

**Town of Bon Accord**  
**AGENDA**  
**Council Briefing Committee Meeting**  
**February 9, 2022 6:00 p.m.**  
Virtual Meeting  
Live streamed on Bon Accord YouTube Channel

- 1. CALL TO ORDER**
- 2. ADOPTION OF AGENDA**
- 3. UNFINISHED BUSINESS**
  - 3.1. EV Charging Station Program Update (no enclosure)
- 4. NEW BUSINESS**
  - 4.1. Procedural Bylaw Amendments (enclosure)
  - 4.2. Legal Review: Bylaw Officer Bylaw (enclosure)
  - 4.3. Public Engagement Sessions (enclosure)
  - 4.4. Volunteer Recognition Policies (enclosure)
- 5. CLOSED SESSION**
  - 5.1. Micro Cannabis Development Update – FOIP Act – 16(1)(a)(ii), (b) & (c)(i)(ii)(iii)  
Disclosure harmful to business interests of a third party
  - 5.2. Resident Request – *FOIP Act 17(1) Disclosure harmful to personal privacy and 24(1)(a)&(c) – Advice from officials*
  - 5.3. Strategic Plan Draft – *FOIP Act – 24(1)(a) Advice from officials*
- 6. ADJOURNMENT**

**TOWN OF BON ACCORD**  
**COUNCIL BRIEFING REPORT**

<b>Meeting:</b>	Council Briefing Committee Meeting
<b>Meeting Date:</b>	February 09 <sup>th</sup> , 2022
<b>Presented by:</b>	Jodi Brown Town Manager/CAO
<b>Title:</b>	Procedural Bylaw Proposed Amendments
<b>Agenda Item No.</b>	4.1

The Procedural Bylaw was last reviewed in January 2021.

Over the past few months, it has become evident that a few areas of the bylaw need to be reviewed or amended.

The recommended revisions include:

- Addition of the agenda items for Organizational Meetings
- Some re-organization of the content of the bylaw and update to our current bylaw format
- The addition of the clause regarding process for amendment and adoption of the agenda as amended; new clause reflects current practice
- A couple of areas needing better clarity as shown in the attached draft.
- Revision of Chief Administrative Officer title to Town Manager
- Definition of Councillors as including both the Mayor and Councillors or revise definition to Member of Council and revise the bylaw to reflect this terminology consistently (highlighted yellow/changed red)
- A few minor revisions to Schedule A Revisions (Council Briefing Committee Meetings) including addition of timeframe for the meeting (6-9 pm) and to set a specific day each month for this meeting (4<sup>th</sup> Tuesday each month from 6-9 pm for example).

The enclosed draft is only preliminary. The final draft will be presented to Council for first reading at a later date.

Council may also choose to develop an Administrative Briefing Policy and remove the Council Briefing Committee (Schedule A) from the Procedural Bylaw. In this case, the Administrative Briefing Policy meetings would not be public as this would not be classified as a Council Committee meeting. Additionally, these meetings do not move forward the business of Council. The purpose is only to provide a forum for the CAO to share information. Although, this is an acceptable option within legislation, it is not recommended by Administration unless Council chooses to direct otherwise during the amendment process.

## **STRATEGIC ALIGNMENT**

Town of Bon Accord Vision, Mission, Values Statement

- **TRANSPARENCY** – open and accountable to our residents and encourage open communications.
- **PROFESSIONALISM** – administration and Council manage the affairs of Bon Accord in a competent, reliable manner, to maintain a safe and prosperous community to work and live.

## **COSTS/SOURCES OF FUNDING**

N/A

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**A BYLAW OF THE TOWN OF BON ACCORD, IN THE PROVINCE OF ALBERTA, TO REGULATE THE PROCEDURE  
AND CONDUCT OF COUNCIL AND COUNCIL COMMITTEE MEETINGS**

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**WHEREAS**, the *Municipal Government Act* provides that Council may make rules and regulations for calling meetings, governing its proceedings and the conduct of its members, appointment committees and generally for the transaction of business.

**WHEREAS**, the Council of the Town of Bon Accord considers it expedient and desirable for effective governance to regulate the procedure and conduct of council, councillors and others attending council and council committee meetings in the Town of Bon Accord.

**NOW THEREFORE**, the Council of the Town of Bon Accord **duly assembled**, in the Province of Alberta, ~~duly~~ **hereby** enacts as follows:

This bylaw shall be cited as the **“Procedural Bylaw”** of the Town of Bon Accord

**1. DEFINITIONS**

1.1 “Act” means the Municipal Government Act, R.S.A. 2000,c. M-26, any regulations thereunder, and any amendments or successor legislation thereto.

1.2 **Council Briefing Committee** means a committee comprised of all members of Council which conducts itself as a Committee of Council to discuss emerging issues as per Schedule A, with no provision for resolutions of Council except to move in and out of Closed Session pursuant to the *Municipal Government Act* and *Freedom of Information and Protection of Privacy Act*.

1.3 “Councillor” means a member of Council including the Mayor elected pursuant to the provisions of the *Local Authorities Election Act*.

~~1.4 “Delegation” means any person that has permission of Council to appear before Council or committee of council the Council Briefing Committee to provide pertinent information and views about the subject before council or council committee. (move to alphabetical order)~~

~~1.5 “CAO” means the Chief Administrative Officer or his/her delegate, for the Municipality.~~

1.4 “Closed Session” is a Council or **Council** Committee session which is held in private **and strict confidence pursuant to the *Municipal Government Act* and *Freedom of Information and Protection of Privacy Act*** and may include any person or persons invited to attend by Council, Committee or **Board members**. ~~Matters discussed in closed session are confidential until discussed in a public session as per the MGA and FOIP Act.~~

1.5 “Delegation” means any person that has permission of Council to appear before Council or committee of council **the Council Briefing Committee** to provide pertinent information and views about the subject before council or council committee.

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~~“Municipality” means the Town of Bon Accord, a municipal corporation of the Province of Alberta and includes the area contained within the boundaries of the Municipality.~~

- 1.6 “Notice of Motion” is the means by which a Councillor may bring a topic before Council.
- 1.7 “Point of Order” means an infraction of the rules or improper decorum in speaking.
- 1.8 “Point of Privilege” means that an interruption may occur only if necessary.
- 1.9 “Presiding Officer” means the Mayor or other Councillor as appointed by the Mayor, or in the absence of the Mayor or Deputy Mayor, Council may appoint a Presiding Officer **to chair the meeting proceedings.**
- 1.10 “Quorum” is a majority of Council members available in person, teleconference, video conference or via online attendance where p
- 1.11 “Recording Secretary” means the individual recording the proceedings of the meeting.
- 1.12 “Special Resolution” is a resolution passed by a two-thirds majority of all Council members or two thirds of all members of a ~~Committee~~ **the Council Briefing Committee.**
- 1.13 “Town” means the municipal corporation of the Town of Bon Accord.
- 1.14 “Town Manager” means the Chief Administrative Officer appointed by Council or designate.

## **2. APPLICATION**

- 2.1 This Bylaw shall govern the proceedings of Council, ~~and the Council Briefing Committees and Boards~~ established by Council and shall be binding upon all Councillors ~~and Board members~~ **Committee members whether Councillors or Members at Large unless otherwise established by Bylaw or statute.**
- 2.2 If a question relating to the procedures of Council, the Council Briefing Committee or Board is not answered by this Bylaw, the answer to the question is to be determined by referring to the most recent revision of Robert’s Rules of Order, Newly Revised.
- 2.3 In the absence of any statutory obligation, any provision of the Bylaw may be waived by Special Resolution of Council in favour of dealing with the matter under consideration.
- 2.4 A resolution waiving any portion of this Bylaw as provided for in Section 2.3 shall only be effective for the meeting during which it is passed.

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2.5 When any matters relating to the meeting procedures is not addressed in this Bylaw, the law of the Government of Alberta shall be followed and in such cases the decision of the Mayor or other Presiding Officer shall be final and accepted without debate.

**3. SEVERABILITY**

3.1 If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of the bylaw is deemed valid.

**4. ORGANIZATIONAL MEETING**

4.1 The Council of the Town of Bon Accord shall hold its annual Organizational Meeting pursuant to the Municipal Government Act.

