

CAO PROGRESS REPORT – JANUARY 2025

ACTION LIST		
ITEM	NOTES	TARGET DEADLINE
Waterfill station project	Work plan, site visit occurred Jan 22 – final install date TBD – Administration preparing communications to public & current key holders to advise	December
Land Use Bylaw		March
Utility Bylaw		April
Procedural Bylaw	Update to align with Mayor elect & other provisions	February
Community Standards Bylaw	Combine miscellaneous bylaws into one and update (noise, unsightly, etc.)	April
	Create plan for public engagement & facilitate	March
Traffic Bylaw	Update: Consider changing speeds in certain areas?	April
	Create plan for public engagement & facilitate	March
Grant research	Ongoing	Ongoing
Reserves Summary	Ongoing - adjust after audited financials	November
Bylaw for Council Committees	Admin direct to prepare draft for consideration	May
Public Participation policy		April
CCV Maintenance Policy		March
Sewer line 51 Avenue	Admin to prepare tender package / RFP	February
Building agreements with not for profits	Council and admin discussed, drafted	February
Strategic Plan	Reach out to Alberta Counsel / other options	April
Tax Incentives	Developing options	February
Development package / marketing package	Ideas being gathered	January
Logo'd coveralls/vests	Ready for pickup	January
Auditor options for future (JMD or other)	Continue with JMD for 2024 audited financials	
Sidewalk Snow Removal Bylaw	Combine with community standards	March
Procurement Policy		March
Policy for after hours fitness centre	Jan 29 agenda package	January
Removing/cleaning concrete/other material from tree dump		May

Respectfully submitted,

Kylie Rude, CAO



**COUNCIL
REQUEST FOR DECISION**

MEETING DATE:	January 29, 2025	PRESENTED BY:	Kylie Rude, CAO
TITLE:	Responses to Budget related questions		
AGENDA ITEM:	7.2		

BACKGROUND/ PROPOSAL

The following questions were brought forward in relation to the budget. Administration's responses are provided in blue.

1. Administration – Salary \$20,000.00 increase, please explain.

This is a recommended increase to account for cost of living increase as well as to have wages comparable to industry standard.

2. Council - Where does the cost for the conference come in?

Good question – it got captured under goods, supplies and materials (should not be there so we will split this out to make it more clear; this does not impact the overall budget, just clarifies costs properly).

3. Course registration is down from 5000 to 2000?

Course registration is meant to be for educational one off sessions not convention; convention costs are captured under goods, supplies and materials but as indicated above, we will split it out.

4. There is council expense at \$12,500 but no notes to what will be included in this – conference, training, etc??

Convention, new council orientation training, AB Munis summer/spring caucus, etc.

5. Rooms and meals are down to \$500.00 and we are registered for AB Muni, and we also have the spring caucus conference in Edmonton

We will review this and can increase accordingly prior to final budget.

6. Fire Dept - Do we have a requisition for Emergency services? REAC? I was sure that there was approx. \$3000 annually for this

Shown under contracted and general services – cost of \$2,610 as reflected.



7. What materials, good, supplies for Fire Dept?

Utilities, other building needs ie: overhead door repairs.

8. We should still be paying the 911 dispatch requisition -I don't believe its covered by the county

It is captured under materials, goods and supplies as well.

9. Public Works - No pay increase for 2025 but duckstop and admin are showing large increases? Would you be suggesting a different limit for this dept to have a qualified foreman? If so, what is the criteria? What would your limit be for this position?

Administration will likely recommend an increase here too. This will be brought forward prior to final budget. Administration is currently reviewing the job descriptions for all positions to reflect organizational needs. Currently, contracted services remains similar to 2024; however, once internal staff are aligned to organizational needs, the contracted services will likely decrease which will result in a very similar bottom line (simply captured in a different budget area).

The duck stop operator wage is not recommended to be increased – the wage for this is simply categorized differently than it was previously.

10. Should we have a pay grid for all staffing positions?

I have created a grid and will be bringing it forward to Council as time permits.

11. Water / Wastewater- should we be budgeting for the 30% increase starting May? Or just wait for now?

Once we have more information, we can include this in the final budget but yes, I would anticipate an increase.

12. Planning and development - not showing in Finance's document is it under a different name / title? Please explain or define materials? It is doubling?

Planning and development is shown in the working document provided by the Finance Clerk on the last page. This is now recategorized and includes economic development/promotions/marketing so it is not doubling; just a reorganization of budget areas.



13. Parks - The salary is increasing 2024 budget (\$9600) actual was (\$14,060) and now budgeting \$18,400 that is 100% from last years budget , are we changing the amount of hours? Manpower? Etc?

The salary area of parks is not increasing – this budget area, called “Recreation and Culture” also reflects the librarian’s increased hours (which is shown as an offsetting revenue so not an increase to the bottom line). Again, simply a reorganization of budget.

14. We had talked about upgrading the office equipment, is this in the capital? Or am I just missing that item?

Chambers technology improvements is listed in the capital plan. If you are referring to chairs, it is captured in the materials, goods and supplies category under Council.

RECOMMENDED ACTION

That Council accept the budget responses provided by the CAO as information.



2025 Operating Budget & 3-Year Financial Plan

	Budgeted 2024	Actual 2024	Budgeted 2025	Projected 2026	Projected 2027	Projected 2028
General Government						
Expenses - General						
Salaries, Wages and Benefits	223,500	242,010	258,500	263,670	268,943	274,322
Materials, Goods and Supplies	464,749	385,228	335,202	246,906	251,844	256,881
Bank Charges and Short-term interest	1,000	4,040	1,000	1,020	1,040	1,061
	689,249	631,278	594,702	511,596	521,828	532,265
Expenses - Council						
Election	-	-	2,500	-	-	-
Remuneration	21,600	19,550	20,000	20,400	20,808	21,224
Meetings	12,000	11,620	12,000	12,240	12,485	12,734
Milage, Meals, Rooms	6,000	2,750	2,150	2,193	2,237	2,282
Materials, Goods and Supplies	5,000	17,100	14,500	14,790	15,086	15,388
	44,600	51,020	51,150	49,623	50,615	51,628
Revenue						
Net Municipal Taxes	(500,000)	(508,000)	(515,571)	(525,883)	(536,400)	(547,128)
Government Transfers for Operating	(75,844)	(1,350)	(75,844)	(77,361)	(78,908)	(80,486)
Investment Income	(15,500)	(36,225)	(36,000)	(36,720)	(37,454)	(38,203)
User Fees and Sale of Goods	(2,875)	(3,100)	(3,276)	(3,342)	(3,408)	(3,477)
Penalties and costs on taxes	(30,000)	(10,375)	(20,000)	(20,400)	(20,808)	(21,224)
Other	(91,310)	(111,360)	(98,500)	(100,470)	(102,479)	(104,529)
	(715,529)	(670,410)	(749,191)	(764,175)	(779,459)	(795,048)
Net Revenue	18,320	11,888	(103,339)	(202,956)	(207,015)	(211,155)
Protective Services						
Expenses						
RCMP Police Funding	20,569	20,570	23,000	24,000	25,000	26,000
Contracted and General Services	14,250	3,690	10,500	10,710	10,924	11,143
	34,819	24,260	33,500	34,710	35,924	37,143
Revenue						
Bylaw tickets	(2,000)	(1,165)	(2,000)	(2,040)	(2,081)	(2,122)
	(2,000)	(1,165)	(2,000)	(2,040)	(2,081)	(2,122)
Net Revenue	32,819	23,095	31,500	32,670	33,843	35,020
Fire Department / Emergency Services						
Expenses						
Contracted and General Services	5,098	2,610	2,610	2,662	2,715	2,770
Materials, Goods and Supplies	15,072	10,815	11,550	11,781	12,017	12,257
	20,171	13,425	14,160	14,443	14,732	15,027
Revenue						
Government Transfers for Capital	-	-	-	-	-	-
	-	-	-	-	-	-
Net Revenue	20,171	13,425	14,160	14,443	14,732	15,027

	Budgeted 2024	Actual 2024	Budgeted 2025	Projected 2026	Projected 2027	Projected 2028
Public Works						
Expenses						
Salaries, Wages and Benefits	170,000	147,540	170,000	173,400	176,868	180,405
Contracted and General Services	-	1,000	7,500	7,650	7,803	7,959
Materials, Goods and Supplies	254,433	208,018	128,750	131,325	133,952	136,631
	424,433	356,558	306,250	312,375	318,623	324,995
Revenue						
Government Transfers for Capital	-	-	-	-	-	-
	-	-	-	-	-	-
Net Revenue	424,433	356,558	306,250	312,375	318,623	324,995
Water/Wastewater						
Expenses						
Contracted and General Services	110,000	104,790	105,000	107,100	109,242	111,427
Materials, Goods and Supplies	98,445	100,265	121,400	123,828	126,305	128,831
Interest on Long-term Debt	-	-	-	-	-	-
	208,445	205,055	226,400	230,928	235,547	240,257
Revenue						
User Fees and Sale of Goods	(356,451)	(364,643)	(277,875)	(300,000)	(315,000)	(321,300)
	(356,451)	(364,643)	(277,875)	(300,000)	(315,000)	(321,300)
Net Revenue	(148,006)	(159,588)	(51,475)	(69,072)	(79,453)	(81,043)
Waste/Recycle Management						
Expenses						
Contracted Services	47,325	44,065	49,200	30,600	31,212	31,836
Materials, Goods and Supplies	10,700	1,000	-	-	-	-
	58,025	45,065	49,200	30,600	31,212	31,836
Revenue						
Garbage Fees	(88,500)	(91,895)	(95,000)	(96,900)	(98,838)	(100,815)
	(88,500)	(91,895)	(95,000)	(96,900)	(98,838)	(100,815)
Net Revenue	(30,475)	(46,830)	(45,800)	(66,300)	(67,626)	(68,979)
Planning and Development						
Expenses						
Contracted and General Services	-	-	2,500	2,550	2,601	2,653
Materials, Goods and Supplies	8,600	7,165	14,100	14,382	14,670	14,963
	8,600	7,165	16,600	16,932	17,271	17,616
Revenue						
Licences and Permits	(500)	(380)	(600)	(612)	(624)	(637)
	(500)	(380)	(600)	(612)	(624)	(637)
Net Revenue	8,100	6,785	16,000	16,320	16,646	16,979
Recreation and Culture (including FCSS)						
Expenses						
Salaries, Wages and Benefits	9,600	14,060	18,400	18,768	19,143	19,526
Contracted and General Services	3,700	3,710	4,000	4,080	4,162	4,245
Materials, Goods and Supplies	59,130	12,528	37,500	38,250	39,015	39,795
	72,430	30,298	59,900	61,098	62,320	63,566
Revenue						
User Fees	(2,200)	(1,865)	(3,700)	(4,500)	(4,590)	(4,682)
Camp Ground Revenue	(6,000)	(9,350)	(10,000)	(10,200)	(10,404)	(10,612)
Transfers from County	(35,000)	(30,569)	(31,003)	(31,623)	(32,256)	(32,901)
	(43,200)	(41,784)	(44,703)	(46,323)	(47,250)	(48,195)
Net Revenue	29,230	(11,486)	15,197	14,775	15,070	15,372
Total Revenue	(1,206,180)	(1,170,277)	(1,169,369)	(1,210,050)	(1,243,251)	(1,268,116)
Total Expenditures	1,496,001	1,299,679	1,286,552	1,198,239	1,222,724	1,247,678
Total Operating Deficit	289,821	129,402	117,183	(11,811)	(20,527)	(20,438)



COUNCIL REQUEST FOR DECISION

MEETING DATE:	January 29, 2025	PRESENTED BY:	Kylie Rude, CAO
TITLE:	Assessment Subclass Bylaw		
AGENDA ITEM:	8.1		

BACKGROUND/ PROPOSAL

The Municipal Government Act provides the ability for municipalities to divide property assessment classes into sub-classes.

