

**INTERGOVERNMENTAL AFFAIRS**

TO: Council

DATE: September 22, 2020 **DIVISION:** All

FILE: N/A **APPLICATION:** N/A

SUBJECT: Proposed RMA Resolution: Creation of Municipal Affairs Process to Resolve Disputes regarding Councillor Sanctions and Disqualifications

EXECUTIVE SUMMARY:

Conflict and dispute among elected officials is a common occurrence in many municipalities. In most cases, issues can be worked out through a Council's Code of Conduct Bylaw, which is a requirement of the *Municipal Government Act* (MGA). However, there are times when individual councillors have allegedly violated the Code of Conduct and are sanctioned by the remainder of Council, or a Councillor is deemed disqualified under section 174 of the MGA.

If a Councillor disputes the sanctions or the disqualification, the only recourse for either party is to refer the matter to the Court of Queen's Bench. Legal action is costly, time-consuming, and combative, which further exacerbates internal Council tensions.

This RMA resolution (Attachment A) proposes that a simplified, intermediary process be developed by Municipal Affairs to enable the Minister to adjudicate on Councillor sanctions and disqualifications. The Minister could review submissions by the affected Councillor and by Council, then determine if the Councillor is disqualified, or amend, enforce, or remove sanctions. If either party disagrees with a ruling by the Minister, the option to proceed to Court of Queen's Bench would still be available. This type of process could save significant resources to deal with these specific issues. For additional background and rationale, please refer to the resolution included in Attachment A.

ADMINISTRATION RECOMMENDATION:

Administration recommends approval in accordance with Option #1.

BUDGET IMPLICATIONS:

There are no budget implications.

OPTIONS:

- Option #1 THAT the resolution in Attachment A be approved for submittal to the Rural Municipalities of Alberta for the Fall 2020 Convention Resolution Session.
- Option #2 THAT alternative direction be provided.

Respectfully submitted,

Concurrence,

"Amy Zaluski"

"Al Hoggan"

Manager
Intergovernmental Affairs

Chief Administrative Officer

Administration Resources

Amy Zaluski and Ben Manshanden, Intergovernmental Affairs

**ATTACHMENTS:**

ATTACHMENT 'A': Rocky View County Resolution for Rural Municipalities of Alberta: Creation of Municipal Affairs Process to Resolve Disputes regarding Council Sanctions and Disqualifications