings, council committee meetings, and events at their discretion and if documentation is submitted from their medical care provider supporting functional ability to safely participate.

#### **REMUNERATION**

- 12 A Member on Maternity Leave or Parental Leave will be remunerated at 75% of the basic rate as set out in the Council Remuneration Policy.
- 13 Notwithstanding Section 12, a Member on Maternity Leave or Parental Leave will continue to be eligible for all other amounts, expenses, and benefits as set out under the Council Remuneration Policy.

**REVIEW**

- 14 This bylaw shall be reviewed during the last year of the term of each council.
- 15 Council may request that this bylaw be included for review by the Council Remuneration Committee.

**ENACTMENT/TRANSITION**

- 16 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 17 This bylaw comes into force on the date it is passed.

FIRST READING:

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

\_\_\_\_\_  
 Sean Krausert  
 Mayor

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Cheryl Hyde  
 Manager, Municipal Clerk’s Office

\_\_\_\_\_  
 Date



## BYLAW 2023-12

### A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING A COUNCIL REMUNERATION REVIEW COMMITTEE

---

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

#### TITLE

- 1 This bylaw shall be known as the Council Remuneration Review Committee.

#### ESTABLISHMENT

- 2 The Council Remuneration Review Committee is hereby established.
- 3 The purpose of the committee is to make recommendations to Council with respect to approval of the Council Remuneration Policy to develop a plan that
  - a) is fair and reasonable,
  - b) attracts a diverse and representative pool of candidates from Canmore residents, and
  - c) recognizes the complexity, responsibilities, and time commitments associated with the role of elected officials.
- 4 The committee's scope includes but is not limited to
  - a) establishing a set of guiding principles for council remuneration,
  - b) establishing the appropriate remuneration paid to council members, including specific recommendations on
    - (i) base salary and per diem amounts,
    - (ii) benefits,
    - (iii) allowances and expenses,
    - (iv) full-time equivalent status,
    - (v) options for making periodic adjustments to established remuneration,
 and
  - c) establishing standards for remuneration review.



## POWERS AND DUTIES

- 5 The Committee is advisory in nature.
- 6 The chair (or a member chosen by the committee if the admin member is the chair) shall present the Committee's recommendations to Council on or before June 30 the year before a general municipal election.
- 7 The Committee shall review relevant survey data and practices of comparable markets and may conduct other reviews as required.
- 8 The Committee may solicit external submissions and expertise.
- 9 Committee members shall not be compensated for their services.

## MEMBERSHIP AND TERM

- 10 The committee shall be comprised of
  - a) three or five public members, and
  - b) the general manager of corporate services or designate (non-voting).
- 11 Council shall appoint public members at Council's annual organizational meeting.
- 12 The Committee term will commence two years before a general municipal election and end no later than June 30 the year before a general municipal election.

## ELIGIBILITY

- 13 To be eligible for public membership on the Committee, a person must
  - a) be a resident of Canmore,
  - b) be at least eighteen years of age, and
  - c) have education or experience in finance, human resources, or business.
- 14 Town employees are not eligible to be public members.
- 15 A public member is not eligible for continuing a term on the Committee and/or for reapplying for the next subsequent term on that committee if the public member
  - a) fails to attend three consecutive meetings of the committee, unless that absence is caused through illness or is authorized in advance by resolution of the Committee, or
  - b) ceases to meet the eligibility requirements set out in this bylaw.

Bylaw approved by:      AR

## RESIGNATIONS AND REMOVALS

- 16 Any public member may resign from the Committee at any time by sending written notice to the committee chair.

## MEETING SCHEDULE AND PROCEDURES

- 17 Quorum is three voting members.
- 18 The committee shall determine their own meeting schedule.
- 19 Public notice of a meeting is provided on the Town's website at least 24 hours prior to a meeting.
- 20 The committee conducts its meetings in public except where authorized by the Municipal Government Act to close a meeting to the public.
- 21 The committee chair is selected by a majority vote of committee members.
- 22 Matters are decided by majority vote.

## MEETING RECORDS

- 23 Agendas are made available to committee members at least three days prior to a meeting and made available to the public at least one day prior to a meeting.
- 24 Minutes are prepared for every committee meeting and contain the following:
  - a) the date, time, and location of the meeting,
  - b) the names of all committee members present,
  - c) the name of anyone other than a committee member who participated in the meeting, and
  - d) any motions made at the meeting, along with the results of the vote on the motion.
- 25 Questions and debate are not recorded in the minutes.
- 26 Minutes may, at the discretion of the members, include action items agreed upon by unanimous consent, including, but not limited to, action items accepted by individual committee members.
- 27 Minutes of a meeting are adopted by motion at the next meeting.
- 28 Any member may request a correction to the minutes before they are adopted; corrections are deemed adopted when the motion to adopt the minutes has carried.
- 29 Approved minutes are signed by the chairperson and the recorder who were present at the meeting where the minutes were taken, wherever possible. Where not possible, the minutes shall be signed by the current presiding officer and recording secretary.

Bylaw approved by: SK AR

**ENACTMENT/TRANSITION**

30 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

31 This bylaw comes into force on the date it is passed.

FIRST READING: May 2, 2023

SECOND READING: May 2, 2023

THIRD READING: May 2, 2023

Approved on behalf of the Town of Canmore:

  
Sean Krausert  
Mayor

May 3, 2023  
Date

  
Allyssa Rygersberg  
Deputy Municipal Clerk

May 3, 2023  
Date

Bylaw approved by:  



# Request for Decision

**DATE OF MEETING:** October 1, 2024 **Agenda #:** H 2

**TO:** Council

**SUBJECT:** Alberta Community Partnership Grant – Bow Valley Evacuation Modelling and Plan

**SUBMITTED BY:** Caitlin Miller, Manager of Protective Services

**RECOMMENDATION:** That Council approve the submission of an Alberta Community Partnership Grant application for a Bow Valley Evacuation Modelling and Plan project.