- Residential property (class 1) may be divided into sub-classes on any basis deemed appropriate
- Non-residential property (class 2) are permitted to be divided into the following sub-classes:
 - Vacant Non-Residential Property
 - Small Business Property
 - Other Non-Residential Property

(2) A council may by bylaw divide class 1 into sub-classes on any basis it considers appropriate, and if the council does so, the assessor may assign one or more sub-classes to property in class 1.

(2.1) A council may by bylaw divide class 2 into the sub-classes prescribed by the regulations, and if the council does so, the assessor must assign one or more of the prescribed sub-classes to a property in class 2.

(3) If more than one assessment class or sub-class is assigned to a property, the assessor must provide a breakdown of the assessment, showing each assessment class or sub-class assigned and the portion of the assessment attributable to each assessment class or sub-class.

Over the past number of years, the Village has not created sub-classes; however, after reviewing options and strategies to address some of the concerns such as derelict and vacant properties, Administration has prepared a Bylaw to create sub-classes for both residential and non-residential property as follows:





It is reminded that the assessor will use the definitions and direction provided in this bylaw to determine which sub-class(es) a property will be classified as.

Setting out sub-classes enables Council to determine the tax rates for each sub-class (which can be the same or different).

RECOMMENDED ACTION

That Bylaw 2025-001, Assessment Subclass Bylaw be given first reading.

That Bylaw 2025-001 be given second reading.

That Council unanimously agree to consider giving Bylaw 2025-001 third reading at this meeting.

That Bylaw 2025-001 be given third reading.

BYLAW # 2025-01

VILLAGE OF ANDREW PROVINCE OF ALBERTA

BEING A BYLAW OF THE VILLAGE OF ANDREW TO DIVIDE ASSESSMENT CLASS 1 AND ASSESSMENT CLASS 2 INTO SUB-CLASSES

WHEREAS, under the provisions of the *Municipal Government Act*, RSA 2000, Chapter M- 26 as amended, Village of Andrew Council may divide property assessment class I - residential, into sub-classes on any basis as considered appropriate.

AND WHEREAS, under the provisions of the *Municipal Government Act*, RSA 2000, Chapter M- 26 as amended, Village of Andrew Council may divide property assessment class 2 - non-residential, into sub-classes prescribed by the regulation *Matters Relating to Assessment Sub-Classes Regulation*, Alberta Regulation 202/2017.

NOW THEREFORE, the Council of Village of Andrew, in Council duly assembled, hereby enacts as follows:

- 1) This Bylaw shall be known as the "Assessment Sub-Classes Bylaw."
- 2) In this Bylaw, words shall have the same meanings as defined in the *Municipal Government Act*, RSA 2000, c M-26, as amended, and the regulations thereunder, except as otherwise defined below.
- 3) In this Bylaw:
 - a) "**Derelict Residential Property**" means an improvement that shows serious signs of neglect, is dilapidated, falling into significant disrepair, or is uninhabitable, including but not limited to improvements; that are deserted, or abandoned; which are partially or fully boarded up or secured; which were abandoned while in the process of being constructed without construction being complete; or which were abandoned while in the process of demolition without demolition being complete."
 - b) "**Land Use Bylaw**" means any land use bylaw in force and enacted by the Council of Village of Andrew from time to time.
 - c) "**Other Non-Residential Property**" means property classified as non-residential that is not Small Business Property or Vacant Non-Residential Property.
 - d) "**Other Residential Property**" means property classified as residential that is not Vacant Residential Property or Derelict Property.
 - e) "**Small Business Property**" means property in the municipality, other than designated industrial property, that is owned or leased by a business, is operating under a business license and that has fewer than 50 full-time employees across Canada as at December 31 of the

year prior to the taxation year.

- f) **"Vacant Non-Residential Property"** means Class 2 non-residential property that has not been occupied for the assessment year.
- g) **"Vacant Residential Property"** means:
 - i. Bare land that is intended to be used for residential uses, or
 - ii. Serviced land that is intended to be used for residential uses and does not have any other improvements constructed thereon.

- 4) That property assessment class of Class 1 - Residential, within the Village of Andrew is divided into the following sub-classes:
 - a) Residential Property
 - b) Vacant Residential Property
 - c) Derelict Residential Property
- 5) That property assessment class of Class 2- Non-Residential, within the Village of Andrew is divided into the following sub-classes:
 - a) Vacant Non-Residential Property
 - b) Small Business Property
 - c) Other Non-Residential Property
- 6) Should any section or part of this Bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded as being severable from the rest of the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this Bylaw.

READ for a first time this _____ day of _____.

READ for a second time this _____ day of _____.

READ for a third and final time and passed this _____ day of _____.

Mayor Barry Goertz

Deputy Mayor Tammy Pickett

CAO, Kylie Rude



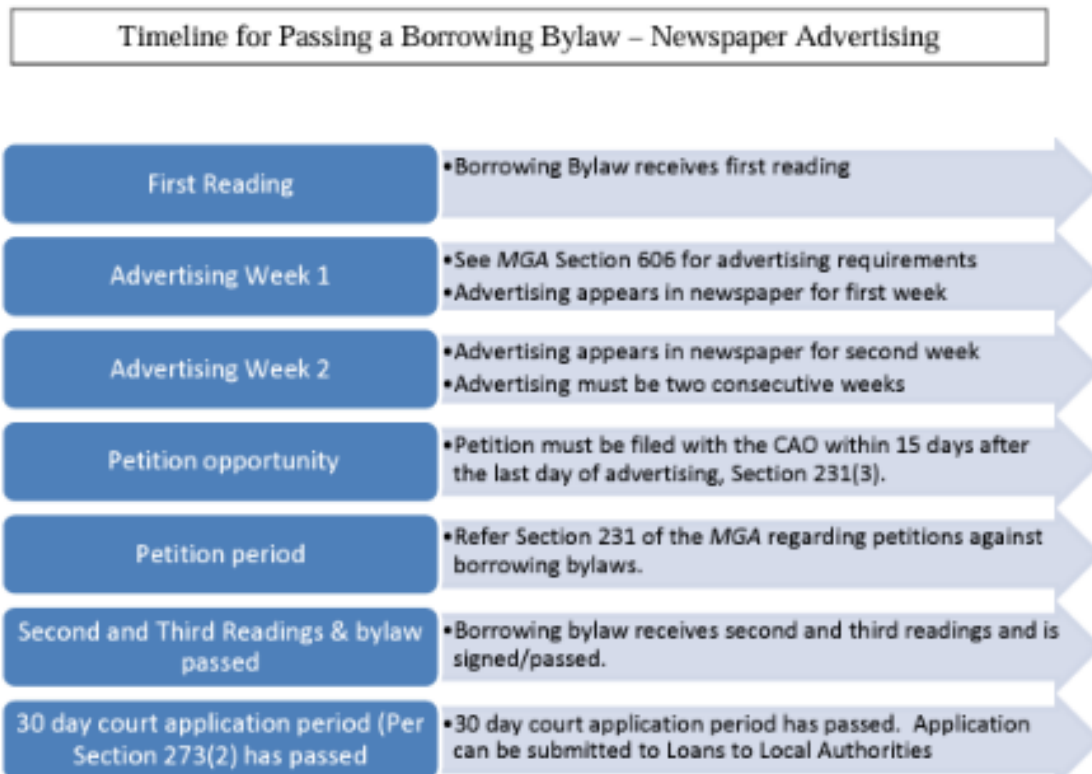
**COUNCIL
REQUEST FOR DECISION**

MEETING DATE:	January 29, 2025	PRESENTED BY:	Kylie Rude, CAO
TITLE:	Borrowing Bylaw 2025-003		
AGENDA ITEM:	8.2		

BACKGROUND/ PROPOSAL

Council approved a capital budget for 2025 that included the completion of 51 avenue sewer line replacement and corresponding water line and road repairs, as required. Prior to being able to borrow funds and tender work, Administration is seeking first reading of the attached Borrowing Bylaw. Once first reading is passed, Administration can proceed with the required advertising. If no petitions are received, Council can proceed with further readings. As indicated in the Bylaw, \$200,000 has been already allocated from the Local Government Fiscal Framework grant.

In the meantime, Administration will continue to work on the tendering aspect of this project (request for proposals) through Alberta Purchasing Connection to start the process of securing a contractor to complete the project.



RECOMMENDED ACTION

That Bylaw 2025-003, Borrowing Bylaw, be given first reading.

VILLAGE OF ANDREW
BYLAW 2025-003
BORROWING BYLAW

NOW THEREFORE, the Council of the Village of Andrew, in the Province of Alberta, duly assembled enacts as follows:

This bylaw authorizes the Council of the Village of Andrew to incur indebtedness by the issuance of debenture(s) in the amount of \$800,000 for the purpose of 51 Avenue sewer line replacement, water line repairs, and road repairs.

WHEREAS:

The Council of the Village of Andrew has decided to issue a bylaw pursuant to Section 258 of the Municipal Government Act to authorize the financing, undertaking and completion of the 51 Avenue sewer line replacement, water line repairs, and road repairs.

The Village of Andrew estimates the total project cost to be approximately \$1,000,000. The following grants and contributions will be applied to the project:

Provincial Grants	\$200,000
Debenture	\$800,000

In order to complete the project, it will be necessary for the Village of Andrew to borrow the sum of \$800,000 for a period not to exceed 30 years, from the Alberta Capital Finance Authority or another authorized financial institution, by the issuance of debentures and on the terms and conditions referred to in this bylaw.

