



**COMMITTEE OF THE WHOLE  
MEETING AGENDA**  
**Wednesday, November 1, 2023 at 8:30 a.m.**  
Council Chambers, Town Hall  
Zoom Link

1. **Call to Order**
2. **Agenda Approval**
3. **Scheduled Delegations**
  - 3.1 Rhonda Oczkowski - Communities in Bloom Evaluation - Page 2
4. **Committee Reports**
5. **Administration**
  - 5.1 Operations Third Quarter Report - Page 22
6. **Business Arising from the Minutes**
  - 6.1 Population Growth Infrastructure Capacity - Page 28
  - 6.2 Old RCMP Building Land Rezoning - Page 31
7. **Policy**
8. **New Business**
  - 8.1 Council Code of Conduct Bylaw 1622-18 - Page 41
  - 8.2 Council Resolution Spreadsheet - Page 72
9. **Closed Session Discussion**
  - 9.1 Real Estate Purchase Contract Update
10. **Adjournment**

# Evaluation Form

# 2023

Town of Pincher Creek,  
Alberta



Growing Great Places Together  
Cultivons ensemble de beaux espaces



## 2023 Evaluation Form

Community: Town of Pincher Creek  
 Province: Alberta  
 Category: Circle of Excellence - Evaluated

CiB recognizes efforts to mitigate and adapt to climate change which is reflected in several criteria including:  
 Environmental Action; Preservation of Natural Heritage; Tree Management and Landscape

Community Appearance	130.75	/	150.00
Environmental Action	129.75	/	150.00
Heritage Conservation	134.75	/	150.00
Tree Management	144.00	/	175.00
Landscape	176.00	/	200.00
Plant and Floral Displays	155.25	/	175.00
	<b>Total</b>		<b>870.50 / 1000.00</b>

Percentage: 87.05%

Bloom rating: 5 Blooms - Silver

**Bloom rating:** Provincial, National and International Participants

Up to 55%: 1 bloom. 56% to 63%: 2 blooms. 64% to 72%: 3 blooms 73% to 81%: 4 blooms. >82%: 5 blooms.

**Bloom Levels:** National Edition and International Challenge, for evaluated communities only.

82 to 83.9%: 5 Blooms. 84 to 86.9%: 5 Blooms (Bronze). 87 to 89.9%: 5 Blooms (Silver). 90% and over: 5 Blooms Gold

Mention: Wayfinding Signage

### Representative (s) of Community

Name: B.J. Scott Function: CiB chair  
 Name: La Vonne Rideout Function: Community Services  
 Name: Rhonda Oczkowski Function: Recreation Programmer

### Judges

Name: Colleen Stockford Name: Larry Hall

Evaluation date: July 19<sup>th</sup> 2023

# 2023 Evaluation Form

## IMPORTANT NOTES:

Evaluation is adjusted to the climate and environmental conditions of the community.

Evaluation is also adjusted to match the capacity of a community population to the achievements in all criteria – i.e. evaluate what they do (achieve) with what they have (population/ resources).

Some aspects of the evaluation might not be applicable: scoring will be prorated.

The score will vary from the previous year based on the facts that the evaluation form is subject to modifications each year and that the scores are based on the perception of the current judges.

## SECTORS OF EVALUATION

### Municipal:

- Municipal properties, parks and green spaces, streets, streetscapes
- Properties owned and run by municipality such as museums, historical sites

### Business and Institutions:

Properties owned and managed by

- **Business:** commercial sector, shopping centres, Business Improvement Areas (BIA), , industrial parks, manufacturing plants
- **Institutions:** schools, universities, churches, hospitals, service and community organization buildings (such as YMCA, Legion), private museums, Government and Crown Corporations buildings (such as Canada Post, provincial and federal parks, etc.)
- **Tourism bureaus and Chamber of Commerce offices**
- **Farms:** in rural communities, farms can be considered in this section

### Residential:

- Citizens and citizen groups acting within their own properties
- Residential property owners, rate payer groups including condos and co-ops

### Community Involvement:

The principle of community involvement is so fundamental to the program that it is considered in each segment of the evaluation.

- Individuals, community organizations, citizen groups (includes youth programs) – all contributing to various aspects of community improvement, including municipal spaces maintained through the efforts of volunteers and community
- Organized clubs such as horticultural societies, garden clubs, community associations, school groups
- Service clubs such as Rotary, Lions, Optimist
- Participation (financial and/or in-kind or employee participation) by the municipality, businesses and institutions.

## 2023 Evaluation Form

### GENERAL COMMENTS AND SUGGESTIONS

Congratulations on another successful year in the Communities in Bloom program! As a proud member of the Circle of Excellence non-competitive category, you have achieved 5 Blooms - Silver status! You have come a long way from 3 Blooms in the 2000 Provincial program. After taking the past three years off, two of which were covid years, it is good to see that Pincher Creek is forging ahead with new projects and renewed enthusiasm.

The Climate Risk Assess Adaptation plan that has just been undertaken is very impressive and is surely going to help Pincher Creek and area be a role model going forward. We look forward to hearing the results of this undertaking.

We recognize that the community has an issue with deer within the community boundaries as many other communities. They are nice to see but cause a lot of damage to the plants and draw in their predators which can be a danger for citizens. Certainly, residents should not be feeding them as that just encourages them to remain in town. Fencing, spraying and deer resistant plants are being tried in many areas. Researching and looking for solutions is necessary and what works in one area may not be good in another. Not that we recommend this but check out these ideas from New Brunswick.

[https://www2.gnb.ca/content/dam/gnb/Departments/nrrn/pdf/en/Wildlife/urban\\_nuisance\\_deer\\_control.pdf](https://www2.gnb.ca/content/dam/gnb/Departments/nrrn/pdf/en/Wildlife/urban_nuisance_deer_control.pdf)

<https://www2.gnb.ca/content/dam/gnb/Departments/nrrn/pdf/en/Wildlife/KVNuisanceDeerPermitFactSheet.pdf>

As far as The Old Man Rose garden goes, protecting it from the deer we see as a must. Perhaps cattle fencing could be used on a temporary basis until a more permanent solution is found. Perhaps with the help of local artists and the school's welding shop, decorative gates could be constructed so that when closed it encircles the garden and when opened it provides access. The gates could even have images depicting some aspect of Pincher Creek history, or simply roses.

The idea of touring on the municipal bus is very good in that many of the knowledgeable individuals were able to speak to the judges. The negative is that due to semitransparent screens on the windows, the ability to see and take the necessary pictures was hampered. Bus yes, window coverings, no.

We wish to thank you for the wonderful hospitality we experienced during our stay and would support your request for a two-day evaluation as there is so much to see in Pincher Creek. This community has much to offer, and we wish you good luck challenging for 5 Blooms - Gold in the future.

Best wishes,

***Colleen Stockford and Larry Hall***

## 2023 Evaluation Form

<b>COMMUNITY APPEARANCE</b>		
Community appearance reflects an overall effort by the municipality, businesses, institutions and the residents throughout the community to create great first impressions and a sense that there is continuous attention and upkeep to critical elements of a community that benefit quality of life and economic vitality Elements for evaluation are: parks and green spaces, medians, boulevards, sidewalks, streets; municipal, commercial, institutional and residential properties; ditches, road shoulders, vacant lots, signs and buildings; weed control, litter clean-up (including cigarette butts and gum), graffiti prevention/removal and vandalism deterrent programs.		
	<b>Max</b>	<b>Actual</b>
<b>Municipal</b>		
<b>Gateway Impressions</b> First impressions of the community including gateway/entrance landscape treatments	10	9
<b>Overall Impressions</b> Order, cleanliness, curb appeal and first impressions	10	9
<b>Anti-litter/Graffiti Prevention and Removal</b> Community anti-litter/graffiti awareness programs	10	8.5
<b>Regulations</b> Effective bylaws, programs and policies and enforcement; litter control, private property maintenance by-laws, vandalism, graffiti prevention and eradication, graffiti removal kits to residents	10	8.75
<b>Asset Appearance</b> Includes public green infrastructure: parks, streetscapes (sidewalks, planters, urban signage and furniture such as benches, litter and recycling containers etc.)	10	9
<b>Municipal Properties Appearance</b> Visual appeal and condition of municipal buildings and municipal owned properties	10	9
<b>Business &amp; Institutions</b>		
<b>Overall Impressions</b> Curb appeal, order, and cleanliness	15	12.5
<b>Site Conditions</b> Condition of buildings (exterior maintenance), grounds, sidewalks and parking lots	15	12.5
<b>Furniture/Amenities Appearance</b> Condition of urban furniture: benches, litter and recycling containers	5	3.25
<b>Residential</b>		
<b>Overall Impressions</b> Curb Appeal, order and cleanliness	20	17.75
<b>Property Conditions</b> Condition of buildings, grounds and yards	15	13.5
<b>Community Involvement</b>		
<b>Public Participation</b> In community, neighborhood or individual streets, clean-up programs, activities and annual maintenance (including promotion, organization, innovations involving youth and seniors, etc.)	10	9
<b>Community Support</b> Financial and/or in-kind or participation by the municipality, businesses service groups, and institutions for community clean-up programs.	10	9
<b>Community Appearance Total</b>	<b>150.00</b>	<b>130.75</b>

## 2023 Evaluation Form

### COMMUNITY APPEARANCE

#### Observations:

The entrance to the community is very nice, the silhouettes are very easy to see, and the gateway signs are informative and welcoming.

Your Main Street is very clean with virtually no litter, but some attention needs to be paid to the weed growth in this area and especially in commercial areas. A few businesses have also allowed weeds to detract from overall community appearance. The Bargain Shop has weeds that are verging on tree status.

We saw very little graffiti but across from the beautiful legion park there was some that was very evident.

The Pincher Creek Planters continue to keep the areas they maintain very neat and tidy. These areas certainly enhance the appearance of the municipality.

The back of the main street business that backs on to the creek needs to improve the appearance of their property. The example set by the Asian restaurant is a good example of what might be done.

The bike racks made by the high school students are a great example of positive community appearance as well as youth involvement. This engagement should be encouraged and expanded.

The community has many murals, which is a good thing. But as you realize they do require maintenance and it was good to see restoration being done, as well as the addition of the new mural at the library.

#### Recommendations:

Graffiti is an eye sore and although the town does not have much, what you have needs to be removed as soon as possible. One suggestion is that all community vehicles have equipment to deal with graffiti as soon as it is spotted. It would also be worthwhile to have loaned kits at the municipal office for residents to borrow so that all can assist in graffiti removal. The longer it remains visible the more others are emboldened to add to the problem.

Weed growth is always a problem. Consider assigning summer students to deal with this problem. There is an employee that is busy planting and watering, you might have a position for someone that just removes weeds in the community. Whipper snipping as a main method but also the use of a propane weed torch to handle weed growth in sidewalks and gutters.

Consider implementing an award for the commercial areas. Perhaps the most improved appearance. In some communities the commercial and businesses are encouraged to have employees do some planting and maintenance on company time to keep a tidy and welcoming appearance.

## 2023 Evaluation Form

### COMMUNITY APPEARANCE (*continued*)

The ditches in the commercial areas of town could use a cutting to assist with appearances.

The addition of the planters and the well-maintained hanging pots on Main Street are very nice. Consider adding some public art, benches, garbage and recycle containers here as well. These will make the street look more inviting.



## 2023 Evaluation Form

<b>ENVIRONMENTAL ACTION</b>		
Environmental action pertains to the impact of human activities on the environment and the subsequent efforts and achievements of the community with respect to environmental stewardship, policies, by-laws, programs and best practices for waste reduction and landfill diversion, composting sites, landfill sites, hazardous waste collections, water conservation, energy conservation, and activities under the guiding principles of sustainable development pertaining to green spaces.		
	<b>Max</b>	<b>Actual</b>
<b>Municipal</b>		
<b>Sustainable Development Strategies</b> Policies, programs, guidelines, long-term planning/vision; effective bylaws/policies and their enforcement; and public education programs and activities. This includes activities such as: the creation of Active Transportation networks, fleet management, and recognition of the importance of biodiversity to mitigate and adapt to climate change.	20	18
<b>Waste Reduction</b> Reduction of waste going to landfill and results (3-R: reduce, reuse and recycle), municipal composting programs, including activities such as composting sites, yard waste collections, plastics reduction programs, mulching of wood debris (Christmas trees, hedge trimmings, etc.) and reclamation of cut trees. Handling of hazardous waste including e-waste collection and reuse of compost material. Officially mandating the greening of public events such as on-site recycling bins, biodegradable drink containers, food service dishes, utensils, etc. to minimize the use of plastic.	20	18
<b>Water Conservation</b> Use reduction programs such as promotions, efficient irrigation, use of non-potable water, water restriction policies	15	14
<b>Energy Conservation</b> Programs such as alternate forms of energy (ex. geothermal, biomass, wind, solar) and initiatives such as: energy-efficient appliances, shielding for night skies, efficient street lighting	15	14
<b>Environmental Initiatives, Innovations and Actions</b> <ul style="list-style-type: none"> <li>- Development and expansion of sustainable mobility and active transportation networks such as bike lanes, multi-use commuter pathways, and recreational trails</li> <li>- Horticultural practices such as planned biodiversity, green roofs, green walls, green lanes, living fences, buffer zones; re-use of sites; engineered wetlands, bioswales, permeable surfaces and rainwater management</li> <li>- Brownfield redevelopment, remediation, land reclamation</li> <li>- Air quality programs such as alternate energy sources, sustainable design of facilities, sustainable fleet management, reduction of greenhouse gas emission (carbon reduction), anti-idling by-laws.</li> </ul>	10	8.5
<b>Business &amp; Institutions</b>		
<b>Participation in The Environmental Effort</b> Waste management (reduce, reuse and recycle), water conservation, energy conservation and audits (fleet management, electric conservation), brownfield management	10	8
<b>Corporate Environmental Initiatives and Action</b> Innovation/stewardship, initiatives, activities (for example: environmental clean-up activities, plastic reduction) carbon emissions, green roofs	10	8
<b>Residential</b>		
<b>Participation in Environmental Initiatives</b> 3-R (reduce, reuse and recycle), composting	10	8
<b>Water &amp; Energy Conservation</b> Practices such as water use reduction, rainwater collection and rain gardens, alternate forms of energy, thermostat reduction	15	13
<b>Community Involvement</b>		
<b>Public Participation – Civil Action</b> Participation in public forums and policy development on environmental issues, such as climate change adaptation and mitigation	5	4.25
<b>Public Participation in Activities</b> Community (including children/youth), neighborhood or individual street environmental activities and programs (including promotion, organization and evidence of taking ownership, etc.)	10	8
<b>Community Support</b> Financial and/or in-kind or participation by the municipality, businesses and institutions in public environmental activities and programs	10	8
<b>Environmental Action Total</b>	<b>150.00</b>	<b>129.75</b>

## 2023 Evaluation Form

### ENVIRONMENTAL ACTION

#### Observations:

The direction that the council has taken by hiring an Energy Project lead is commendable. The projects completed already have potential to reduce 288 tons of greenhouse gases saving the community \$59,000 annually in operating costs. The plans for the Climate Risk Assessment and Adaptation are outstanding. Sharing this information with the community in your monthly energy newsletter is a good way to involve residents.

The installation of two E.V. charging stations is forward thinking and the retro fits at the Lebel Mansion will pay dividends in the future.