## EXECUTIVE SUMMARY

Administration is working in partnership with the Town of Banff and MD of Bighorn to submit an Alberta Community Partnership Grant application for a project that would look at the transportation modelling for various evacuation scenarios and prepare a regional evacuation plan that would supplement the Town of Canmore’s evacuation plans. The project team would be led by the Directors of Emergency Management in each municipality and supported by the relevant engineering departments. This project is expected to increase resilience within the Bow Valley in the face of a disaster requiring evacuation of one or more community.

## RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

Since 2017, Council has supported Alberta Community Partnership grant applications for intermunicipal collaboration. Many of these grant applications have been projects in collaboration with other municipalities in the region.

*Bow Valley Regional Emergency Management Bylaw 2023-26* – This project would support the Bow Valley Regional Emergency Management Plan.

## DISCUSSION

The purpose of this project is to better understand how evacuation of one or multiple communities within the Bow Valley impacts the transportation network and how emergency managers can prepare for effective and timely evacuations. Modelling of evacuations from and within each community and how they impact traffic flow throughout the Bow Valley has not been completed and this information would greatly assist emergency management planners in the three communities understand potential impacts when another community is evacuating or if two or more communities are evacuating at the same time. Each community has an evacuation plan, but there is no regional evacuation plan. The partnership will engage with a consultant to develop evacuation modelling based on a variety of scenarios to better understand traffic flows, pinch points, expected congestion, expected contingencies, gas station flows, and impacts on other communities. The expected output is updated community-level evacuation plan and a regional evacuation plan that would support simultaneous evacuations of the communities and better overall preparedness throughout the Bow Valley. The scope of the project will look at evacuation scenarios from the municipalities of Banff, Canmore,

Harvie Heights, Dead Man’s Flats, and Exshaw and provide detailed transportation modelling. It is expected that this project will result in more resilient communities that are prepared for a regional disaster with the creation of a regional evacuation plan.

When disaster hits communities in the Bow Valley, it affects each community either directly or indirectly. The evacuation of one or more community puts pressure on the transportation network that connects the three municipalities. Conducting modelling based on a variety of scenarios and developing a regional evacuation plan will increase the resilience across the communities within the Bow Valley. This will help inform evacuation plans at the local level and will increase preparedness at the regional level. As the current evacuation plans for each community do not consider simultaneous evacuation of the other communities, nor do they consider the impacts of evacuations of one community on another, this project will provide comprehensive information that increases the effectiveness of local plans.

This is a priority project for several reasons, including but not limited to:

- 1) Wildfire remains the top-rated hazard to the communities of the towns of Banff, Canmore and the MD of Bighorn. Climate change continues to produce hotter and drier weather, all communities have extreme development into the wildland-urban interface, and all communities are surrounded by overly-mature, decadent forests. All three communities have an increased risk to a severe wildfire impacting the community and requiring evacuation. The communities are close together, and in the case of the MD of Bighorn and Canmore, the boundaries are intertwined. It is likely that the evacuation of Canmore will be simultaneous with the evacuation of parts of the MD of Bighorn. Similarly, it is highly likely that the evacuation of either the towns of Banff or Canmore/the MD of Bighorn is likely to impact the other communities based on their proximity and the makeup of the transportation network throughout the Bow Valley. Preparing for a regional evacuation or an evacuation of one community into the other is important to increase resilience given the high wildfire risk.
- 2) Increased visitation to the Bow Valley has increased the number of vehicles within the region. At times, the population with visitors can more than double the actual population that resides in the Bow Valley. Ensuring that modelling includes and incorporates the visitors that are within or driving through the communities during an evacuation is a priority for this project.
- 3) There are a number of people living, working, and visiting the Bow Valley who do not use or have access to a personal vehicle. Modelling how evacuating a larger portion of the population without personal vehicles is a priority for this project and all three communities need to understand the impacts on the transportation systems should the regional transit be redeployed to help with evacuations.

The grant will be used to access professional consultants who regularly conduct transportation modelling as this expertise and resources are not available in-house in any of the communities. Given the complexity between the three communities based on geographical boundaries, the shared transportation networks, and the number of visitors, it is important that this work be done by an external third party to accurately capture the details from each community. This grant will also allow the communities to have this work be focused and timely and will not be constrained by external-to-the-project pressures or competing priorities that exist within each community. This work is specialized and would require software and tools not available in any of the municipalities in-house.

**ANALYSIS OF ALTERNATIVES**

None.

**FINANCIAL IMPACTS**

The total Alberta Community Partnership grant funding being requested is \$150,000. If the grant is approved by the province, administration will return with a request to add a new capital project funded by the Alberta Community Partnership grant. If the grant is not approved, an application will be submitted for future rounds of funding. Operational impacts will be absorbed in existing workplans and no additional resources are being requested.

**INTEREST HOLDER ENGAGEMENT**

Directors of Emergency Management in the Town of Banff and M.D. of Bighorn have engaged interest holders within their organizations regarding this project.

This project was brought to the September 5, 2024 Emergency Advisory Committee for information.

The Town of Canmore’s Engineering Department has been consulted.

**ATTACHMENTS**

None.

**AUTHORIZATION**

Submitted by:	Caitlin Miller Manager of Protective Services	Date:	<u>September 6, 2024</u>
Approved by:	Scott McKay General Manager of Municipal Services	Date:	<u>September 12, 2024</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date:	<u>September 20, 2024</u>