

CITY OF COLD LAKE
BYLAW #638-AD-19
A BYLAW TO AMEND BYLAW NO. 618-AD-18

A BYLAW OF THE CITY OF COLD LAKE IN THE PROVINCE OF ALBERTA, TO AMEND BYLAW NO. 618-AD-18, COUNCILLOR CODE OF CONDUCT BYLAW

PURSUANT to section 63(1) of the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended a council may by bylaw authorize the revision of a bylaw of the municipality;

WHEREAS Council passed Bylaw No. 618-AD-18 on April 24, 2018 Councillor Code of Conduct Bylaw;

WHEREAS Council wishes to revise the Bylaw 618-AD-18 in the following ways:

- Add section 2.10 to define a Council Complaints Committee
- Amend section 3.22.5 to provide greater clarity related to the Councillors limited right to stay in the meeting room (where the Councillor believes he/she may have a conflict of interest)
- Amend section 4.4 and 4.5 of the Bylaw to clarify that complaints shall be heard before a Council Complaints Committee which shall not include the member of Council whom the complaint concerns, and add section 4.5.9 to provide Council with an additional option of imposing any other sanction as is appropriate in the circumstances.

NOW THEREFORE the Council of the City of Cold Lake in the Province of Alberta, in Council duly assembled, hereby enacts as follows:

SECTION 1 - TITLE

1. This Bylaw shall be cited as the "Amendment to Bylaw No. 618-AD-18, Councillor Code of Conduct."

SECTION 2 - BYLAW AMENDMENT

2. Section 2.10 is hereby added to Bylaw No. 618-AD-18

2.10 "Council Complaints Committee" means the Committee created by this Bylaw, and for each meeting of such committee, to be composed of all Councillors other than the one or more Councillors about whom a particular complaint is made. The quorum of this Committee is the majority of Council.

3. Section 3.22.5 of Bylaw No. 618-AD-18 is hereby removed, and replaced by the following:

3.22.5 Leave the meeting room if the matter is discussed and not return until discussions has ended or voting on the matter has been concluded; with the exception that, Councillors with a stated conflict of interest may stay in the meeting room, if the Councillor is seated in the gallery and addresses Council as a taxpayer, elector, or owner who has the right to be heard pursuant to the Act or any other enactment.

4. Section 4.4 of Bylaw No. 618-AD-18 is hereby removed and replaced by the following:

4.4 The Council Complaints Committee is formed for the purposes set out below. The Mayor (or Deputy Mayor) shall call and Chair a meeting of the Council Complaints Committee which shall consider in-camera the validity of the complaint, and during which:

- 4.4.1 All Councillors shall be provided with a copy of the Complaint Form and given an opportunity to ask questions;
- 4.4.2 The Councillor alleged to have breached the Code of Conduct has a right to be heard by the Committee and shall answer questions from the other Councillors and be given an opportunity to respond to the allegations and provide additional information concerning the allegations;
- 4.4.3 The Chair may determine that additional information is required to determine the validity of the complaint;
- 4.4.4 The complaint may be determined to be valid by a two-thirds majority vote of the members of the Committee, who are present, but excluding any Councillor about whom the complaint under consideration is made, no later than forty-five (45) days following receipt of the complaint, unless the Council Complaints Committee passes a motion to extend the period beyond the forty-five (45) day deadline.

5. Section 4.5 of Bylaw No. 618-AD-18 is hereby removed and replaced by the following:

4.5 Where a complaint is deemed to be valid in accordance with section 4.4, the appropriate sanction shall be determined by a two-thirds majority vote of the members of the

- Committee, but excluding any Councillor about whom the complaint under consideration is made, who are present when the complaint is considered, from any or all of the following options:
- 4.5.1 a letter of reprimand addressed to the Councillor;
 - 4.5.2 requesting the Councillor to issue a letter of apology;
 - 4.5.3 publication of a letter of reprimand or request for apology and the Councillor’s response;
 - 4.5.4 a requirement to attend training;
 - 4.5.5 suspension or removal of the appointment of a Councillor as the deputy Mayor or acting Mayor under section 152 of the *Act*;
 - 4.5.6 suspension or removal of the Mayor’s presiding duties under section 154 of the *Act*;
 - 4.5.7 suspension or removal from some or all council committees and bodies to which council has the right to appoint members;
 - 4.5.8 reduction or suspension of remuneration as defined in section 275.1 of the *Act* corresponding to a reduction in duties, excluding allowances for attendance at council meetings;
 - 4.5.9 such other sanction as is appropriate in the circumstances.

SECTION 3 - ENACTMENT

6. This Bylaw shall come into full force and effect at the beginning of the day on which it receives third and final reading.

FIRST READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this _____ day of _____, A.D. on motion by Councillor _____.

**CARRIED
UNANIMOUSLY**

SECOND READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this _____ day of _____, A.D. on motion by Councillor _____.

**CARRIED
UNANIMOUSLY**

THIRD AND FINAL READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta, this _____ day of _____, A.D. on motion by Councillor _____.

**CARRIED
UNANIMOUSLY**

Executed this _____ day of _____, 2019

CITY OF COLD LAKE

MAYOR

CHIEF ADMINISTRATIVE OFFICER