4.2 The agenda for the Organizational Meeting shall include the following:

4.3 In the case of the first meeting following a general municipal election the Mayor must take the Oath of Office of Mayor and every Councillor must take the Oath of Office of Councillor;

4.4 in the case of the first meeting following a general municipal election a Resolution is to be placed before Council for the appointment and election of the Deputy Mayor;

4.5 appoint the membership on Council Committees, Boards and Commissions;

4.6 establish the signing authority for all banking matters;

4.7 any such other business as is required by Council or the Municipal Government Act (i.e. appointment of auditor, engineer or legal counsel).

**5. DEPUTY MAYOR**

5.1 The position of Deputy Mayor shall be twelve (12) months in duration, or as otherwise directed as by Council and each member of Council may serve one term, to be determined at the first organizational meeting following the election, or as required.

**6. REGULAR, SPECIAL AND OTHER COUNCIL MEETING PROCEDURES MEETINGS**

~~5.1 The regular meetings of council shall be established by resolution of Council at its annual organizational meeting.~~ THIS IS ESTABLISHED BELOW IN YOUR PROCEDURAL BYLAW— DOES THIS NEED TO BE DONE AT THE ORGANIZATIONAL MEETING?

6.1 Regular Meetings of Council will be held on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of each month, unless otherwise posted. The 1<sup>st</sup> meeting of the month shall commence at 7pm and stands to adjourn no later than 10:30pm unless Council passes a motion to extend the meeting by unanimous consent. Such a motion must be passed no later than 10:00pm. The 2<sup>nd</sup> meeting of the month shall commence at 8:30am and stand to adjourn no later than 12pm unless Council passes a motion to extend the meeting by unanimous consent. Such a motion must be passed no later than 11:30am.

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- 6.2** Council meetings shall be held either in the Council Chambers of the Town Office or under extenuating circumstances, may be held virtually.
- 6.3** As soon as there is a Quorum of Council after the hour fixed for the meeting, the presiding officer must take the chair and begin the meeting.
- 6.4** Unless a Quorum is present within thirty (30) minutes after the time appointed for the meeting, the meeting will stand adjourned until the next regular meeting date or until a Special Meeting is called to deal with the matters intended to be dealt with at the adjourned meeting. The Recording Secretary shall record the names of the Members of Council present at the expiration of the 30 minutes time limit.
- 6.5** Council may change the time, date or location of any meeting by Special Resolution and any Committees may change the time, date or location of any of its meetings provided that in both cases at least twenty-four (24) hours notice of the change is given to the public.
- 6.6** Despite the above 5.5 the Mayor may call a Council meeting on shorter notice and without providing notice to the public provided all Council Members are notified of the meeting and two-thirds of Council give written consent to hold the meeting before the meeting begins. No business other than that stated in the notice shall be considered at any meeting described in this Section unless all the Members of Council are present, in which case, by unanimous consent, any other business may be transacted.
- 6.7** The regular meetings of council shall be voice recorded for the purpose of minute preparation.
- 6.8** The meetings of council committees shall be established by resolution of each committee and the public must be given notice or advertised as required by the provisions of the Municipal Government Act.
- 6.9** The Mayor may appoint another member of Council as Presiding Officer. The appointment must include a specified period of time which shall not exceed eight (8) consecutive weeks if the Mayor is absent.

**7. GENERAL PROCEEDINGS OF MEETINGS**

- 7.1** Council must vote to adopt the agenda prior to transacting other business and **may prior to the agenda approval:**
  - 7.1.1** add new items to the agenda but only by Special Resolution; or
  - 7.1.2** delete any matter from the agenda but only by Special Resolution **for each deleted item. And in the case of additions or deletions to the agenda, after the additions or deletions are approved as required in 6.1.1 and 6.1.2, the agenda must be approved, as amended, prior to transacting other business.**
- 7.2** The minutes of each meeting must be circulated to each Member of Council prior to the meeting at which they are to be adopted. Debate on the minutes of a previous meeting is limited, to ensure that the minutes are accurate. If there are errors or omissions, Council must:
  - 7.2.1** pass a resolution to amend the minutes; and
  - 7.2.2** adopt the minutes as amended and if there are not errors or omissions, council must adopt the minutes as circulated.
- 7.3** Delegations appearing before council may be addressed by any Member of Council through the Presiding Officer, by asking the delegation or the Chief Administration Office relevant

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questions but may not debate the matter or the answers. The presentation by a delegation may only be:

- 7.3.1** received as information without debate;
- 7.3.2** referred without debate to a Committee (?) or the ~~Chief Administrative Officer~~ **Town Manager** for a report, or debated if a Special Resolution is passed to allow a motion to be made without notice;
- 7.3.3** limited to 15 minutes unless there is a Special Resolution to extend the allotted time.

**7.4** Reports from the ~~Chief Administrative Officer~~ **Town Manager** or other management personnel which request a decision by Council may be debated and Council may:

- 7.4.1** vote on the request, or
- 7.4.2** refer the request to a Committee (?) or the ~~Chief Administrative Officer~~ **Town Manager** for further investigation and report.

**7.5** Any Councilor may make a request for information to be provided to Council on any matter within the municipality's jurisdiction. The ~~Chief Administrative Officer~~ **Town Manager** or other management personnel will provide an answer to the inquiry at the next Council meeting or, if that is not possible will provide a progress report indicating when the answer to the inquiry may be expected.

**7.6** Every motion or resolution shall be stated clearly by the mover and when duly moved shall be open for consideration. After a resolution has been stated or read, it shall be deemed to be in possession of Council, but may be withdrawn by unanimous consent of the Council members present. Discussion on any motion will be limited to ten (10) minutes and at that time the Presiding Officer will call for a vote on that motion by the ~~Members of Council~~ **Councillors** present.

**7.7** Any ~~member of Council~~ **Councillors** desiring to speak shall address the remarks to the Presiding Officer, by way of hand gesture or by saying Mr. Mayor in a manner that does not interrupt conversation already in progress, confine themselves to the question and avoid personality. Should more than one-member desire to speak at the same time, the Presiding Officer shall determine who is entitled to the floor. ~~Members of Council~~ **Councillors** wishing to speak on a matter during the meeting must indicate their intention by raising their hand and any ~~Member of Council~~ **Councillors** present via telephone, shall address the Presiding Officer, by stating "I wish to speak on the matter at hand" and being recognized by the Presiding Officer. Each ~~Council member~~ **Councillor** should not speak more than once until every ~~Member of Council~~ **Councillor** has had the opportunity to speak except in the explanation of a material part of the speech which may have been misunderstood or in reply, to close debate, after everyone else wishing to speak has spoken.

**8. CONDUCT OF MEETINGS**

- 8.1** Each member or delegation, as the case may be, shall address the Presiding Officer but shall not speak until recognized by the Presiding Officer.
- 8.2** A motion does not require to be seconded.
- 8.3** Unless otherwise specifically provided in this Procedure Bylaw the following motions are debatable by Council:



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- 8.3.1** a motion arising out of any matter or thing included in the agenda for the Council meeting;
  - 8.3.2** a motion to postpone or refer;
  - 8.3.3** a motion for adoption of, rejection of, referral back or further consideration of a report to council, or a motion arising out of any matter dealt with in a report to Council;
  - 8.3.4** a motion for the second or a motion for the third reading of a Bylaw;
  - 8.3.5** a motion for an appointment or dismissal of a committee member, or referral to a committee of any matter before the Council;
  - 8.3.6** a motion for amendment to any Bylaw properly before the Council, or to any matter arising directly out of a Bylaw properly before the Council.
- 8.4** Any matter of meeting conduct, which is not herein provided for, shall be determined in accordance with “Roberts Rule of Order”.
- 8.5** Where a question under consideration contains distinct propositions, the vote upon each proposition shall be taken separately when any member so requests or when the Presiding Officer so directs.
- 8.6** Whenever the Presiding Officer is of the opinion that a motion is contrary to the rules and privileges of council, he/she shall inform the member thereof immediately, before putting the question, and shall cite his/her reasons applicable to the case without argument or comment.
- 8.7** In all cases not provided for in the proceedings of the council, a majority of council shall determine to uphold the ruling of the Presiding Officer or not as the case may be.
- 8.8** This bylaw shall not be repealed, amended or suspended except so far as the terms thereof themselves permit unless it is repealed, amended or suspended:
- a) by a bylaw unanimously passed at a regular or special meeting of the Council at which all members thereof are present; or
  - b) by a bylaw passed at a regular meeting of Council pursuant to a notice in writing given and openly announced at the preceding meeting of the council and setting out the terms of the substantial effect of the proposed bylaw.

