

**TOWN OF GIBBONS
AGENDA
SIXTEENTH REGULAR MEETING OF COUNCIL
OCTOBER 25, 2023
TO BE HELD AT THE MUNICIPAL OFFICE AT 7:00 PM**

- 1.0 ROLL CALL
- 2.0 CALL TO ORDER
- 3.0 ADDITIONS TO THE AGENDA
- 4.0 ADOPTION OF THE AGENDA
- 5.0 PUBLIC HEARING MINUTES
- 6.0 ADOPTION OF THE MINUTES
 - 6.1 Regular Meeting of Council October 11, 2023
- 7.0 FINANCE
 - 7.1 Accounts Paid as at October 23, 2023
- 8.0 APPOINTMENTS
 - 8.1 Escribe – James Coulen, Senior Account Executive
- 9.0 OLD BUSINESS
 - 9.1 Council Meeting Livestreaming – Verbal Update
 - 9.2 Councillor Sanctions
- 10.0 NEW BUSINESS
- 11.0 BYLAWS & POLICIES
 - 11.1 Council Meeting Procedures Amending Bylaw MOG 2-23
 - 11.2 Council Code of Conduct MOG 1-23
 - 11.3 CAO Bylaw MOG 3-23
- 12.0 STAFF REPORTS
 - 12.1 Administration Report

- 13.0 COMMITTEE REPORTS
- 14.0 PRESS COMMENTS & QUESTIONS
- 15.0 CORRESPONDENCE
- 16.0 NOTICE OF MOTIONS
- 17.0 **CLOSED SESSION - CONFIDENTIAL**
 - 17.1 Personnel
- 18.0 ADJOURNMENT

**MINUTES OF THE FIFTEENTH REGULAR MEETING OF THE COUNCIL OF THE TOWN OF GIBBONS
HELD ON WEDNESDAY, OCTOBER 11, 2023, AT 4807 – 50th AVENUE IN COUNCIL CHAMBERS**

Council Present: Mayor Dan Deck
Councillor Amber Harris
Councillor Willis Kozak
Councillor Jay Millante
Councillor Norm Sandahl
Councillor Dale Yushchyshyn

Council Absent: Councillor Loraine Berry is absent due to illness.

Staff Present: Farrell O'Malley – CAO
Eric Lowe – Superintendent of Public Works
Monique Jeffrey – Director of Finance
Louise Bauder – Planning and Development
Stephanie Peters, Director of Community Services
Jessica Kobza – Recording Secretary

Staff Absent: Chris Pinault, Recording Secretary is absent for personal reasons.

As a quorum was present, Mayor Deck called the meeting to order at 10:00 am.

3.0 ADDITIONS TO THE AGENDA

Councillor Sandahl requested that item 17.4 – Personnel be added to the agenda.
Mr. O'Malley requested that items 11.1 and 11.2 be deferred to the October 26, 2023, Council Meeting; until all members of Council are present and that item 8.1 be deferred to the next Regular Meeting of Council.
Councillor Millante requested to remove 16.1 and 16.2 from the agenda.

4.0 ADOPTION OF THE AGENDA

Councillor Kozak moved to accept the agenda as amended.

23.241	MOTION CARRIED
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5.0 ADOPTION OF THE PUBLIC HEARING MEETING MINUTES

6.0 ADOPTION OF THE MINUTES

6.1 REGULAR MEETING OF COUNCIL – SEPTEMBER 13, 2023

Councillor Yushchyshyn moved to accept the minutes of September 13, 2023; Regular Meeting of Council as presented.

23.242	MOTION CARRIED
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7.0 FINANCE

7.1 ACCOUNTS PAID AS AT October 10, 2023

Councillor Millante moved that Council accept the Accounts Paid as at October 10, 2023, as information as presented.

23.243	MOTION CARRIED
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7.2 CAPITAL PURCHASE- VAC TRUCK

Councillor Sandahl moved that Council authorize Administration to sign a purchase agreement to with Summit Truck Equipment to lease a 2023 Western Star/47X/Custom Vac for 12 months at \$11,500 lease payments excluding GST and that the unit be purchased at the conclusion of the 12 months for the price of \$304,700.00 and that it be purchased using the capital line-of-credit dollars.

Councillor Harris requested a recorded vote.

Mayor Deck	In Favour
Councillor Harris	Opposed
Councillor Kozak	In Favour
Councillor Millante	In Favour
Councillor Sandahl	In Favour
Councillor Yushchyshyn	In Favour

23.244	MOTION CARRIED
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7.3 CAPITAL PURCHASE- GATORS

Councillor Kozak moved that Council authorize the purchase of two John Deere Gators TE from Martin Deerline Ltd. For the total price of \$44,863.20 minus the rebate of \$13,458.96 for a final cost of \$31,404.24 and that this becomes a part of the 2024 capital budget.

Councillor Harris requested a recorded vote.

Mayor Deck	In Favour
Councillor Harris	Opposed
Councillor Kozak	In Favour
Councillor Millante	In Favour

Councillor Sandahl In Favour
Councillor Yushchyshyn In Favour

23.245 **MOTION CARRIED**

7.4 CAPITAL PURCHASE- MUNICIPAL VEHICLE

Councillor Sandahl moved that Council authorize a security deposit of \$3,000.00 towards the purchase of a 2024 Mazda CX-90 GS-L from Park Mazda for the price of \$61,623.25 minus the rebate of \$14,000.00 and that this becomes a part of the 2024 Capital Budget.

Councillor Harris requested a recorded vote.

Mayor Deck In Favour
Councillor Harris Opposed
Councillor Kozak Opposed
Councillor Millante In Favour
Councillor Sandahl In Favour
Councillor Yushchyshyn In Favour

23.246 **MOTION CARRIED**

7.5 2023 BUDGET VARIANCE REPORT AS OF SEPTEMBER 30TH, 2023

Councillor Millante moved that Council accept the 2023 Budget Variance Report as of September 30, 2023, as information.

23.247 **MOTION CARRIED**

7.6 FORTIS FRANCHISE FEE- 2024

Councillor Harris moved that Council maintain the Fortis Franchise Fee at 10% for 2024.

23.248 **MOTION CARRIED**

8.0 APPOINTMENTS

8.2 2022 FINANCIAL AUDIT PHIL DIRKS- MATRIX GROUP

Councillor Millante moved that Council accept the 2022 Financial Audit Report as information.

23.249 **MOTION CARRIED**

9.0 OLD BUSINESS

10.0 NEW BUSINESS

10.1 GIBBONS LIBRARY BOARD APPOINTMENTS

Councillor Millante moved that Council appoint Anna Keet as a member of the Gibbons Library Board for a period of 3 years.

23.250	MOTION CARRIED
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11.0 BYLAWS AND POLICIES

11.3 CAO BYLAW MOG 3-23

Councillor Sandahl moved to accept the proposed Chief Administration Officer Bylaw No. MOG 3-23 as information at this time and provide Administration with proposed changes with the intention of presenting an updated bylaw to Council at the October 25, 2023, Regular Meeting of Council for First Reading.

23.251	MOTION CARRIED
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12.0 STAFF REPORTS

12.1 ADMINISTRATION REPORT

Councillor Millante moved to accept the Administration Report as information.

23.252	MOTION CARRIED
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13.0 COMMITTEE REPORTS

Councillor Berry attended:

- Homeland Housing Board Meeting
- Mayor's Brunch
- Global Virtual Briefing
- Gibbons Library Board Meeting
- Alberta Municipalities Convention 2023
- Northern Lights Library Systems Board Meeting

Councillor Harris has not attended any events due to the sanctions imposed by Council.

Councillor Kozak attended:

- Arrow Utilities Board Meeting
- Edmonton Global
- Mayor's Brunch
- Alberta Municipalities Convention

Councillor Millante attended:

- Alberta Municipalities Convention 2023
- Bruderheim Parade
- Edmonton Global
- Mayor's Brunch
- Gibbons Fire Department/Bon Accord Fire Department Annual Charity Golf Tournament

Councillor Sandahl attended:

- Victim Services
- Capital Region Northeast Water Services Commission
- Edmonton Global
- Mayor's Brunch

Councillor Yushchyshyn attended:

- Edmonton Global Shareholders Meeting
- Mayor's Brunch

Mayor Deck attended:

- AIHA Stakeholder Event
- Spartan Hockey Club
- Edmonton Global
- Mayor's Brunch
- Alberta Municipalities Convention 2023
- Fort Saskatchewan Chamber of Commerce
- Gibbons Pioneers Home Opener Puck Drop
- Recognition Wall Presentation to Diane Sandahl
- Sturgeon Regional Emergency Management Partnership meeting

Councillor Yushchyshyn moved to accept the committee reports as information.

23.253	MOTION CARRIED
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14.0 PRESS COMMENTS & QUESTIONS

15.0 CORRESPONDENCE

15.1 NORTH SASKATCHEWAN WATERSHED ALLIANCE

Councillor Sandahl moved that Council accept the correspondence as information.

23.254	MOTION CARRIED
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15.2 ROYAL CANADIAN MOUNTED POLICE POLICY

Councillor Yushchyshyn moved that Council accept the correspondence as information.

23.255	MOTION CARRIED
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15.3 SCOTT GREGOR PRODUCTIONS

Councillor Sandahl moved that Council accept the correspondence as information.

23.256	MOTION CARRIED
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Mayor Deck called a 10 -minute recess at 11:13 am.

Mayor Deck called the meeting to back to order at 11:23 am.

16.0 NOTICE OF MOTIONS

17.0 CLOSED SESSION

Councillor Sandahl moved that Council move to Closed Session as per *Section 197 (2)* of the *Municipal Government Act* concerning the following items at 11:24 a.m.

23.257	MOTION CARRIED
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Councillor Millante moved that Council revert to normal seating at 11:50 a.m.

23.258	MOTION CARRIED
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17.1 SOUTH END DEVELOPMENT– FOIP S.25

Councillor Kozak moved that Council accept this as information.

23.259 | **MOTION CARRIED**

17.2 PERSONNEL- FOIP S.19

Councillor Millante moved to accept this as information and requested that Administration invite Phil Dirks from Metrix Group to the next scheduled Council Meeting on October 26, 2023.

23.260 | **MOTION CARRIED**

17.3 PERSONNEL - CAO CONTRACT – FOIP S.19

Councillor Kozak moved to accept the contract as information.

Councillor Harris requested a recorded vote.

Mayor Deck	In Favour
Councillor Harris	Opposed
Councillor Kozak	In Favour
Councillor Millante	In Favour
Councillor Sandahl	In Favour
Councillor Yushchyshyn	In Favour

23.261 | **MOTION CARRIED**

Councillor Harris left the meeting at 11:52 am.

Councillor Kozak moved that Council move back to Closed Session as per *Section 197 (2)* of the *Municipal Government Act* concerning the following items at 11:53 a.m.

23.262 | **MOTION CARRIED**

Councillor Yushchyshyn moved that Council revert to normal seating at 11:59 p.m.

23.263 | **MOTION CARRIED**

17.4 PERSONNEL – FOIP S.19

Councillor Millante moved to accept this as information.

23.264 | **MOTION CARRIED**

18.0 ADJOURNMENT

There being no further business Mayor Deck adjourned the meeting 12:04 pm.

