

# Village of Hines Creek Council Request for Decision (RFD)

Meeting:	Regular Council Meeting
Meeting Date:	September 22, 2020
Originated By:	Kimberley Kuntz
Title:	Unfinished Business-MAP Review Policy Updates
File:	0101

## BACKGROUND/PROPOSAL:

As a result of the Municipal Accountability Program conducted on June 3, 2020 the Village was given a list of deficiencies to correct. A timeline was created listing dates for each deficiency to be corrected by, 6 policies are scheduled to go to the September 22, 2020 council meeting.

## DISCUSSION

1. Policy 100-10 Signing Authorities-policy was amended with a quick reference table outlining Signing Authorities and Approval Requirements.
2. Policy 100-20 Council Code of Conduct-policy was amended to reference the Village's Pecuniary Interest Policy 100-23.
3. Policy 100-23 Disclosure of Pecuniary Interest-was amended to include the definition of Pecuniary Interest as per the MGA.
4. Policy 100-29 Special Meetings was created for council approval.
5. Policy 100-30 Public Hearings was created for council approval.
6. Policy 500-02 Public Participation Policy was created for council approval.

## COSTS/SOURCE OF FUNDING (if applicable)

## RECOMMENDED ACTION:

For Council to review policies

Initials show support- Reviewed by:	Manager:	C.A.O. <i>lw</i>
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VILLAGE OF HINES CREEK  
POLICIES AND PROCEDURES MANUAL  
COUNCIL

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TITLE: Signing Authorities  
POLICY NUMBER: 100-10  
EFFECTIVE DATE: October 13, 1992

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POLICY STATEMENT:

The Minutes of Council Meetings, Minutes of Council Committee Meetings, Agreements on behalf of the Municipality, Cheques and other Negotiable Items shall be signed in accordance to the requirements of the Municipal Government Act, Statutes of Alberta RSA-2000 Chapter M-26, and amendments thereto.

PROCEDURE:

1. Minutes of Council Meetings  
The Minutes of the Council Meetings shall be signed by the Mayor, or in his/her absence the Deputy Mayor presiding at the Meeting; and the Chief Administrative Officer or Executive Assistant who was present at the Meeting.
2. Council Committee Meetings  
The person presiding at the Meeting and a Designated Officer of the Municipality who was present at the Meeting shall sign the Minutes of the Council Committee Meetings.
3. Bylaws  
The Mayor, or Deputy Mayor shall sign bylaws of the Municipality in the absence of the Mayor; and the Chief Administrative Officer or the Executive Assistant in the absence of the Chief Administrative Officer.
4. Agreements, Cheques & other Negotiable Items  
The Mayor, Deputy Mayor, or Councillor and the Chief Administrative Officer, Executive Assistant, or Administrative Assistant shall sign all agreements, cheques and other negotiable items on behalf of the Municipality.

5. The CAO or her designate shall have authority to sign:
  - a. Land Title Documents
  - b. Tax Certificates
  - c. Insurance and Registration
  - d. Minor Operational Agreements
  - e. MPC decisions and other related documents

**Signing Authority and Approval Requirements**

Description	Council Approval	Corporate Seal Required	Chair	CAO
Council Meeting Minutes ★	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Board and Committee Meeting Minutes ★			<input checked="" type="checkbox"/>	
MPC Meeting Minutes ★			<input checked="" type="checkbox"/>	
Bylaws ★	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Inter-municipal Agreements ★	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Caveats and documents relating to Land Titles		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Provincial Registry documents		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Tax Certificates		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Contracts	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Project related scopes of work	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
MPC Decisions and other documents				<input checked="" type="checkbox"/>
MOU's	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Community Agreements	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Community Grants	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Donor Agreements	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Banking ★	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Banking Agreements	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Banking Contracts	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Insurance and Registration				<input checked="" type="checkbox"/>
Minor Operational Agreements				<input checked="" type="checkbox"/>
Audited Financial Statements	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>

★ Dual signing authority: requires signatures of both parties indicated.