**9. ELECTRONIC MEETING ATTENDANCE**

- 9.1** The Presiding Officer cannot use electronic means to attend a Regular Meeting of Council.
- 9.2** Electronic means cannot be used for Special Meeting of Council.
- 9.3** Quorum must be attained through physical presence at the meeting, additional members may attend through electronic means.
- 9.4** Use of attendance through electronic means is being provided to allow for periodic flexibility, attending in person must be done so at a minimum of every third meeting.
- 9.5** Electronic attendance will be conducted through the use of video conferencing, secure platforms and telephone.
- 9.6** An effective method of data transfer must be available, if attending electronically, for review and voting on bylaws, ASP's, and other documents that require council review.
- 9.7** Should connectivity of electronic means cease to exist at any point during the meeting, the attendee will be deemed absent for that portion of the meeting, just as the case when attending in person.

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- 9.8 Closed Session items cannot be discussed through electronic means.
- 9.9 When attending electronically, the attendee must obtain access to the meeting material prior to the start of the meeting through a secure means.
- 9.10 The attendee must be connected prior to the meeting being called to order.
- 9.11 Should the electronically connected member be found to be out of order, per items 11.1 and 11.2 of this bylaw, the member connection will be terminated.
- 9.12 Notwithstanding sections 8.1, 8.2, 8.3, 8.4, and 8.8 in extenuating circumstances, all meetings may be held and attended via electronic means and shared to the public via the internet. If these platforms fail or are interrupted without the ability to restore service, the meeting will be adjourned.
- 9.13 Attendees are expected to act and dress as though they are attending in person and ensure no background noise that will interfere with the meeting.

**10. AGENDAS**

- 10.1 The agenda for each regular and special meeting shall be prepared by the CAO and emailed, together with copies of all pertinent correspondence, statements and reports to Council by the end of the day on the Friday prior to each regular or Special meeting. In order to do so, the CAO shall receive all documentation prior to 4:00 pm on the Wednesday preceding the Council meeting.
- 10.2 The agenda and support materials shall be deemed to be acceptable when the agenda is adopted at the meeting.
- 10.3 The business intended to be dealt with shall be stated in an agenda per the Council Agenda policy.
- 10.4 The order of business established in the Council Agenda Policy shall apply unless altered by the Presiding Officer with no objection from members, or otherwise determined by a majority vote of the members present, and the vote upon a matter of priority of business shall be decided without debate.
- 10.5 Standing Committees of Council shall be established and governed by policy or bylaw approved by council. Where appropriate authority is delegated to a Standing committee, such committee and its mandate shall be established by bylaw.
- 10.6 Criteria for any written communication intended for Council or a Committee which reached the Chief Administrative Officer must:
  - 10.6.1 be legible and coherent
  - 10.6.2 be signed by at least one person who provides a printed name and address
  - 10.6.3 be on paper
  - 10.6.4 not be libelous, impertinent or improper.
- 10.7 If the requirements of Section 9.6 are not met the Chief Administrative Officer may file the communication unless it is deemed improper, in which case the Chief Administrative Officer must summarize the communication and inform Council that it is being withheld.

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**11. CLOSED SESSIONS**

- 11.1 Matters to be discussed which are within one of the categories of information referred to in Section 217 of the Municipal Government Act (MGA), as amended or replaced from time to time, may be considered at a closed session Meeting or portion of a meeting.
- 11.2 Council or Committee has no power at a closed session to pass any Bylaw or resolution apart from the resolution necessary to revert back to an open meeting.
- 11.3 It is the responsibility of each member to ensure closed session duties are adhered to when attending virtually to avoid any confidentiality breaches or conflicts.

**12. MAINTAINING ORDER IN COUNCIL**

**Order in Council – Council**

~~Members of Council~~ **Councillors** shall not:

- 12.1 use offensive words or un-parliamentary language in the meeting;
- 12.2 disobey the rules of the meeting or decision of the Presiding Officer or of **Members of Council** on questions of order or practice; or upon the interpretation of the rules of the meeting;
- 12.3 leave their seat or make any noise or disturbance while a vote is being taken and the result is declared;
- 12.4 interrupt a **Member of Council** while speaking, except to raise a Point of Order or Question of Privilege;
- 12.5 pass between a Member of Council who is speaking and the Presiding Officer;
- 12.6 influence or communicate with any municipal employees except the ~~Chief Administrative Officer~~ **Town Manager** or administrative personnel involved with the committee of which they are members; any other communication or inquiries must be through the Chief Administrative Officer;
- 12.7 **Members of council** who persist in a breach of the foregoing section 11, after having been called to order by the Presiding Officer, may, at the discretion of the Presiding Officer, be asked to provide a public apology;
- 12.8 A **member of Council** who wishes to leave the meeting prior to adjournment shall so advise the Presiding Officer and the time of departure and return shall be noted in the minutes.

**Order in Council – Public**

- 12.9 Only Councillors, the ~~chief administrative officer~~ **Town Manager** and those individuals authorized by the ~~Chief Administrative Officer~~ **Town Manager** may be present to address council.
- 12.10 No person in the gallery or on the floor of council chambers shall cause any disturbance, interrupt any speaker or interfere with the actions of council. The Presiding Officer may call to order any person who has created a disturbance and may expel that person from council chambers.

**13. NOTICE OF MOTION**

- 13.1 Council members may bring forward a notice of motion as an item on the agenda of a regular Council meeting. Once the Motion is stated, it will be recorded in the meeting

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minutes. A Notice of Motion must give sufficient detail so that the subject of the motion and any proposed action can be determined and should be used to give notice when an extended period of time is advisable prior to considering a subject.

- 13.2** A written copy of the Notice of Motion shall be provided to the CAO Town Manager prior to the meeting's adjournment.
- 13.3** The Notice of Motion will be placed on the next regular Council Meeting agenda that the elected official who made the Notice of Motion is present, to vote whether the matter will proceed.
- 13.4** Once approved by Council, a Notice of Motion given at a regular Council meeting will be addressed in a time frame not beyond the end of the third month from when it was presented, unless Council directs differently.
- 13.5** A Notice of Motion cannot be made at a special Council meeting.
- 13.6** A Notice on Motion is not debatable until a Council member moves the motion.

**14. VOTING – PECUNIARY INTEREST**

- 14.1** Members of Council who have a reasonable belief that they have a pecuniary interest (as defined in the Act) in any matter before Council, any committee of Council or any board, commission, committee or agency to which they are appointed as a representative or Council, shall, if present, declare and disclose the general nature of the pecuniary interest prior to any discussion of the matter, abstain from discussions or voting on any question relating to the matter and shall remove themselves from the room until the matter is concluded. The minutes shall indicate the declaration of disclosure, the time at which the Member of Council left the room and the time the Member of Council returned.

**15. RECORDED VOTE**

- 15.1** All votes will be recorded. The minutes will show the names of the councillors present and whether each councillor voted for or against the proposal or abstained.

**16. PUBLIC HEARINGS**

- 16.1** Public Hearings shall be held on the same day as the regular meeting of Council commencing at 7 pm unless otherwise set by resolution of Council, and the regular Council meeting of Council will follow immediately thereafter.
- 16.2** The conduct of any Public Hearing shall be governed by the MGA and this Bylaw.
- 16.3** Wherever possible, persons interested in speaking at a Public Hearing should register with the Council Recording Secretary prior to the Public Hearing.
- 16.4** The Presiding Officer shall declare the Public Hearing in session and shall outline Public Hearing Procedures.
- 16.5** The CAO Town Manager shall introduce the resolution or bylaw and shall briefly state the intended purpose. Department presentations shall follow the introduction of the bylaw or resolution.
- 16.6** The Presiding Officer shall request those who wish to make presentations to identify themselves. The Presiding Officer shall then open the floor to public presentations.
- 16.7** The Presiding Officer shall call upon those persons who have registered with the Council Recording Secretary to speak first, followed by other persons at the meeting who have

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- not registered to speak but who wish to address Council. A person who does not identify himself or herself will not be given the opportunity to speak.
- 16.8** Presentations by the public may be made verbally, in writing, or both. Written submissions shall be collected by the Council Recording Secretary and retained for information purposes.
- 16.9** Verbal presentations shall be limited to five minutes unless there is consent by Council to extend the allotted time.
- 16.10** Following public presentations, the Presiding Officer shall close the Public Hearing.
- 16.11** If no one is present to speak to a proposed bylaw which requires a Public Hearing, Council may hear an introduction of the matter from the administration, ask relevant questions, and then must vote to close the Public Hearing.
- 16.12** After the close of the Public Hearing, Council may debate matters raised at the Public Hearing during the regular Council meeting following the Public Hearing and may;
- a) pass the bylaw or resolution, or
  - b) make any necessary amendments to the bylaw or resolution and pass it without further advertisement or hearing.
- 16.13** When a Public hearing on a proposed Bylaw or resolution is held, a Member;
- a) must abstain from voting on the Bylaw or resolution if the member was absent from all of the Public Hearing, and
  - b) may abstain from voting on the Bylaw or resolution if the member was only absent from a part of the Public Hearing.