Mayor, Dan Deck

CAO, Farrell O'Malley

DRAFT - NOT APPROVED



TOWN OF GIBBONS

Cheque Listing For Council

2023-Oct-23
10:58:19AM

Cheque					Invoice	Cheque
Cheque #	Date	Vendor Name	Invoice #	Invoice Description	Amount	Amount
20232493	2023-10-10	LOWE, ERIC D				
20232494	2023-10-10	WELLS, DYLAN R				
20232495	2023-10-10	DOUGLAS, NATHAN T				
20232496	2023-10-10	MACSWEEN, DAVID				
20232497	2023-10-10	PINAULT, CAMERON				
20232498	2023-10-10	BENSON, WILLIAM R				
20232499	2023-10-10	BARRETT, JASON				
20232500	2023-10-10	MYERS, KRISTOPHER				
20232501	2023-10-10	GENEAU, JAMIE				
20232502	2023-10-10	POLLARD, SCOTT T				
20232503	2023-10-10	MATETICH, CASSIDY				
20232504	2023-10-10	POLLARD, SIERRA				
20232505	2023-10-10	DUECK, JERRY J				
20232506	2023-10-10	FUNSTON, LAYNE				
20232507	2023-10-10	WARNER, JAMES				
20232508	2023-10-10	SCHEEPERS, JUSTIN				
20232509	2023-10-10	FULTON, JASON				
20232559	2023-10-11	ALBERTA MUNICIPAL SERVICES CORP/SCS	46320157026	PAYMENT INV# 23-1050056 SEPT/23 GAS/POWI	38,061.33	38,061.33
20232560	2023-10-11	RBC COMMERCIAL VISA/SCS		PAYMENT		10,724.19
			V453_137	L FLANIGAN OFFICE SUPPLIES/SNAI	90.80	
			V461_112	L BAUDER/ADOA CONFERENCE ACC	473.55	
			V569_135	S PETERS OFFICE SUPP/ZOOM SUB	1,153.67	
			V593_95	D DECK/CONVENTION/ACCOMODAT	1,846.90	
			V619_98	J POWLESLAND ARENA CONSTR/SU	1,224.95	
			V629_102	J KOBZA SUPPLIES/EQUIP REPAIRS	858.83	
			V634_75	C GILES OFFICE SUPP/ADVERTIS/FC	595.08	
			V660_46	R EDMONDS OFFICE SUPPLIES	698.54	
			V676_64	M JEFFREY GOLF REGIST./TRAINING	2,135.30	
			V682_86	E PATERSON/MEET COMM/1ST AID/CL	1,601.28	
			V699_20	W KOZAK - BREAKFAST MEETING	45.29	
20232562	2023-10-11	RBC COMMERCIAL VISA/SCS	V369_297	PAYMENT L SCHMIDT FCSAA CONF/MEET COM	4,387.46	4,387.46
20232563	2023-10-13	OSBORNE, CINDY				
20232564	2023-10-13	ELENIAK, RONALD J				
20232565	2023-10-13	ALLEN, JAMES R				
20232566	2023-10-13	LOWE, ERIC D				
20232567	2023-10-13	CHARTRAND, DENISE M				
20232568	2023-10-13	STEVENTON, CHRISTINE A				
20232569	2023-10-13	SCHMIDT, LAURA L				
20232570	2023-10-13	PARISIAN, NOELLE J				
20232571	2023-10-13	PINAULT, CHRISTINA J				
20232572	2023-10-13	ADAMS, JIM W				
20232573	2023-10-13	TERLECKI, QUENTIN G				
20232574	2023-10-13	STEVENTON, KENDRA N				

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TOWN OF GIBBONS

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Cheque		Vendor Name	Invoice #	Invoice Description	Invoice Amount	Cheque Amount
Cheque #	Date					
20232575	2023-10-13	BRADLEY, HAILEY				
20232576	2023-10-13	NORRIS, ANTHONY J				
20232577	2023-10-13	PETERS, STEPHANIE G				
20232578	2023-10-13	PATTISON, TERRA L				
20232579	2023-10-13	POWLESLAND, JOEL F				
20232580	2023-10-13	LOCHRIE, JAMES D				
20232581	2023-10-13	PARSONS, CURTIS				
20232582	2023-10-13	GINGELL, SUSAN				
20232583	2023-10-13	KOBZA, JESSICA				
20232584	2023-10-13	ANTONIUK, LUKAS				
20232585	2023-10-13	MOLNAR, BRAM				
20232586	2023-10-13	WIEBE, TRACEY				
20232587	2023-10-13	FLANAGAN, LORIA				
20232588	2023-10-13	LOCKEN, JODY L				
20232589	2023-10-13	GILES, CHRISTINE M				
20232590	2023-10-13	KUGLER, SARA E				
20232591	2023-10-13	RICHARDSON, ELIZABETH D				
20232592	2023-10-13	INKSTER, DYVONNA D				
20232593	2023-10-13	MULLINS, JULIE				
20232594	2023-10-13	ALLISON, COOPER				
20232595	2023-10-13	GIBBONS, DENISE A				
20232596	2023-10-13	BRAKE, NATHAN M				
20232597	2023-10-13	KOBZA, JENNIFER L				
20232598	2023-10-13	MAHONEY, SAMANTHA C				
20232599	2023-10-13	KOBZA, BROOKLYNN L				
20232600	2023-10-13	EDMONDS, RYAN A				
20232601	2023-10-13	MAHAL, MISBAH				
20232602	2023-10-13	POVEY, KYLE				
20232603	2023-10-13	SAUNDERS, MIKAYLA				
20232604	2023-10-13	PAZIUK, AYAKAH M				
20232605	2023-10-13	BOETTGER, VALERIE				
20232606	2023-10-13	CONLEY, MICHELLE				
20232607	2023-10-13	ANTONIUK, BRADEN				
20232608	2023-10-13	DURAND, BRETT M				
20232609	2023-10-13	CHISHOLM, MACKENZIE				
20232610	2023-10-13	MCKINLEY, SCOTT				
20232611	2023-10-13	LAIRD, NICHOLLE				
20232612	2023-10-13	KNELLER, AVALYN				
20232613	2023-10-12	RECEIVER GENERAL/SCS				
			1363	PAYMENT ACCT #637015397RI, NOV 15 GARNIK	2,497.44	2,497.44

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TOWN OF GIBBONS

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2023-Oct-23
10:58:19AM

Cheque		Vendor Name	Invoice #	Invoice Description	Invoice Amount	Cheque Amount
Cheque #	Date					
20232614	2023-10-12	O'MALLEY, FARRELL	528 529	PAYMENT NOVEMBER 15 CONTRACT NOVEMBER TRAVEL/ PHONE ALLOW	6,484.08 1,600.00	8,084.08
20232615	2023-10-10	ALFREDO'S PLUMBING AND GASFITTING	108091	PAYMENT REPLACEMENT OF PEA-TRAP WITH	624.75	624.75
20232616	2023-10-10	BUFFALO HEATING & AIR CONDITIONING INC	534280	PAYMENT CURLING CLUB HEATER FAILURE	4,386.38	4,386.38
20232617	2023-10-10	BUNZL	1892294	PAYMENT GCC SUPPLIES	1,007.51	1,007.51
20232618	2023-10-10	CANOE PROCUREMENT GROUP OF CANADA	PF-11505-110024	PAYMENT FAS GAS SEPT/23 CHARGES	2,112.82	2,112.82
20232619	2023-10-10	CAPITAL REGION NORTHEAST WATER	20230063	PAYMENT SEPT 2023 CONSUMPTION	34,538.14	34,538.14
20232620	2023-10-10	CHAMPAGNE EDITION INC	91525	PAYMENT RUBBER SKATE MATS	449.40	449.40
20232621	2023-10-10	CHARTRAND, DENISE	322	PAYMENT SUBSISTENCE & SHOP SUPPLIES	334.91	334.91
20232622	2023-10-10	CLG DISPLAYS	700476	PAYMENT LED CONICAL O/D XMAS LIGHTS FO	320.88	320.88
20232623	2023-10-10	FLOWPOINT ENVIRONMENTAL SYSTEMS	WE4087	PAYMENT SEPT 791 TRANS @0.410	340.53	340.53
20232624	2023-10-10	GFL ENVIRONMENTAL INC	PG0000634772	PAYMENT AUGUST GARBAGE CONTRACT 2023	12,352.33	12,352.33
20232625	2023-10-10	HARLAN FAIRBANKS	25142508	PAYMENT SUPPLIES FOR ARENA CONCESSION	285.60	285.60
20232626	2023-10-10	HYDROBLAST	27991	PAYMENT LTS KITCHEN EXHAUST SYSTEM CL	640.50	640.50
20232627	2023-10-10	KOBZA, JENNIFER	102 103	PAYMENT SEPT 10 - 23 2023 CLEANING SEPT 24 - OCT 7 2023 CLEANING	880.10 880.10	1,760.20
20232628	2023-10-10	LOWE, ERIC D	55568	PAYMENT CHAIRS FOR FIRE DEPT.	944.90	944.90
20232629	2023-10-10	MCEWEN'S FUELS & FERTILIZERS LTD.	E201993	PAYMENT SEPT - DIESEL FUEL	4,746.02	4,746.02
20232630	2023-10-10	MEMJ CONSULTING LTD.	2021068	PAYMENT OCT 2 - 15 2023 CONTRACT	5,953.21	5,953.21
20232631	2023-10-10	MIKE'S CARPET & FURNACE CLEANING	9	PAYMENT GCC FURNACE & DUCT CLEANING	3,150.00	3,150.00
20232632	2023-10-10	NORRIS, ANTHONY	66	PAYMENT COURSE SUSBSISTENCE/BATTERIE	221.99	221.99
20232633	2023-10-10	PARSONS, CURTIS	50	PAYMENT SHOP SUPPLIES & HYDRATION TRA	984.87	984.87
20232634	2023-10-10	RECEIVER GENERAL/SCS	1362	PAYMENT FIRE DEPT SEPT/23 RP0002 - DEDU	1,580.29	1,580.29
20232635	2023-10-10	REDLINE EXCAVATION INC	339077	PAYMENT MUSEUM MOWING EDGE AROUND F	2,677.50	2,677.50
20232636	2023-10-10	SPROUSE FIRE & SAFETY	0430568 0430573 0430574 0430576 0430577	PAYMENT GCC ANNUAL BACKFLOW TESTING ; FIREHALL EMERGENCY LIGHT & FIR MUSEUM INSPECTION POLE SHED FIRE EXTINGUISHER IN PW SHOP EMERGENCY LIGHT & FIR	624.75 118.40 171.32 148.35 969.94	3,387.81



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2023-Oct-23
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Cheque					Invoice	Cheque
Cheque #	Date	Vendor Name	Invoice #	Invoice Description	Amount	Amount
20232636	2023-10-10	SPROUSE FIRE & SAFETY	0430578 0430580 0430751a 0432711	TOWN PUMP & RESERVOIR FIRE EX GCC ANNUAL FIRE ALARM/EMERGEI ECHO GLEN PARK FIRE EXTINGUISH TOWN OFFICE EMERGENCY LIGHTS	67.24 769.65 77.83 440.33	3,387.81
20232637	2023-10-10	STURGEON PLUMBING & HEATING 2018 INC	1842	PAYMENT CUT HOLES IN DUCT WORK IN GCC	302.51	302.51
20232638	2023-10-10	THINKTEL	1320792	PAYMENT SEPTEMBER 2023	484.88	484.88
20232639	2023-10-10	ACS EXPRESS INC.	70405	PAYMENT ARENA TO EUROPEAN CUTTERS & I	236.25	236.25
20232640	2023-10-10	BANNER TRAILERS	WM110	PAYMENT REPAIRS TO OUTDOOR ARENA SNO	840.00	840.00
20232641	2023-10-10	GIBBONS COLLISION & PAINT INC.	4839	PAYMENT REMOVE & REPLACE FOG LIGHT ON	377.79	377.79
20232642	2023-10-10	PARADOX ACCESS SOLUTIONS	M2922-003	PAYMENT ACCESS MATS RENTAL SEPT 1-30, €	25,515.00	25,515.00
20232643	2023-10-10	RICHARDSON, ELIZABETH				
20232644	2023-10-12	SOX, ROBERT & RHONA				
20232645	2023-10-12	RBC COMMERCIAL AVION VISA/SCS	V334_55569 V437_530 V450_1239	PAYMENT LOWE FIRE DEPT SUPPLIES/TRAINII O'MALLEY GOLF/PARK/SUBSISTENC PINAULT FLOWERS/PARKING/REGIS	(961.18) 683.15 617.94	339.91
20232646	2023-10-13	WESTERN DIRECTIVES	814	PAYMENT PRODUCE AD SPRING 2024	1,575.00	1,575.00
20232647	2023-10-16	ALBERTA MUNICIPAL SERVICES CORP/SCS	313433575001 313433575002 313433575COR-2	PAYMENT ARENA/CURLING RINK ENERGY PRC ARENA/CURLING RINK ENGERY PRC ARENA/CURLING RINK ENERGY PRC	65,124.68 19,537.40 2,557.17	87,219.25
20232648	2023-10-18	AIR LIQUIDE CANADA	76447246	PAYMENT OT 1/23- SEPT 3/24 .CYLINDER LEAS	134.99	134.99
20232649	2023-10-18	AMILIA ENTERPRISES INC.	1547588	PAYMENT OCT/23 MONTHLY SUBSCRIPTION	1,055.95	1,055.95
20232650	2023-10-18	BRANDT TRACTOR LTD	101623-953	PAYMENT JOHN DEERE 332G SKID STEER	39,532.50	39,532.50
20232651	2023-10-18	BROWNLEE LLP	555754	PAYMENT VOLUNTEER FIREFIGHTERS	1,481.34	1,481.34
20232652	2023-10-18	CAM-TRAC INSPECTION SERVICES LTD	12988	PAYMENT 19 LUNNON DRIVE FLUSH, ROOT CL	1,868.66	1,868.66
20232653	2023-10-18	EUROPEAN CUTTERS LTD	87871	PAYMENT 4 ZAMBONI BLADES SHARPENED	168.00	168.00
20232654	2023-10-18	GIBBONS GUARDIAN PHARMACY	09-29-2023	PAYMENT NAIL POLISH REMOVER TO CLEAN V	7.40	7.40
20232655	2023-10-18	GREGG DISTRIBUTORS CO. LTD.	000-452066 000-460689 000-460690	PAYMENT HEALTH & SAFETY SUPPLIES 10 PK GLUCOSE TABLETS GCC SUPPLIES PAF-M8-16251	61.13 112.28 284.57	457.98
20232656	2023-10-18	JEFFREY, MONIQUE	64	PAYMENT 2 CASES OF COFFEE	71.98	71.98
20232657	2023-10-18	LAPP C/O ASP	95	PAYMENT SEPT 24 - OCT 8/23, LAPP CONTRIBI	9,853.69	9,853.69