The splash pads recycling of water is also an environmental project that we wish all communities would adopt.

The Creek bed restoration in 1995 was vital to the sustainability of the community, well done. It is good to hear about the continued concern for the riparian area.

The small greenhouse on the school grounds is an excellent way to get the younger generation to think about the environment. The water collection and wind generating capacity of this was impressive.

It was noticeable that rain barrels were being used in many homes, congratulations and continue to promote this throughout the community.

Although the power generating windmills are out of the community it was good to see that a symbol of them is included in your logo and on your publications.

The natural products being made and sold in the Kootenai Brown Pioneer Village are another example of the environmental concern that is noticeable in the community.

#### Recommendations:

The small greenhouse in the school yard is such a great initiative it is a shame to see it sit empty during the summer. Is it possible that the CiB team, or the Pincher Planters could use it during this time? Expanding the environmental program at the school to continue year-round under one of the above-mentioned groups would also be excellent.

Until the trees at the splash pad are more mature consider setting up some shade sales to allow users a place to sit and enjoy the activities.

To help with water conservation, consider the sale of rain barrels at the farmers market garden. This could be a fundraiser for the CiB committee or the Pincher Planters.

## 2023 Evaluation Form

### ENVIRONMENTAL ACTION (continued)

The new Eco Station is very tidy, consider adding a station where organic waste could be collected and converted to compost. This can then be sold or given to residents to enrich the soil in the community.

It is a good idea to use mulch in the flower beds to help reduce weed growth and conserve water. Consider checking the beds to see where this makes sense.

Continuing with the purchase of recycle bins what you have started is very good. Try to color code all bins to assist individuals to get their waste into the correct bin.

## 2023 Evaluation Form

<b>HERITAGE CONSERVATION</b>		
<p>Heritage conservation includes efforts to preserve and protect both natural and cultural heritage within the community. Preservation of natural heritage pertains to policies, plans and actions concerning all elements of biodiversity including flora and fauna ecosystems and associated geological structures and formations. Cultural conservation represents the “persona” of a community and refers to the heritage that helps define the community including the legacy of tangible (built/hard assets) elements such as heritage buildings, monuments, memorials, cemeteries, artifacts, museums and intangible elements such as traditions, customs, festivals and celebrations. The participation of groups such as historical societies, traditional cultural groups, and conservation groups is considered.</p>		
	<b>Max</b>	<b>Actual</b>
<b>Municipal</b>		
<b>Natural Heritage Plans</b> Management and preservation policies, plans, programs and initiatives: including eco systems, eco parks, trail networks, grasslands, naturalization, wetlands, urban agriculture/farming, wildlife and wildlife corridors, protection of sensitive habitats, species at risk and support for at risk pollinators.	20	18
<b>Natural Heritage Promotion</b> Management and promotion of natural heritage (through communications, information and support programs, economic development/tourism) including year-around activities and programs for education and use of natural heritage sites (including trail networks) for and by the public.	15	13.5
<b>Cultural Heritage Plans</b> Policies, by-laws, plans, and preservation initiatives for heritage buildings, cemeteries, artifacts, museums, monuments, heritage trees and gardens, including their integration with streetscapes and landscape	15	14
<b>Cultural Heritage Activities</b> Initiatives throughout the year including festivals and celebrations along with preservation of traditions and customs	15	13.75
<b>Business &amp; Institutions</b>		
<b>Natural Heritage Assets</b> Conservation, restoration and integration of natural heritage, including eco parks, conservation areas, trails, heritage gardens, trees and landscapes.	10	8.75
<b>Cultural Heritage Assets</b> Conservation, restoration and reuse of heritage buildings and artifacts including their integration with the built/hard, streetscapes and green landscapes	10	8.75
<b>Residential</b>		
<b>Cultural Heritage Initiatives</b> Conservation/restoration and reuse of heritage buildings and artifacts on residential lands	10	8.75
<b>Community Involvement</b>		
<b>Natural Heritage Public Participation</b> Participation in community (including children/youth), neighborhood or individual natural heritage programs and initiatives including developing policies and plans, site improvements (including trails, eco parks, reforestation and management, maintenance, conservation and education initiatives	20	17.75
<b>Natural Heritage – Community Support</b> Financial and/or in-kind or participation by the municipality, businesses and institutions (including environmental groups) in community-initiated natural heritage activities and programs	10	8.75
<b>Cultural Heritage - Public Participation</b> Participation in community (including children/youth), neighborhood or individual cultural heritage programs including year-round heritage community events/activities, festivals and celebrations along with preservation of traditions and customs	15	13.75
<b>Cultural Heritage - Community Support</b> Financial and/or in-kind or participation by the municipality, businesses and institutions (including historical societies) in community-initiated cultural heritage activities and programs.	10	9
<b>Heritage Conservation Total</b>	<b>150.00</b>	<b>134.75</b>

## 2023 Evaluation Form

### HERITAGE CONSERVATION

#### Observations:

The Kootenai Brown Museum does an incredible job of portraying the historic history of the municipality. Well done to all involved! The old headstones displayed in the Kootenai Brown Museum are a good tribute to the important historic individuals in the area. It was good to hear that when the stones were relocated, replacement stones were used.

The mural projects in town are excellent. It was good to see the new mural at the library and to see that the murals that have been such a colorful part of your history are being retouched by original painters when possible and being recoated for protection. These murals all tell the important stories of Pincher Creek.

The Cenotaph Park is a central part of the community. It is good that restoration efforts are being undertaken there.

The community is recognizing the original inhabitants of the area by having the Black Foot flag in the town office. The efforts to work with the Piikani Nation are applauded.

The Lebel Mansion is being well taken care of. It was good to see the rejuvenated staircase and see the repurposing of this incredible building.

#### Recommendations:

The roof of Kootenai Brown's cabin needs repair. Consider this a priority as it would be a shame to lose any of the artifacts held in the fantastic building.

Consider commissioning an artist to do a 3D piece of public art celebrating the cooperation between the Black Foot, NWMP and settlers. Have it placed in a central location and use the ceremony to encourage cooperation between the town and the Piikani Nation. The children at school could use the occasion to study the treaties and become more aware of the community history.

On a smaller scale, consider creating a feather crosswalk as another way to reach out to the first nations around the community. Google feather crosswalk and samples will be given.

The cenotaph had an unsightly sign asking individuals to not sit on the memorial during the farmers market in the garden. Consider creating a roped or chain link boundary around the monument. It appears that that might have been there in the past.

With the farmers market being held in the cenotaph park the turf is showing signs of wear, especially under the spruce trees where it is always hard to maintain grass. Consider some other ground cover. Perhaps some type of permeable paving stones. The fountain at the back of the park needs some ground cover around the base as well.

## 2023 Evaluation Form

<b>TREE MANAGEMENT</b>		
Woodlands, Canopy Management, Urban and Rural Forestry includes the efforts of the municipality, businesses, institutions and residents with regards to written policies, by-laws, standards for tree management protection (selection, planting, and maintenance), long and short-term management plans, tree replacement policies, pollinator-friendly tree selection, tree inventory including heritage, memorial, and commemorative trees, and Integrated Pest Management (IPM) programs.		
	<b>Max</b>	<b>Actual</b>
<b>Municipal</b>		
<b>Overall Impression</b> Overall impact, benefit and first impression of the urban forest	10	8.75
<b>Strategic Plans</b> Policies, regulations and tree by-laws, tree protection and planting on public and private lands	15	12.25
<b>Urban Forestry Plan</b> Plan, design and inventory management including integration with overall green infrastructure landscape plan, and measures to preserve, protect, manage and expand overall tree inventory, including woodlots and managed forests	20	17.25
<b>Plan of Action</b> Procurement, species diversity (including native trees), selection of hardy and pollinator habitat tree species, recommended tree list and tree planting standards.	10	7.5
<b>Integrated Pest Management (IPM) / Plant HealthCare (PHC):</b> plan of action for invasive pest detection and control, information on current infestations and diseases	10	7.5
<b>Public Information Programs</b> Provides information on good planting techniques, best practices and maintenance programs	15	12.75
<b>Maintenance Quality</b> Best practices with demonstrated results	10	7.5
<b>Qualified Resources</b> Qualified personnel (including seasonal staff and/or qualified experienced contractors) and/or in place training programs	5	3.25
<b>Business &amp; Institutions</b>		
<b>Tree inventory</b> Contribution to expanding overall tree inventory and canopy, management of hedgerows and forests, with consideration of design and diversity including native and hardy species of trees, on properties owned by businesses and institutions.	15	12
<b>Maintenance Quality</b> Programs, best practices with demonstrated results: watering, pruning, IPM	10	7.75
<b>Residential</b>		
<b>Tree Planting</b> Contribution to expanding overall tree inventory, with consideration of design and diversity including native and hardy species of trees on residential properties	15	13
<b>Maintenance Quality</b> Best practices with demonstrated results	10	7.75
<b>Community Involvement</b>		
<b>Public Participation</b> Participation (including children/youth) in tree planting and conservation programs such as Green Streets Canada, Arbor Day, Maple Leaf Day, and other tree planting and maintenance programs and activities on public lands (including promotion, organization etc.)	20	18
<b>Community Support</b> Financial and/or in-kind or participation or promotion by the municipality, businesses and institutions for community tree planting and conservation programs on public lands	10	8.75
<b>Tree Management Total</b>	<b>175.00</b>	<b>144.00</b>

## 2023 Evaluation Form

### TREE MANAGEMENT

#### Observations:

Congratulations on the many new tree plantings. According to the profile book, you are approaching 200 trees in 6 different locations. The diversity of the new trees is good.

The experiment of using two gator bags per tree at the Lebel Mansion is interesting and innovative. Removal of the dead cotton wood trees along the creek path is good as they are a danger to individuals using the path.

It is good that there is a bylaw requiring new residences, business and commercial properties to plant new trees of 1.8 m. It is through this type of bylaw that the tree canopy of the community will grow.

The three trees south of the provincial building have been placed in a concrete environment and given a very small tree well for their mature size. Unfortunately, the likelihood of these trees surviving is not good.

Having a list of recommended trees for residents is good as individuals may not have a good idea of what grows best in your environment.

#### Recommendations:

The trees at the senior's home were planted at least 5 years ago and are still staked. Unless there are extenuating circumstances trees should have stakes removed after 3 years to allow them to develop root systems that will stabilize the tree. The same trees have mini lights wrapped around the trunk. These trees are being girdled by the lights. These strings are close to cutting into the bark now, damaging the tree. We strongly suggest that these be removed and if lighting is desired that you investigate up-lighting.

There are cotton wood trees across from the Kootenai Brown museum along the creek that have large dead branches. This is also evident behind the tennis courts. It would be advisable to have these removed. Dead branches are a place for disease to start and pose a falling hazard.

The town does not have an arborist on staff. Consider having some of your employees take some arborist training.

We recommend starting a municipal tree inventory. Perhaps start with the new trees being planted now and as time permits work back to catch older trees. Consider adding a monetary value to the inventory.

Once the new bylaw officer is in place, we suggest having them check the commercial area to see if Town Land Use Bylaw #1547 has been followed.

We like the list of approved trees, but you might be more specific to the type of caragana in the list. The caragana is an import from Russia and grows very well but is very invasive. There are many types of caragana that don't have that invasive characteristic.

## 2023 Evaluation Form

<b>LANDSCAPE</b>		
<p>Landscape includes planning, design, construction and maintenance of parks, green spaces and cemeteries suitable for the intended use and location on a year-round basis. Elements for evaluation include native and introduced materials; biodiversity, materials and constructed elements; appropriate integration of hard surfaces and art elements, use of turf and groundcovers. Landscape design should harmonize the interests of all sectors of the community and provide safe and secure public spaces. Standards of execution and maintenance should demonstrate best practices, including quality of naturalization, use of groundcovers and wildflowers along with turf management.</p>		
	<b>Max</b>	<b>Actual</b>
<b>Municipal</b>		
<b>Sustainable Designs – Soft Landscape</b> Sustainable designs: energy efficient, use of green materials, naturalization, xeriscaping, suitable plant varieties (including pollinator friendly), traffic calming, bank stabilization	15	13.75
<b>Sustainable Designs - Hard Landscape</b> Urban and civic design standards for streetscape and public places including considerations for public safety: flags, banners, public art, fountains, site furnishings, signage including wayfaring and directional, seasonal design and décor, walkways and paving materials including use of artificial turf and its protocols	15	14
<b>Landscape Plan</b> Integrated and implemented throughout the municipality	10	8.5
<b>Landscape Management Programs</b> Integrated Pest Management (IPM), Plant Health Care (PHC), alternative solutions to diseases and infestations when appropriate, Invasive Species Management, increased naturalization and adapted maintenance programs	10	8.5
<b>Landscape Maintenance</b> Policies, Standards, Best Practices and Programs including irrigation water management	10	8.75
<b>Landscape Quality</b> Landscape maintained to appropriate standards, specs and best practices, as an example as shown in the Canadian Landscape Standards	5	3.75
<b>Qualified Resources</b> Qualified personnel (including seasonal staff) and/or in place training programs and/or qualified experienced contractors	10	8
<b>Year-round use</b> Demonstrated year-round opportunities and programs for education and people being active and using parks and green spaces (urban agriculture, community gardens, parks and recreation programs and accessible public washrooms)	10	8
<b>Business &amp; Institutions</b>		
<b>Sustainable Designs</b> Energy efficient, use of green materials, naturalization, xeriscaping, alternate groundcovers, urban agriculture	10	8
<b>Integrated Plan</b> Contribution to urban & civic design and public green spaces above requirements: such as public art, streetscape, site furniture, fountains & innovation in concept & design	15	13.75
<b>Maintenance Quality</b> Adequate ongoing life cycle management (ongoing maintenance, ground & asset management, rehabilitation & replacement) of all landscape elements	10	8
<b>Residential</b>		
<b>Streetscape Appeal</b> Residential yards (year-round, seasonal, themed)	15	13.75
<b>Maintenance Quality</b> Lawn care, trees and shrub maintenance (with demonstrated results)	15	13.75
<b>Plant Selection</b> Selection of plant material (native, local, innovative, edible & pollinator friendly plants)	10	8
<b>Community Involvement</b>		
<b>Public Participation</b> in community programs (including children/youth) such as: urban agriculture, community gardens, "yard of the week", volunteer park maintenance, holiday illumination and decoration (promotion, organization, etc.)	20	18.75
<b>Volunteer Succession Plan and Recognition</b> Succession Plan and Recognition (by municipality and/or volunteer groups) of volunteer efforts in all aspects of the Communities in Bloom program including activities in all evaluated criteria	20	18.75
<b>Landscape Total</b>	<b>200.00</b>	<b>176.00</b>



## 2023 Evaluation Form

### LANDSCAPE

#### Observations:

Main Street looks nice with the addition of planters and the hanging pots were very good. These make the streetscape less stark.

The creative bike stands throughout the town are exceptional. What a wonderful idea, continue to engage the school in projects like this.

Murals are well done and add not only beauty to the landscape but an educational component.

The front of the provincial building is very stark. This large area of concrete will add to the heat island effect of sidewalks and paved roads.

The cenotaph park is a very nice feature of Main Street. Certainly, the flower beds in the park make this a restful oasis in the center of town.