END OF POLICY

APPROVED: February 12, 2019 Motion: C-070-19

AMENDED: September 22, 2020



VILLAGE OF HINES CREEK  
POLICIES AND PROCEDURES MANUAL  
COUNCIL

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TITLE: Council Code of Conduct

POLICY NUMBER: 100-20

EFFECTIVE DATE: July 25, 2017

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**POLICY STATEMENT:**

The Council of the Village of Hines Creek shall conduct business, on behalf of the Municipality, in accordance to the provisions of the Municipal Government Act, RSA-2000, Chapter M-26 and the amendments thereto.

Members of Council are answerable to the public and the public is entitled to have fair, ethical and accountable local government that will conduct themselves with the highest of standards. This policy is to guide Village of Hines Creek councillors in complying with the letter and spirit of the laws and policies that affect the operations of the municipality. Adhering to the code of conduct will assist councillors in being proactive towards ethical dilemmas that may arise during public office. In turn, this will protect and maintain the Village of Hines Creek's reputation and integrity.

**DEFINITIONS:**

1. "Administrative Staff": Employees of the Village of Hines Creek. Councillors are not considered employees.
2. "CAO": The Chief Administrative Officer of the Village of Hines Creek, as defined in the Municipal Government Act.
3. "Conflict of Interest": Arises when a councillors personal interests are in conflict with their duties as a Councillor.
4. "Council": The Council for the Village of Hines Creek
5. "Councillor": A member of the Council, including the Mayor
6. "FOIP": Freedom of Information and Protection of Privacy, typically used in reference to Alberta's FOIP Act, published by the Alberta Queen's Printer.
7. "Gift": Any real or personal property given.
8. "MGA": Municipal Government Act, published by the Alberta Queen's Printer.

9. "Pecuniary Interest": If a matter before Council may financially benefit a Councillor and/or his or her family to the exclusion of benefiting others, that Councillor has a pecuniary interest in the matter (see Municipal Government Act S170).
10. "Political Activity": Includes but not limited to being a member of a political party, participating in a political party's activities, soliciting donations and running for political office.

#### PROCEDURE:

The Council may act only by resolution or bylaw;

1. Where the Council is required or authorized under the Municipal Government Act or any other enactment or bylaw to do something by bylaw, it may only be done by bylaw.
2. Where the Council is required or authorized under the Municipal Government Act or any other enactment or bylaw to do something by resolution, or to do something without specifying that it is to be done by bylaw or resolution, it may be done by bylaw or resolution. MGA (Section 180).

A bylaw or resolution of Council is not valid unless passed at a Council Meeting held in public at which there is a quorum present MGA (Section 181(1)).

A resolution of a Council Committee is not valid unless passed at a meeting of that committee, held in public, at which there is a quorum present MGA (Section 181(2)).

#### GENERAL PERSONAL CONDUCT

1. Councillors shall carry out their duties with integrity and for the benefit of all residents and ratepayers in the Village.
2. Councillors shall carry out their duties with impartiality, putting the interests of the public above personal interests.
3. Councillors shall not show favoritism to any particular group or groups and shall deliberate and make decisions for the general benefit of all residents.
4. Councillors shall show respect and accountability to each other and understand the benefit of healthy debate and discussion.
5. Councillors shall show respect to all staff and the public.
6. Councillors shall carry out their duties in good faith and conduct themselves in public in a way that reflects positively on the Village council.
7. Council business shall take place in Council chambers.
8. Council shall follow the procedural bylaw in all council and committee meetings.
9. In the event that there is a conflict between councillors, they shall follow best practices in conflict resolution in order to maintain a professional working relationship.
10. Councillors shall adhere to all laws, legislation, regulation, bylaws and policies.
11. Councillors will strive to educate themselves and take mandatory and offered training in order to continuously improve their ability to carry out their Council duties.
12. Councillors will conduct themselves and carry out their duties in accordance with the MGA.

#### CONFLICT OF INTEREST

1. Councillors shall remove themselves from Council proceedings where they or an immediate family member would have a pecuniary interest concerning an outside business interest.