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TOWN OF GIBBONS

Cheque Listing For Council

2023-Oct-23
10:58:19AM

Cheque					Invoice	Cheque
Cheque #	Date	Vendor Name	Invoice #	Invoice Description	Amount	Amount
20232658	2023-10-18	METRIX GROUP LLP		PAYMENT		27,458.00
			16-10-2023	2022 FINAL AUDIT BILLING	21,000.00	
			EPD4471-3RD	2022 ANNUAL AUDIT	6,458.00	
20232659	2023-10-18	PHONECO INC		PAYMENT		78.75
			GP53414	REMOTE DIAL IN FEE	78.75	
20232660	2023-10-18	RECEIVER GENERAL/SCS		PAYMENT		23,142.27
			1364	SEPT 24-OCT 8/23 RP0001- DEDUCT	18,916.80	
			1365	SEPT 24-OCT 8/23 RP0002 - DEDUC	4,225.47	
20232661	2023-10-18	ROSERIDGE WASTE COMMISSION		PAYMENT		5,914.77
			20230499	SEPTEMBER 2023 WEIGHTS	5,914.77	
20232662	2023-10-18	SELECT COMMUNICATIONS INC.		PAYMENT		167.03
			6848062	TELE ANS SVC OCT 11 - NOV 11/23	167.03	
20232663	2023-10-18	SPROUSE FIRE & SAFETY		PAYMENT		2,422.95
			0430570	ANNUAL FIRE EXTINGUISHER INSPI	378.50	
			0430572	CURLING C - EMERGENCY LIGHTS/F	855.30	
			0430575	OUTDOOR RINK - EMERGENCY LIGH	115.17	
			0431023	DEW DROP INN GARAGE ANNUAL IN	163.15	
			0432710	ARENA - SUPPRESSION SYSTEM, EM	660.93	
			0433179	ALARM REPAIR AT ARENA	249.90	
20232664	2023-10-18	WOLF CREEK BUILDING SUPPLIES		PAYMENT		201.59
			603285	HARDWARE TO ANCHOR PICNIC TAI	201.59	
20232665	2023-10-18	WORKERS' COMPENSATION BOARD - AB/SCS		PAYMENT		7,160.00
			26711353	OCT 7 - INSTALLMENT	7,160.00	
20232666	2023-10-18	ZEMBAL ELECTRIC INC.		PAYMENT		5,448.94
			2368	ELECTRICAL WORK MUSEUM & ARE	4,901.11	
			2375	ELECTRICAL WORK AT CURLING RIN	547.83	
20232667	2023-10-18	ATEK WATER SYSTEMS		PAYMENT		5,600.00
			45671	CURLING RINK WATER SYSTEM UNI	5,600.00	
20232668	2023-10-18	EDMONTON METROPOLITAN REGION ECONOMIC , DI		PAYMENT		1,580.00
			3278	FORWARD/SLASH SPONSORSHIP	1,580.00	
20232669	2023-10-18	HACK 2 HOUSE LTD.		PAYMENT		322.35
			9000212	PEBBLE HEADS	322.35	
20232670	2023-10-18	HEINEN, KAYLA				
20232671	2023-10-18	PARK MAZDA		PAYMENT		1,000.00
			20230719	DEPOSIT ON 2024 MAZDA CX-90GL-I	1,000.00	
20232672	2023-10-18	SANDMAIER, JAMIE				
20232673	2023-10-18	WARNER, JAMES		PAYMENT		96.96
			815	SINK INSTALL PARTS	96.96	

Total 464,090.37

*** End of Report ***

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Report to Council



Date Submitted: October 25, 2023
Submitted to: Mayor Deck and Members of Council
Submitted by: Farrell O'Malley, CAO
Report Topic: Council Code of Conduct Bylaw MOG 1/23

Introduction

The purpose of this report is to respectfully present members of Council with a copy of the Council Code of Conduct Bylaw MOG 1/23 (see Appendix "A") which is a proposed replacement to Council Code of Conduct Bylaw MOG 1/18 for its consideration (see Appendix "B").

Background

Administration, at the August 23, 2023, Regular Meeting of Council, was directed to include in the Council Code of Conduct Bylaw the procedures for handling Sanctions and Letters of Reprimand. Administration also took the time to review the bylaw and, as such, have provided an updated bylaw for Council review and consideration. Bylaw MOG 1-18 is also attached as background information.

At the September 13, 2023, Regular Meeting of Council, Administration presented Council with a draft Council Code of Conduct Bylaw and to Allow Council sufficient time to review the Bylaw and make any changes it deems necessary. Administration has since the September 13th meeting, received several suggestions from Council and has since incorporated the suggestion in the attached document that is before Council for its consideration.

Supplemental Information

It is important to recognize that within the Council Code of Conduct Bylaw MOG 1/18, there is a clause that outlines how this bylaw can amended which is stated below:

AMENDING PROCEDURES:

1. This Bylaw shall not be repealed, amended, or suspended, except so far as the terms hereof permit, unless it is repealed, amended or suspended:
 - (i) by a Bylaw unanimously passed at a regular or special meeting of Council at which all the Council members thereof are present.

Summary Comments

Administration has prepared Council Code of Conduct Bylaw MOG 1/23 which proposes to replace the existing Council Code of Conduct Bylaw MOG 1/18 thereby seeking to Repeal Council Code of Conduct Bylaw MOG 1/18; however, to do so, it will require Council Code of Conduct Bylaw MOG 1/23 to be passed unanimously by all members of council to be adopted.

Options Available

1. That Council give Council Code of Conduct Bylaw MOG 1/23 First Reading.
2. That Council direct Administration to Amend Council Code of Conduct Bylaw MOG 1/23 with changes identified by Council prior to giving either Second or Third Reading.
3. That Council advise Administration as to how it would like to proceed.

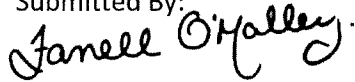
Report to Council

Recommendation for Action

Administration would like to respectfully request that Council give consideration to the following recommendations;

1. That Council give Council Code of Conduct Bylaw MOG 1/23 First Reading.
2. That Council give Council Code of Conduct Bylaw MOG 1/23 Second Reading.
3. That Council present Council Code of Conduct Bylaw MOG 1/23 for Third Reading.
4. That Council give Council Code of Conduct Bylaw MOG 1/23 Third and Final Reading.

Submitted By:



Farrell O'Malley, CAO



BYLAW NO. MOG 1-23
OF THE
TOWN OF GIBBONS
IN THE PROVINCE OF ALBERTA

A BYLAW TO ESTABLISH A CODE OF CONDUCT FOR MEMBERS OF COUNCIL

WHEREAS, pursuant to section 146.1(1) of the *Municipal Government Act*, a council must, by bylaw, establish a code of conduct governing the conduct of Councillors;

AND WHEREAS, pursuant to section 153 of the *Municipal Government Act*, Councillors have a duty to adhere to the code of conduct established by the council;

AND WHEREAS the public is entitled to expect the highest standards of conduct from the members that it elects to council for the Town of Gibbons;

AND WHEREAS the establishment of a code of conduct for members of council is consistent with the principles of transparent and accountable government;

AND WHEREAS a code of conduct ensures that members of council share a common understanding of acceptable conduct extending beyond the legislative provisions governing the conduct of Councillors;

NOW THEREFORE the Council of the Town of Gibbons, in the Province of Alberta, duly assembled, enacts as follows:

1. TITLE

1.1. This Bylaw may be referred to as the "Council Code of Conduct Bylaw."

2. DEFINITIONS

2.1. In this Bylaw, words have the meanings set out in the Act, except that:

"**Act**" means the *Municipal Government Act*, R.S.A. 2000, c. M-26, and associated regulations, as amended.

"**Administration**" means the administrative and operational arm of the Municipality, comprised of the various departments and business units and including all employees who operate under the leadership and supervision of the Town CAO.

"**Bias**" means, in the context of legislative decision making, that the Elected Official has a closed mind and is incapable of persuasion, and in the context of quasi-judicial or administrative decision making, that a

reasonable person, apprised of the facts would have a reasonable apprehension of bias on the part of the Elected Official as a consequence of that Elected Official's relationship to a person participating in, or having an interest in, the matter at issue in the quasi-judicial or administrative process.

"Board" means a board or similar governing entity of a regional service or planning commission, municipal corporation, foundation, association, or other entity to which the Council has the authority to appoint representatives from time to time.

"Bullying" includes repeated and hostile or demeaning behavior by an individual, either directly or through any medium whatsoever, where the behavior results in harm, fear, or distress to one or more individuals including, but not limited to, physical harm, psychological harm or harm to an individual's reputation.

"Town CAO" means the chief administrative officer of the Municipality, or their delegate.

"Town Staff" means employees of the Town of Gibbons who are led by the CAO.

"Elected Official" means a duly elected Member of Town of Gibbons Council.

"Harassment" includes, but is not limited to:

- i. written or verbal comments, posts, actions, gestures, or other behaviors that are humiliating, offensive, hurtful, or belittling.
- ii. bullying or intimidation.
- iii. abuse of authority.
- iv. attempting to discredit an Elected Official, a Town employee, or member of the public by spreading false and potentially harmful information about them.

"FOIP" means the *Freedom of Information and Protection of Privacy Act*,

"Investigator" means a body established by Council or an individual designated by Council as determined in the CAO Bylaw to investigate and report on complaints.

"Member" means a member of Council and includes a councillor or the mayor.

"Municipality" means the municipal corporation of the Town of Gibbons.

3. PURPOSE AND APPLICATION

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

4. STATEMENT OF VALUES AND PRINCIPLES

- 4.1. For the purpose of providing ethical and effective leadership for the Town of Gibbons and its residents, the Town of Gibbons Town Council has adopted the following principles to ensure that all Elected Officials act honestly, in good faith and in the best interests of the Town of Gibbons as a whole. Elected Officials shall abide to the following principles of conduct:
 - a. Act honestly, in good faith, and in the best interests of the Town as a whole.
 - b. Uphold the law established by the Federal Parliament and the Alberta Legislature, and the bylaws and policies adopted by Council.
 - c. Carry out their duties in accordance with all applicable legislation, bylaws and policies pertaining to their position as an elected official.
 - d. Observe the highest standard of ethical conduct and perform their duties in office, and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.
 - e. Engage in respectful, fulsome, and healthy debate on matters in Town Council or Committee or Board meetings, approach decision-making with an open mind, and support the majority decision of Town Council or the Committee or Board, once determined.
 - f. Be respectful of personal opinions of other Elected Officials and the public, as well as the professional opinions of Town Staff.
 - g. Unless authorized by Council to represent Council's position on an issue, ensure that any public statements are clearly stated as the personal opinion of the Elected Official, not the opinion or position of Council while still adhering to the spirit of clause Section 6.3 below.
 - h. Publicly express personal opinions in such a manner as to maintain respect for Council, other Elected Officials, and Town Staff.
 - i. Avoid situations which may result in a Conflict of Interest or Bias.
 - j. Avoid situations where it may be perceived that the Elected Official is using their position on Council to gain a personal benefit.