The estimated lifetime of the project financed under this bylaw is equal to, or in excess Of 30 years.

The principal amount of the outstanding debt of the Village of Andrew at December 31, 2024 is \$0.

NOW THEREFORE, the Council of the Village of Andrew, in the Province of Alberta, duly assembled enacts as follows:

1. That for the purpose of the 51 Avenue sewer line replacement, water line repairs, and road repairs. the sum of eight hundred thousand (\$800,000) be borrowed from the Alberta Capital Finance Authority or another authorized financial institution by way of debenture on the credit and security of the Village of Andrew at large, of which amount the full sum of \$800,000 is to be paid by the Village of Andrew at large.
2. The proper officers of the Village of Andrew are hereby authorized to issue debenture(s) on behalf of the Village of Andrew for the amount and purpose as authorized by this bylaw.
3. The Village of Andrew shall repay the indebtedness according to the repayment structure in effect, namely semi-annual or annual equal payments of combined principal and interest instalments not to exceed THIRTY (30) years calculated at a rate not exceeding the interest rate fixed by the Alberta Capital Finance Authority or another authorized financial institution on the date of the borrowing, and not to exceed Six (6) percent.

4. The Village of Andrew shall levy and raise in each year municipal taxes sufficient to pay the indebtedness.
5. The indebtedness shall be contracted on the credit and security of the Village of Andrew.
6. The net amount borrowed under the bylaw shall be applied only to the project specified by this bylaw.
7. This bylaw comes into force on the date it is passed.

READ for a first time this _____ day of _____, 2025.

READ for a second time this _____ day of _____, 2025.

READ for a third and final time and passed this _____ day of _____, 2025.

Mayor Barry Goertz

Deputy Mayor Tammy Pickett

CAO, Kylie Rude



**COUNCIL
REQUEST FOR DECISION**

MEETING DATE:	January 29, 2025	PRESENTED BY:	Kylie Rude, CAO
TITLE:	Fees Bylaw 2025-002		
AGENDA ITEM:	8.3		

BACKGROUND/ PROPOSAL

To add costs for the fob system (keyless entry), Administration is recommending the Fees Bylaw be repealed and replaced with the attached Bylaw.

The only changes to this bylaw include the yearly 24/7 access pass and the provision for a lost, broken or not returned fob.

RECOMMENDED ACTION

That Bylaw 2025-002, Fees Bylaw be given first reading.

That Bylaw 2025-002 be given second reading.

That Council unanimously agree to consider giving Bylaw 2025-002, Fees Bylaw third reading at this meeting.

That Bylaw 2025-002 be given third reading.

VILLAGE OF ANDREW
BYLAW 2025-002
FEES AND CHARGES BYLAW

NOW THEREFORE, the Council of the Village of Andrew, in the Province of Alberta, duly assembled enacts as follows:

1. This Bylaw is cited as the Fees and Charges Bylaw.
2. That the Fees and Charges Manual attached as Schedule "A" to this Bylaw represents the user fees, rates and charges established by Council and are applicable to the municipal services provided by the Village of Andrew as outlined in the Schedule.
3. That the Chief Administrative Officer is granted the authority and discretion, despite any enacted policy, procedure, or budget to amend user fees and charges under extraordinary circumstances.
4. That if there are any inconsistencies between the user fees, rates and charges imposed pursuant to this Bylaw and those imposed by any other bylaw of the Village of Andrew, this Bylaw shall take precedence.
5. That BYLAW 2024-013 be repealed.
6. That this Bylaw shall take effect on the date of third and final reading.

READ for a first time this _____ day of _____, 2025.

READ for a second time this _____ day of _____, 2025.

READ for a third and final time and passed this _____ day of _____, 2025.

Mayor Barry Goertz

Deputy Mayor Tammy Pickett

CAO, Kylie Rude

FEES AND CHARGES – Schedule A

ADMINISTRATIVE FEES		DEVELOPMENT FEES	
Tax Certificate	\$25.00	Residential Development Permit	\$40.00
NSF Charge	\$25.00	Commercial Development Permit	\$75.00
Land Title	\$20.00	Compliance Certificate - Regular	\$75.00
Photocopies	\$0.25 per page	Compliance Certificate - Rush	\$150.00
Fax	\$1.00 per page	Land Use Bylaw Amendment	\$300.00

RECREATION FEES					
One Time Use	Adult	Senior	Teen (15–18 yrs)	Child (5-12 yrs)	Child (4 & under)
Bowling	\$3.00	\$2.00	\$2.50	\$2.00	FREE
Fitness Centre	\$4.00	\$3.00	\$2.50	--	--
Shower	\$2.50	\$2.00	\$2.50	FREE	FREE
Mini Golf	\$3.00	\$2.00	\$2.50	\$2.00	FREE
Gymnasium	\$4.00	\$3.00	\$2.50	\$2.00	FREE

RECREATION PUNCH PASS FEES
1 punch per use and can be used at the Bowling Alley, Fitness Centre, Showers, Mini Golf or Gymnasium. No expiry date.

10 Punch Pass	30 Punch Pass	Yearly Unlimited Use Pass	Yearly Unlimited Use Pass 24/7 *includes access fob
\$35.00 Adult	\$55.00 Adult	\$150.00	\$200.00
\$30.00 Senior	\$50.00 Senior	\$125.00	\$175.00
\$25.00 Teen	\$45.00 Teen	\$115.00	
\$20.00 Child	\$40.00 Child	\$100.00	
Replacement fob if lost, damaged or not returned by user			
\$50.00			

RECREATION PACKAGES		
Multi-Purpose Room Rental	Maximum 50 people per function.	\$25/hr
Party Package	Includes use of Multi-Purpose Room and unlimited bowling	\$50/hr
Mini Golf Party (private)	*dependent on volunteer availability	\$25/hr



**COUNCIL
REQUEST FOR DECISION**

MEETING DATE:	January 29, 2025	PRESENTED BY:	Kylie Rude, CAO
TITLE:	Review of Code of Conduct Bylaw		
AGENDA ITEM:	9.1		

BACKGROUND/ PROPOSAL

At the last Council meeting, it was directed that a review of the Code of Conduct Bylaw be added to the next agenda. Administration has attached the bylaw.

RECOMMENDED ACTION

N/A

BYLAW # 2024 - 012

COUNCIL CODE OF CONDUCT BYLAW

A BYLAW OF THE VILLAGE OF ANDREW, IN THE PROVINCE OF ALBERTA

WHEREAS Section 146.1 of the *Municipal Government Act* provides that a council must, by bylaw, establish a code of conduct governing the conduct of councillors;

WHEREAS the *Code of Conduct for Officials Regulation, AR 200/2017* provides that a Code of Conduct must contain certain provisions;

WHEREAS the Village of Andrew Council recognizes that the constituents of the Village of Andrew elected Members of Council for the purpose of providing effective leadership for the Village of Andrew and its residents;

WHEREAS each individual Councillor of the Village of Andrew Council hereby commits to upholding this Code of Conduct for the purpose of ensuring that Councillors of the Village of Andrew maintain appropriate conduct when carrying out their roles as Councillors; and

WHEREAS this Code of Conduct must be reviewed every four years from date of Passing.

NOW, THEREFORE, THE COUNCIL OF THE VILLAGE OF ANDREW DULY ASSEMBLED,
ENACTS AS FOLLOWS:

BYLAW TITLE

1. This Bylaw shall be called the "Council Code of Conduct".

DEFINITIONS

"Chief Administrative Officer" has the meaning prescribed under the *Municipal Government Act*, and may be referred to as the CAO.

"Conflict of Interest" means an occurrence where a Councillor's personal or private interests are, or may be perceived as, influencing the Councillor on a matter of public interest before Village Council, including occurrences which may result in common law bias, including direct or indirect pecuniary interest, prejudice, close mindedness or undue influence. A Conflict of Interest occurrence also includes using the Councillor's position, confidential information or Village of Andrew employees, materials, or facilities for personal or private gain or advancement or the expectation of personal or private gain or advancement. A Conflict of Interest may include advancing the interests of the Councillor's family, friends or business associates.

"Complainant" means the individual who submitted a complaint under the provisions of this bylaw.

"Complained of Councillor" means the councillor against whom a complaint has been made.

"Councillor(s)" has the meaning described under the *Municipal Government Act*, including an individual elected member of the Village of Andrew Council and the chief elected official (Mayor).

“Council” means the Village of Andrew Council.

“Integrity Commissioner” means the individual/business appointed by Council to assess and adjudicate formal code of conduct complaints.

“MGA” means the Municipal Government Act, as amended from time to time.

“Pecuniary Interest” means those occurrences as prescribed in the Municipal Government Act, R.S.A. 2000 Chapter M-26, as amended from time to time.

“Village” means the municipality of the Village of Andrew.

GUIDING PRINCIPLES

2. Council is to review this Code of Conduct annually at the Organizational Meeting, to ensure that the Bylaw is current and remains relevant to the day to day conduct of Council and individual Councillors.
3. Councillors are expected to formally and informally review this Code of Conduct, and their adherence thereto on a regular and ongoing basis.

MUNICIPAL PURPOSE

4. The purposes of the Municipality of the Village of Andrew are to:
 - a. to provide good government;
 - b. to foster the well-being of the environment;
 - c. to provide services, facilities or other things that, in the opinion of council, are necessary or desirable for all or a part of the municipality,
 - d. to develop and maintain safe and viable communities; and
 - e. to work collaboratively with neighbouring municipalities to plan, deliver and fund intermunicipal services.

REPRESENTING THE MUNICIPALITY

5. Councillors must:
 - a. serve the welfare and interests of the Village as a whole to the best of their abilities and act in good faith as elected officials;
 - b. carry out their duties in a conscientious and diligent manner and act with honesty, dignity, and openness in their public affairs;
 - c. arrange their private affairs and conduct themselves in a manner that promotes public confidence in the Village of Andrew.

COMMUNICATING ON BEHALF OF THE MUNICIPALITY

6. Councillors must not:

- a. communicate on behalf of Council on a matter unless authorized to do so;
 - b. make statements that they know to be false; nor
 - c. make intentionally misleading or reckless statements.
7. Requests from the media regarding the official position of Council on a matter will be referred to the official spokesperson of Council for response. The Chief Elected Official is the official spokesperson of Council or another Councillor who is authorized by Council to act as the official spokesperson.
8. Any Councillor who is authorized to act as the official spokesperson of Council must ensure that their comments accurately reflect the official position and will of Council, even if that Councillor personally disagrees with the official position and will of Council.
9. When a Councillor receives a request from the media and they are not authorized to act as the official spokesperson of Council, the Councillor must forward the request to: (1) the Chief Elected Official if the matter pertains to Council business; or (2) the Chief Administrative Officer if the matter is operational in nature.