The Ball diamonds turf and infield are well cared for, making this an appealing sight for the ball players in the area.

#### Recommendations:

Main Street still needs help to become more welcoming. Consider adding some benches, public art, and garbage and recycle containers. The high school welding class might have some creative ideas for a 3D project.

The front of the provincial building needs to be greener. If security is the issue perhaps some low beds might work.

The metal dolphins' images and silhouettes at the pool are an example of public art that can be duplicated in other places in the community. The provincial building has some in-sets that would be excellent locations and perhaps add interest to the landscape.

The weediness of ditches in the commercial areas and the tree size weed growing at the Bargain Shop need attention. Consider making weed removal a priority. This might take all seasonal staff using mowers, whipper snippers and weed torches a dedicated few days. This project will surely enhance your landscape.

The new wayfinding signs are excellent, the consistence of the silhouette theme unifies the community, consider continuing with this idea whenever you can. Possibly incorporate the silhouettes on the garbage and recycle containers.

The infield fence around the diamonds usually have some protection covering the top of the fence. This is to protect players from getting caught on the jagged chain link. A suggestion would be weeping tile sliced to cover the top of the fence.

## 2023 Evaluation Form

<b>PLANT AND FLORAL DISPLAYS</b>		
<p>This category evaluates the efforts of the municipality, businesses, institutions and residents to design, plan, execute, and maintain plant and floral displays of high-quality standards. Evaluation includes the design and arrangements of flowers and plants (annuals, perennials, bulbs, ornamental grasses, edible plants, water efficient and pollinator friendly plants) in the context of originality, distribution, location, diversity and balance, colour, and harmony. It also pertains to flowerbeds, carpet bedding, containers, baskets and window boxes.</p>		
	<b>Max</b>	<b>Actual</b>
<b>Municipal</b>		
<b>Floral Display Plan of Action</b> Integration into overall landscape plan and distribution through community. Concept and design including sustainable design	15	14
<b>Diversity of Displays</b> Flowerbeds, raised beds, planters, hanging baskets, window boxes, carpet bedding, mosaics	20	18
<b>Diversity of Plants</b> Annuals, perennials, bulbs, grasses, woody plants, natural flora, pollinator friendly plants	10	8.75
<b>Maintenance Quality</b> Maintenance to appropriate specifications and standards, best practices: watering, weeding, edging, dead heading, etc.	20	18.75
<b>Qualified Resources</b> Qualified personnel (including seasonal staff) and/or in place training programs and/or qualified experienced contractors	10	8.75
<b>Business &amp; Institutions</b>		
<b>Concept and Design</b> (including arrangement, diversity, colour of display and plants) on grounds	15	13
<b>Overall Plan</b> Contribution to, and integration with, overall community plant and floral program	10	7.75
<b>Maintenance Quality</b> of planting and maintenance: watering, weeding, edging, dead heading, etc. with demonstrated results.	10	7.5
<b>Residential</b>		
<b>Concept and Design</b> (including arrangement, diversity, colour of display and plants) on residential properties including Pollinator gardens and/or inclusion of pollinator plants in gardens	20	17.5
<b>Maintenance Quality</b> of planting and maintenance with demonstrated results.	15	13.5
<b>Community Involvement</b>		
<b>Public Participation</b> in community projects, volunteer initiatives (including children/youth), outreach programs in plant and floral displays (including promotion, organization, etc.)	15	13.75
<b>Community Support</b> Financial and/or in-kind or participation by the municipality, businesses and institutions for community plant and floral displays activities	15	14
<b>Plant and Floral Displays Total</b>	<b>175.00</b>	<b>155.25</b>

## 2023 Evaluation Form

### PLANT AND FLORAL DISPLAYS

#### Observations:

The formal rose garden is very well done. Congratulations to the Old Man Rose Society for creating and maintaining this area. The heritage rose garden is also a great project.

The work of the Pincher Planters is also recognized as outstanding. Every bed they care for shows their love of plants.

The new planters on Main Street are very well done. Very colorful and healthy. The addition of vegetables in these planters is nice. Although some of the vegetables were not visible due to the vigorous growth of the flowers.

It was good to see the green roof at the seniors complex. The boarder plantings there are outstanding. The ribbon planting is a very good idea. This is an excellent way to draw attention to the scourge of cancer.

The Clematis at the library are very colorful and certainly enhance the library wall.

The restaurant placing blossoms in the fruit desserts is a very nice touch and highlights the benefits of flowers in our lives.

#### Recommendations:

The Kootenai Brown Museum the Cox house has a colorful display of creeping bellflower. This is a very invasive plant. It was noticed that some shoots have already gone under the wooden walkway and are growing into the lawn. This plant must be controlled, or it will get away and become a major problem. The suggestion is to remove it now although removal is not easy as it is very hardy.



Some of the border beds around the buildings in the museum have trees and weeds appearing. We suggest a cleanup of these areas.

## 2023 Evaluation Form

### PLANT AND FLORAL DISPLAYS (*continued*)

The ribbon garden is a good idea, but it needs attention. You might consider changing the color of plants to represent the different types of cancer as well as the pink. This planting could also be used to recognize important community members who have passed.

The green roof is nice to see, and the section being planted and cared for by seniors is well cared for. The wild grasses and the lawn areas are suffering. This might be an area that succulents could succeed in and add another element to the garden. The tranquil area behind the senior's complex is great for sitting but could use some color, perhaps a flower or vegetable bed.

Consider using the Snodgrass business as an example to get some of the other business and commercial areas to increase their plantings. It might be a good idea if local businesses were to allow their staff time to attend to planting during their working day.

## 2023 Evaluation Form



### THANK YOU FOR YOUR INVOLVEMENT

"Within the context of climate change and environmental concerns, communities involved in the Communities in Bloom program can be proud of their efforts, which provide real and meaningful environmental solutions and benefit all of society."

### COMMUNITIES IN BLOOM IS MADE POSSIBLE BY

The commitment of local, provincial and national volunteers

The support of elected officials and of staff in municipalities

The dedication of our judges, staff and organizations

The contributions of our sponsors and partners

# Operations Department



## 2023 Third Quarter Report

## Staff News



### Parks Coordinator

At the end of the 3<sup>rd</sup> Quarter, the Parks Department transitioned from Community Services to the Operations Department.

Staff will be working over the winter to ensure a smooth summer operating season ahead with the organizational shift.

A warm welcome to Brock, the Operations Coordinator for Parks & Open Spaces, who has been with the Town since 2022, into his new home.

Brock's Office is located in the ATCO Trailer in the Operations Yard.



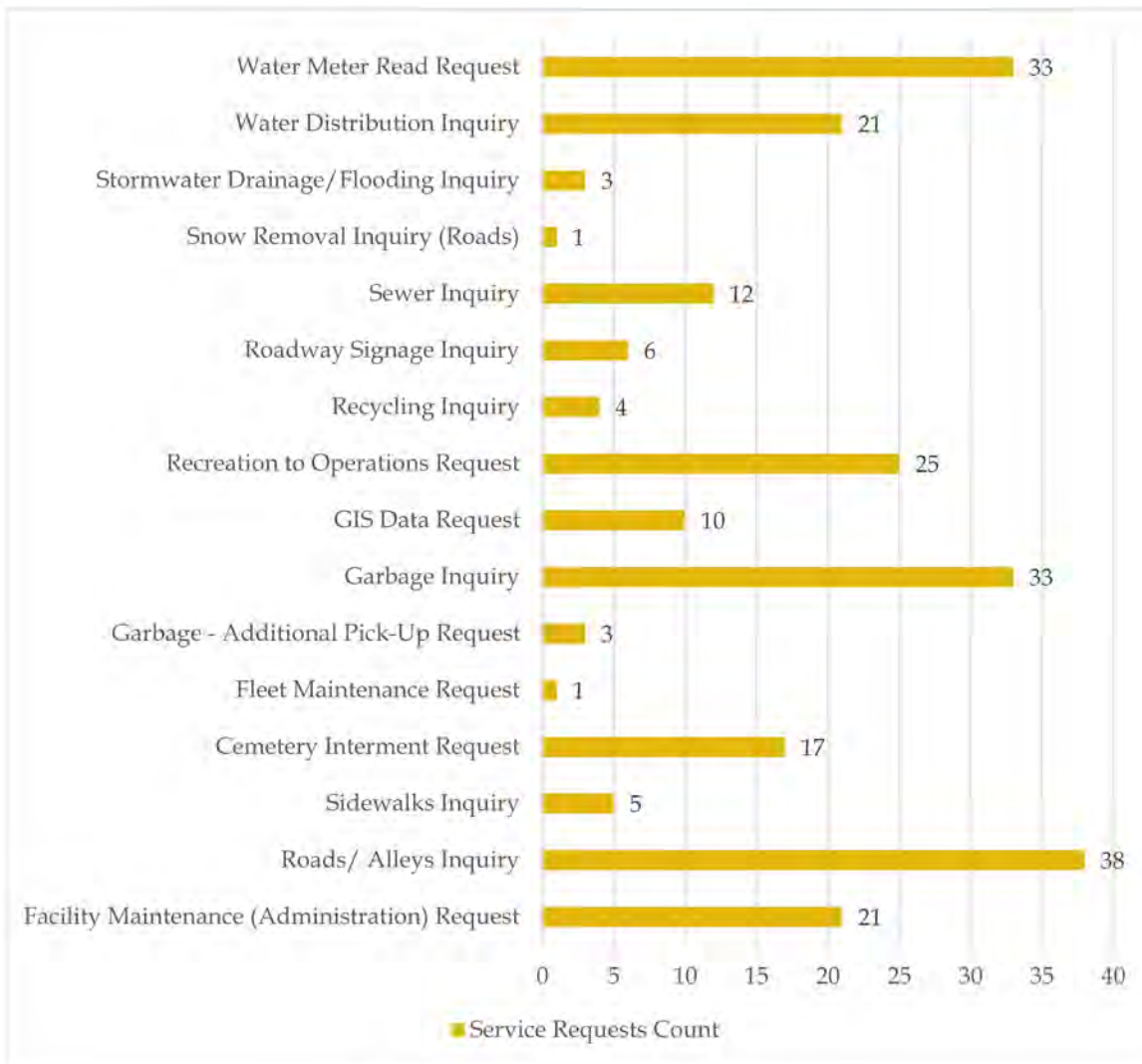
## Department Statistics

Sewer Inspections	5
Water Main Breaks	0
Service Locates	111



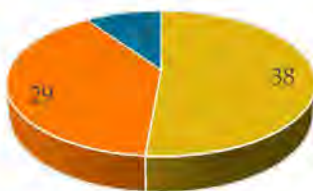
# Citywide Requests

Quarterly Totals: 222



## Cemetery Update

Columbarium I

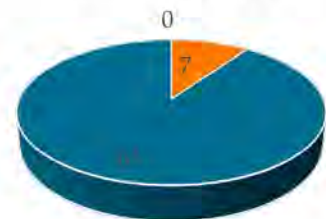


Occupied Reserved Available

Fairview Cemetery

Inurnments 7  
Full Burials 4  
Niche Front Installations 5

Columbarium II



Occupied Reserved Available



## Major Projects

### WTP Sodium Hypochlorite System

- *Project Background/Need:* Gaseous chlorine is used to disinfect the Town's water supply but is a highly toxic substance. Operations is working to transition away from gaseous chlorine and utilize sodium hypochlorite as an alternative disinfectant.
- *Capital or Operating:* Capital
- *Status Update:* **Underway** – Due to a drastic increase in anticipated costs, the original scope of an on-site generation system, the Town has adjusted course to a liquid sodium hypochlorite dosing system. The Town received notification in late June from the province that the scope change was accepted to still be eligible for the previously approved grant that is partially funding the project.
- *Future Reporting to Council:* Project award RFD expected to be presented to Council in Q4 2023, if the total tendered cost is over the \$200,000 threshold for Council approval.

### Sander/Snowplow

- *Project Background/Need:* Snowplow required to meet demand of snow removal expectations and continue with routine fleet upgrades/replacements.
- *Capital or Operating:* Capital
- *Status Update:* **Underway** – Council approved RFP award in Q1 2023, expected delivery in Q2 2024
- *Future Reporting to Council:* None Anticipated

### Backhoe Replacement

- *Project Background/Need:* Existing backhoe is 16 years old. The Operations Department heavily relies on this piece of equipment and is looking to replace for increased reliability.
- *Capital or Operating:* Capital
- *Status Update:* **Cancelled** – CAO decision to not proceed with procurement or carryover of project due to department capacity and reserve fund levels. Equipment needs will be re-evaluated over 2024 and presented in 2025 budget deliberations.
- *Future Reporting to Council:* None Anticipated

### Canyon Drive Water & Sewer Upgrades

- *Project Background/Need:* Standard replacements of aging underground infrastructure. Recommended as part of Infrastructure Master Plan.
- *Capital or Operating:* Capital
- *Status Update:* **On Hold** – Council approved at the April 11, 2023 regular meeting of Council to continue with the design but defer construction to 2024 to allow the Operations Department to replace pumps at the WTP first.
- *Future Reporting to Council:* Will present the construction budget at the 2024 Capital budget deliberations.

### Poplar Avenue Storm Upgrades (Willow St to Main St)

- *Project Background/Need:* Upgrading of aging and undersized infrastructure to improve drainage. Recommended as part of Infrastructure Master Plan.
- *Capital or Operating:* Capital
- *Status Update:* **On Hold** – Design completed as part of previous project, waiting to publish for bidding until grant is confirmed, grant application submitted Q1 2023
- *Future Reporting to Council:* RFD for project award at future Council meeting, timeline unknown

### SCADA Communication Radio Replacements

- *Project Background/Need:* SCADA radios are used for communication between water/wastewater facilities. The Town's current radios are now obsolete and have no replacement parts available.
- *Capital or Operating:* Capital
- *Status Update:* **Complete** – Radios were replaced in Q2 2023. During the installation, it was determined there was insufficient power for communications at the Castle River Raw Water Intake. Council approved additional funding for the project on June 12, 2023 to accommodate upgrades to solar infrastructure. Installation of the upgraded solar completed in Q3 2023.
- *Future Reporting to Council:* None Anticipated

### Sidewalk Replacements

- *Project Background/Need:* Routine sidewalk replacement prioritized by condition, traffic, risk, etc. Recommended as part of Infrastructure Master Plan.
- *Capital or Operating:* Capital
- *Status Update:* **On Hold** – Selected section of sidewalk for replacement was Main Street between Victoria Crescent and Hill Avenue. As part of the project involves replacement of a retaining wall, the project was more complicated than originally anticipated. This project will not proceed in 2023 but will be brought forward during the 2024 budget deliberations.
- *Future Reporting to Council:* 2024 budget deliberations

### Cemetery 2<sup>nd</sup> Columbarium

- *Project Background/Need:* Existing cemetery columbarium is reaching its capacity. Second columbarium to be installed to meet demand.
- *Capital or Operating:* Capital
- *Status Update:* **Underway** – Purchased in Q1 2023, delivery expected in early November 2023
- *Future Reporting to Council:* None Anticipated

### WTP Pump Replacements

- *Project Background/Need:* Project originally slated for 2024 but was bumped up in priority due to pump replacement impacting the Canyon Drive Utility Upgrades project. Project includes replacement of 3 distribution pumps, 2 fluoride dosing pumps, and 2 filter turbidimeters.
- *Capital or Operating:* Capital
- *Status Update:* **Underway** – Design and procurement complete, construction expected in Q4 2023 – Q1 2024
- *Future Reporting to Council:* Project Award RFD to Council on October 23, 2023.