- k. Act with integrity, professionalism and respect when interacting with other Elected Officials, Town Staff, members of the public, and other government officials.
 - l. Actively participate in all meetings respectfully, responsibly, and consistent with approved procedures.
 - m. Keep in strict confidence all matters discussed in closed session at a Council meeting and refrain from disclosing the matter until that matter is discussed at a public meeting of Council.
- 4.2 Members shall not make improper use of their position as an Elected Official to:
- i. gain or attempt to gain or advance, directly or indirectly, a personal or private interest for themselves or another person.
 - ii. cause or attempt to cause detriment to the Town of Gibbons, Council, any individual Elected Official, any Board or Committee, any individual Committee or Board Member, any member of Town Staff, any member of the public or third party.
 - iii. seek personal benefit or gain from any information obtained through their position as an Elected Official.

5. COMMUNICATING ON BEHALF OF THE MUNICIPALITY

- 5.1. A Member must not claim to speak on behalf of Council unless authorized to do so.
- 5.2. Unless Council directs otherwise, the Mayor is Council's official spokesperson and in the absence of the Mayor it is the Deputy Mayor. All inquiries from the media regarding the official Council position on an issue shall be referred to Council's official spokesperson.
- 5.3. A Member who is authorized to act as Council's official spokesperson must ensure that their comments accurately reflect the official position and will of Council as a whole, even if the Member personally disagrees with Council's position.
- 5.4. No Member shall make a statement when they know that statement is false.
- 5.5. No Member shall make a statement with the intent to mislead Council or members of the public.

6. RESPECTING THE DECISION-MAKING PROCESS

- 6.1. Decision making authority lies with Council, and not with any individual Member. Council may only act by bylaw or resolution passed at a Council meeting held in public at which there is a quorum present. No Member

shall, unless authorized by Council, attempt to bind the Municipality, or give direction to employees in Administration, agents, contractors, consultants or other service providers or prospective vendors to the Municipality.

6.2. Members shall conduct and convey Council business and all their duties in an open and transparent manner, other than for those matters which by law are authorized to be dealt with in a confidential manner in a closed session. In so doing, they will allow the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.

6.3. Members shall accurately communicate the decisions of Council, even if they disagree with Council's decision, such that respect for the decision-making processes of Council is fostered.

7. ADHERENCE TO POLICIES, PROCEDURES AND BYLAWS

- 7.1. Members shall uphold the law established by the Parliament of Canada and the Legislature of Alberta, and the bylaws, policies and procedures adopted by Council.
- 7.2. Members shall respect the Municipality as an institution, its bylaws, policies, and procedures and shall encourage public respect for the Municipality, its bylaws, policies, and procedures.
- 7.3. A Member must not encourage disobedience of any bylaw, policy or procedure of the Municipality in responding to a member of the public, as this undermines public confidence in the Municipality and in the rule of law.
- 7.4. Members shall conduct themselves with appropriate decorum at all times. As leaders in the community, Members are held to a high standard of behaviour and conduct. They must be mindful that as public figures the lines between public and private behaviour are not readily apparent, nor easily distinguishable by the public at large.

8. CONDUCT RESPECTING ADMINISTRATION

- 8.1. Council is the source of all governance authority and will make decisions on whether and to what extent to delegate Council's authority to others, including the Mayor, committees of Council and to the CAO or a designated officer. Under the direction of the CAO, staff in Administration serve Council as a whole. No individual Member has executive authority over Town staff.
- 8.2. Council Members shall respect the fact that staff work for the Town and are charged with making recommendations that reflect their professional expertise and a corporate perspective. Members must recognize that they are carrying out directions of Council and administering the policies and

programs of the Town, and are required to do so without undue influence from any Member or group of Members.

8.3. A Member must not:

- a) involve themselves in matters of Administration, which fall within the jurisdiction of the CAO, in accordance with the Act.
- b) use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member, with the intent of interfering in staff's duties.
- c) maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff.

8.4. Council Members shall obtain information about the operation or administration of the Town from the CAO or a person designated by the CAO, in accordance with the Act.

8.5. Members are to contact staff according to the procedures authorized by the CAO regarding the interaction of Members and staff.

9. ATTENDANCE

- 9.1. Members have a statutory duty to participate in Council meetings and failure to attend as required may lead to a Member's disqualification under the Act.
- 9.2. Members are responsible for participating in Council committee meetings and meetings of other bodies to which they are appointed by Council. Failure to attend as required may lead to Members being removed from the committee or body or being subject to other sanctions outlined in this bylaw.
- 9.3. Members are responsible for attending Council orientation and other training. Failure to attend as required may lead to Members being subject to the sanctions outlined in this bylaw.

10. CONFIDENTIAL INFORMATION

- 10.1. Members must keep in confidence matters discussed in private at a Council or Council committee meeting until the matter is discussed at a meeting held in public.
 - a) In the course of their duties, Members may also become privy to confidential information received outside of an "in-camera" meeting. Members must not:
 - i. disclose or release by any means to any member of the public, including the media, any confidential information acquired by

virtue of their office, unless the disclosure is required by law or authorized by Council to do so.

- ii. access or attempt to gain access to confidential information in the custody or control of the Municipality, unless it is necessary for the performance of the Member's duties and is not otherwise prohibited by Council. If this is deemed to be the case, the information must be acquired through appropriate channels in accordance with applicable Council bylaws and policies.
- iii. use confidential information for personal benefit or for the benefit of any other individual or organization.

10.2. Confidential information includes information in the possession of, or received in confidence by the Municipality, that the Municipality is prohibited from disclosing pursuant to legislation, court order or by contract, or is required to refuse to disclose under FOIP or any other legislation. It also includes any other information that pertains to the business of the Municipality, and is generally considered to be of a confidential nature, including but not limited to information concerning:

- a) the security of the property of the Municipality.
- b) a proposed or pending acquisition or disposition of land or other property.
- c) a tender that has or will be issued but has not been awarded.
- d) contract negotiations.
- e) employment and labour relations.
- f) draft documents and legal instruments, including reports, policies, bylaws and resolutions, that have not been the subject matter of deliberation in a meeting open to the public.
- g) law enforcement matters.
- h) litigation or potential litigation, including matters before administrative tribunals.
- i) advice that is subject to solicitor-client privilege.

11. CONFLICTS OF INTEREST

11.1. The decision with respect to whether an Elected Official has a Conflict of Interest is the individual Elected Official's responsibility.

11.2. It is the individual responsibility of each Elected Official to seek independent legal advice, at their own expense, with respect to any situation that may result in a Conflict of Interest.

11.3. Members have a statutory duty to comply with the pecuniary interest provisions set out in Part 5, Division 6 of the Act and a

corresponding duty to vote unless required or permitted to abstain under the Act or another enactment.

- 11.4. Members are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends or associates, business or otherwise.

12. IMPROPER USE OF INFLUENCE

- 12.1. No Member shall use the influence of the Member's office for any purpose other than for the exercise of the Member's official duties.
- 12.2. No Member shall act as a paid agent to advocate on behalf of any individual, organization or corporate entity, before Council or a committee of Council or any other body established by Council.
- 12.3. Members shall not contact or otherwise attempt to influence members of any adjudicative body regarding any matter before it relating to the Municipality.
- 12.4. Members shall not use their positions to obtain employment with the Municipality for themselves, family members or close associates. Members are ineligible to apply or be considered for any position with the Town while they hold their elected position and for one year after leaving office.

13. USE OF MUNICIPAL ASSETS AND SERVICES

- 13.1. Members shall use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Member.
- 13.2. Electronic communication devices provided by the Town are the property of the Town, and shall, at all times, be treated as the Town's property. Council Members are hereby notified that they are to have no expectation of privacy in the use of these devices and further that:
- a) all emails or messages sent or received on Town devices are subject to FOIP.
 - b) all files stored on Municipal devices, all use of internal email and all use of the Internet through the Town's firewall may be inspected, traced, or logged by the Town.
 - c) in the event of a Formal Complaint pursuant to this Code of Conduct, Council may require that any or all electronic communication devices provided by the Town to Members may be confiscated and inspected as part of the investigation. Inspections may include downloaded information which is considered relevant to the investigation. All email messages or Internet connections may be retrieved.

- 13.3. No Member shall use any property, equipment, services or supplies of the Town, including email, Internet services, or any other electronic communication device, if the use could be offensive or inappropriate.
- 13.4. No Member shall obtain financial gain from the use or sale of Town-developed intellectual property (for example, inventions, creative writings and drawings), computer programs, technological innovations, or other patent, trademark or copyright held by the Town. Members acknowledge and do not dispute that all such property remains exclusively that of the Town.
- 13.5. No Member shall use information gained in the execution of their duties that is not available to the general public, for any purposes other than the Member's official duties.

14. ORIENTATION AND OTHER TRAINING ATTENDANCE

- 14.1. Every Member must attend the orientation training offered by the Municipality within 90 days after the Member takes the oath of office.
- 14.2. Unless excused by Council, every Member must attend any other training organized at the direction of Council for the benefit of Members throughout the Council term.

15. REMUNERATION AND EXPENSES

- 15.1. Members are stewards of public resources and shall avoid waste, abuse, and extravagance in the use of public resources.
- 15.2. Members shall be transparent and accountable with respect to all expenditures and strictly comply with all municipal bylaws, policies, and procedures regarding claims for remuneration and expenses.

16. COUNCIL SELF-EVALUATION SESSIONS

- 16.1. Council Self-Evaluation Sessions should occur every 12 months and may include reviews of Council's working relationships and whether the working relationship is, or has been, inconsistent with this Council's values, approved plans, goals and objectives, this Code of Conduct or any other Town bylaw or policy.

17. GIFTS

- 17.1. Members shall not accept gifts, hospitality or other benefits that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved.

- 17.2. Members may accept hospitality, gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol, cultural significance, or social obligation, provided that the value of the hospitality, gift or benefit is documented.
- 17.3. Gifts received by a Member on behalf of the Municipality as a matter of official protocol, which have cultural significance or historical value for the Municipality shall be left with the Municipality when the Member ceases to hold office.