**17. REPEALING BYLAWS**

This Bylaw shall repeal Bylaw 2020-15 and any amendments thereto.

This Bylaw shall come into full force and effect upon the day it receives third and final reading by Council.

Read a first time this 19<sup>th</sup> day of January 2021.

Read a second time this 2<sup>nd</sup> day of February 2021.

Read a third and final time this 16<sup>th</sup> day of March 2021.

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Mayor ~~Greg Mosychuk~~ Brian Holden  
Administrative Officer

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~~Joyce Pierce~~ Jodi Brown, Chief

# SCHEDULE A

## Council Standing Policy Committees

### Council Briefing Committee

**Town of Bon Accord  
Council Briefing Committee  
Terms of Reference**

1. Terms of Reference

1.1 Subject to the control of the Council of the Town of Bon Accord, the mandate of the Council Briefing Committee is to provide a forum for the CAO:

1.1.1 to brief Councillors on specific topics

1.1.2 to provide a context for documents they have or will be receiving

1.1.3 to respond to detailed questions of clarification of material presented

1.2 Meetings of Council Briefing Committee are public meetings and shall be held as needed but no more than once per month.

1.3 To permit the Mayor to participate fully in question and discussion periods, meetings shall be presided by individual Councillors in rotation.

2. Composition

2.1 A Council Briefing Committee shall consist of:

2.2.1 All members of the Town of Bon Accord Council

2.2.2 The CAO and any staff members that may be required.

3. Terms of Office

3.1 All Councillors shall be members of the Committee for their full term of office as a municipally elected Councillor.

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4. Duties and Responsibilities

- 4.1 The CAO shall forward materials to be discussed at a meeting of the Committee a minimum of two business days in advance of the meeting.
- 4.2 Councillors are expected to review the material prior to the meeting and arrive prepared with their questions.

5. Procedures

- 5.1 There shall be no Quorum requirements for the Council Briefing Committee
- 5.2 Unless otherwise contradicted in these Terms of Reference, meeting proceedings are bound by those sections of the Town of Bon Accord's current Council Procedure Bylaw that relate to:
  - 5.2.1 order, decorum and questions of order
  - 5.2.2 agendas and minutes
  - 5.2.3 appointment and organization of committees of council
  - 5.2.4 regulations for conducting business in committee

**TOWN OF BON ACCORD**  
**COUNCIL BRIEFING REPORT**

<b>Meeting:</b>	Council Briefing Committee Meeting
<b>Meeting Date:</b>	February 09 <sup>th</sup> , 2022
<b>Presented by:</b>	Jodi Brown Town Manager/CAO
<b>Title:</b>	Bylaw Officer Bylaw Draft
<b>Agenda Item No.</b>	4.2

Alberta Municipal Affairs developed the Municipal Accountability Program to collaboratively foster effective local governance and build administrative capacity in Alberta’s municipalities. The Municipal Accountability Program (MAP) conducts a review of municipal processes and procedures to help develop knowledge of mandatory legislative requirements. This will support municipalities with their legislative compliance.

Alberta Municipal Affairs conducted the Municipal Accountability Program review in Bon Accord. The report from Municipal Affairs required that the existing Bylaw Officer Bylaw needed to be updated to meet the requirements in the MGA as noted below:

*COMMENTS/OBSERVATIONS: Bylaw enforcement services for the town are provided by Sturgeon County. The Town of Bon Accord has not enacted a bylaw enforcement officer bylaw specifying the powers and duties of bylaw enforcement officers, nor disciplinary procedures, penalties, and an appeal process for allegations of misuse of authority.*

*RECOMMENDATIONS/ACTION ITEMS: A bylaw should be adopted by the town, which includes the powers and duties of bylaw enforcement officers, as well as establish disciplinary procedures, penalties, and an appeal process for allegations of misuse of authority, in accordance with section 556 of the MGA.*

The Town currently has an enforcement services contract with Sturgeon County and therefore some unique provisions to address this agreement were needed, while still providing the Town flexibility if it elects a different service provider and/or different terms of service in the future. In this regard, please note the following specific provisions below as provided by Brownlee LLP:

- **Section 7:** in subsection (a) we have contemplated the Chief Administrative Officer being authorized to enter into contracts with Contracted Service Providers. The definition of “Contracted Service Provider” is sufficiently broad to allow the CAO to contract on behalf of the Town with another municipality, a private company or an individual. By Council delegating this authority to the CAO there would be no need for either a Council resolution or bylaw approving the enforcement services contract, which is why section 21 provides for the Town’s current Bylaw Enforcement Officer and Special Constable Bylaw to be repealed.



- **Section 13:** given that the agreement with Sturgeon provides that complaints and discipline will be handled under their bylaws, the draft we prepared accounts for this. However, in the future if the Town and Sturgeon agree to different terms or if the Town contracts with another services provider and decides that the Town will handle complaints then we have provided the option of dealing with complaints internally as well and including a comprehensive complaint investigation and disciplinary process. Please note that if the Town were to enter into an agreement with a private company or individual for enforcement services, the Town would need to rely on the complaint investigation and disciplinary process set out in this Bylaw as private companies cannot pass bylaws setting out disciplinary procedures, as is required by the MGA s. 556.
- **Section 14:** For as long as the Town's agreement with Sturgeon County continues any complaint regarding a Bylaw Enforcement Officer is to be forwarded to the Contracted Service Provider (i.e. Sturgeon County) per subsection 3(a).
- **Section 15:** In the future event that the Town is required to address complaints in-house and because the Town's bylaw must include a complaint investigation *and* an appeal process we have proposed that complaints would be investigated by the "Manager" who we have defined to be the employee who is charged with managing the agreement between the Town and the Contracted Service Provider. We recognize you have a relatively small staff complement at the Town, but I trust there is someone other than the CAO who can fulfil this role. The reason for this is because we are proposing that the CAO handle all appeals. If the CAO were to be the initial complaint investigator then the only avenue of appeal would be to Council and, in our opinion, that is to be avoided as Council should not be involved in personnel matters.
- **Section 21:** as noted above, as a housekeeping matter, this bylaw would repeal the Bylaw Enforcement Officer and Special Constable Bylaw. In our opinion, repealing that bylaw will not affect the validity of the Town's current contract with Sturgeon County as that bylaw was passed in 2000 and attaches, as schedule A, what we can only presume is a copy of the contract that was entered into back in 2000. Unless there are subsequent amending bylaws that we are not aware of this bylaw is out of date.

Requests for Decision coming forward at the next Regular Council Meeting:

1. Decline to give 2<sup>nd</sup> and 3<sup>rd</sup> reading to the Bylaw Officer Bylaw Draft presented at the September 07<sup>th</sup> meeting.
2. Repeal of the existing Bylaw Officer Bylaw and replacement with the enclosed Bylaw Officer Bylaw.

## **STRATEGIC ALIGNMENT**

Town of Bon Accord Vision, Mission, Values Statement

- **TRANSPARENCY** – open and accountable to our residents and encourage open communications.

- PROFESSIONALISM – administration and Council manage the affairs of Bon Accord in a competent, reliable manner, to maintain a safe and prosperous community to work and live.