### WTP Dam Assessment

- *Project Background/Need:* In 2018 the Dam Safety Board changed the parameters of what was considered a 'dam'. The Town's Raw Water Pond, located at the Water Treatment Plant, now requires a Dam Assessment to report on downstream risk in case of a failure.
- *Capital or Operating:* Operating
- *Status Update:* **Complete** – Inspection completed in Q2 2023, report completed Q3 2023
- *Future Reporting to Council:* None Anticipated

### SE Commercial Area Storm Upgrades Preliminary Design

- *Project Background/Need:* Historical drainage problems in the SE Commercial Area. Council desired to complete preliminary design to upgrade the area to an urban, asphalt profile with stormwater infrastructure. Preliminary design to include proposed phasing and associated costs.
- *Capital or Operating:* Operating
- *Status Update:* **Underway** – Consultant selection and award in Q2 2023, survey and design expected in Q2-Q3 2023, report expected Q4 2023 – Q1 2024
- *Future Reporting to Council:* Information to be used to inform the 2025-2029 5-year long-term budget.

### Sewer CCTV Phase 4

- *Project Background/Need:* Underground camera inspections of sanitary sewers. Project aims to inspect 8-10km of sewers each year.
- *Capital or Operating:* Operating
- *Status Update:* **Complete** – Report received in Q3 2023
- *Future Reporting to Council:* None Anticipated

### Old RCMP Building Demolition

- *Project Background/Need:* Old RCMP Building is at end of life. Project is intended to prepare the site to be 'shovel ready' for future development opportunities.
- *Capital or Operating:* Operating
- *Status Update:* **Underway** – Consultant onboarded and working on budgetary estimates and RFP documents. Project will not be publicly procured until authorization is given by Council based on Council resolutions in Q2 2023 seeking proposals for redevelopment of the Old RCMP Building property.
- *Future Reporting to Council:* RFD for project procurement pending, timeline unknown



# Town of Pincher Creek

## REQUEST FOR DECISION

*Council or Committee of the Whole*

<b>SUBJECT:</b> Population Growth Infrastructure Capacity	
<b>PRESENTED BY:</b> Alexa Levair, Director of Operations	<b>DATE OF MEETING:</b> 11/1/2023

**PURPOSE:**

To respond to Council's request regarding infrastructure capacity for different growth scenarios.

**RECOMMENDATION:**

That Council for the Town of Pincher Creek accept the Population Growth Infrastructure Capacity presentation as information.

**BACKGROUND/HISTORY:**

At the October 5, 2023 Special Council Meeting for Strategic Planning, the following resolution was passed:

“That Council for the Town of Pincher Creek determine the capital capacity of the Town’s water and wastewater infrastructure that would be needed to support the development of increased residential and commercial growth to enable the Town to increase its population up to 5000 and 10,000 residents”.

The Town currently has an Infrastructure Master Plan (IMP) which was completed in 2022 and looked at infrastructure on a 10-year horizon. The intention of the was to determine the EXISTING infrastructure capacity, condition, and priorities. Directly from the IMP:

The population of the Town has marginally changed over 20 years of collected data. In total, the population decreased by 0.46% from 1996 to 2016. Due to the consistency in population, long term projections of the population were not calculated, as there is no historical information to demonstrate growth.

Therefore, the replacement of any equipment with a long-term life span should be replaced with the same capacity of the existing equipment. However, this should be revised if the Town sees population growth, or if the Town adds a regional distribution line and provides water outside of the Town, utility and transportation networks should be reviewed.

It is recommended that the IMP be treated as a 'living document' with updates every 4-5 years to incorporate completed infrastructure replacements and changes in strategic priorities. The next update is proposed in the 2026 Operating Budget.

Administration is unable to fulfill the above resolution without a budgetary commitment to accompany the resolution, as growth projection studies cannot be completed in-house, or within existing Operating Budgets.

It is not recommended to proceed with an update to the IMP that would incorporate growth scenarios until such time as the Town has an approved, updated Municipal Development Plan. Infrastructure Capacity is very dependent on which areas of the Town are developed, what land uses are proposed, and what density is expected.

The Infrastructure Master Plan can be viewed at <http://www.pinchercreek.ca/docs/files/Infrastructure%20Master%20Plan%20-%20Town%20of%20Pincher%20Creek%20-%202022.pdf>

**ALTERNATIVES:**

That Council for the Town of Pincher Creek direct administration to add \$40,000 for an Infrastructure Master Plan Update to incorporate growth scenarios of total populations of 5,000 and 10,000 people to the 2025 Operating Budget for approval.

**IMPLICATIONS/SUPPORT OF PAST STUDIES OR PLANS:**

The Town's Infrastructure Master Plan (IMP) looks at current infrastructure and did not account for growth, as there has been no growth in multiple decades. An update to the IMP would be required if Council wishes to look at infrastructure capacity with different growth scenarios.

**FINANCIAL IMPLICATIONS:**

None at this time unless Council wishes to update the Infrastructure Master Plan, which is not recommended until such time as an up to date Municipal Development Plan has been approved by Council.

**PUBLIC RELATIONS IMPLICATIONS:**

None at this time.

**ATTACHMENTS:**

None at this time.

**CONCLUSION/SUMMARY:**

Administration supports accepting the infrastructure capacity presentation as information.

**Signatures:**

Department Head:

*A. Lerari*

CAO:

*Angie Lucas*



# Town of Pincher Creek

## REQUEST FOR DECISION

*Council or Committee of the Whole*

<b>SUBJECT:</b> Old RCMP Building Land Rezoning	
<b>PRESENTED BY:</b> Lisa Goss, Legislative Service Manager	<b>DATE OF MEETING:</b> 11/1/2023

**PURPOSE:**

To garner direction from Council regarding the rezoning of 655 and 659 Main Street and 656 Charlotte Street (Plan 552LK, Lots 102, 103 and 14 and Plan 460B Lot 103).

**RECOMMENDATION:**

That Council for the Town of Pincher Creek direct administration to present the Land Use Bylaw Amendment rezoning 655 and 659 Main Street and 656 Charlotte Street (Plan 552LK, Lots 102, 103 and 14 and Plan 460B Lot 103) to Direct Control to Council for first reading.

**BACKGROUND/HISTORY:**

At the February 13, 2023 regular Council meeting direction was given to administration to proceed with demolition of the Old RCMP Building located at 659 Main Street.

On June 7, 2023 the motion was rescinded, so that prospective developers would be able to view the property from the perspective of being able to submit proposals for purchase and renovation of the building, in a manner which may suit the Town's needs. Further on June 7, the Committee of the Whole agreed to advertise for request for proposals for redevelopment at at 659 Main Street (Lot 102, Plan 552LK) 655 Main Street (Lot 13, Plan 522LK) 656 Charlotte Street (Lot 14, Plan 552LK) for housing and mixed use. In order to facilitate this direction the land could be rezoned to Direct Control to accommodate various types of uses as per Council directives.

Direction from Council is required for administration to create the Direct Control Bylaw with regards to regulation and control of the lots, what uses would be permitted and prohibited and any other information Council would like to see in the Bylaw which would assist administration in ensuring that the overall site is developed in a manner that is suitable for its location and how it will interact with the immediate neighbouring sites.

At the August 2, 2023 Committee of the Whole meeting direction was given to administration to prepare a Land Use Bylaw Amendment rezoning four parcels to Direct Control for Council consideration. The samples provided to the committee at that meeting have been amended reflecting the discussion in the draft attached.

At the time of writing, a letter of intent to purchase roll #0170400 is scheduled for Council consideration at the October 23, 2023 regular meeting of Council.

Continuing to move forward with the rezoning of the subject properties to Direct Control regulating and controlling the use and development of the lands. Once the Direct Control bylaw is passed it will provide the information needed to advertise, review proposals for the subject property and lots, to ensure that proposals meet the requirements for development set out by Council.

**ALTERNATIVES:**

That Council for the Town of Pincher Creek receive the information regarding the rezoning of 655 and 659 Main Street and 656 Charlotte Street (Plan 552LK, Lots 102, 103 and 14 and Plan 460B Lot 103) as presented.

**IMPLICATIONS/SUPPORT OF PAST STUDIES OR PLANS:**

The December 1993 Downtown Pincher Creek Area Redevelopment Plan (Section 3.1(b) Sub-area 2B, with 21 lots, contains a mixture of retail, office, residential and public and institutional development....Although there is some potential for land assembly, any redevelopment is more likely to be incremental, given the large number of land owners.

Section 70 of the Municipal Government Act states that "If a municipality proposes to transfer or grant an estate or interest in land for less than its market value...the proposal must be advertised."

**FINANCIAL IMPLICATIONS:**

Advertisement and administrative resources required, which may include public engagement above and beyond a public hearing for the DC Bylaw.

**PUBLIC RELATIONS IMPLICATIONS:**

Although the public hearing process is a requirement under the MGA for the Land Use Bylaw amendment, some form of public hearing should be held before rendering a decision on an application if received.

**ATTACHMENTS:**

DIRECT CONTROL Bylaw draft - Twn Pincher Creek (former RCMP site) - 3285  
Memo - Draft Direct Control bylaw - Town Properties - 3285

**CONCLUSION/SUMMARY:**

Administration supports that Council for the Town of Pincher Creek provide direction to prepare a Land Use Bylaw Amendment to rezone 656 Charlotte Street (Lot 14, Plan 552LK), 655 Main Street (Lot 13, Plan 552LK), 659 Main Street (Lot 103, Plan 460B) and 659 Main Street (Lot 102, Plan 552LK) to Direct Control.

**Signatures:**



Department Head:

*Lisa Goss*

CAO:

*Angie Lucas*

# Memo

**To:** Lisa Goss, Legislative Services Manager - Town of Pincher Creek  
**From:** Steve Harty – ORRSC Senior Planner **Date:** Sept. 6, 2023  
**Cc:** Angie Lucas, CAO - Town of Pincher Creek  
**Re:** Draft Direct Control bylaw - Town Properties on Main & Charlotte St. (former RCMP building)

Based on the recent discussion and input from Town Council regarding the application of a Direct Control district to four town owned properties (Lot 13, Plan 552LK; Lot 14, Plan 552LK; Lot 102, Plan 552LK and Lot 103, Plan 460B), I would offer the following comments on the draft DC bylaw prepared (refer to attached draft bylaw).

- I revised the draft bylaw to state that the minimum lot size shall be the existing four lot titles, or 0.06 ha (0.14 acres), unless otherwise approved by Council, or depending on the development proposal and if it will include on or more of the adjacent Direct Control lots, Council may require the individual lot titles involved in the proposal to be consolidated together as one title.
- I suggested a minimum density, so that the minimum number of dwelling units shall be 64 units per ha (or 4 units per 606 m<sup>2</sup>), unless Council specifies or approves otherwise. This equates for the existing individual lots a four-plex or 4-unit dwelling as a very minimum (or 16 units all together if it was one parcel). It also states that Council may require a higher density based on the proposal and type of multi-unit residential dwelling. I think this should give them some flexibility but help act as a guide. This will then exclude simply semi-detached or duplex units being built (unless there were multiple grouped dwellings of these erected as part of a comprehensive cluster development). This is something Council should discuss and let me know if they want more density. However, I think the second clause should allow them to ask for more, depending on the proposal submitted as they will have the final say in a Direct Control.
- I suggested that a few minor or benign uses can be managed by the Development Officer rather than go to Council, (e.g., solar panels, signs, accessory structures, such as yard gazebos, etc.), could also perhaps make solar panels exempt from permit requirements.
- Also suggested that for the discretionary accessory uses such as retail, offices, financial institutions, medical and dental clinics, and personal services, such uses are to be minor secondary uses and are to only occur in combination with residential use or as a mixed-use development and shall not exceed 30% of the gross floor area so that multi-unit residential is the main priority. The question is if this seems reasonable or if it should be up to 50% or be lower, at maybe 25%? What is the right balance for non-residential that Council will allow? Or take out a minimum number and leave it entirely to Council's discretion?

Hopefully, the provided draft is a good start, and a review of the proposed bylaw will help Council see how it may be managed. The proposed Direct Control district bylaw can be revised based on their comments and requests.

## SCHEDULE 'B'

### DIRECT CONTROL – DC BYLAW NO. \_\_\_\_\_

**INTENT:** To provide a means whereby Council may regulate and control the use, development, or subdivision on a site-specific basis to the following lands:

**Lot 14, Plan 552LK** - 656 Charlotte Street

**Lot 13, Plan 552LK** - 655 Main Street

**Lot 103, Plan 460B** - 659 Main Street

**Lot 102, Plan 552LK** - 659 Main Street

as shown on Schedule 'A', for the purposes of allowing opportunity for higher to medium-density housing and potential mixed-use commercial development as a secondary use in a form acceptable to Council, while also allowing development that conforms to Council's goals of supporting the viability of downtown through a mix of innovative housing, affordable housing, retail use, and professional or business services with multi-unit housing development being the main priority.

The development allowed is based on plans as approved by Council in consideration of the constraints of the site, compatibility with adjacent public, institutional, and commercial land uses, and on the basis the development must align with Council's vision and goals for the development of the site and the downtown area in general.

#### 1. DEVELOPMENT CONTROL REGULATIONS

While this bylaw is in effect the following development control regulations shall apply and no development other than that prescribed for the following lots shall be undertaken unless otherwise approved by Council:

- (1) Lot 103, Plan 460B and Lot 102, Plan 552LK - The existing two-storey building (former RCMP office) constructed in 1970 can be renovated to accommodate the uses authorized by Council or may be demolished if more residential housing units can be provided than what the current building may be retrofitted for.
- (2) Lot 13, Plan 552LK and Lot 14, Plan 552LK - The land uses, buildings and structures as stipulated in Section 2, Permitted and Discretionary Uses, or as otherwise authorized by Council, may be considered in accordance with this bylaw. These may be considered in conjunction with a comprehensive development and site plan designed in combination with the existing 1970 two-storey building (situated on Lot 103, Plan 460B and Lot 102, Plan 552LK) as part of a multifaceted parcel development, or part of a larger site development if the existing building is removed.
- (3) Any of the land uses, buildings and structures as outlined in Section 2, Permitted and Discretionary Uses, or as otherwise authorized by Council may be considered in accordance with this bylaw and shall be approved by Council unless otherwise subdelegated.
- (4) Demolition of the existing two-storey building constructed in 1970 located on Lot 103, Plan 460B and Lot 102, Plan 552LK shall require Council's approval.
- (5) As the main purpose is to provide for higher to medium-density housing, the discretionary uses such as retail, offices, financial institutions, medical and dental clinics, and personal services are to be minor secondary uses and are to only occur in combination with residential use or as a

mixed-use development and shall not exceed 30% of the gross floor area or building space unless otherwise authorized by Council.

## 2. PERMITTED AND DISCRETIONARY USES

Only those uses associated with the development of the lands as approved by Council and that are deemed by Council to meet the intent of the Direct Control bylaw are to be allowed.

In addition to those prescribed below, any use Council considers suitable may be considered.