18. ELECTION CAMPAIGNS

- 18.1. All candidates in an election are entitled to have an equal opportunity to access Town resources and expect that no preferential treatment by the Town will be afforded to candidates that are incumbent Members.
 - 18.2. Council Members must not utilize their position to garner an unfair advantage over candidates who are not Members.
 - 18.3. Council Members are required to follow the provisions of the Local Authorities Election Act and are accountable under the provisions of that statute.
 - 18.4. Members should not make inquiries of, or rely on, Town staff to interpret or provide advice to Members regarding the requirements placed on candidates for municipal office.
 - 18.5. Members shall be respectful of the role of the Returning Officer in managing the municipal election process and must not interfere with how the Returning Officer's election duties are carried out.
 - 18.6. Council Members shall not use municipal resources, including property, equipment, services, supplies and staff time, for any election-related activities, whether local, provincial, or federal.
 - a) This includes online resources hosted, supplied, or funded by the Town, including but not limited to Member electronic newsletters,
 - b) Member websites linked through the Town's website and Member social media accounts shall not be used for any election campaign or campaign-related activities.
 - c) No Member shall use the Town logo for campaign purposes.
 - 18.7. To avoid confusion with any website or social media account used for the Council Member's duties, Members who choose to create or use websites or social media accounts for campaign communications must include, for the duration of the campaign, a clear statement indicating the website or account is being used for election campaign purposes.
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19. FORMAL COMPLAINT PROCESS

- 19.1. Any person or Member who has identified or witnessed conduct by a Member that the person or Member reasonably believes, in good faith, is in contravention of this Bylaw may file a formal complaint in accordance with the following procedure:
- a) All complaints shall be made in writing and shall be dated and signed by an identifiable individual.
 - b) All complaints shall be addressed to the Investigator.
 - c) The complaint must set out reasonable and probable grounds for the allegation that the Member has contravened this Bylaw, including a detailed description of the facts, as they are known, giving rise to the allegation.
 - d) If the facts, as reported, include the name of one or more Members who are alleged to be responsible for the breach of this Bylaw, the Member or Members concerned shall receive a copy of the complaint submitted to the Investigator.
 - e) Upon receipt of a complaint under this Bylaw, the Investigator shall review the complaint and decide whether to proceed to investigate the complaint or not. If the Investigator is of the opinion that a complaint is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, the Investigator may choose not to investigate or, if already commenced, may terminate any investigation, or may dispose of the complaint in a summary manner. In that event, the complainant and Council, if Council is not the Investigator, shall be notified of the Investigator's decision.
 - f) If the Investigator decides to investigate the complaint, the Investigator shall take such steps as it may consider appropriate, which may include seeking legal advice. All proceedings of the Investigator regarding the investigation shall be confidential.
 - g) If the Investigator is not Council, the Investigator shall, upon conclusion of the investigation, provide Council, the complainant and the Member who is the subject of the complaint, the results of the Investigator's investigation, except as may be required and authorized under the *Freedom of Information and Protection of Privacy Act*, the provisions of this Bylaw or any other applicable law.
 - h) A complaint shall not be made available to the public except as may be required and authorized under the *Freedom of Information and Protection of Privacy Act*, the provisions of this Bylaw or any other applicable law.
 - i) A Member who is the subject of an investigation shall be afforded procedural fairness, including an opportunity to respond to the allegations before Council deliberates, and makes any decision or any sanction is imposed.

- j) A Member who is the subject of an investigation is entitled to be represented by legal counsel, at the Member's sole expense.

20. DISPUTE RESOLUTION

- 20.1. In the event of a dispute between members, the members agree to do their best to resolve the dispute between themselves, in a manner that is both respectful and professional.
- 20.2. In the event that members cannot, by exercising their best efforts, resolve the dispute, then the dispute shall be submitted to the Mayor for resolution; or Deputy Mayor if the Mayor is involved in the dispute.
- 20.3. Members shall abide by the resolution as determined by the Mayor.

21. COMPLIANCE AND ENFORCEMENT

- 21.1. Members shall uphold the letter, the spirit and intent of this Bylaw.
- 21.2. Members are expected to co-operate in every way possible in securing compliance with the application and enforcement of this Bylaw.
- 21.3. No Member shall:
 - a) undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to Council or to any other person.
 - b) obstruct Council, or any other person, in carrying out the objectives or requirements of this Bylaw.
- 21.4. Sanctions that may be imposed on a Member, by Council, upon a finding that the Member has breached this Bylaw may include:
 - a) a letter of reprimand addressed to the Member.
 - b) a demand that the Member issue a letter of apology.
 - c) publication of a letter of reprimand or request for apology and the Member's response.
 - d) a requirement to attend training.
 - e) suspension or removal of the appointment of a Member as the deputy chief elected official or acting chief elected official under the Act.
 - f) suspension or removal from some or all Council committees and bodies to which council has the right to appoint Members.
 - g) reduction or suspension of remuneration as defined in the Act, corresponding to a reduction in duties, excluding allowances for attendance at council meetings.

- h) required reimbursement of monies received.
- i) required return of Town property or reimbursement of its value.
- j) restrictions on access to Town facilities, property, equipment, services and supplies.
- k) restrictions on contact with Town staff.
- l) restrictions on travel and representation on behalf of Council.
- m) restrictions on how documents are provided to the Member (e.g. no electronic copies, but only watermarked paper copies for tracking purposes).
- n) any other sanction Council deems reasonable and appropriate in the circumstances, provided that the sanction does not prevent a Member from fulfilling the legislated duties of a Councillor and the sanction is not contrary to the Act.

22. PUBLIC ACCESS TO DOCUMENTATION

22.1. The Town will post on its Municipal Website under the heading of Council Code of Conduct Matters, and such items are subject to the advice of Legal Counsel and in accordance with FOIP legislation. All Notices of Sanctions, Letters of Reprimand, and/or Letters of Complaints will remain on the website on the condition that:

- a) The document has by motion of council, been directed to be posted on the Town's website.
- b) The document involves currently sitting members of Council in which case the document(s) shall remain posted on the website for a minimum of one year from the date of posting or the remainder of the Councillor's term, whichever is longer.

22.2 The document may, by motion of Council, be directed to be removed from the Town's website.

23. SEVERABILITY

23.1. If a court of competent jurisdiction should declare any Section or Subsection of this bylaw to be invalid, such Section or Subsection shall not be construed as having persuaded or influenced Council to pass the remainder of the bylaw, and it is hereby declared that the remainder of the bylaw shall be valid and remain in force.

24. TRANSITION

24.1. This Bylaw shall be brought forward for review at the beginning of each term of Council, when relevant legislation is amended, and at any other time that Council considers appropriate to ensure that it remains current



and continues to accurately reflect the standards of ethical conduct expected of Members.

24.2. This Bylaw shall repeal Bylaw No. MOG-1/18 and any amendments thereto on the date of final passing.

24.3. This bylaw shall come into full force and effect upon third and final reading.

READ a first time this _____ day of _____, 2023.

READ a second time this _____ day of _____, 2023.

READ a third time this this _____ day of _____, 2023.

ORIGINAL SIGNED
DAN DECK, MAYOR

ORIGINAL SIGNED
FARRELL O'MALLEY, CAO

Report to Council



Date Submitted: October 25, 2023
Submitted to: Mayor Deck and Members of Council
Submitted by: Farrell O'Malley, CAO
Report Topic: Council Meeting Procedures Amending Bylaw MOG 2/23

Introduction

The purpose of this report is to respectfully present members of Council with a copy of the Council Meeting Procedures Amending Bylaw MOG 2/23 (see Appendix "A") which is a proposed Amendment to Council Meeting Procedures Bylaw MOG 1/16 for its consideration and if it wishes to provide second and third and final reading.

Background

Administration, in response to direction by Council, has drafted a proposed Amendment titled "Council Meeting Procedures Amending Bylaw **MOG 2/23** to Amend the existing "Council Meeting Procedures" Bylaw **MOG 1/16** and the to reflect the wording that was presented and adopted by Council at its September 13, 2023, Regular Meeting of Council.

Supplemental Information

It is important to recognize that within the Council Meeting Procedures Bylaw MOG 1/16, there is a clause that outlines how this bylaw can amended which is stated below:

AMENDING PROCEDURES:

1. This Bylaw shall not be repealed, amended, or suspended, except so far as the terms hereof permit, unless it is repealed, amended or suspended:
 - (i) by a Bylaw unanimously passed at a regular or special meeting of Council at which all the Council members thereof are present; or
 - (ii) by a Bylaw passed at a regular meeting of Council, pursuant to a notice in writing given and openly announced at the next preceding meeting of Council and setting out the terms of the substantial effect of the proposed Bylaw.

Summary Comments

Administration has prepared Council Meeting Procedures Amending Bylaw MOG 2/23 which proposes to Amend the existing bylaw MOG 1/16 rather than replacing it thereby there is no need to Repeal Council Meeting Procedures Bylaw MOG 1/16; however, it will require Amending Bylaw MOG 2/23 to be passed unanimously by all members of council in order to be adopted.

Options Available

1. That Council give Council Meeting Procedures Amending Bylaw MOG 2/23 First Reading.
2. That Council direct Administration to Amend Council Meeting Procedures Amending Bylaw MOG 2/23 with changes identified by Council prior to giving either Second or Third Reading.
3. That Council advise Administration as to how it would like to proceed.

11.2

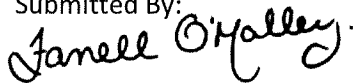
Report to Council

Recommendation for Action

Administration would like to respectfully request that Council give consideration to the following recommendations;

1. That Council give Council Meeting Procedures Amending Bylaw MOG 2/23 First Reading.
2. That Council give Council Meeting Procedures Amending Bylaw MOG 2/23 Second Reading.
3. That Council present Council Meeting Procedures Amending Bylaw MOG 2/23 for Third Reading.
4. That Council give Council Meeting Procedures Amending Bylaw MOG 2/23 Third and Final Reading.

Submitted By:



Farrell O'Malley, CAO

Council Meeting Procedures Amending Bylaw No. MOG 2/23

Being a Bylaw of the Town of Gibbons in the Province of Alberta Amending Council Meeting Procedures Bylaw No. MOG 1/16 of the Town of Gibbons

WHEREAS the Municipal Government Act, R.S.A. 2000, as amended ("the Act") provides that a Municipal Council may amend its Council Meeting Procedures Bylaw.

WHEREAS the Council of the Town of Gibbons wishes to amend its Council Meeting Procedures Bylaw as it affects how Council conducts its Meetings of Council.

NOW THEREFORE under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, the Council of the Town of Gibbons, in the Province of Alberta, duly assembled enacts as follows:

That Bylaw No. MOG 1/16, the Council Meeting Procedure Bylaw of the Town of Gibbons, as amended, is hereby further amended as follows:

The addition of an Open Microphone Session section to reflect the terms as presented below:

Open Microphone Session

- (i) If a citizen wishes to make a public address to Council that is not a topic on the agenda they may do so as follows:
 - by attending the public meeting and registering their name, topic of discussion and provide any handouts they may have to the Legislative Executive Assistant prior to the meeting start time; and
 - Identify themselves as a Gibbons resident or local business with a municipal address located in Gibbons.
- (ii) Presentations will be in the order they registered in.
- (iii) The Chair will call participants to the Chamber's presentation podium, on an individual basis.
 - When they are called, please restate the information including the persons name and address into the microphone before proceeding with the presentation.
- (iv) The presenter must limit their presentation time to five minutes during the open microphone session, and the microphone will be muted after this time allotment.
- (v) Council will direct Administration on how and when to address matters arising in an open microphone session that require a response.

And that the Agenda be further amended to reflect the following order of business:

MEETINGS – Regular:

7. The business of the Council intended to be dealt with shall be stated in the agenda in the following order:
 - 1.0 ROLL CALL

Council Meeting Procedures Amending Bylaw No. MOG 2/23

- 2.0 CALL TO ORDER
- 3.0 ADDITIONS TO THE AGENDA
- 4.0 ADOPTION OF THE AGENDA
- 5.0 OPEN MICROPHONE SESSION
- 6.0 UNAPPROVED MINUTES
- 7.0 ADOPTION OF THE MINUTES
- 8.0 FINANCE
- 9.0 APPOINTMENTS
- 10.0 OLD BUSINESS
- 11.0 NEW BUSINESS
- 12.0 BYLAWS & POLICIES
- 13.0 STAFF REPORTS
- 14.0 COMMITTEE REPORTS
- 15.0 PRESS COMMENTS & QUESTIONS
- 16.0 CORRESPONDENCE
- 17.0 IN-CAMERA
- 18.0 ADJOURNMENT

The order of business established in the foregoing paragraph shall apply unless Council otherwise determines, by a majority vote of the members of Council present. A vote upon a matter of priority shall be decided without debate.

FIRST READING of BYLAW NO. MOG 2/23 granted this _____ day of _____, 2023 A.D. by _____.

SECOND READING of BYLAW NO. MOG 2/23 granted this _____ day of _____, 2023 A.D. by _____.

THIRD AND FINAL READING of BYLAW NO. MOG 2/23 granted this _____ day of _____, 2023 A.D. by _____.

Dan Deck, Mayor

Farrell O'Malley, Chief Administrative Officer

Report to Council



Date Submitted: October 25, 2023
Submitted to: Mayor Deck and Members of Council
Submitted by: Farrell O'Malley, CAO
Report Topic: Chief Administrative Officer Bylaw MOG 3-23

Introduction

The purpose of this report is to respectfully present members of Council with a draft copy of the Chief Administrative Officer Bylaw MOG 3-23 (see Appendix "A") which is a proposed replacement to the Chief Administrative Officer Bylaw 3/95 for its consideration (see Appendix "B").

