



**COMMITTEE OF THE WHOLE
MEETING AGENDA**
Wednesday, May 10, 2023 at 3:30 p.m.
Council Chambers, Town Hall
Zoom Link

1. **Call to Order**
2. **Agenda Approval**
3. **Scheduled Delegations**
4. **Committee Reports**
5. **Administration**
6. **Business Arising from the Minutes**
7. **Policy**
8. **New Business**
 - 8.1 Alberta Municipalities Convention - Sep 27-29, 2023
 - 8.2 Committee of the Whole Bylaw 1608-20
 - 8.3 Council Code of Conduct Bylaw 1622-18
9. **Closed Session Discussion**
 - 9.1 Pincher Creek Early Learning Centre Financial Statements – FOIP s. 16
 - 9.2 AHS Update - FOIP s. 16
 - 9.3 Personnel Update - FOIP s. 17 & 24
 - 9.4 Letter of Concern - FOIP s. 24
10. **Adjournment**



Town of Pincher Creek

REQUEST FOR DECISION

Council or Committee of the Whole

SUBJECT: Alberta Municipalities Convention Sept 27 - 29, 2023	
PRESENTED BY: Angie Lucas, Chief Administrative Officer	DATE OF MEETING: 5/10/2023

PURPOSE:

To enquire as to which Councillors wish to attend the Alberta Municipalities Convention to be held at the Edmonton Convention Centre on Sep 27 - 29, 2023.

To determine which Ministers that the Mayor and attending Councillors would like to meet with during the Convention.

To determine which accommodations Mayor and Councillors would like to stay at during the Convention.

RECOMMENDATION:

That Council for the Town of Pincher Creek direct administration to register Councillors _____ for the Alberta Municipalities Convention to be held at the Edmonton Convention Centre on Sep 27 - 29, 2023.

direct administration to submit a request that Mayor and Councillors meet with the Ministers for _____ during the AMA Conference to be held at the Edmonton Convention Centre on Sep 27 - 29, 2023.

direct administration to book accommodations at _____ for the Mayor and Councillors to attend the Alberta Municipalities Convention to be held at the Edmonton Convention Centre on Sept 27 - 29, 2023.

BACKGROUND/HISTORY:

The Alberta Municipalities convention is an annual event held in September in Edmonton for municipal elected leaders to attend and interact with MLA's from across Alberta, meet with their counterparts in other municipalities, discuss and learn about proposed policies being put forward and meet directly with Ministers to discuss concerns and issues effecting their municipalities.

ALTERNATIVES:

N/A

IMPLICATIONS/SUPPORT OF PAST STUDIES OR PLANS:

N/A

FINANCIAL IMPLICATIONS:

Travel, accommodation and convention costs for Mayor and Councillors to attend this annual event to take place Sep 27 - 29, 2023.

PUBLIC RELATIONS IMPLICATIONS:

N/A

ATTACHMENTS:

None at this time.

CONCLUSION/SUMMARY:

To determine which Councillors wish to attend the Alberta Municipalities Convention on Sep 27 - 29, 2023 at the Edmonton Convention Centre and discuss which Ministers Mayor and Councillors wish to meet with and which hotel(s) are the preferred accommodations to be booked.

Signatures:

Department Head:

Angie Lucas

CAO:

Angie Lucas



Town of Pincher Creek

REQUEST FOR DECISION

Council or Committee of the Whole

SUBJECT: Committee of the Whole Bylaw 1608-20	
PRESENTED BY: Lisa Goss, Legislative Service Manager	DATE OF MEETING: 5/10/2023

PURPOSE:

For Council to consider amending the Committee of the Whole Bylaw 1608-20.

RECOMMENDATION:

That Council for the Town of Pincher Creek direct administration to prepare an amendment to the Committee of the Whole Bylaw 1608-20 for Council consideration.