### PERMITTED USES

Accessory structures  
Signs (in accordance with Schedule 5)  
Solar collectors individual, roof-mount or wall mount, (see Schedule 4)

### PROHIBITED USES

- ◆ *No change of use or conversion of residential units to other uses without Council approval.*
- Any use which is not listed as either a Permitted or Discretionary Use or not otherwise authorized by Council is a Prohibited Use.*

### DISCRETIONARY USES

Accessory buildings  
Accessory uses  
Boarding Houses  
Cluster housing  
Financial institutions (as a minor secondary use)  
Medical and dental clinics (as a minor secondary use)  
Mixed-use: Commercial with residential  
Multi-unit residential dwellings:

- Apartment buildings
- Fourplexes
- Five or more unit dwellings

Multi-unit residential additions  
Offices (as a minor secondary use)  
Parking Lot (as a minor secondary use)  
Personal Services (as a minor secondary use)  
Retail stores (as a minor secondary use)  
Short term rentals Type 1 (as a minor secondary use)

## 3. MINIMUM LOT SIZE

The minimum lot size shall be as the existing lot titles for Lot 13, Plan 552LK; Lot 14, Plan 552LK; Lot 102, Plan 552LK and Lot 103, Plan 460B, or **0.06 ha (0.14 acres)**, unless otherwise approved by Council.

Depending on the development proposal and if it will include on or more of the adjacent Direct Control lots, Council may require the individual lot titles involved in the proposal to be consolidated together as one title.

## 4. MINIMUM YARD SETBACK REQUIRMENTS

As authorized by Council.

## 5. DENSITY AND SITE COVERAGE

- (1) The minimum number of dwelling units shall be 64 units per ha (or 4 units per 606 m<sup>2</sup>), unless Council specifies or approves otherwise. Council may require a higher density based on the proposal and type of multi-unit residential dwelling.

- (2) The maximum number of dwelling units or other buildings on the parcel, and the maximum parcel site coverage, is as authorized by Council.
- (3) The minimum floor area of any dwelling unit shall be: 46.5 m<sup>2</sup> (500 sq. ft.)

## 6. ACCESSORY BUILDINGS AND STRUCTURES

- (1) Any accessory buildings or structures shall not be located in a front yard or in an easement or utility right-of-way.
- (2) An accessory building or structure shall only be constructed after or in conjunction with an approved principal use or building on the parcel.

## 7. STANDARDS OF DEVELOPMENT

- (1) Any development standards as Council, being the Development Authority, considers necessary having regard to but not bound by **Schedule 4** of the land use bylaw.
- (2) **Parking** must be provided as required by Council and delineated on site, with Council having regard to, but not bound by, the parking standards of the Land Use Bylaw outlined in **Schedule 9**.
- (3) **Building Height** – The maximum building height of principal or accessory buildings or structures shall be as authorized by Council.
- (4) **Amenity Space** - The type, size, and number of indoor or outdoor amenity space or areas (e.g., balconies, recreation rooms, patios, yards, etc.) must be provided as required by Council.
- (5) Council, may request the following standards and requirements be applied for any development permit application or approval in this district:
  - (a) **Site, Layout, and Grading Plan** – that shows the property dimensions, building size and locations, outdoor storage areas, parking areas, utility easements, elevations, and servicing areas.
  - (b) **Landscaping Plan** – that shows the front yard landscaping and fencing (height and type) on the property.
  - (c) **Stormwater Drainage Plan** – prepared by a qualified engineer to address storm water management of the entire site as it relates to the development proposal and neighbouring lots. an engineered stormwater management plan shall be provided to the specifications of the town’s Municipal Operations department who shall advise Council on the suitability of the storm water plan submitted.
  - (d) **Refuse or Garbage** – shall be located and kept in a municipally approved waste receptacle container as per the Town of Pincher Creek Garbage Utility bylaw.
  - (e) **Servicing** – the developer shall be responsible for ensuring all required municipal servicing is provided for the development, including water, sewage, and drainage.
    - (a) Shallow utilities (e.g., gas, electricity, fibre optics, phone) as required shall also be provided by the developer to the municipality’s or utility agencies’ standards.
    - (b) Any utility right-of-ways or access easements as required shall be provided by the developer to the satisfaction of the Town of Pincher Creek.

- (f) **Development Agreement** – the developer shall enter into a development agreement with the Town of Pincher Creek to satisfy any servicing requirements or standards as stipulated by the Town when required to do so by Council. All servicing and maintenance of the site shall be the responsibility of the owner which is to be stipulated in the development agreement as deemed necessary.
- (g) **Site Plan Conformity** – If Council has requested a site plan be provided, the development may only proceed in accordance with overall conformity to an associated site plan as approved by town Council.

## **8. SIGNS**

Only those signs associated with the formal name of a housing development, business name, addressing, or directional signage as Council, or the Development Officer acting as the Development Authority, considers necessary and compatible, having regard to [Schedule 5](#).

## **9. APPLICATION PROCESSING PROCEDURE**

- (1) All submitted development permit applications shall be made to the Development Officer who shall refer them to Council as stipulated unless the use has been delegated to the Development Officer to make a decision.
- (2) Before Council, or the Development Officer acting as the Development Authority as assigned by Council, considers an application for a use in the Direct Control district, they shall:
  - (a) cause notice to be issued by the Development Officer in accordance with [Section 21](#) of the land use bylaw; and
  - (b) hear any persons who claim to be affected by a decision on the application.
- (3) As part of the development application review process, the application shall be circulated to municipal administration and planning staff to provide input and recommendations to Council on any proposal.
- (4) Council, or the Development Officer acting as the Development Authority as authorized, may then approve the application with or without conditions, or refuse the application.
- (5) Council delegates to the Development Officer the duty to issue a refusal notice or a municipal development permit approval on Council's behalf with any conditions as imposed by Council.

## **10. OTHER APPLICATION REQUIREMENTS (AS MAY BE REQUIRED BY COUNCIL)**

Prior to decision being made upon receipt of a development application proposal, Council may request any information, plans or studies be provided that it determines are necessary to make an informed decision on the application in addition to what is outlined in section 7 of this bylaw.

## **11. SUBDIVISION**

- (1) Notwithstanding the provisions of this bylaw, subdivision is limited to the form of the four existing titles, each 0.06 ha (0.14 acres) in size, unless Council otherwise grants permission for lots to be further subdivided or for building condominium unit titles to be created.
- (2) If Council required the lots to be consolidated together as one title as part of an approval for a Development Permit application, then subdivision of the lots (or title separation) is not permitted, with the exception for building condominium unit titles being created.

- (3) The Municipal Development and Subdivision Authority, acting in the capacity of the Subdivision Authority, shall make decisions on subdivision applications in accordance with the Direct Control bylaw and as directed by Council.

## **12. DELEGATION OF AUTHORITY**

- (1) Council shall be the Development Authority to decide on development permit applications for the discretionary uses or application for waivers of development standards. Council may also decide on development permit applications for permitted uses.
- (2) The Development Officer, pursuant to section 641(3) of the Municipal Government Act may, with the direction of Council, act as the Development Authority and receive and decide upon development permit applications for permitted uses provided they conform to the standards of the bylaw.

## **13. APPROVAL PROCEDURE**

- (1) Before consideration of a development permit application for a proposal requiring waivers or discretionary use on the subject property, Council shall:
  - (a) cause a notice to be issued by the designated officer to any person likely to be affected;
  - (b) ensure that the notice contains the date and time that council will hear the application for discretionary uses or application for waivers of development standards;
  - (c) hear any person that claims to be affected by the decision on the application.
  - (d) Council may then approve the development application with or without conditions or refuse the application with reasons.
- (2) Where Council has decided on a development permit application, the Development Officer acting on behalf of Council, shall cause a notice of the decision to be issued to the applicant and those persons likely to be affected who were originally notified of the application, and post a copy of the decision in the lobby of the town office or be published online on the Town's website or in an online news-site for the community.
- (3) Where the Development Officer as the Development Authority has been delegated the authority to decide upon development permit applications for permitted uses and has done so, then immediately upon issuance of the development permit the Development Officer shall cause a notice of the decision to be issued to the applicant and post a notice to be published online on the Town's website or in an online news-site for the community stating the location of the property for which the application has been made and the use approved.

## **14. APPEAL PROCEDURE**

- (1) Pursuant to section 685(4)(a) to the Municipal Government Act, if a decision with respect to a development permit application is made by Council, there is no appeal to the Subdivision and Development Appeal Board.
- (2) If the Development Officer has been delegated the authority to decide upon development permit application as the Development Authority, then the appeal to the Subdivision and Development Appeal Board is limited to whether the Development Officer followed the direction of Council.

**TOWN OF PINCHER CREEK**



**Land Use Bylaw No. 1547**

**Bylaw Amendment – Land Use Redesignation**

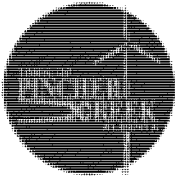
**Lot 14, Plan 552LK – From Downtown /Retail Commercial – C1 to Direct Control - DC**

**Lot 13, Plan 552LK – From Transitional Commercial – C4 to Direct Control - DC**

**Lot 103, Plan 460B – From Transitional Commercial – C4 to Direct Control - DC**

**Lot 102, Plan 552LK – From Downtown /Retail Commercial – C1 to Direct Control - DC**





# Town of Pincher Creek

## REQUEST FOR DECISION

*Council or Committee of the Whole*

<b>SUBJECT:</b> Council Code of Conduct Bylaw 1622-18	
<b>PRESENTED BY:</b> Lisa Goss, Legislative Service Manager	<b>DATE OF MEETING:</b> 11/1/2023

### **PURPOSE:**

For Council to consider amending the Council Code of Conduct Bylaw 1622-18.

### **RECOMMENDATION:**

That Council for the Town of Pincher Creek direct administration to prepare amendments to the Council Code of Conduct Bylaw 1622 for Council consideration.

### **BACKGROUND/HISTORY:**

The Code of Conduct Bylaw was initially adopted in 2018 following the 2017 election in accordance with section 145 of the Municipal Government Act with minor amendments in 2021 following that election cycle.

However, as shown in the attached "Councillor Codes of Conduct - A Guide for Municipalities", the Town of Pincher Creek's Council Code of Conduct Bylaw does not include many of the subject areas that are listed and can be incorporated into the Bylaw, which can serve to guide and clarify some of the roles and duties of members of Council on behalf of the Town.

Having an updated Code of Conduct Bylaw which is easily accessible to the public is always a good idea to attract community members who may be interested in running for and serving on Council in the future and who may want to know more information about what the position entails.

### **ALTERNATIVES:**

That Council for the Town of Pincher Creek receive the information regarding Council Code of Conduct Bylaw 1622-18 as presented.

### **IMPLICATIONS/SUPPORT OF PAST STUDIES OR PLANS:**

The criteria for prioritizing policy review is as follows;

1. Legislation Driven
2. Areas of Concern
3. Financial Policy
4. Policies to be Rescinded

**FINANCIAL IMPLICATIONS:**

None at this time.

**PUBLIC RELATIONS IMPLICATIONS:**

An updated Council Code of Conduct Bylaw would provide clearer direction for Council and the public regarding the conduct of members of council, council committees and other bodies established by council.

**ATTACHMENTS:**

Bylaw 1622-18 Council Code of Conduct with new council signatures - 3284  
Councillor Codes of Conduct A Guide for Municipalities - 3284

**CONCLUSION/SUMMARY:**

Administration supports updating and amending the Council Code of Conduct Bylaw 1622-18.

**Signatures:**

**Department Head:**

*Lisa Goss*

**CAO:**

*Angie Lucas*

# Councillor Codes of Conduct

*A Guide for Municipalities*



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# Councillor Codes of Conduct: A Guide for Municipalities

## Table of Contents

<b>Part 1: The Councillor Code of Conduct Guide</b> .....	3
I. What is a Code of Conduct? .....	3
II. Why adopt a Councillor Code of Conduct? .....	3
III. Why have Councillor Codes of Conduct become Mandatory? .....	3
IV. What do the new Municipal Government Act amendments require? .....	4
V. Are there sanctions for breaching the Code? .....	9
VI. Who should enforce the Code? .....	10
VII. How do you develop, approve and communicate your new Code? .....	11
<b>Part 2: Bylaw Template</b> .....	15

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The following has been prepared by the Alberta Association of Municipal Districts and Counties (AAMDC), and the Alberta Urban Municipalities Association (AUMA), in partnership with Brownlee LLP.

***This Guidance Document is an educational tool that contains general information intended to assist municipalities in developing a Council Code of Conduct Bylaw. This information is NOT a substitute for legal advice and municipalities are encouraged to consult with their legal advisors.***

# Part 1: The Councillor Code of Conduct Guide

## I. What is a Code of Conduct?

A Code of Conduct sets standards to govern people's actions. Typically, a Code of Conduct will outline behaviour that is acceptable and behaviour that is prohibited; it may also include a statement of principles that set out an organization's values which can help guide decision making when the Code of Conduct is silent on a particular matter.

There is currently no set format or model for a Councillor Code of Conduct (Code). Some Codes are aspirational: setting out principled standards of conduct councillors ought to aspire to. Other Codes are prescriptive: laying out prohibitions and rules councillors must abide by or risk sanction. The most effective Codes are a hybrid of both, combining core values and key principles related to the holding of public office and outlining those behaviours and conduct councillors are obliged to model or avoid.

## II. Why adopt a Councillor Code of Conduct?

In Alberta, many municipalities have code of conduct policies that apply to their employees; however, it is less common to find a Code that applies to councillors. Although many issues addressed in an employee code may equally apply to councillors, councillors are not municipal employees.

The *Municipal Government Act* establishes the general duties of all councillors and requires that all councillors take the official oath prior to assuming office.<sup>1</sup> It establishes rules regarding pecuniary interests<sup>2</sup> and specifies what events/conduct will cause a councillor to be disqualified from holding office.<sup>3</sup> Despite this, the *Municipal Government Act* does not address councillor conduct that falls short of being a disqualifying event. Instead, the Legislature has seen fit to leave it to each Council to consider how it will govern itself and, accordingly, has delegated authority to a Council to pass bylaws in relation to the conduct of Council and councillors.<sup>4</sup>

## III. Why have Councillor Codes of Conduct become mandatory?

In recent years, there is an increased recognition that municipalities benefit from a more detailed and comprehensive Code that governs Council and which complements legislation. In some jurisdictions, such codes have been mandatory for some time.<sup>5</sup> A Code is one aspect of accountability and transparency both internally, among councillors and between Council and Administration, as well as externally, to the public at large.

In 2016, when the Government of Alberta sought feedback on the current *Municipal Government Act*, it received submissions about councillor conduct. These included submissions that Codes needed to be updated and enforced; that disciplinary sanctions, systems and tools to discourage inappropriate conduct needed to be considered in order

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<sup>1</sup> MGA, ss. 153, 155 and 156 respectively.

<sup>2</sup> MGA, ss. 169-173.

<sup>3</sup> MGA, ss. 174-179.

<sup>4</sup> MGA, s. 145.

<sup>5</sup> For example, Ontario and Saskatchewan.

to hold councillors accountable; and, that municipalities should have the power to determine the accountability of their councillors through the creation and enforcement of a Code. Submissions were also made about mechanisms to remove councillors and disallowing disqualified councillors from seeking re-election.