Background

At the October 11, 2023, Administration presented Bylaw MOG 3-23 for Council's review. It was accepted as information and Council would forward any suggested changes to the CAO. To date, no changes have been received.

Options Available

1. That Council provide 1st, 2nd and 3rd Reading to the proposed Chief Administrative Officer Bylaw No. MOG 3-23.
2. That Council advise Administration as to how it would like to proceed.

Recommendation for Action

Administration would like to respectfully request that Council give consideration to the following recommendations.

- | |
|---|
| <ol style="list-style-type: none">1. That Council provide 1st, 2nd, and 3rd Reading to Bylaw MOG 3-23, Chief Administrative Officer Bylaw. |
|---|

Submitted By:

A handwritten signature in black ink that reads "Farrell O'Malley".

Farrell O'Malley, CAO

11.3

Chief Administrative Officer Bylaw No. MOG 3/23

BEING A BYLAW OF THE TOWN OF GIBBONS IN THE PROVINCE OF ALBERTA TO ESTABLISH AND DEFINE THE POWERS AND DUTIES OF THE CHIEF ADMINISTRATIVE OFFICER

WHEREAS Section 205 of the *Municipal Government Act*, RSA 2000, c. M-26, and amendments thereto, requires that Council establish by bylaw a position of Chief Administrative Officer;

AND WHEREAS Council wishes to delegate certain powers to the Chief Administrative Officer;

NOW THEREFORE, the Council of the Town of Gibbons, in the Province of Alberta, duly assembled enacts as follows:

1.0.0 Title

1.1.0 This bylaw may be cited as the "Chief Administrative Officer Bylaw".

2.0.0 Definitions

"Act" means the *Municipal Government Act*, RSA 2000, c. M-26, and amendments thereto;

"Administration" means the general operation of the Town, including personnel, financial and other related matters as permitted by the Act;

"Chief Administrative Officer" or "CAO" means the individual appointed by Council to the position of Chief Administrative Officer under section 205 of the Act and pursuant to this bylaw;

"Council" means the municipal Council of the Town of Gibbons;

"Enactment" means an Act of the Legislature of Alberta, a regulation made under an Act of the Legislature of Alberta, an Act of the Parliament of Canada and a statutory instrument made under an Act of the Parliament of Canada;

"Town" means the municipal corporation of the Town of Gibbons.

3.0.0 General

Office

3.1.0 The position of Chief Administrative Officer is hereby established, and the individual appointed to that position shall have the title "CAO".

Appointment

3.2.0 Council shall, by resolution, appoint an individual to the position of CAO.

3.3.0 Council shall establish the terms and conditions of the appointment of the CAO including:

- a. the term of the appointment; and
- b. the salary and benefits to be paid or provided to the CAO, which may be varied from time to time by Council.

3.4.0 The CAO shall appoint an Acting CAO to act during their absences. The acting CAO is subject to this bylaw and has all of the powers, duties, and functions of the CAO for the duration of the appointment.

3.5.0 Council may appoint, by resolution, an interim CAO in the event of:

- a. the CAO's inability to delegate their powers, duties, and functions pursuant to Section 3.4.0, or;
- b. an unscheduled absence, long-term illness, or other incapacity of the

CAO. Accountability

3.6.0 The CAO shall be accountable to Council for the exercise of all the powers, duties and functions delegated to the CAO by the Act, this bylaw, any other Enactment, any other bylaw, and any resolutions, policies or procedures adopted by Council from time to time whether such powers, duties and functions are exercised by the CAO personally, or by someone whom the CAO has delegated that power, duty or function.

3.7.0 The CAO shall carry out their powers, duties, and functions in compliance with:

- a. the Act and any other Enactment, except for the designated officer powers, duties and functions expressly given to the Town Assessor;
- b. this bylaw;
- c. any other bylaw, resolution, policy, or procedure passed or adopted by Council; or
- d. any contract binding on the Town.

3.8.0 The CAO shall:

- a. be the contact between the Administration of the Town and Council, and communication from the Administration to Council shall flow through the CAO;
- b. be responsible for advising on and communicating with Council with respect to:
 - i. the operations of the Town;
 - ii. the financial state of the Town;
 - iii. Council bylaws, policies, and procedures, and
 - iv. Administrative policies and procedures;
- c. prepares and submit to Council such reports, including recommendations where appropriate, and answer such inquires, as required by Council; and
- d. attends all Council meetings and be entitled to attend all meetings of Council Committees and meetings of such boards, authorities and other bodies as may be established by Council.

3.9.0 The CAO must either personally carry out all the powers, duties and functions that are given to the CAO or delegate such powers, duties, and functions to a designated officer of the Town or to a Town employee.

3.10.0 The CAO has the authority to delegate any of the powers, duties and functions given to the CAO and can authorize the recipients of such delegations to further delegate their powers, duties, and functions to other Town employees.

FOIP Head

3.11.0 The CAO is the head of the Town for the purposes of the *Freedom of Information and Protection of Privacy Act*, R.S.A 2000 c. F-25.

Administration

3.12.0 The CAO is the administrative head of the Town.

3.13.0 The CAO has the authority to:

- a. establish and implement Administrative policies and procedures and in particular employment policies and procedures including policies and procedures to govern the actions of employees;
- b. hire, appoint, suspend, remove, or terminate any employee from any position in the Town;
- c. direct, supervise and review the performance of the Administration; and
- d. establish the structure of the Administration including creating, eliminating, merging or dividing departments.

3.14.0 The CAO shall ensure that there are an appropriate number of employees that are familiar with the duties and responsibilities of the CAO, Council processes and procedures, issues being addressed by Council and issues of concern to the Town.

Financial Powers and Functions

3.15.0 The CAO shall:

- a. annually, or as required or directed by Council, prepare, and submit budgets to Council for operating and capital programs in accordance with the Act; and
- b. monitor and report to Council as required or directed by Council, on the operating and capital budgets approved by Council and in particular report on variances between budgeted and actual expenditures.

3.16.0 The CAO may authorize over-expenditures within the operating or capital budgets but at no time may the CAO authorize cumulative operating and capital expenditures in excess of the approved total operating and capital budgets.

3.17.0 The CAO may pay any amounts the Town is legally required to pay pursuant to an Order or Judgement of a Court, board or other tribunal having jurisdiction over an action, claim or demand against the Town.

3.18.0 The CAO shall designate the financial institution(s) to be used by the Town and shall open and close accounts on behalf of the Town.

3.19.0 The CAO is authorized to invest funds on behalf of the Town in accordance with the Act, this bylaw, any other Enactment, bylaw, or policy.

Contracts and Agreements

The CAO is authorized to:

3.20.0 Without limitation to the foregoing, the CAO shall perform such other duties and functions and exercise such powers as may be required for the effective administration of the Town including but not limited to entering into all contracts, agreements, and transactions required for the effective administration and operation of the Town and its policies and programs.

Miscellaneous Powers

3.21.0 The CAO is authorized to:

- a. retain and instruct legal counsel on matters involving any actual or potential legal and administrative proceedings involving the Town including, without limiting the foregoing:
 - i. providing legal services to Council and the Administration; and
 - ii. appearing in all legal and administrative proceedings including commencing, defending, and intervening in such proceedings to define, enforce and defend the Town's (and such other boards, authorities, agencies and other entities as may be required by Council) legal and equitable rights;
- b. comprise all actions, claims or demands against or by the Town and complete all related documentation;
- c. accept service of all notices and other documents on behalf of the Town;
- d. provide any and all certificates or statutory declarations on behalf of the Town;
- e. temporarily close, in whole or in part, any road at any time where construction or maintenance activity adjacent to the road may cause a hazard;
- f. prepare and issue distress warrants and seize and sell goods pursuant to distress warrants on behalf of the Town for the recovery of tax arrears;
- g. carry out inspections, remedies, enforcement, or other actions pursuant to the Act, any other Enactment, or any bylaw where the Act or any other Enactment or bylaw authorizes or requires anything to be inspected, remedied, enforced or done by the Town;
- h. make determinations and issue orders pursuant to the Act or any other statute, Enactment, or bylaw which the Town is authorized to enforce including without limitation, matters related to dangerous or unsightly property;

Code of Conduct

3.22.0 The CAO, holding a position of trust, must demonstrate the highest standards of ethics and behaviour as a steward of the Town.

3.23.0 Without limiting the generality of Section 3.21.0, the CAO shall:

- a. provide timely and reliable advice that is in the best interest of the Town to Council, and propose viable options for decision making using professional judgement and expertise;
- b. respect and abide by Council decision and direction;
- c. serve all members of Council impartially, provide no special privilege to any individual member;
- d. promptly bring to Council's attention any material information that affects the Town's financial position, legislative compliance, or reputation;
- e. be compliant, and ensure the Town is compliant, with all applicable federal, provincial, and municipal legislation and regulations, and any agreements or contracts the Town is a party to;
- f. always act in good faith in their relationships with other people, and deal fairly and respectfully with Council, the Town's residents, customers, suppliers, stakeholders, and employees;
- g. avoid actual or perceived conflicts of interest or preferential treatment, placing public interest above personal gain or interest;
- h. be free from undue influence and not act or appear to act to gain financial or other benefits for themselves, family, friends or associates, business or otherwise;
- i. not accept gifts, hospitality or other benefits valued over \$100 that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved, and not related to any particular transaction or activity or decision of the Town;
- j. maintain confidentiality regarding those affairs and decisions of the Town that are protected by legislative, contractual, or other requirements of confidentiality;
- k. foster a work environment where the interaction among Council and Town Administration, residents and other stakeholders is conducted fairly, without discrimination, harassment, or abuse;
- l. effectively and efficiently manage the use of public monies, assets, property, and resources;
- m. fully cooperate with audits and other investigations or inquiries;
- n. ensure a code of ethics and conduct for employees is in place and in practice; and
- o. disclose any contravention of this Code of Conduct to Council forthwith.

Evaluation

- 3.24.0 The appointment of a person to the position of CAO shall not be suspended or revoked except as outlined in s. 206 of the Act.
- 3.25.0 Council shall review the performance of the CAO not less than once in a twelve-month period.

Indemnification

- 3.26.0 The Town shall indemnify the CAO provided that the CAO was acting in good faith to carry out the powers, duties and functions given to the CAO by this bylaw, the Act, any other Enactment, any other bylaw, resolution, policy, or procedure.

4.0.0 Effectiveness and Review

- 4.1.0 If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of the bylaw is deemed valid.
- 4.2.0 Bylaw No. 3/95 and amendments thereto are hereby repealed.
- 4.3.0 This bylaw shall be reviewed within its fifth year, being 2028, or as deemed necessary.
- 4.4.0 This bylaw comes into force on the date it is passed.

FIRST READING of BYLAW NO. MOG 2/23 granted this _____ day of _____, 2023 A.D. by _____.

SECOND READING of BYLAW NO. MOG 2/23 granted this _____ day of _____, 2023 A.D. by _____.

THIRD AND FINAL READING of BYLAW NO. MOG 2/23 granted this _____ day of _____, 2023 A.D. by _____.

Dan Deck, Mayor

Farrell O'Malley, Chief Administrative Officer

BYLAW NO. 3/95

BEING A BYLAW OF THE TOWN OF GIBBONS (THE TOWN) IN THE PROVINCE OF ALBERTA TO ESTABLISH THE OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

WHEREAS, pursuant to the provisions of Section 205, 207 and 209 of The Municipal Government Act, being Chapter M26.1 of the Revised Statutes of Alberta, 1994 the Council is required to establish an Office of the Chief Administrative Officer.

NOW THEREFORE, the Council of the Town of Gibbons in the Province of Alberta, duly assembled enacts as follows: the position of Chief Administrative Officer is established and the individual appointed to that position will have the title of "Town Manager". In addition to the powers, duties and functions given to a Chief Administrative Officer under the Municipal Government Act or any other Act, the Town Manager:

1. Acts as Administrative head of the Town.
2. Directs and co-ordinates the operations of the Town in accordance with policies, plans and programs approved or implied by Council.
3. Collaborates with Council on the formulation of Council objectives and policies; recommends policies and programs; and implements those that are approved by Council.
4. Approves administrative policies which complement both formal and information Council policies and objectives.
5. Assists in the decision making function of Council by providing advice, guidance and consultation as required.
6. Reports as required to Council on the effectiveness of its policies and programs, and recommends improvements where appropriate.
7. Ensures that the Town Administration as a whole, and each department has an appropriate organization structure.
8. Recommends necessary changes in duties, responsibilities or authority of department heads or other staff.
9. Ensures that information concerning policies, organization and procedures is distributed to those persons who need to know.
10. Appoints, promotes, transfers, rewards, disciplines or dismisses Town employees, in accordance with Provincial legislation, except department heads in which Council must participate.