BACKGROUND/HISTORY:

At their regular meeting on March 9, 2023, the Policy Review Committee considered Policy and Procedures Standards Policy 102-20. As a result, the committee is recommending to Council that an amendment be made to Committee of the Whole Bylaw 1608-20 to add a standing policy training section to the agenda.

Should the committee agree that amendments be made to the bylaw the opportunity presents itself to make additional amendments if required.

ALTERNATIVES:

That Committee of the Whole for the Town of Pincher Creek receives the information regarding Committee of the Whole Bylaw 1608-20 as presented.

IMPLICATIONS/SUPPORT OF PAST STUDIES OR PLANS:

The format of Committee of the Whole allows Council to conduct more indepth conversations and debates on items at Committee of the Whole meetings.

FINANCIAL IMPLICATIONS:

None at this time.

PUBLIC RELATIONS IMPLICATIONS:

The public is invited and encouraged to attend Council and committee meetings.

ATTACHMENTS:

- 23.03.09 Policy Review Committee Meeting Minutes
- 23.03.09 Policy Review Committee Meeting Minutes - 3141
- Bylaw 1608-20 Committee of the Whole - 3141

CONCLUSION/SUMMARY:

Administration supports that Committee of the Whole for the Town of Pincher Creek amend Committee of the Whole Bylaw 1608-20 as recommended by the Policy Review Committee and review the Bylaw for any further required amendments.

Signatures:

Department Head:

Lisa Goss

CAO:

Angie Lucas



Town of Pincher Creek
Policy Review Committee
March 9, 2023 – 10:00 AM
962 St. John Avenue

ATTENDANCE:

Councillors: S. Nodge and W. Oliver

Staff: A. Lucas, Chief Administrative Officer; L. Goss, Legislative Services Manager; A. Levair, Director of Operations and K. Green, Executive Assistant

1. Call to Order

Councillor Nodge called the meeting to order at 10:03 am.

2. Agenda Approval

OLIVER:

That the Policy Review Committee for the Town of Pincher Creek agrees to approve the March 9, 2023 agenda as presented.

CARRIED

3. Approval of Minutes

OLIVER:

That the Policy Review Committee for the Town of Pincher Creek agrees to approve the February 9, 2023 minutes as presented.

CARRIED

4. Terms of Reference

4.1 Review updated Terms of Reference

OLIVER:

That the Policy Review Committee for the Town of Pincher Creek direct administration to finish drafting the authority statement in the Terms of Reference and bring forward to council for consideration.

CARRIED

NODGE:

That the Policy Review Committee for the Town of Pincher Creek direct administration that the authority of the policy committee be an advisory committee.

CARRIED

5. Priority List

5.1 Review Policy List – undertake gap and relevance analysis

OLIVER:

That the Policy Review Committee for the Town of Pincher Creek direct administration to establish the criteria for policy review as discussed,

- 1) legislation driven
- 2) Areas of concern
- 3) Financial Policies
- 4) Policies to be rescinded

CARRIED

6. Policies

6.1 Policy and Procedures Standards 102-20

OLIVER:

That the Policy Review Committee for the Town of Pincher Creek recommend to council to amend the Committee of the Whole Bylaw #1608-20 to add a standing policy training section to the agenda.

CARRIED

6.2 Winter Street Maintenance Policy 302-13A

NODGE:

That the Policy Review Committee for the Town of Pincher Creek Request administration bring this to Committee of the Whole to define the snow removal philosophy for the community.

CARRIED

7. Bylaws

(None at this time)

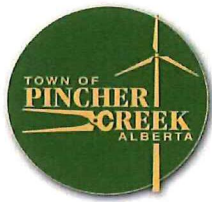
8. Adjournment

NODGE:

That this session of the Policy Review Committee be adjourned at 11:59 am

CARRIED

CAO, A. Lucas



**BYLAW No. 1608-20
of the
TOWN OF PINCHER CREEK**

A BYLAW OF THE TOWN OF PINCHER CREEK, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING RESPONSIBILITIES AND AUTHORITY OF THE COMMITTEE OF THE WHOLE.