The result of these consultations led to the provisions in Bill 20, *Municipal Government Amendment Act, 2015.a*.

#### **IV. What do the new *Municipal Government Act* amendments require?**

Bill 20, *Municipal Government Amendment Act, 2015* came into force on October 26, 2017. It amends the *Municipal Government Act* to provide that Council must, by bylaw, establish a Code to govern all councillors equally, by **July 23, 2018**. It also provides that councillors cannot be disqualified or removed from office for a breach of the Code. Further, it amended the councillor duties listed in section 153 to include the duty that councillors adhere to the Code established by Council.

The *Code of Conduct for Elected Officials Regulation, AR 200/2017 (Regulation)* also came into force on October 26, 2017. The *Regulation* sets out the topics each municipality's Code must include.

According to the *Municipal Government Act* and the *Regulation*, Codes must, at minimum, address the following topics:

- a. representing the municipality;
- b. communicating on behalf of the municipality;
- c. respecting the decision-making process;
- d. adherence to policies, procedures and bylaws;
- e. respectful interactions with councillors, staff, the public and others;
- f. confidential information;
- g. conflicts of interest;
- h. improper use of influence;
- i. use of municipal assets and services; and,
- j. orientation and other training attendance.

Additionally, Codes must:

- a. adopt a complaint system outlining who can make complaints, the method by which complaints can be made, the process to determine a complaint's validity, and the process to determine how sanctions will be imposed for valid complaints;
- b. incorporate by reference any matter required in the Code that is in addressed or included in another bylaw; and

- c. include a provision for the review of the Code and any bylaws incorporated by reference at least once every four years from the date the Code was passed.

Council is to consider ss. 3 and 153 of the *Municipal Government Act* when drafting their Code, but Council is prohibited from including provisions or sanctions that prevent a councillor from fulfilling their legislated duties as a councillor.

### **What kinds of conduct should be addressed under each of the topics?**

The topics enumerated in the *Municipal Government Act* and the *Regulation* are purposefully broad, leaving it open to each Council to determine its values and prescribe conduct that will govern individual councillors. Alberta Municipal Affairs has developed an "Implementation Fact Sheet" for Codes which outlines the intent and rationale of each of the topics, as noted below.<sup>6</sup> However, there are a number of issues Council may want to consider in relation to each topic as it develops its Code.

**a. *Representing the municipality: to build and inspire public trust and confidence in local government by upholding high standards and ideals***

Council may want to consider its key values and principles under this topic. Council should consider the purposes of a municipality<sup>7</sup> and the general duties of councillors<sup>8</sup>, particularly the duty to consider the welfare and interests of the municipality as a whole and to bring to Council's attention to anything that would promote the welfare or interests of the municipality. In addition, Council may want to provide that councillors should aspire to be good public role models by governing their public behaviours in accordance with Code and ensuring they conduct their personal affairs with integrity in accordance with the law.

**b. *Communicating on behalf of the municipality: to promote public confidence by respecting the process established by council for communicating with the public on behalf of council***

Council may want to consider establishing communication protocols in its Code to address a number of communication issues, including: which councillor or councillors speak on behalf of Council when a matter is decided upon (usually this would be the Mayor/Reeve), how Council and individual councillors address the media, and how Council and individual councillors address communications with third parties, particularly other levels of government.

Council may also want to clarify that communications concerning matters of a political nature should be directed through the Mayor/Reeve whereas matters of an administrative/operational nature are to be directed through the Chief Administrative Officer (CAO). With respect to political matters, the Code should set limits on the

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<sup>6</sup> See "Implementation Fact Sheet: Code for Elected Officials" at <https://open.alberta.ca/dataset/ab5db63d-302c-4c1b-b777-1eeb0fe23090/resource/7909d159-924a-4429-a3ea-062d1197e136/download/Code-of-Conduct-for-Elected-Officials.pdf>.

<sup>7</sup> MGA, s. 3.

<sup>8</sup> MGA, s. 153.

Mayor/Reeve's authority and confirm that the Mayor/Reeve must be careful to communicate only positions approved by Council as a whole.

***c. Respecting the decision-making process: to support effective decision-making through the processes set out in legislation and local bylaws for making decisions***

The *Municipal Government Act* requires Council to conduct its deliberations and make its decisions in public, save for exceptions expressly set out in the *Municipal Government Act*. Therefore, Council may want to include provisions in its Code that require councillors to bring their issues, correspondence, secondary materials and information to the attention of all of Council by placing such matters on the agenda or presenting the information to Council in accordance with the process set out by Council. These types of provisions should be consistent with the Council Procedure Bylaw, specifically those provisions dealing with public meeting requirements and agenda processes.

Council may also want its Code to affirm that Council as a whole maintains the authority for all decision-making and that an individual councillor must not purport to bind Council, either by publicly expressing personal views on behalf of Council when not authorized to do so or by giving direction to Administration. Your Code may reinforce that Council may only act by bylaw or resolution passed at a Council meeting held in public at which there is a quorum.<sup>9</sup> Your Code may confirm that once Council makes a decision, individual councillors should respect the decision and should not attempt to undermine it.

***d. Adherence to policies, procedures and bylaws: to promote service of the public interest and show leadership up holding legislation, local bylaws and policies adopted by council***

Council should include provisions in its Code that require individual councillors to abide by and uphold legislation, local bylaws and policies adopted by Council. Council may also want to include provisions that disallow councillors from encouraging the public to disobey or disrespect laws, bylaws or council policies.

***e. Respectful interactions with councillors, staff, the public and others: to promote treatment of council members, municipal employees, and others with dignity, understanding and respect***

The Code should recognize the different roles and responsibilities of Administration, Council and individual councillors. The *Municipal Government Act* provides that councillors are to obtain information about the operation or administration of the municipality from the CAO or someone designated by the CAO.<sup>10</sup> Moreover, councillors must avoid involving themselves in matters of Administration, which fall within the jurisdiction of the CAO.<sup>11</sup> The Code should be consistent with these statutory requirements.

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<sup>9</sup> MGA, ss. 180 and 181.

<sup>10</sup> MGA, s. 207(c).

<sup>11</sup> MGA, s. 201(2).



As such, Council may want to establish provisions in its Code for making inquiries of Administration outside of Council meetings. The Code may outline the manner in which inquiries are made of Administration and should stipulate that any information provided in response to a councillor inquiry is provided to all of Council.<sup>12</sup> The Code should be consistent with any existing Council Procedures Bylaw or any such Bylaw must be amended concurrently with the adoption of the Code.

Council may also want to include communication protocols when a member of the public makes an inquiry to a councillor and when a councillor, as a member of the public, makes an inquiry to Administration.

***f. Confidential information:*** *to promote public trust by refraining from using information in a way that would be detrimental to the public interest*

The *Municipal Government Act* provides that a councillor must keep in confidence matters discussed in private at a Council or Council Committee meeting until discussed at a meeting held in public.<sup>13</sup> However, councillors may also be privy to confidential information received outside of an *in-camera* meeting. As such, Council may wish to broaden the definition of confidential information and prohibit disclosure unless such disclosure is required by law.

It should be noted that the determination of whether confidential information ought to be disclosed is not the decision of an individual councillor. In general, it is a decision that ought to be made by Council as a whole. In the case of information requests made under the *Freedom of Information and Protection of Privacy Act* (FOIP), the determination of whether such information should be released is made by the head of the municipality for the purposes of FOIP.

In order to reduce the risk of unauthorized disclosure of confidential information (inadvertent or otherwise), Council may want to include provisions in its Code that require councillors to return all confidential documents at the conclusion of an *in-camera* portion of a meeting. Further, your Code may remind councillors that it is an offence to willfully collect, use or disclose personal information in contravention of Part 2 of FOIP. A conviction for an offence under this legislation carries with it a fine of up to \$10,000.

***g. Conflicts of interest:*** *to promote public trust by refraining from exploiting the position of councillor for private reasons or that would bring discredit to the office*

The *Municipal Government Act* addresses both the process by which a councillor must deal with pecuniary (i.e. financial) conflicts of interest and the sanctions.<sup>14</sup> Your Code may affirm the importance of abiding by these provisions and should confirm that the determination of whether a councillor has a pecuniary interest is a decision to be made by the individual councillor. Council cannot draft provisions in its Code that allow Council the discretion to dictate whether a councillor must recuse him or herself from discussion of a particular matter.

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<sup>12</sup> MGA, s. 153.1.

<sup>13</sup> MGA, s. 153(e).

<sup>14</sup> MGA, ss. 169-172.

Although councillors must make their own determination about conflicts of interest, a councillor may seek the advice of the CAO respecting a potential conflict prior to the matter coming before Council. Council may go further and include provisions in its Code that encourage a councillor to obtain *independent* legal advice on a potential conflict. If Council includes such provisions, it should address whether the municipality will pay for (or reimburse) a councillor for obtaining independent legal advice and under what circumstances, or whether such advice is obtained at the councillor's sole expense.

With respect to non-financial conflicts of interest, it is important to remember that the Code cannot include provisions or sanctions that prevent a councillor from fulfilling his or her legislated duties as a councillor<sup>15</sup>, including the duty to vote.<sup>16</sup> Therefore the Code cannot create additional duties that require councillors to abstain for non-financial conflicts of interest, but it may include value statements that guide councillor conduct in this regard including statements about acting in the interests of the municipality as a whole, keeping an open mind, allowing affected persons fair and reasonable opportunities to share their views and considering all arguments fairly and thoughtfully before making a decision.

***h. Improper use of influence:*** *to promote the priority of municipal interests over the individual interests of councillors, and to refrain from seeking to influence decisions for personal reasons*

Council should emphasize the importance of advocating for the municipality as a whole in its Code. It should also include statements that promote municipal interests over individual interests, including individual councillor interests. Council should also prohibit councillors from using their influence inappropriately, including to obtain employment with the municipality for themselves, close friends or family, to give individuals or organizations preferential treatment, to act as an agent or advocate of an individual or organization before Council or any of its committees, and to influence members of any adjudicative body whose members are appointed by Council, such as the Subdivision and Development Appeal Board or the Local or Composite Assessment Review Board.

Additionally, Council may want to reiterate the federal *Criminal Code* prohibitions against municipal corruption.<sup>17</sup> The *Criminal Code* states that councillors shall not use the influence of their office for any purpose other than the exercise of their official duties and shall not use their office for any private advantage, sell their vote or receive any preferential treatment from or provide any preferential treatment to another person or corporation.

***i. Use of municipal assets and services:*** *to promote stewardship and public trust by refraining from the use of municipal assets or resources for personal reasons*

Councillors may, by virtue of their office, have access to various municipal property, equipment and supplies. Council must include provisions in its Code addressing appropriate access and use. Council may want to limit use for municipal and council purposes and disallow business use, personal use or profit. Council may also want to

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<sup>15</sup> Regulation, s. 6.

<sup>16</sup> MGA, s. 174(1)(f).

<sup>17</sup> Criminal Code of Canada, s. 123.

address appropriate use of electronic devices (i.e. visiting appropriate sites, streaming and downloading limits, roaming charges).

***j. Orientation and other training attendance: to promote effective leadership and personal development by accessing training opportunities***

The amendments to the *Municipal Government Act* include a provision that municipalities must offer orientation to councillors within 90 days of the councillor taking the oath of office.<sup>18</sup> Council must draft provisions that address orientation and may want to require councillor attendance at orientation and other training as determined by Council.

**V. Are there sanctions for breaching the Code?**

Without an enforcement mechanism, a Code is merely a series of guidelines. A Code must establish procedures and consequences in the event a councillor fails to adhere to any provision contained in the Code. This will require designating a person or persons for overseeing compliance of the Code.

The *Regulation* provides that sanctions may be imposed if a councillor fails to adhere to the Code and it provides a list of possible sanctions. These include the following:

- a. a letter of reprimand addressed to the councillor;
- b. requesting the councillor to issue a letter of apology;
- c. publication of a letter of reprimand or request for apology and the councillor's response;
- d. a requirement to attend training;
- e. suspension or removal of the appointment of a councillor as the chief elected official under section 150(2) of the *Municipal Government Act*;
- f. suspension or removal of the appointment of a councillor as the deputy chief elected official or acting chief elected official under section 152 of the *Municipal Government Act*;
- g. suspension or removal of the chief elected official's presiding duties under section 154 of the *Municipal Government Act*;
- h. suspension or removal from some or all council committees and bodies to which council has the right to appoint members; and,
- i. reduction or suspension of remuneration as defined in section 275.1 of the *Municipal Government Act* corresponding to a reduction in duties, excluding allowances for attendance at council meetings.

Council may choose to adopt some or all the sanctions listed in the *Regulation*. Arguably, Council may also choose to adopt other sanctions more directly related to addressing the breach of the Code, such as limiting council related travel and/or expenses, requiring the return of certain municipal property, limiting access to certain municipal facilities or

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<sup>18</sup> MGA, s. 201.1(1).

restricting how documents are provided to the councillor. If Council decides to adopt any of these sanctions, it is important to remember that any sanctions that are imposed cannot have the effect of preventing a councillor from carrying out his or her legislated responsibilities under the *Municipal Government Act*. Additionally, Council does not have the authority to remove a councillor from office; only a Court or the Minister of Municipal Affairs can do so.<sup>19</sup>

## VI. Who should enforce the Code?

Although the recent amendments to the *Municipal Government Act* have made Codes mandatory, the provisions still respect the autonomy of Councils to govern themselves. Council, as a whole, is expected to enforce its Code. It is not appropriate for a member of Administration, such as the CAO, to enforce the Code or impose sanctions against a councillor.

Each Code must have a complaint system. Council must develop a system which considers the following:

- a. Who can make complaints? – Fellow Councillors? Administration? Ratepayers? The general public? Affected parties? All the above?
- b. How will complaints be made? - Do complaints have to be in writing? To whom must complaints be made or given? Will anonymous complaints be accepted?
- c. How will Council determine if a complaint is valid? - Who will conduct the investigation? Will all complaints require a formal investigation? Will there be a mechanism to address/dismiss invalid, frivolous or vexatious complaints?
- d. How will sanctions be imposed? – What will be considered in deciding which sanction to impose?

Your Code must specify who can make complaints and who will receive complaints. If complaints are to be handled internally by Council, complaints may be received by the Mayor/Reeve but there should be an alternate person, such as the Deputy Mayor/Reeve, if the complaint is about the Mayor/Reeve. Alternatively, complaints could be directed to a third party investigator or independent integrity commissioner (if Council creates such an office) but it is not appropriate for complaints to be directed to the CAO or staff in Administration for investigation.

Council may want to consider if it will have an initial informal complaint process which must be engaged prior to accessing a formal complaint process. Council should have a process to vet complaints to determine if a complaint is invalid, frivolous or vexatious and the Code should outline what it will do with such complaints.

The Code should also address who will investigate complaints and how they will be investigated. It may be Council as a whole, or authority may be delegated to the Mayor/Reeve to investigate complaints. Alternatively, Council may want to create a local or even an intermunicipal council committee comprised entirely of councillors or public members or a combination of both to investigate complaints. A further option would be to

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<sup>19</sup> MGA, ss. 175-178 and 572-574 respectively.

assign an independent third party to investigate complaints, either through retaining an external consultant on an ad hoc or standing basis or by establishing an office of the integrity commissioner. If Council chooses to tailor investigations to the nature of the complaint, the Code should identify the factors that would trigger a particular type of investigation (Mayor/Reeve versus council committee versus third party) and the process for setting up each investigation (how would the committee be formed or how would the third party be retained).