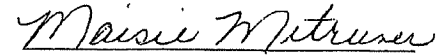
11. Directs the development of comprehensive personnel policies and programs covering the selection, compensation, development, appraisal and placement of Town employees.
12. Makes recommendations on policy development and procedures concerning budgets, expenditures, and financial controls. Directs the preparation of capital and operating budgets and submits these to Council annually, with appropriate explanation and substantiating information.
13. Directs the efficient procurement and safekeeping of goods and services within limits set by Council.
14. Directs the prompt and proper handling of all requests, enquiries and complaints by the public.
15. Keeps informed about governmental and community affairs and ensures that Council and Town employees are made aware of significant trends.
16. Attends all regular and special meetings of Council and when required attends or be represented by his/her designee at all meetings of Boards, Committees, and Commissions appointed by Council.
17. Ensures that proper implementation of personnel selection and induction programs, appraisal programs and staff development programs.
18. Conducts such dealings with individuals or groups outside of the Town as are necessary to carry out his/her responsibilities and to promote the interest of the Town.
19. Makes recommendations on the development of a Disaster Contingency Plan for the Town and acts as Director of Disaster Services under the Peacetime Emergency Plan.
20. Assists in the negotiation of contracts and agreements for the approval of Council.
21. Monitors any order, agreements, or documents made or executed on behalf of the Town.
22. Monitors accurate handling of all official municipal correspondence; preservation of all original bylaws; validation of all official documents and acts as custodian of the Corporate Seal.

23. Prepares accurate drafts of all municipal bylaw for approval by Council.
24. Organizes and maintains systems for retrieval, storage and destruction of municipal records.
25. Administers the investment of Town funds and acts as custodian of all liquid assets of the Town.
26. Administers municipal borrowing and repayment.
27. Develops, implements and monitors computer operating policies, procedures and systems operations.
28. Directs the accurate preparation and maintenance of the Town's assessment roll and tax roll.
29. Directs the accurate and timely payments of all accounts ensuring procedure compliance; signing and issuing of cheques and accurate reconciliation of all Town bank accounts.
30. Develops, recommends, implements and supervises approved policies, plans and programs for the administration of the finance and accounting functions.
31. Provides necessary reports and advice to the Town Council or Department Heads on all matters of a financial and accounting nature, including the monthly and annual municipal financial reports.
32. Develops and maintains effective systems and records on all financial and accounting functions.
33. Advises Town Council and Department Heads in the civic administration and as required: boards, committees, and commissions on routine matters of a financial accounting or personnel nature.
34. Develops and maintains effective printing and duplicating systems, office supplies, mail systems and supervises use of all office equipment.
35. Develops, recommends and maintains appropriate insurance coverage for Town assets and personnel.
36. Prepares agendas for Council meetings and rejects items that can be dealt with by administration and where sufficient information has not been presented.

37. Explains to all interested persons and citizens the administrative aspect of Council decisions and promotes good public relations.
38. Ensures that all minutes of Council meetings are recorded in the English language, without note or comment, records the names of Councillors present at Council meetings and provides minutes of each Council meeting to Council for adoption at a subsequent Council meeting.
39. Provides the Minister with a list of the Councillors along with any other information the Minister may require within five days after the term the Councillors begin.
40. Withholds information from the public as outlined in the Municipal Government Act.
41. Determines if petitions are sufficient and valid. Within 30 days of the date on which a petition is filed, the Town Manager must make a declaration to the Council or Minister on whether the petition is sufficient or insufficient.
42. Provides the auditor any information, reports or explanations the auditor considers necessary.
43. Acts as the Clerk of the Assessment Review Board.
44. Produces for examination and inspection all books and records of the municipality when required to do so by a Government sanctioned inspector.
45. May delegate any of the duties to an employee of the Town.
46. Appoints an acting Town Manager to act during the absences of the Town Manager.
47. Undertakes all other actions and duties required to carry out the responsibilities given and exercise the authority delegated by Council in any policy or bylaw adopted by Council.

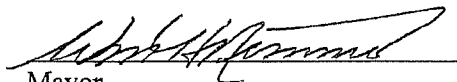
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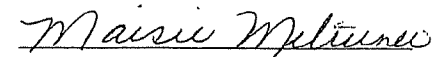

Mayor


Town Manager

March 22/95
Date Signed

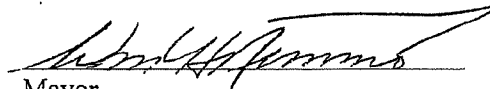
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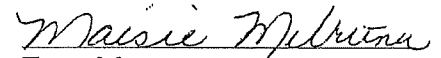

Mayor


Town Manager

March 22/95
Date Signed

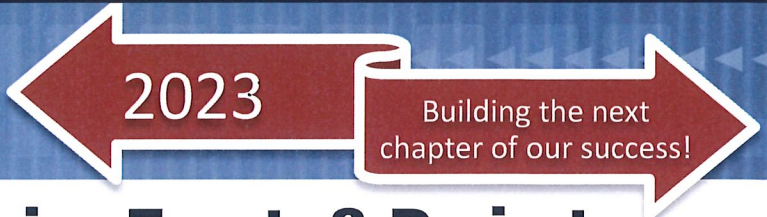
Read a third and final time this 22 day of MARCH, 1995


Mayor


Town Manager

March 22/95
Date Signed

Report to Council



KEY MEETINGS

- Meetings with Developers
- Sturgeon County Long Term Service Awards Night
- Beaumont State of the City Address
- UK Trade Envoy Presentation
- Edmonton Global Mid-Year Update
- Sturgeon Regional Partnership Meeting
- State of the Province Hydrogen Luncheon

News, Ongoing Events & Projects

Community Services Department

Key Items in Progress

- The schedule for Hometown Weekend has been finalized with events taking place from November 17 – 19.
- The Gibbons Fire Department has set a goal fo 12,000 lbs for the December 3rd Food Bank Drive.
- The Gibbons Family Resource Centre has partnered with Sturgeon Alliance Church for Winter Gear Collection.

Corporate Services Department

Key items in progress:

- Preliminary 2024 Budget Preparation
- Working on Grant Reporting
- Working on renewing occupancy agreements with tenants
- Working on Tax Enforcement
- Working on government required reporting re: Trade Agreements

Planning & Development Department

Key Items in Progress:

- Movie filming is now complete with Red Carpet premiere set for July 2024.
- Planning Business Breakfast for November.

SUCCESS OCCURS WHEN OPPORTUNITY MEETS PREPARATION



VOYENT ALERT!
GIBBONS Free
Notification App
SIGN UP TODAY!

STAFF MEETINGS

- Department Heads (3)
- All Staff ()



Public Works Department/Fire Department

- Preparing for Winter Season including winterizing Hydrants
- Manhole checks are now complete
- Tree planting is now complete
- Picking up Vacuum Truck this week
- GFRC Parking lot to be paved this week.

FIRE DEPARTMENT

- Town Calls – 135
- County Calls – 112
- Membership is currently at 26 with only 23 available to respond
- 7 new recruits, 6 are complete, 1 was away.



Project Updates

Retrofit Arena/Curling Rink/GCC

- project is complete with a few issues to be sorted

2 Billion Tree Grant

- Planting is finished for this year
- More planting is planned for next year

Memorial Park

- Currently awaiting quotes on equipment.

Cottages Subdivision

- Currently have 10 lots reserved
- Infrastructure is now out for tendering - closing November 2, 2023

Heartland Station

- Tim Horton's is expected to be complete by mid-December.



The Town of Gibbons

Scheduled Meetings & Workshops

- Morinville Chamber Business Awards Gala
- Morinville Chamber of Commerce Luncheon
 - Edmonton Global Forward/Slash

2023 Gibbons Issued Permits

Permit Issue Month	Permit Type																
	Building Permit			Electrical Permit			Gas Permit			Plumbing Permit			Total				
#All Permits	Total Permit Fee Amount	Total Value (Materials and Labour)	#All Permits	Total Permit Fee Amount	Total Value (Materials and Labour)	#All Permits	Total Permit Fee Amount	Total Value (Materials and Labour)	#All Permits	Total Permit Fee Amount	Total Value (Materials and Labour)	#All Permits	Total Permit Fee Amount	Total Value (Materials and Labour)	#All Permits	Total Permit Fee Amount	Total Value (Materials and Labour)
1			4	\$1,496.00	\$99,000.00	5	\$530.25	\$24,930.00	1	\$157.50	\$10,000.00	10	\$2,183.75	\$133,930.00			
2	\$442.00	\$85,000.00	3	\$441.00	\$18,000.00	1	\$131.25	\$5,430.00	1	\$126.00	\$14,100.00	6	\$1,140.25	\$122,530.00			
3	\$293.23	\$8,760.00	8	\$1,189.50	\$42,000.00	1	\$99.75	\$1,500.00	2	\$189.00	\$2,500.00	13	\$1,771.48	\$54,760.00			
4	\$3,034.61	\$539,805.00	7	\$756.00	\$28,800.00	2	\$262.50	\$6,439.52	1	\$157.50	\$7,000.00	15	\$4,210.61	\$582,044.52			
5	\$4,749.25	\$752,000.00	7	\$819.00	\$16,100.00	2	\$199.50	\$6,500.00				12	\$5,767.75	\$774,600.00			
6	\$8,925.00	\$1,500,000.00	14	\$2,100.00	\$107,999.00	6	\$598.50	\$9,700.00	1	\$189.00	\$11,000.00	22	\$11,812.50	\$1,628,699.00			
7	\$5,561.89	\$936,384.80	5	\$498.54	\$10,900.00	2	\$231.00	\$5,370.85	4	\$535.50	\$83,000.00	18	\$6,826.93	\$1,035,655.65			
8	\$3,035.12	\$518,000.00	5	\$540.75	\$8,299.00	1	\$131.25	\$16,626.00	2	\$283.50	\$18,762.00	13	\$3,990.62	\$561,687.00			
9			8	\$1,622.25	\$114,499.00	4	\$504.00	\$75,726.75	2	\$346.50	\$40,125.75	14	\$2,472.75	\$230,351.50			
24	\$26,041.10	\$4,339,949.80	61	\$9,463.04	\$445,597.00	24	\$2,688.00	\$152,223.12	14	\$1,984.50	\$186,487.75	123	\$40,176.64	\$5,124,257.67			

Filter: All Permits with: All of (Municipality Name = "GIBBONS", Permit Issue Date on or after 01-Jan-2023, Permit Issue Date on or before 31-Dec-2023)



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Our File No.: 71003-0074/AGU

October 25, 2023

Via Email: fomalley@gibbons.ca

Town of Gibbons
4807 – 50 Avenue Box 68
Gibbons, Alberta T0A 1N0

Attention: Farrell O'Malley, Chief Administrative Officer

Dear Sir:

Re: Closed Meeting Agendas – Sharing of Documents with Council

Further to your email correspondence of October 20, 2023 to Lorne Randa of our office, we are pleased to provide you with our opinion respecting the procedure to be followed for the distribution of *in camera* materials.

I. EXECUTIVE SUMMARY

Section 197 of the *Municipal Government Act* (“MGA”) states that councils and council committees must conduct their meetings in public, subject to very limited exceptions. Councils and council committees *may* close all or part of their meetings (i.e. go *in camera*) if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act* (the “FOIP Act”).

The exceptions to public disclosure referenced in section 197 of the MGA are simply that: *exceptions* to the general rule that all meetings of council and council committees must be held in public. As such, where council is considering holding all or a portion of a meeting *in camera*, it is imperative that the matter to be discussed clearly falls within a legislated exception to public disclosure.