#### **COSTS/SOURCES OF FUNDING**

N/A

**TOWN OF BON ACCORD  
BYLAW ENFORCEMENT OFFICER BYLAW  
BYLAW 2022-07**

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**A BYLAW OF THE TOWN OF BON ACCORD, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE PROVISION OF BYLAW ENFORCEMENT SERVICES AND TO SPECIFY THE POWERS AND DUTIES OF BYLAW ENFORCEMENT OFFICERS.**

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WHEREAS, Section 7(i) of the *Municipal Government Act* provides that a council may pass bylaws respecting the enforcement of bylaws;

AND WHEREAS, Section 210(1) of the *Municipal Government Act* provides that a council may, by bylaw, establish one or more positions to carry out the powers, duties and functions of a designated officer;

AND WHEREAS, Section 555 of the *Municipal Government Act* provides that a person who is appointed as a bylaw enforcement officer is, in the execution of enforcement duties, responsible for the preservation and maintenance of the public peace;

AND WHEREAS, Section 556 of the *Municipal Government Act* provides every council must, by bylaw, specify the powers and duties of bylaw enforcement officers and establish disciplinary procedures applicable to its bylaw enforcement officers;

AND WHEREAS, the Council for the Town of Bon Accord deems it advisable to contract out the provision of bylaw enforcement services to a third party service provider;

NOW THEREFORE, the Council for the Town of Bon Accord, duly assembled, enacts as follows:

**PART 1 – INTERPRETATION**

**SHORT TITLE**

1. This bylaw may be cited as the “Bylaw Enforcement Officer Bylaw.”

**DEFINITIONS**

2. In this Bylaw, unless the context otherwise requires:
  - (a) “Bylaw Enforcement Officer” means an individual, who is not an employee of the Town, who has been appointed as a bylaw enforcement officer for the Town pursuant to this Bylaw and in accordance with the terms of the agreement between the Town and the Contracted Service Provider;
  - (b) “Chief Administrative Officer” or “CAO” means the individual appointed by Council as the Chief Administrative Officer of the Town or their delegate;
  - (c) “Contracted Service Provider” means any third-party engaged by the Town and under current contract to provide bylaw enforcement services on behalf of the Town and may include, without limitation, another municipality, an individual, corporation, partnership or other legal entity;

**TOWN OF BON ACCORD  
BYLAW ENFORCEMENT OFFICER BYLAW  
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- (d) “Manager” means the employee of the Town who is responsible for managing the agreement with the Contracted Service Provider;
- (e) “Misuse of Power” means any failure of a Bylaw Enforcement Officer, by either act or omission:
  - i. to perform or carry out their duties according to law; or
  - ii. to carry out the duties and responsibilities assigned to them according to the terms and conditions of their appointment as a Bylaw Enforcement Officer.
- (f) “Municipal Tag” means a tag or similar document issued by the Town pursuant the *Municipal Government Act* that alleges a bylaw offence and provides a person with the opportunity to pay an amount to the Town in lieu of prosecution for the offence;
- (g) “Town” means the municipal corporation of the Town of Bon Accord, in the Province of Alberta or, if the context requires, the geographical area within the boundaries of the municipality;
- (h) “Violation Ticket” has the meaning given to it in the *Provincial Offences Procedure Act*.

**RULES OF INTERPRETATION**

- 3. The headings in this Bylaw are for guidance purposes and convenience only.
- 4. Every provision in this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 5. In this Bylaw, a citation of or reference to any enactment of the Province of Alberta or of Canada, or of any other bylaw of the Town, is a citation of or reference to that enactment or bylaw as amended, whether amended before or after the commencement of the enactment or bylaw in which the citation or reference occurs.
- 6. Nothing in this Bylaw relieves a person from complying with any provision of any provincial or federal legislation or regulation, other bylaw or any requirement of any lawful permit, order or licence.

**PART 2 – CHIEF ADMINISTRATIVE OFFICER**

**POWERS AND DUTIES**

- 7. The Chief Administrative Officer:
  - (a) is authorized to enter into agreements on behalf of the Town, from time to time, with a Contracted Service Provider, on such terms and conditions as the Chief Administrative Officer deems advisable, subject to the requirements of this Bylaw and the Council-approved budget;

**TOWN OF BON ACCORD  
BYLAW ENFORCEMENT OFFICER BYLAW  
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- (b) may appoint one or more individuals as Bylaw Enforcement Officers in accordance with this Bylaw;
- (c) may revoke, suspend, or modify the appointment of a Bylaw Enforcement Officer in accordance with this Bylaw and subject to the terms and conditions of the agreement between the Town and the Contracted Service Provider;
- (d) may authorize or require Bylaw Enforcement Officers to carry out any powers and duties necessary to fulfill their responsibility for the preservation and maintenance of the public peace;
- (e) may establish the standards of uniform, insignia, and identification for Bylaw Enforcement Officers, which may include adopting the uniform, insignia and identification of the Contracted Service Provider with their consent;
- (f) will ensure complaints of Misuse of Power by Bylaw Enforcement Officers are investigated and disposed of in accordance with this Bylaw;
- (g) will report on, or ensure the Contracted Service Provider reports on, the status and effectiveness of bylaw enforcement services within the Town, when requested to do so by Council; and
- (h) may delegate any of the CAO's powers, duties, or functions contained in this section to any employee of the Town, including the option to further delegate those powers, duties, and functions.

**PART 3 – BYLAW ENFORCEMENT OFFICERS**

**OATH OF OFFICE**

- 8. A Bylaw Enforcement Officer must, before starting their duties, take the official oath prescribed by the *Oaths of Office Act* as set out in Schedule "A" of this Bylaw.

**POWERS AND DUTIES**

- 9.
  - (1) Subject to the terms and conditions of their appointment by the Chief Administrative Officer, and the terms and conditions of the agreement between the Town and the Contracted Service Provider, the powers and duties of Bylaw Enforcement Officers are as follows:
    - (a) to enforce the bylaws of the Town;
    - (b) to provide public education on the bylaws and enforcement services;
    - (c) to conduct routine patrols to ensure compliance with the bylaws;

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BYLAW ENFORCEMENT OFFICER BYLAW  
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- (d) to respond to and investigate complaints and alleged breaches of bylaws;
  - (e) to exercise all the powers and duties of a designated officer to conduct any inspections, remedies, or enforcement authorized or required by a bylaw or enactment in accordance with Section 542 of the *Municipal Government Act*;
  - (f) to exercise all the powers and duties of a designated officer to issue written orders pursuant to Section 545 and 546 of the *Municipal Government Act*;
  - (g) to issue warning notices, Municipal Tags and Violation Tickets for offences under bylaws;
  - (h) to assist in the prosecution of bylaw offences, including the gathering of evidence, the swearing of complaints, preparation of prosecution files, ensuring the attendance of witnesses, and attending in court and providing evidence as required;
  - (i) to perform all other duties as may from time to time be assigned by the CAO.
- (2) Bylaw Enforcement Officers must comply with their appointment and exercise their powers and duties in accordance with all applicable Town bylaws, policies, procedures, and guidelines.

**OFFICER IDENTIFICATION**

10. While acting in the course of their duties Bylaw Enforcement Officers shall carry on their person identification, in a form approved by the CAO, evidencing their appointment as a Bylaw Enforcement Officer.

**APPOINTMENT CEASES TO BE IN EFFECT**

11. A Bylaw Enforcement Officer's appointment ceases to be in effect:

- (a) when the Bylaw Enforcement Officer ceases to be engaged by the Town in the capacity of a Bylaw Enforcement Officer,
- (b) when the Bylaw Enforcement Officer's appointment is revoked in accordance with this Bylaw, or
- (c) while the Bylaw Enforcement Officer's appointment is suspended in accordance with this Bylaw.

12. Upon a Bylaw Enforcement Officer appointment ceasing to be in effect, other than when suspended, the Bylaw Enforcement Officer shall immediately return to the CAO any uniforms, equipment, Municipal Tag and Violation Ticket books, appointment certificates, and all other materials or equipment supplied to the Bylaw Enforcement Officer by the Town.

**TOWN OF BON ACCORD  
BYLAW ENFORCEMENT OFFICER BYLAW  
BYLAW 2022-07**

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**PART 4 – MISUSE OF POWER**

**DISCIPLINARY PROCEDURES**

13. If the Town enters into an agreement with another Alberta municipality as a Contracted Service Provider, the agreement may provide for complaints of Misuse of Power and discipline of Bylaw Enforcement Officers to be dealt with by the Contracted Service Provider in accordance with the disciplinary procedures adopted by that municipality, by bylaw, otherwise the disciplinary procedures set out in this Part shall apply to all complaints regarding complaints of Misuse of Power by Bylaw Enforcement Officers.