Although the *Municipal Government Act* and the *Regulation* require every Code to include a complaint process, neither imposes a specific process on Council. Therefore, in deciding what type of complaint process to adopt, Council should consider the following:

- Availability of resources and/or expertise;
- Costs;
- Formality of process;
- Seriousness of complaint; and
- Level of independence.

In enforcing the Code, Council must bear in mind that principles of natural justice and procedural fairness likely apply to Council sanctions. In other words, prior to imposing any sanction, the accused councillor should be provided with notice as to the nature of the alleged contravention of the Code and the potential sanction(s) as well as a right to respond to the allegation. Procedurally, after reviewing the results of the investigation and receiving the submissions from the accused councillor, Council should withdraw *in-camera* to consider whether a breach has been established. If there is no consensus then separate reasons can follow, but the decision of Council on whether to sanction the accused councillor must be delivered in public, as Council can only pass a resolution in the public portion of the meeting.

As noted above, some municipalities may choose to create an office of the integrity commissioner to receive complaints, investigate, and recommend sanctions. If you decide to pursue this option, it is important to note that the commissioner needs to be independent and that their mandate should only extend to investigating complaints and *recommending* sanctions. It is still up to Council to make a final determination about the enforcement of its Code and the imposition of sanctions. Establishing an independent office of the integrity commissioner is a significant undertaking which may involve the creation of a designated officer position by bylaw, with potentially significant cost implications, and a thorough discussion regarding this matter is beyond the scope of this Guidance Document.

## **VII. How do you develop, approve and communicate your new Code?**

The ideal time to consider adopting a Code is when there are no immediate or ongoing councillor conduct issues or disputes. That way, your Code can be developed in a calm environment and in a reasonable, principle-driven way. Developing a Code early in Council's term ensures that expectations are agreed upon at an early stage, setting the groundwork for good governance. **Your Code must be adopted by July 23, 2018.**

Developing a Code requires consideration of Council's values. These values will help formulate the ethical basis of the Code and they will help guide behaviour when the Code is unclear or silent. Your Code should not be driven by Administration – it should be driven by Council.

Workshopping with a facilitator can be an effective way to reflect on the values and behaviours Council wants to adopt. Council may also want to seek public input on the values and standards the public believes Council should abide by. Council should also seek legal advice prior to formally adopting the Code to ensure its Code is in line with relevant legislation and case law.

Council must adopt its Code by bylaw. This means the Code will be available for public review and comment. Once adopted, the Code should be made available to Council, Administration and the public. Council may also want to make an annual review and/or training about the Code a provision of the Code.

### **What are some other things to consider in your Code?**

The *Municipal Government Act* and the *Regulation* provide the minimum topics your Code must address. However, there are a number of other issues that are often included in Codes. We have addressed a few of these additional optional considerations below.

#### **a. A Statement of Values**

As discussed above, many Codes identify and elaborate on key principles and values that Council agrees are fundamental to the successful performance of a councillor's duties as an elected official. Common themes include, but are not limited to, integrity, accountability, leadership, responsibility, service, respect, and transparency.

#### **b. Councillor Conduct at Meetings**

If not already dealt with in a Council Procedure Bylaw, the Code could set out appropriate behaviours at meetings including prohibitions on inappropriate, foul or abusive language or limitations on the use of electronic devices.

#### **c. Election Campaigns**

The regulation of municipal election campaigns is governed by the *Local Authorities Election Act* (LAEA). Nevertheless, your Code may address campaign-related issues in a manner that complements the LAEA. For example, your Code may stipulate that councillors are not permitted to use the municipality's equipment and facilities for campaign-related activities. Similarly, the Code may provide that councillors may not engage municipal staff for any election-related purpose during working hours. It would also be prudent to prohibit the use of municipal websites, email and social media accounts for election campaigning, including restricting the linking of private campaign websites and social media accounts to the municipality's website. Further, your Code may stipulate that councillors are personally responsible for ensuring their compliance with all applicable election-related statutes, and therefore should not make inquiries of, or rely on municipal employees for advice and direction in this regard.

#### **d. Remuneration and Expense Claims**

Councillors inevitably incur a diverse array of expenses in the course of the official duties. Many Codes set out what expenses are reimbursable, including the imposition of any expense limits. Council may want to establish parameters for reimbursement in the following instances:

- Conference fees and any incidental costs including travel, meal and lodging expenses;
- Tickets to community and charitable functions;
- Expenses incurred while hosting third parties, including officials from other heads of government and out-of-town delegations;
- Meal expenses;
- Mileage;
- Cell phone charges;
- General out-of-pocket expenses; and
- Political fundraising events.

With respect to political fundraising events, it is important to note that a municipality is a “prohibited corporation” for the purposes of the *Election Finances and Contributions Disclosure Act*. A prohibited corporation must not reimburse a councillor for buying a ticket to a fund-raising event held by a Provincial political party, a constituency association or a candidate. Such reimbursement has been determined by Alberta’s Chief Electoral Officer to be an indirect contribution in violation of the *Act*.

Further, your Code may set out a process for the review and approval of expense claims, if such a process does not already exist elsewhere in policy.

#### **e. Gifts and Hospitality**

Council may want to include provisions about the acceptance of gifts, including prizes, and hospitality in its Code, which are items closely related to the topics of “conflict of interest” and “undue influence”. Councillors often received gifts or hospitality as an incidental benefit and as a genuine token of appreciation but if a gift or hospitality is given, *or perceived to be given*, in an effort to influence, or manipulate a councillor, it may be problematic. Council may want to include provisions in its Code to clarify when acceptance of a gift or offer of hospitality is acceptable, including protocols and parameters which address the following:

- circumstances where a councillor receives a benefit from a supplier and subsequently participates in a decision involving that supplier;
- the receipt of food, alcoholic beverages, lodging, transportation and/or entertainment from third parties;

- the entitlement of councillors to accept a complementary ticket or a reduced ticket rate for events such as fundraisers, golf tournaments, concerts, sporting events, etc., and if so when, and in what context;
- the use of property or facilities such as vehicles, office space, or vacation property from third parties;
- the maximum value of gifts which may be accepted by an individual councillor; and,
- the receipt of a gift for the municipality.

It is common for Codes to recognize certain exemptions for gifts and benefits received by a councillor that “normally accompany the responsibilities of office” and are received “as an incident of protocol or social obligation”. Food and beverages consumed by a councillor at events that serve “a legitimate business purpose” is another common exception to the rule against accepting gifts, although additional parameters may be established, such as requiring a representative of the organization extending the invitation to be in attendance and/or a stipulation that the value of the food/drink be “reasonable” and the invitations “infrequent”.

As noted above, your Code may also establish monetary limits respecting the receipt of gifts and benefits from any one person or organization over the course of a specified period. Further, or in the alternative, your Code might require that councillors file an annual disclosure statement listing the gifts and benefits received during a specified period, including an approximation of their monetary value.

Council may also want to address the receipt of “official gifts” received on behalf of the municipality by a councillor as a matter of protocol. The Code may, for example, clarify that such gifts are the property of the municipality and will remain with the municipality after the councillor ceases to hold office.

#### ***f. Use of Social Media***

Although Council is required to address a number of communication issues, Council may want to specifically address the appropriate use of social media. Council may want to adopt provisions that recognize that personal use of social media should be kept separate from a councillor’s professional use. Your Code may want to discourage councillors from opening up their personal social networks for official business as doing so can result in a blurring of the lines between a councillor’s official capacity and their personal capacity and potentially expose the councillor to unintended and undesirable consequences.

Councils may also consider adopting guidelines on responsible social media use by councillors to ensure that the reputation of Council and the municipality is not adversely affected by the social media activity of one councillor. Council may also want to develop protocols about how councillors should respond to comments from residents posted on social media sites, whether these are service requests, compliments or complaints.



## Part 2: Bylaw Template

The following is a sample bylaw for a councillor code of conduct. It is intended to be a template for municipalities in Alberta to assist in the drafting of a bylaw that establishes a code of conduct. It should be carefully reviewed and tailored to the specific needs of each municipality. Each municipality should use their respective bylaw review processes to ensure consistency and accuracy.

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**[INSERT NAME OF MUNICIPALITY]**

**[INSERT BYLAW NUMBER]**

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;

**[Optional provision if the Code is also to apply to non-elected members of Council Committees: AND WHEREAS, pursuant to section 146.1(3) of the *Municipal Government Act*, a council may, by bylaw, establish a code of conduct governing the conduct of members of council committees and other bodies established by the council who are not councillors]; [NOTE: if this bylaw is to apply to non-elected members of council committees the definition of “Member” in Section 2 below will need to be updated accordingly.]**

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 **[insert name of municipality]**;

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 **[insert name of municipality]**, in the Province of Alberta, duly assembled, enacts as follows:

### **1. Short 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:

- (a) “Act” means the Municipal Government Act, R.S.A. 2000, c. M-26, and associated regulations, as amended;
- (b) “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 [insert applicable title: e.g. CAO];
- (c) [Insert applicable title, e.g. “CAO”, “City Manager”, County Manager, “Town Manager”, etc] means the chief administrative officer of the Municipality, or their delegate;
- (d) “FOIP” means the Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25, any associated regulations, and any amendments or successor legislation;
- (e) “Investigator” means Council or the individual or body established by Council to investigate and report on complaints;
- (f) “Member” means a member of Council and includes a councillor or the [insert as applicable: Mayor or Reeve];

-OR-

- (f) “Member” means a member of Council and includes a councillor or the [insert as applicable: Mayor or Reeve] and includes members of council committees or other bodies established by Council who are not councillors or the [insert as applicable: Mayor or Reeve];
- (g) “Municipality” means the municipal corporation of the [Insert name of municipality].

### **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.

### **4. Representing the Municipality**

4.1. Members shall:

- (a) act honestly and, in good faith, serve the welfare and interests of the Municipality as a whole;
- (b) perform their functions and duties in a conscientious and diligent manner with integrity, accountability and transparency;
- (c) conduct themselves in a professional manner with dignity and make every effort to participate diligently in the meetings of Council, committees of Council and other bodies to which they are appointed by Council; and

- (d) arrange their private affairs and conduct themselves in a manner that promotes public confidence and will bear close public scrutiny.

## **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 **[Insert as applicable: Mayor/Reeve]** is Council's official spokesperson and in the absence of the **[Insert as applicable: Mayor/Reeve]** it is the **[Insert as applicable: Deputy Mayor/Deputy Reeve]**. 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 an in-camera session, and in so doing, 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.

## **8. Respectful Interactions with Council Members, Staff, the Public and Others**

- 8.1. Members shall act in a manner that demonstrates fairness, respect for individual differences and opinions, and an intention to work together for the common good and in furtherance of the public interest.
- 8.2. Members shall treat one another, employees of the Municipality and members of the public with courtesy, dignity and respect and without abuse, bullying or intimidation.
- 8.3. No Member shall use indecent, abusive, or insulting words or expressions toward another Member, any employee of the Municipality or any member of the public.
- 8.4. No Member shall speak in a manner that is discriminatory to any individual based on the person's race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.
- 8.5. Members shall respect the fact that employees in Administration work for the Municipality as a corporate body and are charged with making recommendations that reflect their professional expertise and a corporate perspective and that employees are required to do so without undue influence from any Member or group of Members.
- 8.6. Members must not:
  - (a) involve themselves in matters of Administration, which fall within the jurisdiction of the [Insert applicable title, e.g. "CAO", "City Manager", County Manager, "Town Manager", as defined above];
  - (b) use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any employee of the Municipality with the intent of interfering in the employee's duties; or
  - (c) maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of employees of the Municipality.

## **9. Confidential Information**

- 9.1. 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.
- 9.2. Members shall refrain from disclosing or releasing any confidential information acquired by virtue of their office except when required by law or authorized by Council to do so.

- 9.3. No Member shall use confidential information for personal benefit or for the benefit of any other individual organization.
- 9.4. **[Alternative provision to section 9.2 above]:** In the course of their duties, Members may also become privy to confidential information received outside of an “in-camera” meeting. Members must not:
- (a) 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;
  - (b) 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, and only then if the information is acquired through appropriate channels in accordance with applicable Council bylaws and policies;
  - (c) use confidential information for personal benefit or for the benefit of any other individual or organization.
- 9.5. **[Optional additional provision]:** 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, or 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; and
  - (i) advice that is subject to solicitor-client privilege.

## 10. Conflicts of Interest

- 10.1. 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.
- 10.2. 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.
- 10.3. Members shall approach decision-making with an open mind that is capable of persuasion.
- 10.4. **[Optional additional provision:]** It is the individual responsibility of each Member to seek independent legal advice, at the Member's sole expense, with respect to any situation that may result in a pecuniary or other conflict of interest.

## 11. Improper Use of Influence

- 11.1. 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.
- 11.2. **[Optional additional provision:]** 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.]
- 11.3. **[Optional additional provision:]** Members shall not contact or otherwise attempt to influence members of any adjudicative body regarding any matter before it relating to the Municipality.
- 11.4. **[Optional additional provision:]** Members shall refrain from using 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 Municipality while they hold their elected position and for one year after leaving office.

## 12. Use of Municipal Assets and Services

- 12.1. Members shall use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Member.
- 12.2. **[Alternative Provision:]** Members shall use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Member, subject to the following limited exceptions:
  - (a) municipal property, equipment, service, supplies and staff resources that are available to the general public may be used by a Member for personal use upon the same terms and conditions as members of the general public, including booking and payment of any applicable fees or charges;
  - (b) electronic communication devices, including but not limited to desktop computers, laptops, tablets and smartphones, which are supplied by the

Municipality to a Member, may be used by the Member for personal use, provided that the use is not for personal gain, offensive or inappropriate.

### **13. Orientation and Other Training Attendance**

- 13.1. Every Member must attend the orientation training offered by the Municipality within 90 days after the Member takes the oath of office.
- 13.2. 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.

#### **[Alternate Provision]**

- 13.3. Every Member must attend the orientation training offered by the Municipality within 90 days after the Member takes the oath of office. Attendance at additional training sessions throughout the Council term is discretionary.

#### **[Alternate Provision]**

- 13.4. Every Member must attend all orientation and other training organized at the direction of Council for the benefit of Members throughout the Council term.

#### **[Optional Provision: Remuneration and Expenses]**

- 13.5. Members are stewards of public resources and shall avoid waste, abuse and extravagance in the use of public resources.
- 13.6. 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.

#### **[Optional Provision: Gifts and Hospitality]**

- 13.7. 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.
- 13.8. Members may accept hospitality, gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation, provided that the value of the hospitality, gift or benefit does not exceed **[insert dollar limit]**.
- 13.9. Gifts received by a Member on behalf of the Municipality as a matter of official protocol which have significance or historical value for the Municipality shall be left with the Municipality when the Member ceases to hold office.

#### **[Optional Provision: Election Campaigns]**

- 13.10. No Member shall use any facilities, equipment, supplies, services, municipal logo or other resources of the Municipality for any election campaign or campaign-related activity.