Neither the MGA nor the FOIP Act mandate a specific process for handling council agendas generally, or *in camera* items in particular. However, in general, we recommend that the Town of Gibbons (the “Town”) Council continue to follow its current practices with respect to the distribution of *in camera* agenda materials. That is, we generally recommend that *in camera* agenda materials:

- (a) only be distributed to each councillor after council has passed a resolution to move *in camera* and the meeting has been closed to the public, and
- (b) each councillor be required to return all confidential documents at the conclusion of the *in camera* portion of the meeting.

In most cases, this procedure should be sufficient. That being said, in some cases, such as where the confidential matter is complex or the associated documents lengthy, it *may* be prudent to circulate an *in camera* agenda package in advance of an upcoming meeting. If *in camera* agendas are proposed to be circulated in advance, we recommend that the *in camera* agenda packages be provided electronically in a “read only” format and uploaded to a secure website with password protection (specific to each individual) that limits access to members of council. Then, during the *in camera* meeting, hardcopies of the agenda package can be distributed for ease of reference (and then returned and destroyed following the meeting).

II. BACKGROUND

Where a matter is to be considered by council *in camera* and there are documents to be reviewed by council relating to the matter, the Town’s practice is to distribute hard copies of such documents to council for review during the *in camera* session. That is, documents relating to an *in camera* matter are not available for review by council prior to the *in camera* session. Further, it is our assumption that any hard copies of documents distributed during an *in camera* session are collected and destroyed at the end of the *in camera* session. As such, councillors do not have access to *in camera* documents outside of an *in camera* meeting.

A question has been raised regarding whether this approach for *in camera* meetings is proper. Specifically, it has been questioned whether documents relating to a matter to be discussed *in camera* should be distributed to council prior to the meeting to allow time for councillors to review the materials and prepare for the meeting. One councillor has indicated that councillors from other municipalities have indicated that they receive information relating to *in camera* meetings prior to the *in camera* session.

III. ISSUES

As a result of the foregoing, you have asked for our opinion on the proper process to be followed in providing documents to councillors in respect of matters to be discussed at an *in camera* meeting.

IV. ANALYSIS

A. Requirement for Public or Open Meetings

In considering the appropriate procedure to be followed at *in camera* meetings, it is helpful to consider the circumstances in which council may close its meetings to the public.

Section 197 of the *MGA* states that councils and council committees must conduct their meetings in public, subject to very limited exceptions. Councils and council committees *may* close all or part of their meetings (i.e. go *in camera*) if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the *FOIP Act* (*MGA*, s. 197(2)).

B. FOIP Exceptions to Disclosure – Grounds to go *In Camera*

For your reference, applicable exceptions to disclosure under *FOIP Act* which would allow a council to go *in camera* include information the disclosure of which may be harmful to:

- Business interest of a third party (s. 16);
- Personal privacy (s. 17);
- Individual or public safety (s.18);
- Confidential evaluations (s. 19);
- Law enforcement (s. 20);
- Intergovernmental relations (s. 21);
- Cabinet and treasury board confidences (s. 22);
- Local public body confidences (s. 23);
- Advice from officials (s. 24);
- Economic or other interests of the public body (s. 25);
- Testing procedures, tests and audits (s. 26);
- Privileged information (s. 27);
- Conservation of heritage sites (s. 28); and
- Information that is or will be available to the public. (s. 29).

Information the disclosure of which may be harmful to the business interests of a third party (s. 16) or harmful to personal privacy (s. 17) are **mandatory exceptions to disclosure** under the *FOIP Act* and a council is *obliged* to go *in camera* to discuss such matters. All other exceptions to disclosure noted above are **discretionary exceptions** and a council *may*, but is not required to, go *in camera* to discuss these matters.

When a meeting or part of a meeting is closed, no bylaw or resolution may be passed except a resolution to revert to a public meeting (*MGA*, s. 197(3)). Before closing a meeting, a council must, by resolution, approve the part of the meeting to be closed and the basis for closure under Division 2 of Part 1 of the *FOIP Act* (*MGA*, s. 197(4)). This provides the public with a general idea of the nature of the matter that justifies a discussion behind closed doors.

The use of exceptions to the requirement that all council and committee meetings be held in public should be approached by the Town in a diligent manner. It is clear from the case law respecting council meetings that council business must be conducted in meetings which are open to the public. Council must be able to justify each occasion that it relies upon an exception provided for under Division 2 of Part 1 of the *FOIP Act* to consider a matter *in camera*. The

appropriate use of an exception is highly fact dependent and must be considered on a case by case basis.

C. Duty of Confidentiality

Councillors have a statutory duty to keep in confidence matters discussed in private at a council or council committee meeting until discussed at a meeting held in public (*MGA*, S. 153(e)). It should be noted that the determination of whether confidential information ought to be disclosed to the public is not a decision an individual councillor may make. Rather, it is a decision to be made by council as a whole. This duty of confidentiality extends to the discussion that takes place during the *in camera* portion of a meeting and includes any documents or other records considered by council while *in camera*. In other words, a councillor may not reveal what was said during the *in camera* portion of a meeting or disclose any document considered *in camera* unless and until council has determined that the matter is no longer confidential and may be made public.

In addition to a potential breach of the duty of confidentiality, if a councillor were to inadvertently or purposely share confidential information, there is a risk of potential liability to the Town depending on the nature of the confidential information. That is, the individual or business to which confidential information relates could have a potential cause of action against the Town for unauthorized disclosure of confidential information.

D. No Recording of *In Camera* Sessions

When council enters into an *in camera* session, it is important that discussions **not** be recorded in the same manner as during the public portion of meetings. This applies to records in the form of handwritten or typed notes, as well as audio or visual recordings.

The purposes of *in camera* meetings are to address confidential, private and/or sensitive matters and to allow for council members to have open and frank discussions and deliberations. If *in camera* sessions are recorded, either through written minutes or through an audio recording, those in the *in camera* meeting may not feel comfortable speaking openly, which could have a serious chilling effect on council deliberations.

Further, if *in camera* sessions are recorded, there is a greater risk that confidential discussions could be disclosed (either inadvertently or deliberately); moreover, such information could be subject to disclosure in response to an access request pursuant to the *FOIP Act*. Records created *in camera* are not automatically exempt from disclosure for the same grounds as going into the *in camera* meeting in the first place, and will be subject to review and scrutiny when processing a request for access to information. As a result, all recording procedures should be stopped during *in camera* sessions, such that all that is recorded is the resolution during the public meeting moving the meeting into private, as well as the resolution ending the private session.

Councillors should not take notes during *in camera* sessions, either by hand or electronically. If any notes are taken during the *in camera* meeting, they should be collected and destroyed prior to council passing a resolution to return to a public meeting. Again, if any notes are taken during the *in camera* session there is a risk that such information will be disclosed outside the private setting of the *in camera* meeting or subject to disclosure in response to a request under the *FOIP Act*.

E. Recommended Process for Distribution of In Camera Materials

Neither the *MGA* nor the *FOIP Act* mandate a specific process for handling council agendas generally, or *in camera* items in particular. For purposes of this opinion, we have not had an opportunity to review the Town's council procedure bylaw. However, it is our assumption that the Town's procedure bylaw does not address how *in camera* agenda materials are to be distributed. Further, it is our understanding that the Town does not have any policies or procedures governing this topic.

In general, where matters are to be considered at an open meeting, agenda packages should be distributed to council members in advance of the meeting to provide councillors with adequate time to thoroughly review the materials and come prepared for the meeting.

In the case of confidential agenda items that will be discussed *in camera*, care must be taken to adequately protect the confidentiality of the documents. As such, the benefits of advance distribution of *in camera* agenda documents must be carefully weighed against the risks of unauthorized disclosure (inadvertent or otherwise).

In our opinion, the practices currently followed by the Town in respect of *in camera* documents is the most effective method to reduce the risk of unauthorized disclosure. That is, we generally recommend that *in camera* materials be addressed as follows:

- (a) only distribute confidential material to each councillor after council has passed a resolution to move *in camera* and the meeting has been closed to the public, and
- (b) require each councillor to return all confidential documents at the conclusion of the *in camera* portion of the meeting.

The benefits of this practice are clear. By not circulating confidential documents in advance of a meeting, the risk of unauthorized disclosure of documents prior to the council meeting is effectively eliminated. Similarly, collecting all copies of confidential documents before council reverts to meeting in the public mitigates the risk of documents being inadvertently left behind in the meeting room or documents leaving the meeting room with a councillor and possibly being subsequently disclosed, willfully or, more likely, by simple human error.

That being said, we acknowledge that this practice may be perceived as excessive and lead to objections. It is important to clarify that this practice is not a reaction to perceived ethical shortcomings of elected officials, rather, acknowledges the simple fact that the more copies of confidential documents there are floating around, the greater the risk of unauthorized disclosure. This practice is intended to preserve the confidentiality of the information and thereby protect the Town, its elected officials and employees as well as any third parties whose confidential information is involved (personal or business).

Admittedly, a shortcoming of this practice is the fact that councillors are seeing the confidential information for the first time while *in camera*. Councillors can legitimately question how they are supposed to review material and be prepared to consider a matter when they do not receive it in advance.

The significance of this concern will, however, depend on the relative complexity of the matter(s) to be discussed *in camera*. In most cases, it should be sufficient to distribute any documents while *in camera* and allow time for the councillors to read the documents before commencing

discussion. Ideally, the *in camera* portion of the meeting should be left to the end of the meeting agenda so that delegations, members of the public and the media are not left waiting for council to carry on with the public portion of the meeting.

That all being said, in some cases, it may be prudent to circulate an *in camera* agenda package in advance of a meeting. If, for example, the confidential matter is particularly complex or the documents are lengthy it may be impractical and unrealistic to require councillors to review the material for the first time and digest it while *in camera*.

If *in camera* agendas are proposed to be circulated in advance of a meeting in such circumstances, our recommendations are as follows:

- (a) *In camera* agenda packages should be provided electronically and uploaded to a secure website in a "read only" format with password protection (specific to each individual) that limits access to members of council. We recommend electronic copies as hardcopies are more likely to be inadvertently left where they can be viewed by persons not authorized to receive the confidential information (for example, on a desk, in someone's car, in a public washroom, etc.). Councillors should not have the ability to print the confidential materials.
- (b) We do **not** recommend simply emailing the agenda package to each councillor as a PDF document; the agenda can be printed and/or the email forwarded far too easily to be considered a secure method of protecting confidential information. Allowing councillors to print confidential documents at home, work or even the public library may be convenient, and even marginally reduce municipal printing costs, but it materially increases the risk of unauthorized disclosure, including hard copies being left behind on the printer and a digital copy being stored on the printer's memory.
- (c) During an *in camera* meeting, hardcopies of the agenda package can be distributed for ease of reference for those who prefer paper copies (and then returned and destroyed following the meeting).

Again, we note that this practice would be an exception to our general recommendation that *in camera* materials be distributed and collected at the *in camera* meeting itself, and should only be used in limited circumstances.

F. CONCLUSION

In summary, neither the *MGA* nor the *FOIP Act* mandate a specific process for handling council agendas generally, or *in camera* items in particular. Furthermore, there is no process that can guarantee the protection of confidential information; realistically, we can only seek to limit the risk of unauthorized disclosure as much as possible, within reason. In general, we recommend that *in camera* agenda materials be distributed at the *in camera* meeting once the meeting has been closed to the public. Then, each councillor should be required to return the confidential documents at the conclusion of the *in camera* meeting. This is ultimately the most secure method for handling confidential materials.

In exceptional circumstances, where a confidential matter is particularly complex or the documents are lengthy, it may be appropriate for *in camera* agenda materials to be distributed in advance of the *in camera* meeting. In such circumstances, we recommend that steps be

taken to limit the risk of unauthorized disclosure of such materials, such as by limiting access to a "read only" electronic copy of the materials through a password protected website. We trust the foregoing to be of assistance in this matter. Should you have any questions or concerns, please do not hesitate to contact the undersigned or Rebecca Kos of our office at rkos@brownleelaw.com or 780-497-4846, who assisted in the preparation of this opinion.

Yours truly,

BROWNLEE LLP

PER:



ALIFEYAH GULAMHUSEIN

/RLK

cc. Brownlee LLP, Attn: Rebecca Kos (via email)