**COMPLAINTS**

- 14.
- (1) If a person reasonably believes there has been a Misuse of Power by a Bylaw Enforcement Officer, the person may file a complaint in accordance with this Part.
  - (2) A complaint made under subsection (1) must:
    - (a) be made in writing,
    - (b) include the full name of the complainant,
    - (c) include contact information for the complainant,
    - (d) indicate the specific reasons for the complaint and,
    - (e) be send to the Town, attention: Chief Administrative Officer.
  - (3) Upon receipt of a complaint, the Chief Administrative Officer shall, as applicable, either:
    - (a) forward the complaint to the Contracted Service Provider for investigation and disposition in accordance with the Contracted Service Provider's disciplinary procedures, or
    - (b) ensure the complaint is processed in accordance with the procedures established in this Part.
  - (4) Subject to clause 3(a), the CAO shall acknowledge receipt of a complaint, in writing, to the complainant and to the Bylaw Enforcement Officer against whom the complaint is made.

**INVESTIGATIONS**

- 15.
- (1) Unless the complaint is being dealt with by the Contracted Service Provider in accordance with Section 14, the Manager shall proceed to investigate the complaint.
  - (2) In conducting an investigation the Manager may:

**TOWN OF BON ACCORD  
BYLAW ENFORCEMENT OFFICER BYLAW  
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- (a) speak to anyone relevant to the complaint;
  - (b) enter any Town facility or worksite relevant to the complaint;
  - (c) access any records relevant to the complaint, except a record that contains information that is subject to solicitor-client privilege unless privilege has been waived.
- (3) The Bylaw Enforcement Officer against whom a complaint has been made shall be given the opportunity to make a full response to the complaint allegations and provide supporting evidence in writing to the Manager.
- (4) After receipt of a complaint, the Manager may refuse to investigate or discontinue the investigation if, in the Manager's opinion,
- (a) the complaint is frivolous, vexatious or made in bad faith; or
  - (b) having regard to all of the circumstances, no investigation is necessary.
- (5) Upon the conclusion of the Manager's investigation the Manager shall issue a written decision summarizing the allegations, the findings and the Manager's conclusion as to whether the complaint is substantiated. A copy of the Manager's written decision will be provided to the complainant and to the Bylaw Enforcement Officer against whom the complaint was made.

## **APPEALS**

16. An appeal from the decision of the Manager may be commenced by the Bylaw Enforcement Officer or the complainant by filing a written notice of the appeal with the Chief Administrative Officer within fourteen (14) days of receipt of the written decision issued by the Manager.
17. Upon receipt of an appeal the Chief Administrative Officer shall:
- (a) obtain from the Manager, a copy of the complaint, the response of the Bylaw Enforcement Officer to the allegations, and all other documents received or prepared in the course of the Manager's investigation, along with the written decision of the Manager;
  - (b) provide the appellant with an opportunity to submit their reasons for the appeal, including the basis for concluding that the Manager erred in their written decision;
  - (c) provide a copy of the written reasons for the appeal prepared by the appellant to the respondent; and
  - (d) give the respondent an opportunity to submit a written submission in response to the appellant's submissions, a copy of which will be provided by the CAO to the appellant.



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BYLAW ENFORCEMENT OFFICER BYLAW  
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18. The CAO shall conduct a review of all of the materials filed, and thereafter, shall:

- (a) confirm, vary, or set aside the decision of the Manager; and
- (b) inform the appellant, the respondent, and the Manager of the CAO's decision, in writing, with reasons.

19. The decision of the CAO on an appeal arising from a decision of the Manager shall be final and conclusive with no further right of appeal to Council.

**DISCIPLINARY ACTION**

20. If it has been determined that a Misuse of Power has been committed by a Bylaw Enforcement Officer, appropriate disciplinary action may be taken including:

- (a) issuing a written reprimand to the Bylaw Enforcement Officer;
- (b) suspending the Bylaw Enforcement Officer for a specified period of time; or
- (c) terminating the appointment of the Bylaw Enforcement Officer.

**REPEAL**

21. The By-Law Enforcement and Special Constable Bylaw, being Bylaw #2000-02, as amended, is repealed.

**EFFECTIVE DATE**

22. This Bylaw shall come into force when it has received third and final reading and has been signed.

READ a first time this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

READ a second time this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

READ a third time and final time this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

SIGNED and PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

**TOWN OF BON ACCORD  
BYLAW ENFORCEMENT OFFICER BYLAW  
BYLAW 2022-07**

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**SCHEDULE "A"**

**OATH OF OFFICE**

**[If swearing in accordance with section 2 of the *Oaths of Office Act*]**

I, \_\_\_\_\_ swear that I will diligently, faithfully and to the best of my ability execute according to law the office of Bylaw Enforcement Officer for the Town of Bon Accord.

So help me God.

SWORN BEFORE ME at the \_\_\_\_\_ of )  
\_\_\_\_\_, in the Province of )  
Alberta, this \_\_\_\_\_ day of \_\_\_\_\_, )  
20\_\_\_\_. )  
)  
)

\_\_\_\_\_  
A Commissioner for Oaths )  
in and for the Province of Alberta )

\_\_\_\_\_  
Signature of Bylaw Enforcement Officer

--- OR ---

**[If solemnly affirming in accordance with section 4 of the *Oaths of Office Act*]**

I, \_\_\_\_\_ solemnly affirm that I will diligently, faithfully and to the best of my ability execute according to law the office of Bylaw Enforcement Officer for the Town of Bon Accord.

AFFIRMED BEFORE ME at the \_\_\_\_\_ of )  
\_\_\_\_\_, in the Province of )  
Alberta, this \_\_\_\_\_ day of \_\_\_\_\_, )  
20\_\_\_\_. )  
)  
)

\_\_\_\_\_  
A Commissioner for Oaths )  
in and for the Province of Alberta )

\_\_\_\_\_  
Signature of Bylaw Enforcement Officer

**TOWN OF BON ACCORD  
BY-LAW #2000-02  
BY-LAW ENFORCEMENT AND SPECIAL CONSTABLE**

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**BEING A BYLAW OF THE TOWN OF BON ACCORD TO ESTABLISH THE OFFICE OF THE BYLAW ENFORCEMENT OFFICER AND SPECIAL CONSTABLE.**

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WHEREAS pursuant to Section 556 of the Municipal Government Act, Chapter M-26.1, 1994, RSA, and amendments thereto (the "MGA"), whereby a municipality must, by bylaw, specify the powers and duties of bylaw enforcement officers, and establish disciplinary procedures for misuse of power, including penalties and an appeal process applicable to misuse of power by bylaw enforcement officers;

AND WHEREAS the Council of the Town of Bon Accord has deemed it necessary to provide bylaw enforcement and special constable services within its municipal boundary;

NOW THEREFORE the Council of the Town of Bon Accord in the Province of Alberta, duly assembled, enacts the following:

1. That an agreement between the Town of Bon Accord and Sturgeon County for Bylaw Enforcement and Special Constable Services be entered into in accordance with the MGA.
2. That the agreement in section 1 be attached hereto as Schedule 'A'.
3. This Bylaw rescinds Bylaw 1997-13 on April 1, 2000.

READ a FIRST time this 21<sup>st</sup> Day of March , 2000

READ a SECOND time this 21<sup>st</sup> Day of March, 2000.

READ a THIRD time and FINALLY PASSED this 21<sup>st</sup> Day of March 2000.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Administrative Officer

# Enforcement Services Agreement

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Entered into this 14 day of APRIL, 2021.

**Sturgeon County**  
in the Province of Alberta  
(Hereinafter referred to as "Sturgeon")

And

**Town of Bon Accord**  
in the Province of Alberta  
(Hereinafter referred to as "Bon Accord")

WHEREAS, Bon Accord desires to engage the services of Sturgeon as an independent contractor to provide services as Peace Officers and Bon Accord desires to accept Sturgeon's engagement as an independent contractor all upon terms and conditions herein contained;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto in consideration of the mutual covenants and agreement set forth, covenant and agree with each other as follows:

## 1.0 BACKGROUND

- 1.1 Peace Officer services are required by Bon Accord in order to assist in its municipal operations.
- 1.2 Sturgeon has been asked by Bon Accord to provide Peace Officer services.