### **[Optional Provision: Informal Complaint Process**

- 13.11. **[Insert as applicable: Any person [or] Any Member]** who has identified or witnessed conduct by a Member that the **[Insert as applicable: person [or] Member]** reasonably believes, in good faith, is in contravention of this Bylaw may address the prohibited conduct by:
- (a) advising the Member that the conduct violates this Bylaw and encouraging the Member to stop,
  - (b) requesting the **[insert as applicable: Mayor/Reeve]** to assist in informal discussion of the alleged complaint with the Member in an attempt to resolve the issue. In the event that the **[insert as applicable: Mayor/Reeve]** is the subject of, or is implicated in a complaint, the person may request the assistance of the **[insert as applicable: Deputy Mayor/Deputy Reeve]**.
- 13.12. Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying conduct that they believe violates this Bylaw. However, an individual is not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure outlined below.

### **14. Formal Complaint Process**

- 14.1. **[Insert as applicable: Any person [or] Any Member]** who has identified or witnessed conduct by a Member that the **[Insert as applicable: 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 the Council and the Member who is the subject of the complaint, the results of the Investigator's investigation;
- (h) 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;
- (i) A Member who is the subject of an investigation is entitled to be represented by legal counsel, at the Member's sole expense.

## **15. Compliance and Enforcement**

- 15.1. Members shall uphold the letter and the spirit and intent of this Bylaw.
- 15.2. Members are expected to co-operate in every way possible in securing compliance with the application and enforcement of this Bylaw.
- 15.3. 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.
- 15.4. 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) requesting the Member to issue a letter of apology;
  - (c) publication of a letter of reprimand or request for apology and the Member's response;
  - (d) suspension or removal of the appointment of a Member as the chief elected official under section 150(2) of the Act;
  - (e) suspension or removal of the appointment of a Member as the deputy chief elected official or acting chief elected official under section 152 of the Act;
  - (f) suspension or removal of the chief elected official's presiding duties under section 154 of the Act;
  - (g) suspension or removal from some or all Council committees and bodies to which council has the right to appoint members;

- (h) reduction or suspension of remuneration as defined in section 275.1 of the Act corresponding to a reduction in duties, excluding allowances for attendance at council meetings;
- (i) 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.

## 16. Review

- 16.1. 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.

READ a First time this \_\_\_ day of \_\_\_\_\_ 2018.

READ a Second time this \_\_\_ day of \_\_\_\_\_ 2018.

READ a Third time this \_\_\_ day of \_\_\_\_\_ 2018.

SIGNED AND PASSED this \_\_\_ day of \_\_\_\_\_ 2018.

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[INSERT: MAYOR/REEVE]

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[INSERT: CHIEF ADMINISTRATIVE  
OFFICER/OTHER]



**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 (3<sup>rd</sup>) 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 Councilors, 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 councilors, 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 councilor'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 Anderberg

Members Signature



Date

10 NOV 2021

Member's Name Mark Barber

Members Signature



Date

Nov 8/21

Member's Name Wayne Elliott

Members Signature



Date

9 DEC 21

Member's Name David Green

Members Signature



Date

NOV 8/21

Member's Name Sahra Nodge

Members Signature

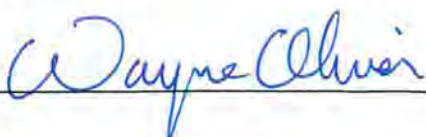


Date

NOV. 8/21

Member's Name Wayne Oliver

Members Signature

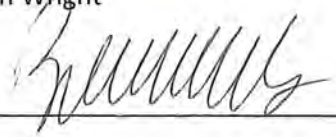


Date

Nov 30/21

Member's Name Brian Wright

Members Signature



Date

NOV 8/21



# Town of Pincher Creek

## REQUEST FOR DECISION

*Council or Committee of the Whole*

<b>SUBJECT:</b> Council Resolution Spreadsheet	
<b>PRESENTED BY:</b> Angie Lucas, Chief Administrative Officer	<b>DATE OF MEETING:</b> 11/1/2023

**PURPOSE:**

To provide council with the 2023 resolution spreadsheets to show the current status of Council decisions from July - Sept 2023

**RECOMMENDATION:**

That Council for the Town of Pincher Creek accept the resolution spreadsheets as information.

**BACKGROUND/HISTORY:**

The resolution spreadsheets document the Council resolutions provided at the various Council meetings, including Regular Council meetings, the Committee of the Whole meetings, Special Council meetings and Public Hearing meetings.

**ALTERNATIVES:**

Council request further information on the current status of Resolution number \_\_\_\_\_ that is not yet complete.

**IMPLICATIONS/SUPPORT OF PAST STUDIES OR PLANS:**

Provides clear and current information with regards to the status of resolutions of council.

**FINANCIAL IMPLICATIONS:**

N/A

**PUBLIC RELATIONS IMPLICATIONS:**

N/A

**ATTACHMENTS:**

None at this time.

**CONCLUSION/SUMMARY:**

To provide council with the 2023 resolution spreadsheets to show the current status of Council decisions from July - Sept 2023



**Signatures:**  
**Department Head:**

*Angie Lucas*

**CAO:**

*Angie Lucas*

**TOWN OF PINCHER CREEK  
POST- REGULAR COUNCIL MEETING ASSIGNMENTS**

Date	Motion #	Resolutions	Assigned to	Status	Completed	Comments
July 24, 2023	23-321	That Council for the Town of Pincher Creek agrees to add items 11.5 RCMP Building Update to July 24, 2023 Regular Council meeting agenda.		Complete		
July 24, 2023	23-323	That Council for the Town of Pincher Creek add item 8.3 Community Basketball Court located at St. Michaels School added to the July 24, 2023 agenda.		Complete		
July 24, 2023	23-328	That Council for the Town of Pincher Creek direct administration to set up a meeting with the M.D. of Pincher Creek to discuss operating contract amendments for the Eco-Centre.		Complete		
July 24, 2023	23-329	That Council for the Town of Pincher Creek accept the GICB program's letter regarding the unsuccessful application for the Pincher Creek Recreation and Events Center as information.		Complete		
July 24, 2023	23-330	That Council for the Town of Pincher Creek agree and give first reading to Land Use Bylaw Amendment 1547-AQ amending the Land Use Bylaw 1547 to include "Drive-In Restaurant" as a discretionary use in the Transitional Commercial - C4 land use district.	Manager of Legislative Services	Complete		Public Hearing scheduled August 28, 2023
July 24, 2023	23--331	That Council for the Town of Pincher Creek agree to hold a Public Hearing on Bylaw 1547-AQ amending the Land Use Bylaw on August 28, 2023 before consideration of second and/or third reading	Manager of Legislative Services	Complete		
July 24, 2023	23--332	That Council for the Town of Pincher Creek direct administration to meet with affected residents regarding encroachments onto Town property adjacent to Schofield Street.	Director of Operations	On Hold (Insufficient Capacity/Staff Shortage)		

Date	Motion #	Resolutions	Assigned to	Status	Completed	Comments
July 24, 2023	23--333	That Council for the Town of Pincher Creek direct administration to investigate a drainage option where by the water drains to the west and down the back alley and onto Schofield Street.	Director of Operations	<b>On Hold (Insufficient Capacity/Staff Shortage)</b>		
July 24, 2023	23--334	That Council for the Town of Pincher Creek approve Policy and Procedures Standards Policy 102-23 as presented.	Manager of Legislative Services	<b>Complete</b>		
July 24, 2023	23-335	That Council for the Town of Pincher Creek direct administration to provide a \$5000 donation to the community outdoor basketball court project to come from Culture & Community Contingency Grants.		<b>Complete</b>		
July 24, 2023	23-336	That Council for the Town of Pincher Creek accepts the July 24, 2023 Council Information Distribution List as information.		<b>Complete</b>		
July 24, 2023	23-339	That Council for the Town of Pincher Creek approve the application of the outstanding balance (and any accrued interest) of Town of Pincher Creek invoice #3114 to the property taxes of Roll Number 0260500.		<b>Complete</b>		
July 24, 2023	23-340	That Council for the Town of Pincher Creek agree to call a special council meeting on August 3, 2023 at 1:00pm		<b>Complete</b>		
July 24, 2023	23-342	That Council for the Town of Pincher Creek agree to call a special council meeting on Aug 8, 2023 at 9am.		<b>Complete</b>		
July 24, 2023	23-343	That Council for the Town of Pincher Creek agree to accept the update on the RCMP Building as information.		<b>Complete</b>		
August 28, 2023	23-374	That Council for the Town of Pincher Creek agrees to moved agenda item 11.3 PC Community Early Learning Centre to 8.3 on the August 28, 2023 Regular Council meeting agenda.		<b>Complete</b>		

Date	Motion #	Resolutions	Assigned to	Status	Completed	Comments
August 28, 2023	23-384	That Council for the Town of Pincher Creek defers the Solar Array Installation at the Lebel Mansion until there has been a confirmation from the Grant Funding.	Director of Operations	In Progress - will present to Council at a future Council meeting (date TBA)		
August 28, 2023	23-385	That Council for the Town of Pincher Creek agree to provide a sponsorship of \$1500 as a Diamond Sponsor for the Pincher Creek & District Chamber of Commerce Awards of Excellence to be funded from the general contingency fund 7412 002 700.		Complete		
August 28, 2023	23-386	That Council for the Town of Pincher Creek defer the dog park irrigation project to the 2024 budget deliberations	Director of Operations	Complete		
August 28, 2023	23-387	That Council for the Town of Pincher Creek have a Special Council Meeting at 5:00 pm on September 11, 2023 for the Pincher Creek Community Early Learning Centre (PCCELC) member Annual General Meeting to appoint the auditor, appoint the PCCELC Board Members, receive the financial statements.		Complete		
August 28, 2023	23-392	That Council for the Town of Pincher Creek direct administration to garner additional information regarding the offer to purchase Plan 0613747, Block 7, Lots 6, 7 & 8 dated July 24, 2023.	Manager of Legislative Services	Complete		Negotiations pending council resolution on October 23, 2023
August 28, 2023	23-393	That Council for the Town of Pincher Creek direct administration to continue negotiations for the land transfer of Roll #8600600.	Manager of Legislative Services	Complete		Negotiations pending council resolution on October 23, 2023
August 28, 2023	23-394	That Council for the Town of Pincher Creek accept the Administration Transition update as information.		Complete		

Date	Motion #	Resolutions	Assigned to	Status	Completed	Comments
September 11, 2023	DEFEATED	That Council for the Town of Pincher Creek agree and give second reading to Land Use Bylaw Amendment 1547-AQ amending the Land Use Bylaw 1547 to include "Drive-In Restaurant" as a discretionary use in the Transitional Commercial - C4 land use district.	Manager of Legislative Services	Complete		
September 11, 2023	23-407	That Council for the Town of Pincher Creek agree to defer the Land Use Bylaw Amendment 1547-AR - Short-term Rentals to C4 to the Land Use amendment process.	Manager of Legislative Services	In Progress		
September 11, 2023	23-408	That Council for the Town of Pincher Creek agree to cancel the Oct 4, 2023 Public Open House.		Complete		
September 11, 2023	23-409	That Council for the Town of Pincher Creek direct administration to bring the Public Open House discussion to the November Committee of the Whole.		Complete		
September 11, 2023	DEFEATED	That Council for the Town of Pincher Creek agree to remove the Committee of the Whole meetings for July & August 2024.		Complete		
September 11, 2023	23-410	That Council for the Town of Pincher Creek accepts the letter from the Municipal District of Pincher Creek regarding the curling club as information.		Complete		
September 11, 2023	23-411	That Council for the Town of Pincher Creek approve \$40,000 to be funded from the General Contingency Reserve for office renovations and furniture required for additional staff at the Town Administration Office.	Director of Operations	In Progress - construction underway, to be completed in early November		
September 11, 2023	23-412	That Council for the Town of Pincher Creek accept the Vote on Resolutions at AB Municipalities Convention as information.		Complete		
September 11, 2023	23-413	That Council for the Town of Pincher Creek agree to declare the week of September 17th to September 23 as National Legion Week.		Complete		

Date	Motion #	Resolutions	Assigned to	Status	Completed	Comments
September 11, 2023	23-414	That Council for the Town of Pincher Creek accept the Upcoming Committee Meetings and Events as information.		Complete		
September 11, 2023	23-418	That Council for the Town of Pincher Creek counter offer the Country Vets Ltd. offer to purchase in the amount of \$169,000 (Plus GST) for Plan 0613747, Block 7, Lots 6, 7 & 8 dated July 24, 2023 subject to that the purchase is responsible for all costs associated with consolidation of lots direct administration to provide instruction to North & Company Law Office to act on the Town's behalf regarding the real estate transaction and that all costs associated be borne by the purchaser.	Manager of Legislative Services	In Progress		Negotiations pending council resolution on October 23, 2023
September 11, 2023	23-419	That Council for the Town of Pincher Creek agree to the proposed Pincher Creek Mini Storage Inc. offer to purchase in the amount of \$99,600 (GST Exempt) for Plan 0512718, Block 4, Lot 19 dated August 23, 2023 subject to that the purchaser is responsible for all costs associated with the water and sewer connections to the mains and direct administration to provide instruction to North & Company Law Office to act on the Town's behalf regarding the real estate transaction and that all costs associated be borne by purchaser	Manager of Legislative Services	In Progress		File has been transferred to North and Company as directed.
September 11, 2023	23-420	That Council for the Town of Pincher Creek direct administration to draft a 5-year Lease Agreement between the Town of Pincher Creek and Consistent Fitness Pincher Creek and bring back to a future council meeting for consideration.	Manager of Legislative Services	In Progress		Tentatively scheduled for November 14, 2023
September 11, 2023	23-421	That Council for the Town of Pincher Creek redraft the letter to the MD of Pincher Creek outlining the proposed amendments to the Funding Model for the Pincher Creek Emergency Services Commission.		Complete		

Date	Motion #	Resolutions	Assigned to	Status	Completed	Comments
September 25, 2023	23-436	That Council for the Town of Pincher Creek approve \$35,000 from the General Contingency Reserve for Property Condition Assessments at 840 Main Street and 670 Main Street.	Director of Operations	In Progress - Architects attended October 11-12, report expected in early December		
September 25, 2023	23-437	That Council for the Town of Pincher Creek agree to defer the 2024 Franchise Fees – APEX Utilities item to the October 23, 2023 Regular Meeting pending budget deliberations.		Complete		
September 25, 2023	23-438	That Council for the Town of Pincher Creek agree to defer the Fortis Alberta Franchise Fee 2024 item to the October 23, 2023 Regular Meeting pending budget deliberations.		Complete		
September 25, 2023	23-439	That Council for the Town of Pincher Creek agree that Kassandra Chancey be appointed to serve for a three year term on the Library Board.		Complete		
September 25, 2023	23-444	That Council for the Town of Pincher Creek agree to the proposed Pincher Creek Mini Storage Inc. offer to purchase in the amount of \$99,740 (GST Exempt) for Plan 0512718, Block 4, Lot 18 dated September 11, 2023 subject to that the purchaser is responsible for all costs associated with the water and sewer connections to the mains and direct administration to provide instruction to North & Company Law Office to act on the Town's behalf regarding the real estate transaction and that all costs associated be borne by the purchaser	Manager of Legislative Services	In Progress		File has been transferred to North and Company as directed.
September 25, 2023	23-445	That Council for the Town of Pincher Creek accept the Administration Transition information as presented.		Complete		