WHEREAS, pursuant to the provisions of the Municipal Government Act, R.S.A.2000, Chapter M-26 as amended, the Municipality has the authority to pass bylaws for municipal purposes respecting citizens' safety, health and welfare, property, services and business activities;

AND WHEREAS Section 145 of the Municipal Government Act allows a Council to pass bylaws for the establishment, functions, procedures and conduct of Council committees, and other bodies established by Council;

AND WHEREAS Section 153(e) OF THE Municipal Government Act states that a Councillor's duty is to keep in confidence matters discussed in private at a Council or committee meeting until discussed at a meeting held in public;

AND WHEREAS Section 180(1) of the Municipal Government Act requires Council to act only by resolution or bylaw;

AND WHEREAS Section 180(3) of the Municipal Government Act requires Council under this or any other enactment or bylaw to do something by resolution or to do something without specifying that it be done by bylaw or resolution, it may be done by bylaw or resolution.

AND WHEREAS Section 181(2) of the Municipal Government Act states that a resolution of a Council committee is not valid unless passed at a meeting of the committee held in public at which a quorum is present;

AND WHEREAS Section 197 (1) of the Municipal Government Act states that a Council and Council Committees must conduct their meeting in public;

AND WHEREAS Section 197(2) of the Municipal Government Act allows a Council and its committees to close all or part of their meetings to the public 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;

AND WHEREAS Section 199(1) of the Municipal Government Acts allows a Council and its committees to conduct a meeting by means of electronic or other communications facilities;

AND WHEREAS Section 203(1) of the Municipal Government Act allows a Council to delegate by bylaw any of its powers, duties and functions to a council committee;

AND WHEREAS Section 203(2) of the Municipal Government Act provides that a Council may not delegate:

- (a) its power or duties to pass bylaws,
- (b) its power to make, suspend or revoke the appointment of a person to the position of Chief Administrative Officer,
- (c) its power to adopt budgets under Part 8,
- (d) its power with respect to taxes under section 347, and
- (e) a duty to decide appeals imposed on it by this or another enactment or bylaw, whether generally or on a case by case basis, unless the delegation is to a council Committee and authorized by bylaw.


NOW THEREFORE the Council for the Town of Pincher Creek, in the Province of Alberta, duly assembled in a regular meeting, hereby delegates the following powers, duties and functions to the Committee of the Whole; as described in Schedule A as attached.

1. Committee of the Whole is a committee consisting of all Councillors;
2. Committee of the Whole meetings will be held in the Town Council Chambers, at any time as Council or COTW determines necessary.
3. Bylaw #1608-18 be repealed effective the date of final passing hereof.
4. Bylaw No. 1608-20 shall take force and effect on the day of its final reading.

Read a first time this 24 day of February, 2020.




Mayor, Don Anderberg

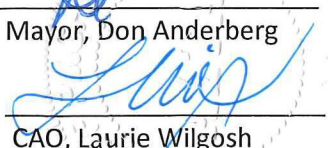


CAO, Laurie Wilgosh

Read a second time this 24 day of February, 2020.



Mayor, Don Anderberg

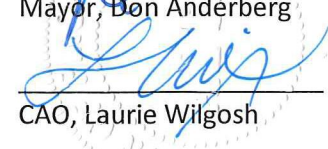


CAO, Laurie Wilgosh

Read a third time this 24 day of February, 2020.



Mayor, Don Anderberg



CAO, Laurie Wilgosh

SCHEDULE A – Bylaw No. 1608-20

The following list outlines the powers, functions and duties which may be delegated by Town Council to the Town Committee of the Whole.