## 2.0 DESCRIPTION AND SCOPE OF SERVICES

- 2.1 Sturgeon will, on behalf of Bon Accord, supply Peace Officer services to Bon Accord which services will include the enforcement of municipal bylaws and such provincial statutes as the Peace Officer shall be authorized to enforce. Sturgeon shall provide an enforcement vehicle and related vehicle equipment.
- 2.2 Bon Accord will provide office space, support staff and assistance as required.

# Enforcement Services Agreement

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## 3.0 APPOINTED PEACE OFFICER

- 3.1 For the purposes of the applicable provincial legislation and municipal bylaws relating to Peace Officer services, Bon Accord shall designate Sturgeon's Peace Officers and Animal Control Officer as its Peace Officers and Bylaw Officers as required.
- 3.2 Both Sturgeon and Bon Accord shall take all necessary steps to obtain any necessary Provincial approvals for Sturgeon to provide the services under this Contract.

## 4.0 LEVEL AND STANDARDS

- 4.1 The appointed Peace Officers and Animal Control Officer shall perform the required duties using independence and judgment in relation to the relevant bylaws and provincial statutes.
- 4.2 The appointed Peace Officers and Animal Control Officer will endeavor to maintain reasonable and effective enforcement of bylaws and provincial statutes in Bon Accord.
- 4.3 Sturgeon shall deal with complaints and discipline of its Peace Officers and Animal Control Officer in relation to services provided under this Agreement in accordance with Sturgeon's Bylaws and policies.

## 5.0 TERM

- 5.1 This agreement will come into effect upon it being signed by both parties.
- 5.2 The services to be provided under the Agreement shall be carried out between January 1, 2022 and December 31, 2026.

## 6.0 FEES, EXPENSES AND PAYMENTS

- 6.1 The cost of Peace Officer and Animal Control Officer services is set out in Schedule "A" which Bon Accord agrees to pay to Sturgeon in the manner provided in Article 6.2.
- 6.2 The Town will forward, upon being invoiced by the County, on a quarterly basis (Approximately January 15, April 15, July 15 and October 15) one quarter the amount shown in Schedule "A".

# Enforcement Services Agreement

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- 6.3 Should Bon Accord request additional Peace Officer and Animal Control Officer services in excess of those set out in Schedule "A", such additional work shall be charged at an hourly rate set out in Schedule "A" subject to Sturgeon agreeing to provide the service.

## 7.0 CONFIDENTIALITY AND NON-DISCLOSURE

- 7.1 Unless required by law, any data or other information concerning Sturgeon's Peace Officers and Animal Control Officer that is obtained by Bon Accord shall be treated as confidential and shall not be disclosed without prior approval by Sturgeon.
- 7.2 Unless required by law, any data or other information concerning Bon Accord that is obtained by Sturgeon's Peace Officers and Animal Control Officer shall be treated as confidential and shall not be disclosed without prior approval by Bon Accord.

## 8.0 CONTROL, ACCESS, SECURITY AND RETENTION OF RECORDS

- 8.1 The Town retains control of all records created under this agreement.
- 8.2 Upon receipt of a request under the *Freedom of Information and Protection of Privacy (FOIP) Act* for a record created under this agreement, the Town shall notify the County and the County will, without delay, provide the Town with records responsive to the request, including without limitations any request pursuant to sections 35 or 36 of FOIP Act.
- 8.3 The County will protect business and personal information in its custody under this agreement by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure, disposal, and disaster.
- 8.4 The County will immediately report any unauthorized use or disclosure, or suspected unauthorized use or disclosure of information created under this agreement to the Town's FOIP Head.
- 8.5 The County will cooperate with investigations undertaken by the Town, by a third party instructed by the Town, or by a person or body with statutory authority to conduct an investigation, regarding the collection, use or disclosure of information.
- 8.6 The County will maintain the records created under this agreement in accordance with the County's Corporate Record Structure, until such time as termination of

# Enforcement Services Agreement

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this agreement. Upon termination of this agreement, the County will transfer the records in its custody to the Town at the Town's sole expense.

## 9.0 IDEMNIFICATION

- 9.1 Sturgeon's Peace Officers and Animal Control Officer will, when on assignments, comply with any safety and security regulations and procedures in effect regarding Bon Accord's bylaws.
- 9.2 Sturgeon will indemnify and save harmless Bon Accord against all claims, damages and expenses that relate to injury to Sturgeon's Peace Officers and Animal Control Officer while performing Peace Officer and Animal Control Officer functions pursuant to this agreement unless such injury results from a willful or negligent act on the part of Bon Accord, its officers, employees or agents.
- 9.3 Sturgeon shall not be liable for any claims or other legal action that may result from or in any way relate to the Peace Officer and Animal Control Officer services performed on behalf of Bon Accord.
- 9.4 Notwithstanding 9.3 above, Town shall not be liable for any claims or legal action that result from negligence, illegal action or inappropriate behavior on the part of the Peace Officer and Animal Control Officer whether or not the services are being performed on behalf of Bon Accord.

## 10.0 TERMINATION OF CONTRACT

- 10.1 Either party may terminate this agreement at anytime without cause by giving notice in writing to the other party of not less than 180 days.
- 10.2 Upon termination, Sturgeon shall submit to Bon Accord, an invoice for services rendered but not previously invoiced and Bon Accord shall pay such invoice within thirty (30) days of receipt.

## 11.0 AMENDMENTS

- 11.1 This agreement may be amended solely by written agreement of both parties.
- 11.2 This agreement represents the entire agreement between the parties. No other terms, representations or warranties, verbal or otherwise, are to be inferred or implied.

# Enforcement Services Agreement

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## 12.0 CONTRACT RENEWAL

12.1 Contract renewals will be available subsequent to this agreement as determined by both parties.

## 13.0 ARBITRATION

13.1 Should a dispute arise, the County Commissioner and CAO of each municipality will determine a resolution through discussion and consensus.

## 14.0 BINDING

14.1 This agreement ensures to the benefit of and is binding upon the parties to this agreement and their respective successors and any assignees or Sturgeon and Bon Accord.

## 15.0 REPRESENTATIVES

15.1 The representatives of the parties and the address for notices for the purpose of this agreement are as follows.

- a) Sturgeon County  
Representative: CAO  
Address: 9613 – 100 Street  
Morinville, Alberta T8R 1L9

And

Town of Bon Accord  
Representative: CAO  
Address: Box 779  
Bon Accord, AB T0A 3J0




# Enforcement Services Agreement

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## 16.0 SIGNATURES

16.1 This agreement is executed by the parties as of the date shown on the first page of this agreement.

  
Town of Bon Accord (Mayor)  
GREG MOSYCHUK

  
Sturgeon County (Mayor)

  
Town of Bon Accord (CAO)  
Jayce Piere

  
Sturgeon County (CAO)  
REGAN McCULLOUGH

# Enforcement Services Agreement

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## SCHEDULE "A"

1. Effective January 1, 2022, the fee schedule will be based on providing 52 weeks of service at one (7.0 Hour Day) per week.

Amount

- January 1, 2022 to December 31, 2022 @ \$113.24 /hr.....\$41,219.36
- January 1, 2023 to December 31, 2023 @ \$115.50/hr.....\$42,042.00
- January 1, 2024 to December 31, 2024 @ \$117.81/hr..... \$42,882.84
- January 1, 2025 to December 31, 2025 @ \$120.17/hr..... \$43,741.88
- January 1, 2026 to December 31, 2026 @ \$122.57 /hr.....\$44,615.48

2. Overtime Services, overtime rates after a regular seven (7) hours shift will be charged out at time and a half rate.

3. Commencing on January 1, 2023, the second year of this agreement hourly fees and overtime rates shall increase by two (2) percent or Consumer Price Index (CPI) whichever is greater.

4. Commencing on January 1, 2024, the third year of this agreement hourly fees and overtime rates shall increase by two (2) percent or CPI whichever is greater.

5. Commencing on January 1, 2025, the fourth year of this agreement hourly fees and overtime rates shall increase two (2) percent or CPI whichever is greater.

6. Commencing on January 1, 2026, the fifth year of this agreement hourly fees and overtime rates shall increase by two (2) percent or CPI whichever is greater.