RESPECTING THE DECISION MAKING PROCESS

10. Council meetings are the appropriate forum for healthy and fulsome debate and discussion of matters before Council.
11. All Councillors must be given a full opportunity to address issues before Council in a full, open and professional manner, to encourage and promote healthy debate of issues.
12. Council decisions are made by majority vote by the Councillors. The decision of Council must be accepted and respected by all Councillors even if some individual Councillors do not agree with the majority decision.
13. While an individual Councillor may publicly state that they did not vote with the majority of Council on an issue, this must be made in a manner that respects Council, Council's decision and other members of Council.

PECUNIARY INTEREST

14. It is the individual responsibility of each Councillor to be aware of the Pecuniary Interest provisions and the disclosure and procedure requirements as established in *MGA*.
15. It is the individual responsibility of each Councillor to seek independent legal advice with respect to any occurrence which may result in Pecuniary Interest, at their own expense.
16. If a Councillor believes that they may have or may reasonably be perceived to have a Pecuniary Interest in a matter before Council or a Council Committee, they shall follow the Pecuniary Interest disclosure and procedure requirements as established in the *MGA*.

ADHERENCE TO POLICIES, PROCEDURES AND BYLAWS

17. Councillors must uphold the law established by the Parliament of Canada and the Legislature of Alberta.
18. Councillors must not encourage or condone unlawful conduct or undermine public confidence in the rule of law.
19. Councillors must respect the Village of Andrew as an institution and must comply with its bylaws, policies, and procedures, and must encourage public respect for the Village of Andrew and its bylaws, policies, and procedures.

RESPECTFUL INTERACTIONS WITH COUNCILLORS, STAFF, THE PUBLIC

20. Councillors shall respect the professional opinion of Village administration and staff.
21. Councillors shall not abuse relationships or dealings with Village administration or staff by attempting to take advantage of their position as Councillors. Councillors must refrain from behaviour which may be perceived to be bullying of staff.
 - a. All requests for information shall be directed through the CAO.
 - b. Councillors may meet with the CAO at any time. However, Councillors must not direct any staff member(s) regarding municipal business, and must not discuss municipal business at any time, without the CAO present, unless authorized by the CAO.
22. It is the sole responsibility of the CAO to hire, discipline, and terminate staff, and that all information pertaining to staff employment matters is confidential. No member of Council, either as an individual or as a group, shall interfere with the CAO role in the hiring, disciplinary action, or termination of any staff member, by way of coercion, persuasion, threats, intimidation, bullying, or any other form of influence. The CAO shall immediately report any incident of this nature to Council as a whole.
23. Councillors will treat all people with professionalism, courtesy and respect.
 - a. Councillors will treat all people in good faith and without bias and shall not discriminate against any person on the basis of:
 - i. differences in personal opinions, or
 - ii. race, ancestry, place of origin, colour, ethnic origin, culture, citizenship, religion, creed, language, gender, sexual orientation, age, family status, disability or occupation.

CONFLICT OF INTEREST

24. While token and minor gifts can be accepted by Councillors, substantial or material gifts, (over \$50.00), should either be rejected by Councillors or accepted on the condition that the gift is accepted on behalf of Council and donated to a local charity or non-profit group.

25. This bylaw does not apply to gifts donated to the Village, nor to gifts or hospitality that are normally received as a matter of protocol or social obligations that normally accompany the position of Councillor and which are not related to any particular transaction or activity of the Village of Andrew or decision by Council.
26. A councillor may seek the advice of the CAO respecting a potential conflict prior to the matter coming before council.
 - a. It is the individual responsibility of each Councillor to seek independent legal advice with respect to any situation that may result in a Conflict of Interest.

IMPROPER USE OF INFLUENCE

27. No Councillor shall use the influence of the Councillor's office for any purpose other than for the exercise of the Councillor's official duties.
28. No Councillor 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.
29. Councillors shall not contact or otherwise attempt to influence individual members of any adjudicative body regarding any matter before it relating to the Village.
30. Councillors shall refrain from using their positions to obtain employment with the Village for themselves, family members or close associates. Councillors are ineligible to serve any position with the Village while they hold their elected position.

USE OF MUNICIPAL INFORMATION, ASSETS AND SERVICES

31. Councillors must not use information gained through their position on Council for any private or personal benefit or gain.
32. Councillors shall inform themselves of and strictly adhere to the provisions of the *Freedom of Information and Protection of Privacy Act, R.S.A. 2000, Chapter F-25* with respect to the access to, gathering, use and disclosure of information.
33. Councillors must not release, disclose, publish or comment on confidential information including any information received during a closed session meeting until such information is disclosed at a public meeting. This obligation continues in perpetuity.
34. Councillors must not release information that is subject to solicitor-client privilege unless expressly authorized by Council or required by law to do so.
35. Councillors must not misuse confidential information gained by virtue of their position as Councillor that is not in the public domain, including e-mails and correspondence from other Councillors or third parties, such that it may cause harm, detriment or embarrassment to the Village, Council, other Councillors, Village of Andrew administration or staff, members of the public or third parties, or such that it may create a benefit to themselves, the Village, Council, other Councillors, Village administration or staff, members of the public or third parties.

ORIENTATION AND TRAINING

36. Councillors must attend orientation pursuant to section 201.1 of the *MGA* within 90 days of taking the oath of office.
37. Councillors must attend any training organized at the direction of Council or mandated by the Province of Alberta.

INFORMAL COMPLAINT PROCESS

38. Any person who witnesses or becomes aware of conduct by a Councillor that they reasonably believe, in good faith, contravenes any provision of this bylaw may pursue an informal resolution by:
 - a. advising the Councillor, in person or in writing, that their conduct may contravene this bylaw and encouraging the offending Councillor to refrain from said conduct in the future; or
 - b. if the matter is not resolved, requesting an informal dispute resolution process with a mutually agreed upon Councillor.
39. Councillors and all others are encouraged to pursue the informal complaint process as the first step of addressing conduct that they believe contravenes this bylaw; however, it is not required to pursue an informal complaint prior to pursuing a formal complaint.

FORMAL COMPLAINT PROCESS

40. All formal complaints will be assessed and adjudicated by a third-party Integrity Commissioner.
 - a. Council must appoint a third-party Integrity Commissioner.
 - b. The following persons are not eligible to act as the Integrity Commissioner:
 - i. a Councillor of the Village, or a family member, friend, or close associate of a Councillor of the Village;
 - ii. the CAO of the Village, or a family member, friend, or close associate of the CAO of Andrew;
 - iii. a Village employee; nor
 - iv. any other person with a conflict of interest or vested interest in the outcome of investigations conducted under this bylaw.
 - c. The CAO shall bring forth a recommendation to Council on the appointment of an Integrity Commissioner, during the annual organizational meeting or when a Formal Code of Conduct Complaint is received to ensure timely review and processing of the complaint.

41. Any person who has identified or witnessed conduct by a Councillor that the person reasonably believes, in good faith, is a 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. The complaint must set out reasonable and probable grounds for the allegation that a Councillor has contravened this Bylaw, including a detailed statement of the facts giving rise to the allegation. The complaint shall contain the following information:
 - i. The name and contact information of the complainant.
 - ii. The nature of the complaint
 - iii. The name of the Councillor (respondent)
 - iv. Copies of any letters, memos, emails or other documents that support the complaint; and
 - v. The name of any witness to any incident related to the complaint.
 - c. All complaints shall be addressed to the Integrity Commissioner who shall be identified on the Village website and at the Village Office. Alternatively, if there is not an Integrity Commissioner appointed when a complaint is submitted, the CAO will maintain possession of the complaint in a sealed confidential envelope until such a time that an Integrity Commissioner is appointed.
 - d. The Integrity Commissioner will provide a copy of the complaint to the Councillor(s) who are alleged to have breached this Bylaw.
42. The Integrity Commissioner will make every reasonable effort to protect the identity of complainants and to maintain confidentiality throughout the formal complaint and investigation process.
 - a. If disclosure of a Complainant's identity is required as part of an investigation under this bylaw, the Integrity Commissioner will notify the complainant and seek their consent to the disclosure before disclosing the information.
 - b. Disclosures of information will be restricted to what is required to complete an investigation and ensure adequate procedural fairness. If a Complainant does not consent to a disclosure, the Integrity Commissioner will provide them with an opportunity to withdraw their complaint.
43. Any records provided by the Village of Andrew to the Integrity Commissioner during an investigation or for other purposes related to this bylaw will be returned to the Village of Andrew when the investigation in question is concluded or when the records are no longer required for the Integrity Commissioner to fulfill their duties under this bylaw.
44. All formal complaints must be submitted to the Integrity Commissioner, or CAO if required, within 90 days of the alleged contravention of this bylaw occurring or within 90 days of the complainant becoming aware of the alleged contravention.

- a. The Integrity Commissioner may accept formal complaints submitted after 90 days when, in their sole discretion, it is reasonable and appropriate to do so.
- 45. A complaint may be withdrawn by a complainant at any time during an investigation. Notwithstanding a request to withdraw a complaint, the Integrity Commissioner may continue an investigation without the complainant's participation if, in their sole opinion, it is in the public interest to do so.

PROCESS FOR REVIEW OF COMPLAINTS

- 46. When the Integrity Commissioner receives a formal complaint under this bylaw, the Integrity Commissioner will provide a copy of the complaint and all related documents and records to the Councillor(s) who are alleged to have breached this Bylaw and may, in response to the complaint, request information from the complainant or the named Councillor before conducting the initial review of the complaint.
- 47. The Integrity Commissioner will conduct an initial review of the formal complaint and all related documents and records to determine whether an investigation should be conducted.
- 48. The Integrity Commissioner may dismiss the complaint if the Integrity Commissioner is of the opinion that:
 - a. the complaint was received after the timeframes provided in this bylaw;
 - b. the complaint is frivolous or vexatious;
 - c. the complaint was not made in good faith;
 - d. there are no or insufficient grounds for conducting an investigation;
 - e. the complaint is not within the authority of the Integrity Commissioner to investigate or should be referred to a different body for investigation.
- 49. The Integrity Commissioner, in their sole discretion, may proceed with, suspend, or decline to proceed with conducting an initial review or investigation into a formal complaint beginning on nomination day in a general election year and ending on the day of the organizational meeting following the general election.