1. Scheduled public delegations
2. Parade and other social invitations
3. Requests for waivers for town facilities fees
4. Unbudgeted funding powers under \$2500.00
5. Committee and Town Service Club requests
6. Policy Direction
7. Proclamation requests
8. Requests for letters of support
9. Citizen requests
10. Direct administration to provide information, reports, etc.
11. Direct ORRSC to provide information, reports, etc.
12. Review of upcoming agenda items (discretionary)
13. Council committee and board member reports
14. Committee Appointments
15. Other items at Council committee discretion



Schedule B – Bylaw No. 1608-20

TERMS OF REFERENCE

- 1.1 **Name** Committee of the Whole
- 1.2 **Purpose** This Committee meets on a regular monthly basis to discuss and review various issues and topics in detail for decision and/or referral to Town Council.
- 1.3 **Membership** All members of Town Council
- 1.4 **Meetings** Meetings are regularly scheduled on the first Wednesday of each month at 9:00 am in the Town Council Chambers. . Other meetings may be scheduled as required.
- 1.5 **Authority** To receive various delegations, review information related to planning, administration, finance, operations, community services, and citizen requests to Council. Including, but not limited to:
Budget
Corporate Management
Economic Development
Financial Planning
Land Sales and Planning
Legal Services
Town Facilities
- 1.6 **Term** A permanent standing committee of Council



**BYLAW NO. 1622-18
OF THE TOWN OF PINCHER CREEK
IN THE PROVINCE OF ALBERTA**

BEING A BYLAW OF THE TOWN OF PINCHER CREEK IN THE PROVINCE OF ALBERTA, TO ESTABLISH A CODE OF CONDUCT FOR MEMBERS OF COUNCIL, COUNCIL COMMITTEES AND OTHER BODIES ESTABLISHED BY THE COUNCIL;

WHEREAS Section 3 of the Municipal Government Act states the purposes of a municipality.

WHEREAS Section 145(b) of the Municipal Government Act states that "A council may pass bylaws in relation to the procedure and conduct of council, council committees and other bodies established by council, the conduct of councilors and the conduct of members of council committees and other bodies established by the council."

WHEREAS Section 153(b) of the Municipal Government Act states the general duties of councillors.

WHEREAS the Council for the Town of Pincher Creek wishes to enact a bylaw to provide for a Code of Conduct for Members of Council, Council Committees and other Bodies Established by the Council;

NOW THEREFOR the Council for the Town of Pincher Creek in the Province of Alberta enacts as follows:

1. That the Municipal Council Code of Conduct for Members of Council, Council Committees and Other Bodies Established by the Council, Schedule "A", attached hereto and forming part of this Bylaw be adopted;
2. That the Procedure for Council Code of Conduct – Breaches and Sanctions, Schedule "B", attached hereto and forming part of this Bylaw be adopted;
3. This Bylaw may be referred to as the "Council Code of Conduct Bylaw".
4. This Bylaw comes into full force and effect when it has received third (3rd) reading and has been signed in accordance with the Municipal Government Act.

READ A FIRST TIME THIS 26 DAY OF FEBRUARY, 2018, A.D.



Mayor, Don Anderberg



CAO, Laurie Wilgosh

READ A SECOND TIME THIS 12 DAY OF MARCH, 2018, A.D.



Mayor, Don Anderberg

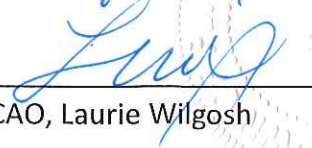


CAO, Laurie Wilgosh

READ A THIRD TIME THIS 12 DAY OF MARCH, 2018, A.D.