Note: Consumer Price Index means the annual Edmonton Consumer Price Index (CPI) for "all goods", as calculated by Statistics Canada for the most recent one-year period as of September 1 of the previous year.

**TOWN OF BON ACCORD**  
**COUNCIL BRIEFING REPORT**

<b>Meeting:</b>	Council Briefing Committee Report
<b>Meeting Date:</b>	February 09 <sup>th</sup> , 2022
<b>Presented by:</b>	Jodi Brown Town Manager/CAO
<b>Title:</b>	Public Engagement Sessions
<b>Agenda Item No.</b>	4.3

The RCMP Town Hall is planned for February 23<sup>rd</sup>, 2022, from 6 – 8 PM at the Community Hall. This session is hosted by the Town in partnership with the RCMP to create an opportunity for public input regarding crime prevention and policing in Bon Accord. All of Council is invited to participate in this session as panelists (posing questions of the RCMP and receiving public input). Several RCMP representatives will attend the meeting (names and titles of those to attend have yet to be confirmed).

Note: February 23<sup>rd</sup> is also Pink Shirt Day (anti-bullying initiative). Council may choose to wear pink shirts for the Town Hall event as well.

The first public engagement session (Council-Community Connections) is planned for Tuesday, March 08<sup>th</sup> (Council will be away at the AUMA Spring Leadership Caucus on Wednesday, March 09<sup>th</sup> and Thursday, March 10<sup>th</sup>, 2022).

Rather than holding two public engagement sessions within a few weeks of each other, it would be more efficient to hold one session either on February 23<sup>rd</sup> or March 08<sup>th</sup> with the identified topic of crime prevention, community safety and policing priorities.

The Community Hall is not available on March 08<sup>th</sup>; hence February 23<sup>rd</sup> would be the best option to accommodate a high level of participation for this session.

**STRATEGIC ALIGNMENT**

Town of Bon Accord Vision, Mission, Values Statement

**PROFESSIONALISM** – administration and Council manage the affairs of Bon Accord in a competent, reliable manner, to maintain a safe and prosperous community to work and live.

**COLLABORATION** – discussion is welcome from all levels of government, neighbouring municipalities, residents, and businesses in the town, the place we call home.

**COSTS/SOURCES OF FUNDING**

N/A

**TOWN OF BON ACCORD  
COUNCIL BRIEFING REPORT**

<b>Meeting:</b>	Council Briefing Committee Meeting
<b>Meeting Date:</b>	February 09 <sup>th</sup> , 2022
<b>Presented by:</b>	Jodi Brown Town Manager/CAO
<b>Title:</b>	Volunteer Recognition Policies
<b>Agenda Item No.</b>	4.4

**Annual Volunteer Recognition:**

Annual volunteer recognition activities take place every April during National Volunteer Week. These activities are included in the annual budget and are based on recommendations from the Community Services Advisory Board. These activities include all community volunteers.

The existing Volunteer Recognition Policy is enclosed.

**Award—Service Appreciation and Visitors Policy**

A second existing policy entitled Award-Service Appreciation and Visitors may be amended as shown in the attached draft.

The special visitor component of this policy may be removed and a separate policy to address special visitors (for example, the Premier or Prime Minister, or another special dignitary) may be developed. These special visits tend to be rare and therefore, the Council in office at the time of the visit, may wish to determine what is appropriate to gift the visiting dignitary at the time of their visit rather than maintaining a policy.

Note the following regarding previous discussions about awards:

- Commemorative Benches are costly and unfortunately prone to vandalism. The best option are metal benches which are difficult if not impossible to break and may be repainted if vandalized. An estimated cost for a metal bench with a plaque insert (including shipping and handling \$2,000 minimum). As the community already has red chairs throughout the Town, it may be an option to place a plaque on these chairs in recognition of community members. Estimate: \$50 - \$75
- Planters: Self-watering planters are expensive (\$300 plus shipping and handling for an appropriate size) and must be planted and maintained annually.
- Garden steppingstones are relatively inexpensive (depending on the type ordered) but perhaps not as visible especially during the winter months and very easily removed. Approximately \$35 - \$200 each.

### **Naming of Town Facilities:**

Naming of Town facilities normally falls under Naming Rights policies and usually includes a donation towards the facility (playground, arena, sportsgrounds, park, etc). In specific circumstances, Council may choose to waive the requirement for a donation if allowable in the policy.

Alternately, a permanent plaque or monument may be added to a park or playground. Costs will vary depending on the size of the plaque or monument and the materials used. Outdoor plaques and monuments will be more expensive due to the materials required to withstand the elements (minimum estimated cost for a bronze plaque: \$1000).

### **STRATEGIC ALIGNMENT**

Priority Five: Collaboration

### **COSTS/SOURCES OF FUNDING**

Annual Budget

**TOWN OF BON ACCORD  
POLICY STATEMENT**

**SECTION:** Community Services

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**POLICY RESOLUTION NO.:** 95.322

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**SUBJECT:** Recognition of Volunteers

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**RESPONSIBLE AUTHORITY:** Community Services Department

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**REVIEWED & APPROVED BY COUNCIL:**

Passed on July 18, 1995: Resolution 95.322  
Review: June 6, 2006: Resolution #06.105  
Review: March 19, 2019: Resolution #19.077

**PURPOSE AND INTENT:**

To ensure that Bon Accord's Volunteers are recognized annually for their countless hours and dedication to the community.

**POLICY STATEMENT:**

The Bon Accord community benefits greatly from all the non-profit organizations, board members, individual volunteers, and groups that give their time selflessly, to provide programs and services to our community. With recognizing volunteers publicly, we hope to encourage others to participant in the events as participants or volunteers.

## **COMMUNITY SERVICE APPRECIATION AWARD POLICY**

### ~~AWARD – SERVICE APPRECIATION AND VISITORS POLICY~~

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**SECTION:** Administration/Council

**DEPARTMENT:** Recreation and Community Services

**COUNCIL APPROVAL DATE:**

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#### **POLICY STATEMENT:**

~~Criteria for a Service Appreciation Award is as follows:~~

- ~~1. Recipient has a minimum 5 year residency in the Bon Accord district.~~
- ~~2. Recipient is recognized as having had a positive impact on the community.~~
- ~~3. The award is requested through the Town Office.~~
- ~~4. Award will be issued when recipient moves from the Bon Accord district.~~

The Town of Bon Accord is committed to the acknowledgement and appreciation of long-term volunteer service, dedication to the community and/or outstanding citizenship.

#### **PURPOSE:**

To establish the criteria for the Community Service Appreciation Award.

~~To acknowledge and show appreciation of dedication, service, and/or special citizens.~~

#### **SCOPE**

Residents of Bon Accord or the surrounding area that meet the criteria established in this policy shall be eligible for consideration for the Community Service Award.

#### **DEFINITIONS**

“Award” means a plaque presented to the Community Services Award recipient and placed in the community.

“Community Service” means voluntary, unpaid service that contributes substantially to the benefit of the community.

## **COMMUNITY SERVICES AWARD ELIGIBILITY**

1. Must be a resident of the Town of Bon Accord. Nominated individuals that reside outside of Bon Accord may be considered if contributions to be recognized took place in Bon Accord and demonstrate direct benefit to the Town of Bon Accord.
2. Paid staff, full-time or part-time are not eligible, except where their volunteerism is separate, distinct from, and outside of their paid position.
3. The Community Services provided must have been performed on a wholly volunteer basis and not for pay.
4. Nominees must be aware of the nomination and sign the nomination form.

## **COMMUNITY SERVICES AWARD CRITERIA**

1. Nominees must have provided a minimum of 20 or more years of Community Service.
2. Nominations must clearly and sufficiently describe the type of Community Service (s) provided and highlight the benefits achieved.

## **PROCEDURES**

1. Nomination forms ('Schedule A') are available at the Bon Accord Town office and on the municipal website.
2. Award nominations will be accepted on an on-going basis.
3. Nominations shall be made in writing on an approved nomination form.

## **SELECTION**

1. All eligible nominations will be reviewed by Council.
2. The decision of Council will be final.

## **COMMUNITY SERVICE AWARDS**

1. Plaque (MAXIMUM: \$200)
2. Location of plaque to be determined by Council



**PRESENTATION:**

Awards will be presented by the Mayor, Deputy Mayor or his/her designate.

DRAFT