FORMAL COMPLAINT INVESTIGATION PROCESS

- 50. Complainants and Councillors who are the subject of an investigation will be afforded procedural fairness throughout the investigation process, including an opportunity to review and respond to the complaint, responses, documents, and records provided to the Integrity Commissioner during the investigation, prior to a final decision or report being made.
- 51. When the Integrity Commissioner proceeds with an investigation into a formal complaint, the Integrity Commissioner or will proceed as follows:

- a. the Integrity Commissioner will serve the Councillor with notice of the investigation by email or in person. The notice will include the complaint and any additional documents or records received in relation to the complaint;
 - b. after receiving notice of an investigation, the Councillor will have 10 business days to provide a written statement to the Integrity Commissioner, which must include the Councillor's response to the allegations and any supporting documents and records by email;
 - c. after receiving the Councillor's response to the complaint, the Integrity Commissioner will provide the Councillor's response and any supporting documents and records to the complainant by email;
 - d. after receiving the Councillor's response to the complaint, the complainant will have 10 business days to provide additional documents and records in response to the Councillor's response by email; and
 - e. the Integrity Commissioner, in their sole discretion, may extend the deadline(s) under this section, where there are reasonable grounds to do so.
52. The Integrity Commissioner may request access to Village of Andrew records, documents, and information related to the complaint as necessary to complete an investigation.
53. The Integrity Commissioner may request additional information from any person involved in an investigation at any time during the investigation, as necessary, including any witnesses.
54. All communications between the Integrity Commissioner and any person involved in an investigation are provided on a strictly confidential basis until the investigation is concluded. If a breach of confidentiality occurs during an investigation it may result in, at the Integrity Commissioner's sole discretion, the dismissal of the complaint or an adverse finding against the Councillor.

CONCLUDING THE FORMAL COMPLAINT INVESTIGATION PROCESS

55. Upon conclusion of an investigation, the Integrity Commissioner will either:
- a. dismiss the complaint with written reasons to both Council and the Complainant, if a contravention of this bylaw has not been proven on the balance of probabilities; or
 - b. prepare a report to Council if a contravention of this bylaw has been proven on the balance of probabilities.
56. When a contravention of this bylaw has been proven on the balance of probabilities, the Integrity Commissioner's report to Council must include the following:
- a. a summary of the evidence and the Integrity Commissioner's findings of fact;
 - b. a description of the contravention of this bylaw that occurred; and
 - c. recommendation as to the appropriate sanctions to be imposed on the Councillor, if any.

60. The Integrity Commissioner will make every reasonable effort to complete an investigation and either dismiss the complaint or provide a report to Council within 90 days of receiving a formal complaint.
 - a. If it is not practically possible to complete an investigation and provide a report to Council within 90 days, the Integrity Commissioner may extend the time period at their sole discretion.
61. Upon completion of a report, the Integrity Commissioner will advise the Chief Administrative Officer pursuant to this bylaw. The Chief Administrative Officer will schedule the matter as a closed session item at the next available Council meeting.
62. A copy of the Integrity Commissioner's report will be provided to Council and the Chief Administrative Officer via email on a strictly confidential basis no sooner than 48 hours and no later than 24 hours prior to the Council meeting at which the report will be considered.
 - a. A breach of confidentiality under the above section of this bylaw will be considered a contravention of this bylaw.
63. After considering a report by the Integrity Commissioner, Council may by resolution:
 - a. impose sanctions on the Councillor in accordance with this bylaw; or
 - b. not impose sanctions on the Councillor.
64. When the Integrity Commissioner determines that a contravention of this bylaw has occurred, the report from the Integrity Commissioner will be considered a public document after the Council meeting in which Council reviews the report.
65. All other proceedings and decisions under the formal complaint process will remain confidential and will be protected under the Freedom of Information and Protection of Privacy Act.

COMPLIANCE, ENFORCEMENT AND SANCTIONS

66. Councillors must not:
 - a. undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing information to the Integrity Commissioner or any other person involved in a formal complaint; nor
 - b. obstruct Council, the Integrity Commissioner, or any other person in ensuring compliance with this bylaw.
67. When determining which sanctions, if any, should be imposed on a Councillor for a contravention of this bylaw, Council must:
 - a. consider whether the sanctions to be imposed are reasonable, proportional, and appropriate to address the contravention that occurred; and
 - b. provide clear direction on when the sanctions to be imposed will expire if the sanctions are to be imposed over a period of time.


68. If it is determined that sanctions should be imposed on a Councillor for contravention of this bylaw, Council may impose any of the following, or a combination of the following, sanctions by resolution:
- a. a letter of reprimand addressed to the Councillor;
 - b. requiring that the Councillor issue a letter of apology;
 - c. requiring that the Councillor attend training;
 - d. requiring that the Councillor return or reimburse the value of property, equipment, gifts, benefits, or other items, or to reimburse the value of services rendered;
 - e. restricting the travel and representation of the Councillor on behalf of the Village of Andrew;
 - f. restrictions on how documents are provided to the Councillor (e.g. no electronic copies of documents or only watermarked copies for tracking purposes);
 - g. suspension or removal from some or all boards, committees, commissions, and other bodies to which Council has the right to appoint members;
 - h. suspension or removal as the Chair or Vice Chair of boards, committees, commissions, and other bodies to which Council has the right to appoint members;
 - i. suspension or removal of the Chief Elected Official's presiding duties under the *MGA* and the Procedural Bylaw;
 - j. suspension or removal of the appointment of a Councillor as the Chief Elected Official;
 - k. suspension or removal of the appointment of a Councillor as the Deputy Chief Elected Official;
 - l. reduction or suspension of remuneration corresponding to a reduction in official duties, excluding allowances for attendance at Council meetings; or
 - m. any other sanction that Council deems reasonable, proportional, and appropriate in the circumstances so long as the sanction is not contrary to the Municipal Government Act and does not prevent a Councillor from fulfilling their legislated duties under the *MGA*.
69. Councillors are entitled to seek legal advice, at their sole expense, regarding compliance or contraventions of this bylaw or in relation to any proceedings conducted under it.
70. Bylaw 2018-01 is hereby repealed.
71. This Bylaw comes into force upon the date of the passing of the third and final reading thereof.

READ for a first time this 11th day of September, 2024.

READ for a second time this 11th day of September, 2024.

READ for a third and final time and passed this 11th day of September, 2024.



Mayor Barry Goertz

Deputy Mayor Tammy Pickett

CAO, Kylie Rude



**COUNCIL
REQUEST FOR DECISION**

MEETING DATE:	January 29, 2025	PRESENTED BY:	Kylie Rude, CAO
TITLE:	Council – CAO Covenant, Policy #011		
AGENDA ITEM:	9.2		

BACKGROUND/ PROPOSAL

Administration has prepared a draft policy for Council’s consideration – this policy would facilitate an additional level of accountability with respect to the relationship between the CAO and Council members.

RECOMMENDED ACTION

That Council/CAO Covenant Policy #011 be approved as presented.



Council / Chief Administrative Officer Covenant - Policy #011

Date of Approval by Council:	
Resolution Number	

Signature of Approval of CAO: _____

Purpose

This policy establishes an agreement between members of Council of the Village of Andrew and the Chief Administrative Officer (CAO).

WE, AS MEMBERS OF COUNCIL, WILL:

- carry out our responsibilities as set out in the applicable legislation to the best of our abilities
- make decisions which we believe to be in the best interests of our citizens
- review the background information and advice made available to us by the administration prior to rendering a decision
- seek further input or information by asking direct questions in a professional manner when we are unsure of the issues or uncertain as to the preferred course of action
- refer any complaints, either written or verbal, about the decisions of Council or the actions of administration, to the Chief Administrative Officer for review, comment and follow-up (as appropriate)
- refrain from making any commitments on behalf of Council to individual citizens or groups other than to take the request up with Council or Chief Administrative Officer and to respond appropriately
- seek to participate actively in the decision-making process
- refrain from any public or private criticism of our Council wherein individual Councillors are identified
- act as good stewards of the Municipality and as public servants of our citizens through ethical conduct
- provide effective leadership through guiding the municipal corporation through annual or longer term goals and priorities, through the budget approval process and by agreeing to reasonable policies which reflect, in our views, the best interests of a majority of our citizens
- ensure that we formally evaluate the performance of the Chief Administrative Officer at least once annually and involve the CAO in this process so as to ensure a full understanding of the Council's candid assessment
- admit to any mistakes of substance made individually or as a collective, and take corrective action

I, The CAO WILL:

- conduct myself as your chief policy advisor in an honest and ethical manner
- ensure that the Mayor and Councillors are accorded respect in all of my personal and public comments
- provide advice (on all issues) which is professionally sound, ethical, legal and in accordance to the policies and objectives of Council
- guide the actions of the administration so that they are in accordance with the policies and objectives of Council
- act only on the will of Council as a whole as established by the resolutions, policies and bylaws of Council
- address promptly any complaints or concerns of Council to the appropriate department and individual so that reasonable and prompt follow-up is assured
- ensure that Council is made aware of the full picture with regard to each issue at least to the extent that the administration is aware of such information and ensure that Council has access to the reasonable decision options as well as my recommendation as the CAO
- seek to ensure that Council is aware of key issues as they arise and thus avoid the problems associated with surprises
- maintain a current understanding of the applicable legislation as well as relevant programs, policies and initiatives of the Provincial and Federal governments
- admit to any mistakes of substance made by myself or my staff and take corrective action
- listen carefully to the concerns of Council regarding my performance and seek to improve any deficiencies on an ongoing basis
- ensure that all major issues are tracked in sufficient detail so as to advise Council of any progress, anticipated problems or decision points.

BETWEEN

VILLAGE OF ANDREW COUNCILLORS

Name: _____

Signature: _____

Name: _____

Signature: _____

Name: _____

Signature: _____

Name: _____

Signature: _____

Name: _____

Signature: _____

AND

CHIEF ADMINISTRATIVE OFFICER

Name: _____

Signature: _____



**COUNCIL
REQUEST FOR DECISION**

MEETING DATE:	January 29, 2025	PRESENTED BY:	Kylie Rude, CAO
TITLE:	Review of Closed Session / FOIP		
AGENDA ITEM:	9.3		

BACKGROUND/ PROPOSAL

At the last Council meeting, Administration was directed to add reviewing closed session and FOIP provisions to the agenda.

Two attachments are provided – one with an overview of Closed Session provisions, prepared by Alberta Municipal Affairs, the other a copy of the FOIP act sections that apply. The pink highlights are some of the more commonly referred to provisions.

RECOMMENDED ACTION

That Council accept the Closed Session and FOIP information provided by the CAO as information.

CLOSED MEETINGS OF COUNCIL (IN-CAMERA)

What is a closed meeting?

The *Municipal Government Act (MGA)* says that a meeting or part of a meeting is considered to be closed to the public when

- (a) any members of the public are not permitted to attend the entire meeting or part of the meeting,
- (b) the council, committee or other body holding the meeting instructs any member of the public to leave the meeting or part of the meeting, other than for improper conduct, or
- (c) the council, committee or other body holding the meeting holds any discussions separate from the public during the meeting or part of the meeting.