Mayor, Don Anderberg



CAO, Laurie Wilgosh

Schedule A

1. Council Representation:
 - a) Municipal Councillors, which include the Mayor are the elected Officials and governing body of the Town of Pincher Creek, whose role and responsibility is to represent the municipality.
 - b) The Mayor is the official voice of the Municipality and all of Council must recognize that they will be called to communicate on behalf of the Town of Pincher Creek.
 - c) Members of Council must at all times respect the decision making process of the municipality as provided in the Procedural Bylaw # 1596-17 and amendments thereto.
 - d) Members of Council must be mindful of and adhere to the approved Policies, Procedures and Bylaws of the Town of Pincher Creek.
 - e) Council member interactions must be respectful at all times with other councillors, municipal staff, members of the public and others.
 - f) Council members will be provided and privy to confidential information which must remain confidential until such time as Council business requires it to be made public, and must otherwise be vigilant to keep the information confidential permanently.
 - g) Council members must be vigilant to avoid any perception or actual activity which may be seen as a Conflict of Interest, with Council business. As a municipal representative, the municipal organization's best interest must always be a councillor's priority.
 - h) Council members must never use their influence as the elected representative for personal advantage.
 - i) Council members must be responsible stewards of the municipal assets and services, and abstain from seeking personal benefit of same.
 - j) Council members will be offered an orientation within 90 days of being elected to municipal council, and will be expected to avail themselves of that opportunity, in order to gain knowledge about the municipality and their respective roles and responsibilities.
 - k) Council members must recognize the role of administration and respect the position of the Chief Administrative Officer as head of the municipal staff.

Schedule B

Council Code of Conduct – Breaches and Sanctions

Complaint process:

Organizations or individuals (including the public, Council Members or Municipal Employees;

- Who have identified or witnessed any prohibited activity by a Town Council member
- Who have witnessed or experienced discriminatory treatment by a Council member
- Who have witnessed or experienced harassment by a Council member, all under this Code of Conduct, may address the behavior or activity as follows:

Provide a letter outlining the complaint, with any witnesses or proof of allegation to the Mayor of Pincher Creek. If the complaint is regarding the Mayor, the complaint should be provided in confidence to the Deputy Mayor. A review and investigation into the allegation of misconduct must take place within 40 days following the initial complaint. If the complaint is found to be valid, the following sanction(s) may be imposed by a resolution of Council:

- a) A letter of reprimand addressed to the Council member, citing the resolution number of council,
- b) A request to the Council member for a verbal or formal letter of apology to be provided to the complainant
- c) A publication of a letter of reprimand or request for apology from Council to the offending member of Council, with a copy of the written apology
- d) A requirement as directed by Council for the offending member of Council to attend appropriate training
- e) A suspension or removal of the appointment of the Council member as the Chief Elected Official under section 150(2) of the M.G.A.
- f) A suspension or removal of the appointment of a councilor as the deputy chief elected official or acting chief elected official of section 152 of the M.G.A,
- g) A suspension or removal of the chief elected official's presiding duties under section 154 of the M.G.A.
- h) A suspension or removal from some or all Council committees and organizations that Council has a right to be appointed
- i) A reduction or suspension of remuneration as per section 275.1 of the M.G.A. corresponding to the reduction in duties, with the exception of remuneration for Council meeting attendance
- j) In addition, Town Council may choose to report the misconduct to Alberta Municipal Affairs
- k) The complainant may choose to file a complaint with Alberta Human Rights

The sanctions above may not include disqualification of the offending Town Council Member. Retaliation against the complainant will not be tolerated and may be subject to further consequences

Bylaw 1622-18

The Code of Conduct will be reviewed by Town Council at a minimum of every four years, following the municipal election.

I have read and fully understand the contents of the Town of Pincher Creek Council Code of Conduct.

Member's Name Don Anderson

Members Signature [Signature]

Date 26 MARCH 2018

Member's Name Sussanne O'Rourke

Members Signature [Signature]

Date 26 March 2018

Member's Name LORNE JACKSON

Members Signature [Signature]

Date 26 MARCH 2018

Member's Name MARC BABER

Members Signature [Signature]

Date March 26, 2018

Member's Name BRIAN MCGILLIVRAY

Members Signature [Signature]

Date March 26, 2018

Member's Name Scott Korbett

Members Signature [Signature]

Date MARCH 26, 2018

Member's Name WAYNE ELLIOTT

Members Signature [Signature]

Date 9 APR 2018