Under what authority can a council close a meeting?

Section 197 of the MGA states that councils and council committees must conduct their meetings in public unless the matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy (FOIP)* (s. 16 to 29). This section also indicates that a council or council committee must pass a resolution stating the reason and the section of FOIP that applies before closing all or any part of a meeting to the public.

MOVED by Councillor Smith that council close the meeting to the public for Agenda item 2b Legal - Arena Project as per Section 27, FOIP at 7:00 pm.

NOTE: Section 197(2.1) is the exception to the rule, allowing municipal planning commissions, subdivision authorities, development authorities and subdivision and development appeal boards to deliberate and make decisions in meetings closed to the public.

How to prepare for closed meeting discussions?

Discussions that will be closed during the meeting should be listed on the agenda for the meeting in which they are held. The agenda should contain a 'Confidential' heading and then provide a brief description of the topic and state the section of FOIP that allows closure for that topic. For example, "Personnel – Evaluation - CAO - FOIP Section 17" would be used to describe conducting the performance appraisal of a chief administrative officer or "Legal – Arena Project - FOIP Section 27" could describe discussions regarding a pending court case. Further information is not required.

Any background information on the confidential items should be circulated when attendees are in the closed meeting and collected prior to returning to the open meeting.

How to record discussions from a closed meeting?

It is strongly recommended that a closed session discussion not be recorded as any notes or minutes taken during the discussion may become part of a FOIP request. The council meeting minutes should reflect that a motion was made to move into a closed session (as outlined above) and then another to return to the open meeting.

Council members, the CAO and any others included in the closed session are required to keep in confidence what was discussed until the item is discussed at a meeting held in public.

Section 197(3) of the *MGA* prohibits the passing of a resolution or bylaw during in a closed meeting, with the exception of the motion to revert to the public meeting, which must be recorded in the minutes. If direction is given or a decision reached, then a resolution must be made in the open meeting so that council's direction(s) are recorded and acted on.

Who can attend a closed session?

All members of Council, guests (at the discretion of council), and most times, the chief administrative officer may attend a closed session. The minutes of the meeting must show the names of additional people attending and the reason each attended.

Mr. John Doe – Engineer, XYZ Co.

Mr. Sam Smith – Lawyer, Lawfirm LLP

The media and general public cannot attend the closed discussion, but are welcome to return to the council meeting following the closed session.

What can be discussed in a closed session?

FOIP outlines the items that would allow a council to close a council meeting, which include matters where a public disclosure could be harmful to:

- Third party business interests; (s. 16)
- Third party personal privacy; (s. 17)
- Individual or public safety; (s. 18 and 19)
- Law enforcement; (s. 20)
- Intergovernmental relations; (s. 21, 22, 23 and 24) and
- Economic or other interests (s. 25, 26, 27, 28 and 29).

Public bodies should not:

- Reveal confidential employee evaluations;
- Disclose local public body confidences, or advice from officials; or
- Disclose information that is subject to any kind of legal privilege.

For example, a discussion regarding the employment of an individual should be held in-camera to protect the privacy of that individual. Also, preliminary meetings with developers (at their request/or councils discretion) describing a new land use development should be held in a closed session (s. 16 of FOIP).

What should not be discussed in a closed session?

Difficult topics, such as:

- Budget deliberations
 - Tax i.e. assessments/mill rates, penalties
 - Capital expenditures
- Any contentious issues
 - Sensitive local issues
 - Bylaw amendments i.e. Land use
 - Subdivision proposals
- Tax recovery i.e. reserve bids for auction
- Discussions regarding budget requirements for hiring additional municipal staff and for the setting of salary ranges

are not be discussed behind closed doors.

The MGA sets out clear requirements for municipal councils to conduct their business openly. The powers of a municipal council are balanced by councils' accountability to the citizens who elect them. It is therefore essential that citizens are allowed to take an active interest in the development and direction of our local governments and express their views to their locally elected representatives.

For more information on how the FOIP affects municipalities, please visit the Service Alberta website at www.servicealberta.ca/FOIP/documents/FAQ_Municipal.pdf.

This is an information summary only and has no legislative or legal sanction. For certainty, refer to the *Municipal Government Act* and the *Freedom of Information and Protection of Privacy Act*. Copies are available for purchase from Alberta Queen's Printer Bookstore or electronically at the website link below.

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(3) Despite subsection (1), where the head of a public body is considering giving access to a record to which section 30 applies, the head of the public body may extend the time for responding to the request for the period of time necessary to enable the head to comply with the requirements of section 31.

(4) If the time for responding to a request is extended under subsection (1), (2) or (3), the head of the public body must tell the applicant

- (a) the reason for the extension,
- (b) when a response can be expected, and
- (c) that the applicant may make a complaint to the Commissioner or to an adjudicator, as the case may be, about the extension.

1994 cF-18.5 s13;1999 c23 s7

Transferring a request

15(1) Within 15 days after a request for access to a record is received by a public body, the head of the public body may transfer the request and, if necessary, the record to another public body if

- (a) the record was produced by or for the other public body,
- (b) the other public body was the first to obtain the record, or
- (c) the record is in the custody or under the control of the other public body.

(2) If a request is transferred under subsection (1),

- (a) the head of the public body who transferred the request must notify the applicant of the transfer as soon as possible, and
- (b) the head of the public body to which the request is transferred must make every reasonable effort to respond to the request not later than 30 days after receiving the request unless that time limit is extended under section 14.

1994 cF-18.5 s14;1995 c17 s7

Request under section 7 deemed to be a request under HIA

15.1(1) If a request is made under section 7(1) for access to a record that contains information to which the *Health Information Act* applies, the part of the request that relates to that information is deemed to be a request under section 8(1) of the *Health Information Act* and that Act applies as if the request had been made under section 8(1) of that Act.

(2) Subsection (1) does not apply if the public body that receives the request is not a custodian as defined in the *Health Information Act*.

RSA 2000 cH-5 s114

Division 2

Exceptions to Disclosure

Disclosure harmful to business interests of a third party

16(1) The head of a public body must refuse to disclose to an applicant information

- (a) that would reveal
 - (i) trade secrets of a third party, or
 - (ii) commercial, financial, labour relations, scientific or technical information of a third party,
- (b) that is supplied, explicitly or implicitly, in confidence, and
- (c) the disclosure of which could reasonably be expected to
 - (i) harm significantly the competitive position or interfere significantly with the negotiating position of the third party,
 - (ii) result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied,
 - (iii) result in undue financial loss or gain to any person or organization, or
 - (iv) reveal information supplied to, or the report of, an arbitrator, mediator, labour relations officer or other person or body appointed to resolve or inquire into a labour relations dispute.

(2) The head of a public body must refuse to disclose to an applicant information about a third party that was collected on a tax return or collected for the purpose of determining tax liability or collecting a tax.

(3) Subsections (1) and (2) do not apply if

- (a) the third party consents to the disclosure,
- (b) an enactment of Alberta or Canada authorizes or requires the information to be disclosed,

- (c) the information relates to a non-arm's length transaction between a public body and another party, or
- (d) the information is in a record that is in the custody or under the control of the Provincial Archives of Alberta or the archives of a public body and has been in existence for 50 years or more.

RSA 2000 cF-25 s16;2003 c21 s4

Disclosure harmful to personal privacy

17(1) The head of a public body must refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy.

(2) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy if

- (a) the third party has, in the prescribed manner, consented to or requested the disclosure,
- (b) there are compelling circumstances affecting anyone's health or safety and written notice of the disclosure is given to the third party,
- (c) an Act of Alberta or Canada authorizes or requires the disclosure,
- (d) repealed 2003 c21 s5,
- (e) the information is about the third party's classification, salary range, discretionary benefits or employment responsibilities as an officer, employee or member of a public body or as a member of the staff of a member of the Executive Council,
- (f) the disclosure reveals financial and other details of a contract to supply goods or services to a public body,
- (g) the information is about a licence, permit or other similar discretionary benefit relating to
 - (i) a commercial or professional activity, that has been granted to the third party by a public body, or
 - (ii) real property, including a development permit or building permit, that has been granted to the third party by a public body,

and the disclosure is limited to the name of the third party and the nature of the licence, permit or other similar discretionary benefit,

- (h) the disclosure reveals details of a discretionary benefit of a financial nature granted to the third party by a public body,
- (i) the personal information is about an individual who has been dead for 25 years or more, or
- (j) subject to subsection (3), the disclosure is not contrary to the public interest and reveals only the following personal information about a third party:
 - (i) enrolment in a school of an educational body or in a program offered by a post-secondary educational body,
 - (ii) repealed 2003 c21 s5,
 - (iii) attendance at or participation in a public event or activity related to a public body, including a graduation ceremony, sporting event, cultural program or club, or field trip, or
 - (iv) receipt of an honour or award granted by or through a public body.

(3) The disclosure of personal information under subsection (2)(j) is an unreasonable invasion of personal privacy if the third party whom the information is about has requested that the information not be disclosed.

(4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if

- (a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation,
- (b) the personal information is an identifiable part of a law enforcement record, except to the extent that the disclosure is necessary to dispose of the law enforcement matter or to continue an investigation,
- (c) the personal information relates to eligibility for income assistance or social service benefits or to the determination of benefit levels,
- (d) the personal information relates to employment or educational history,

- (e) the personal information was collected on a tax return or gathered for the purpose of collecting a tax,
 - (e.1) the personal information consists of an individual's bank account information or credit card information,
 - (f) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations,
 - (g) the personal information consists of the third party's name when
 - (i) it appears with other personal information about the third party, or
 - (ii) the disclosure of the name itself would reveal personal information about the third party,
- or
- (h) the personal information indicates the third party's racial or ethnic origin or religious or political beliefs or associations.

(5) In determining under subsections (1) and (4) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body must consider all the relevant circumstances, including whether

- (a) the disclosure is desirable for the purpose of subjecting the activities of the Government of Alberta or a public body to public scrutiny,
- (b) the disclosure is likely to promote public health and safety or the protection of the environment,
- (c) the personal information is relevant to a fair determination of the applicant's rights,
- (d) the disclosure will assist in researching or validating the claims, disputes or grievances of aboriginal people,
- (e) the third party will be exposed unfairly to financial or other harm,
- (f) the personal information has been supplied in confidence,
- (g) the personal information is likely to be inaccurate or unreliable,

- (h) the disclosure may unfairly damage the reputation of any person referred to in the record requested by the applicant, and
- (i) the personal information was originally provided by the applicant.

RSA 2000 cF-25 s17;2003 c21 s5

Disclosure harmful to individual or public safety

18(1) The head of a public body may refuse to disclose to an applicant information, including personal information about the applicant, if the disclosure could reasonably be expected to

- (a) threaten anyone else's safety or mental or physical health, or
- (b) interfere with public safety.

(2) The head of a public body may refuse to disclose to an applicant personal information about the applicant if, in the opinion of a physician, a regulated member of the College of Alberta Psychologists or a psychiatrist or any other appropriate expert depending on the circumstances of the case, the disclosure could reasonably be expected to result in immediate and grave harm to the applicant's health or safety.

(3) The head of a public body may refuse to disclose to an applicant information in a record that reveals the identity of an individual who has provided information to the public body in confidence about a threat to an individual's safety or mental or physical health.

RSA 2000 cF-25 s18;2000 cH-7 s153

Confidential evaluations

19(1) The head of a public body may refuse to disclose to an applicant personal information that is evaluative or opinion material compiled for the purpose of determining the applicant's suitability, eligibility or qualifications for employment or for the awarding of contracts or other benefits by a public body when the information is provided, explicitly or implicitly, in confidence.

(2) The head of a public body may refuse to disclose to an applicant personal information that identifies or could reasonably identify a participant in a formal employee evaluation process concerning the applicant when the information is provided, explicitly or implicitly, in confidence.

(3) For the purpose of subsection (2), "participant" includes a peer, subordinate or client of an applicant, but does not include the applicant's supervisor or superior.

1994 cF-18.5 s18;1999 c23 s11

Disclosure harmful to law enforcement

20(1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to

- (a) harm a law enforcement matter,
- (b) prejudice the defence of Canada or of any foreign state allied to or associated with Canada,
- (b.1) disclose activities suspected of constituting threats to the security of Canada within the meaning of the *Canadian Security Intelligence Service Act* (Canada),
- (c) harm the effectiveness of investigative techniques and procedures currently used, or likely to be used, in law enforcement,
- (d) reveal the identity of a confidential source of law enforcement information,
- (e) reveal criminal intelligence that has a reasonable connection with the detection, prevention or suppression of organized criminal activities or of serious and repetitive criminal activities,
- (f) interfere with or harm an ongoing or unsolved law enforcement investigation, including a police investigation,
- (g) reveal any information relating to or used in the exercise of prosecutorial discretion,
- (h) deprive a person of the right to a fair trial or impartial adjudication,
- (i) reveal a record that has been confiscated from a person by a peace officer in accordance with a law,
- (j) facilitate the escape from custody of an individual who is being lawfully detained,
- (k) facilitate the commission of an unlawful act or hamper the control of crime,
- (l) reveal technical information relating to weapons or potential weapons,
- (m) harm the security of any property or system, including a building, a vehicle, a computer system or a communications system, or

- (n) reveal information in a correctional record supplied, explicitly or implicitly, in confidence.
- (2) Subsection (1)(g) does not apply to information that has been in existence for 10 years or more.
- (3) The head of a public body may refuse to disclose information to an applicant if the information
 - (a) is in a law enforcement record and the disclosure could reasonably be expected to expose to civil liability the author of the record or an individual who has been quoted or paraphrased in the record, or
 - (b) is about the history, supervision or release of an individual who is under the control or supervision of a correctional authority and the disclosure could reasonably be expected to harm the proper custody or supervision of that person.
- (4) The head of a public body must refuse to disclose information to an applicant if the information is in a law enforcement record and the disclosure would be an offence under an Act of Canada.
- (5) Subsections (1) and (3) do not apply to
 - (a) a report prepared in the course of routine inspections by an agency that is authorized to enforce compliance with an Act of Alberta, or
 - (b) a report, including statistical analysis, on the degree of success achieved in a law enforcement program unless disclosure of the report could reasonably be expected to interfere with or harm any of the matters referred to in subsection (1) or (3).
- (6) After a police investigation is completed, the head of a public body may disclose under this section the reasons for a decision not to prosecute
 - (a) to a person who knew of and was significantly interested in the investigation, including a victim or a relative or friend of a victim, or
 - (b) to any other member of the public, if the fact of the investigation was made public.

RSA 2000 cF-25 s20;2002 c32 s7

Disclosure harmful to intergovernmental relations

21(1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to

- (a) harm relations between the Government of Alberta or its agencies and any of the following or their agencies:
 - (i) the Government of Canada or a province or territory of Canada,
 - (ii) a local government body,
 - (iii) an aboriginal organization that exercises government functions, including
 - (A) the council of a band as defined in the *Indian Act* (Canada), and
 - (B) an organization established to negotiate or implement, on behalf of aboriginal people, a treaty or land claim agreement with the Government of Canada,
 - (iv) the government of a foreign state, or
 - (v) an international organization of states,
- or
- (b) reveal information supplied, explicitly or implicitly, in confidence by a government, local government body or an organization listed in clause (a) or its agencies.

(2) The head of a public body may disclose information referred to in subsection (1)(a) only with the consent of the Minister in consultation with the Executive Council.

(3) The head of a public body may disclose information referred to in subsection (1)(b) only with the consent of the government, local government body or organization that supplies the information, or its agency.

(4) This section does not apply to information that has been in existence in a record for 15 years or more.

1994 cF-18.5 s20;1995 c17 s9;1999 c23 s13

Cabinet and Treasury Board confidences

22(1) The head of a public body must refuse to disclose to an applicant information that would reveal the substance of

deliberations of the Executive Council or any of its committees or of the Treasury Board or any of its committees, including any advice, recommendations, policy considerations or draft legislation or regulations submitted or prepared for submission to the Executive Council or any of its committees or to the Treasury Board or any of its committees.

(2) Subsection (1) does not apply to

- (a) information in a record that has been in existence for 15 years or more,
- (b) information in a record of a decision made by the Executive Council or any of its committees on an appeal under an Act, or
- (c) information in a record the purpose of which is to present background facts to the Executive Council or any of its committees or to the Treasury Board or any of its committees for consideration in making a decision if
 - (i) the decision has been made public,
 - (ii) the decision has been implemented, or
 - (iii) 5 years or more have passed since the decision was made or considered.

1994 cF-18.5 s21

Local public body confidences

23(1) The head of a local public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to reveal

- (a) a draft of a resolution, bylaw or other legal instrument by which the local public body acts, or
- (b) the substance of deliberations of a meeting of its elected officials or of its governing body or a committee of its governing body, if an Act or a regulation under this Act authorizes the holding of that meeting in the absence of the public.

(2) Subsection (1) does not apply if

- (a) the draft of the resolution, bylaw or other legal instrument or the subject-matter of the deliberation has been considered in a meeting open to the public, or

- (b) the information referred to in that subsection is in a record that has been in existence for 15 years or more.

1994 cF-18.5 s22

Advice from officials

24(1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to reveal

- (a) advice, proposals, recommendations, analyses or policy options developed by or for a public body or a member of the Executive Council,
- (b) consultations or deliberations involving
 - (i) officers or employees of a public body,
 - (ii) a member of the Executive Council, or
 - (iii) the staff of a member of the Executive Council,
- (c) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the Government of Alberta or a public body, or considerations that relate to those negotiations,
- (d) plans relating to the management of personnel or the administration of a public body that have not yet been implemented,
- (e) the contents of draft legislation, regulations and orders of members of the Executive Council or the Lieutenant Governor in Council,
- (f) the contents of agendas or minutes of meetings
 - (i) of the governing body of an agency, board, commission, corporation, office or other body that is designated as a public body in the regulations, or
 - (ii) of a committee of a governing body referred to in subclause (i),
- (g) information, including the proposed plans, policies or projects of a public body, the disclosure of which could reasonably be expected to result in disclosure of a pending policy or budgetary decision, or

- (h) the contents of a formal research or audit report that in the opinion of the head of the public body is incomplete unless no progress has been made on the report for at least 3 years.

(2) This section does not apply to information that

- (a) has been in existence for 15 years or more,
- (b) is a statement of the reasons for a decision that is made in the exercise of a discretionary power or an adjudicative function,
- (c) is the result of product or environmental testing carried out by or for a public body, that is complete or on which no progress has been made for at least 3 years, unless the testing was done
 - (i) for a fee as a service to a person other than a public body, or
 - (ii) for the purpose of developing methods of testing or testing products for possible purchase,
- (d) is a statistical survey,
- (e) is the result of background research of a scientific or technical nature undertaken in connection with the formulation of a policy proposal, that is complete or on which no progress has been made for at least 3 years,
- (f) is an instruction or guideline issued to the officers or employees of a public body, or
- (g) is a substantive rule or statement of policy that has been adopted by a public body for the purpose of interpreting an Act or regulation or administering a program or activity of the public body.

(2.1) The head of a public body must refuse to disclose to an applicant

- (a) a record relating to an audit by the Chief Internal Auditor of Alberta that is created by or for the Chief Internal Auditor of Alberta, or
- (b) information that would reveal information about an audit by the Chief Internal Auditor of Alberta.

(2.2) Subsection (2.1) does not apply to a record or information described in that subsection

- (a) if 15 years or more has elapsed since the audit to which the record or information relates was completed, or
 - (b) if the audit to which the record or information relates was discontinued or if no progress has been made on the audit for 15 years or more.
- (3) In this section, "audit" means a financial or other formal and systematic examination or review of a program, portion of a program or activity.

RSA 2000 cF-25 s24;2006 c17 s5

**Disclosure harmful to economic and other interests
of a public body**

25(1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to harm the economic interest of a public body or the Government of Alberta or the ability of the Government to manage the economy, including the following information:

- (a) trade secrets of a public body or the Government of Alberta;
 - (b) financial, commercial, scientific, technical or other information in which a public body or the Government of Alberta has a proprietary interest or a right of use and that has, or is reasonably likely to have, monetary value;
 - (c) information the disclosure of which could reasonably be expected to
 - (i) result in financial loss to,
 - (ii) prejudice the competitive position of, or
 - (iii) interfere with contractual or other negotiations of,the Government of Alberta or a public body;
 - (d) information obtained through research by an employee of a public body, the disclosure of which could reasonably be expected to deprive the employee or the public body of priority of publication.
- (2)** The head of a public body must not refuse to disclose under subsection (1) the results of product or environmental testing carried out by or for a public body, unless the testing was done
- (a) for a fee as a service to a person, other than the public body, or

- (b) for the purpose of developing methods of testing or testing products for possible purchase.

1994 cF-18.5 s24;1999 c23 s15

Testing procedures, tests and audits

26 The head of a public body may refuse to disclose to an applicant information relating to

- (a) testing or auditing procedures or techniques,
- (b) details of specific tests to be given or audits to be conducted, or
- (c) standardized tests used by a public body, including intelligence tests,

if disclosure could reasonably be expected to prejudice the use or results of particular tests or audits.

1994 cF-18.5 s25;1999 c23 s16

Privileged information

27(1) The head of a public body may refuse to disclose to an applicant

- (a) information that is subject to any type of legal privilege, including solicitor-client privilege or parliamentary privilege,
- (b) information prepared by or for
 - (i) the Minister of Justice,
 - (ii) an agent or lawyer of the Minister of Justice, or
 - (iii) an agent or lawyer of a public body,in relation to a matter involving the provision of legal services, or

- (c) information in correspondence between

- (i) the Minister of Justice,
 - (ii) an agent or lawyer of the Minister of Justice, or
 - (iii) an agent or lawyer of a public body,

and any other person in relation to a matter involving the provision of advice or other services by the Minister of Justice and Solicitor General or by the agent or lawyer.

(2) The head of a public body must refuse to disclose information described in subsection (1)(a) that relates to a person other than a public body.

(3) Only the Speaker of the Legislative Assembly may determine whether information is subject to parliamentary privilege.

RSA 2000 cF-25 s27;2013 c10 s34;
2022 c21 s32

Disclosure harmful to the conservation of heritage sites, etc.

28 The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to result in damage to or interfere with the conservation of

(a) any historic resource as defined in the *Historical Resources Act*, or

(b) any rare, endangered, threatened or vulnerable form of life.

1994 cF-18.5 s27;1995 c17 s11

Information that is or will be available to the public

29(1) The head of a public body may refuse to disclose to an applicant information

(a) that is readily available to the public,

(a.1) that is available for purchase by the public, or

(b) that is to be published or released to the public within 60 days after the applicant's request is received.

(2) The head of a public body must notify an applicant of the publication or release of information that the head has refused to disclose under subsection (1)(b).

(3) If the information is not published or released within 60 days after the applicant's request is received, the head of the public body must reconsider the request as if it were a new request received on the last day of that period, and access to the information requested must not be refused under subsection (1)(b).

RSA 2000 cF-25 s29;2003 c21 s6

Division 3

Third Party Intervention

Notifying the third party

30(1) When the head of a public body is considering giving access to a record that may contain information

(a) that affects the interests of a third party under section 16, or

- (b) the disclosure of which may be an unreasonable invasion of a third party's personal privacy under section 17,

the head must, where practicable and as soon as practicable, give written notice to the third party in accordance with subsection (4).

(1.1) Subsection (1) does not apply to information that the head of a public body may refuse to disclose in accordance with section 29.

(2) Subsection (1) does not apply to a record containing information described in section 17(2)(j).

(3) If the head of a public body does not intend to give access to a record that contains information excepted from disclosure under section 16 or 17, the head may give written notice to the third party in accordance with subsection (4).

(4) A notice under this section must

- (a) state that a request has been made for access to a record that may contain information the disclosure of which would affect the interests or invade the personal privacy of the third party,
- (b) include a copy of the record or part of it containing the information in question or describe the contents of the record, and
- (c) state that, within 20 days after the notice is given, the third party may, in writing, consent to the disclosure or make representations to the public body explaining why the information should not be disclosed.

(5) When notice is given under subsection (1), the head of the public body must also give the applicant a notice stating that

- (a) the record requested by the applicant may contain information the disclosure of which would affect the interests or invade the personal privacy of a third party,
- (b) the third party is being given an opportunity to make representations concerning disclosure, and
- (c) a decision will be made within 30 days after the day notice is given under subsection (1).

RSA 2000 cF-25 s30;2003 c21 s7

Time limit and notice of decision

31(1) Within 30 days after notice is given pursuant to section 30(1) or (2), the head of the public body must decide whether to



**COUNCIL
REQUEST FOR DECISION**

MEETING DATE:	January 29, 2025	PRESENTED BY:	Kylie Rude, CAO
TITLE:	Facility Use Policy		
AGENDA ITEM:	9.4		

BACKGROUND/ PROPOSAL

Administration has prepared the attached Facility Use Policy to enable 24/7 access of the fitness centre now that the keyless entry system (fobs) are up and running.

Administration has full control over the fobs through a software system and can set restrictions accordingly.

Furthermore, security cameras (that were purchased in 2023/2024 and not utilized) will be put up to enhance the surveillance.

RECOMMENDED ACTION

That Facility Use Policy #010 be approved as presented.



Duck Stop/Fitness Centre; Facility Use Policy #010

Date of Approval by Council:	
Resolution Number	

Signature of Approval of CAO: _____

Purpose

This policy establishes the rules and requirements for utilizing the fitness centre in the Village of Andrew's Duck Stop.

Definitions

"Duck Stop" means the public use areas located at the Village Office, 5021 50 Street, including the multi-purpose room, fitness centre, bowling alley, mezzanine and other common areas.

"Fob" means the physical technology utilized for the purpose of providing keyless entry.

Procedures

1. The fitness centre is open 24/7 and can be accessed outside of the regular Village Office and Duck Stop hours, provided that the user obtains an annual membership with fob access, in accordance with the Village Fees and Charges Bylaw.
2. Children are not permitted to utilize the fitness centre outside of the regular Village Office and Duck Stop hours.
3. Teens may only utilize the fitness centre after hours (24/7) if an adult or senior accompanies them and purchases a "yearly unlimited use pass 24/7."
4. The showers and washrooms will be accessible 24/7 for annual membership users with fob access.
5. All those who purchase an annual membership with fob access are required to sign a liability waiver prior to being provided a fob.
6. Video surveillance will be monitored regularly and if any facility user causes damage, demonstrates violence, or acts in a way that is unsafe towards themselves or others, that user may be banned from using the facility as determined by the Chief Administrative Officer.
7. All fobs must be returned at the end of membership, if not being renewed. If a fob is damaged, lost or not returned, a \$50 charge will be issued to replace the fob.



**COUNCIL
REQUEST FOR DECISION**

MEETING DATE:	January 29, 2025	PRESENTED BY:	Kylie Rude, CAO
TITLE:	Snow Clearing Policy		
AGENDA ITEM:	9.5		

BACKGROUND/ PROPOSAL

Following the January 13 Lunch & Learn regarding snow removal strategies and service standards, Administration has prepared the attached Snow Removal Policy, taking into consideration suggestions and comments provided by Council.

Having this policy in place will assist Administration in being able to budget for equipment and manpower in order to meet the service level expected.

RECOMMENDED ACTION

That Snow Clearing Policy #009 be approved as presented.



Snow Clearing Policy #009

Date of Approval by Council:	
Resolution Number	

Signature of Approval of CAO: _____

Purpose

This policy establishes the standards for the clearing of snow and ice from streets and alleys within the Village of Andrew.

Procedures

1) Priorities

Priority Area 1	Emergency Access – Vicinity of the ambulance and fire hall	Strive for completion within 24-48 hours
Priority Area 2	Downtown Commercial Zone (51 St from 50 th Ave to 53 rd Ave; and 50 th Ave from 50 th St to 53 rd St)	Strive for completion within 24-48 hours
Priority Area 3	School and School Bus Routes; Truck Routes	Strive for completion within 24-48 hours
Priority Area 4	Residential driveway access - Remove excess snow/windrows along highway 855 left by Alberta Transportation contractor	Strive for completion within 48-72 hours
Priority Area 5	Residential roads	Strive for completion within 72 hours
Priority Area 6	Back alleys	Strive for completion within 120 hours

In the event that the Village is notified of a funeral at the Andrew Community Centre, priority may be changed at the direction of the CAO.

- 2) Snow on highway - Alberta Transportation contractors (ie: Emcon) are responsible for clearing the snow on all highways.

3) Guidelines

Snow accumulation shall be cleared as follows:

- Snow accumulation of up to 10 cm shall be allowed to pack so as to insulate from frost penetration
- Snow accumulation in excess of 10 cm shall be cleared into a windrow down the middle of the roadway; where a windrow crosses an intersection, whether it be roadway or alleyway, there will be a windrow for access.
- Snow clearing shall be limited to the roadways and alleys.
- Snow removal shall commence only after all roadways are passable and when manpower and equipment are available.
- Where possible, snow removal will begin prior to 8:00 am.
- When snow removal activities require vehicles to be moved off of roadways, signage will be posted and snow clearing notices will be posted on the Village website and social media account(s).



**COUNCIL
REQUEST FOR DECISION**

MEETING DATE:	January 29, 2025	PRESENTED BY:	Kylie Rude, CAO
TITLE:	Appointment of Returning Officer and Substitute Returning Officer		
AGENDA ITEM:	9.6		

BACKGROUND/ PROPOSAL

In preparation for the 2025 Municipal Election, Council must appoint a returning officer and substitute returning officer.

Reminders: nomination day is September 22 and Election day is October 20, 2025.

Candidate information is currently being developed by administration to align with changes to Municipal Government Act and the Local Authorities Election Act.

RECOMMENDED ACTION

That Kylie Rude be appointed as returning officer for the Village of Andrew's 2025 municipal election.

That Jennifer Nestman be appointed as substitute returning officer for the Village of Andrew's 2025 municipal election.

Agenda for Spring 2025 Municipal Leaders' Caucus
March 6 and 7, 2025
Westin Hotel, 10135-100 Street NW, Edmonton
Subject to Change

Thursday, March 6	
8:30 a.m.	Registration and Breakfast/CAO Breakfast
9:30 a.m.	President's Opening Remarks and Transition from President's Summit
9:35 a.m.	Minister of Municipal Affairs' Remarks
9:50 a.m.	Update from Federation of Canadian Municipalities
9:55 a.m.	Update from Rural Municipalities of Alberta
10:00 a.m.	Break
10:20 a.m.	Plenary Session on Potential Impacts of Trump Presidency
11:20 a.m.	Plenary Session on Resources for Municipal Election
11:50 a.m.	Opposition Leader's Remarks
12:00 p.m.	Lunch
1:00 p.m.	Municipal Breakout Sessions: <ul style="list-style-type: none"> • Cities • Towns • Villages and Summer Villages
2:20 p.m.	Premier's Remarks
2:35 p.m.	Ministers Dialogue Session I
3:35 p.m.	Break
3:45 p.m.	Ministers Dialogue Session II
4:45 p.m.	Closing Remarks
5:00 - 6:30 p.m.	Ministers' Reception sponsored by RMRF

Friday, March 7	
8:00 a.m.	Registration and Breakfast
9:00 a.m.	Plenary Session on Municipal Finance Research Project
9:25 a.m.	Plenary Session on Resolutions
9:50 a.m.	Requests for Decision
10:05 a.m.	President's Report and Update from AMSC
10:30 a.m.	Break
10:45 a.m.	Plenary Session on Policing
11:45 a.m.	Closing Remarks and Lunch to Go