2. If a Councillor has a pecuniary interest they will disclose the pecuniary interest to Council. The disclosure will be described and recorded in the Council minutes. The Councillor will then abstain from the discussion and voting on the matter and leave Council chambers until the discussion and voting on the matter has concluded. *\*Policy 100-23 explains in detail the procedure for disclosing a pecuniary interest\**
3. In the case that a Councillor may have a perceived pecuniary interest, they may indicate their desire to remove themselves from discussion and voting on that particular matter. The Councillor will disclose and describe the perceived pecuniary interest to council and Council will by resolution, decide if that Councillor will or will not vote on the matter under discussion.
4. Discussions or motions regarding a non-profit organization that a Councillor is affiliated to shall not be deemed a pecuniary interest.
5. Councillors shall not use any information gained in the execution of office that is not available to the general public for any purpose other than for official duties.
6. Councillors shall not use any influence of office for any purpose other than official duties.
7. Councillors shall not make unreasonable or unintended use of municipal materials, equipment, facilities, or employees for personal gain or any private purpose.

#### CONFIDENTIALITY

1. Councillors shall protect confidential information in accordance with Alberta's FOIP Act. Any matters discussed during an in-camera portion of a council meeting shall be considered confidential.
2. No resolutions shall be made during the in-camera portion of a meeting, except for a resolution to leave the in-camera portion and resume the regular meeting.
3. Only information protected by FOIP or allowed by the MGA shall be discussed during the in-camera portion of a meeting.
4. Councillors are required to continue to keep confidential information confidential even after leaving office at risk of fines or prosecution as per FOIP.

#### COMMUNICATION TO PUBLIC AND MEDIA

1. When speaking to the public or the media, Councillors shall represent the official policies and positions of Council.
2. Councillors shall explicitly state that their opinion is not that of the Council when making a statement on their own opinion or position.
3. Official statements to the public and/or media on behalf of Council will be made by the Mayor or the designate.

#### RESPECT FOR SEPARATION OF ROLES OF COUNCIL AND ADMINISTRATION.

1. The only employee of Council is the Chief Administrative Officer (CAO). Councillors shall respect the CAO's authority to direct staff.
2. Council's point of communication access with the employees is the CAO. Councillors shall direct their questions and concerns regarding administrative matters to the CAO. Councillors shall refrain from making negative comments about staff to the public or media.
3. Council shall not advocate for the promotion, sanction or termination of any municipal employee other than the CAO.

#### COUNCIL MEETINGS

1. Councillors have the responsibility to come prepared to Council meetings.
2. Councillors shall listen respectfully to other councillor's views and opinions before responding.
3. All Councillors must speak through the meeting Chair and will speak once permission has been granted by the Chair.
4. Councillors shall act by resolution, policy and bylaw.
5. Councillors are legally obligated to vote on all motions unless it has been determined that there is pecuniary interest.
6. Councillor's comments, questions and discussions will stay on topic with the agenda.

#### GIFTS

1. Councillors shall not accept or give gifts other than the normal exchange of gifts between business colleagues and friends. Acceptable gifts will include:
  - a. Rewards, gifts and benefits not connected with the performance or duties of the office;
  - b. Food and beverages at banquets, receptions, ceremonies or similar events,
  - c. Food, lodging, transportation and entertainment provided by other levels of governments, boards or commissions,
  - d. A reimbursement of reasonable expenses in the performance of council duties,
  - e. Token gifts such as souvenirs, mementoes and commemorative gifts that are given in recognition of service or attendance, OR
  - f. Gifts that are received as an incident of protocol or social obligation from the responsibility of office.
2. Councillors shall refrain from accepting gifts, favours or promises of future benefits that may compromise their independence.
3. Councillors shall not accept invitations from municipal contractors or potential contractors to attend special events that may be viewed as creating an unreasonable level of access or indebtedness.

#### POLITICAL ACTIVITY

1. Councillors have the right to be a member of a Provincial or Federal political party, take part in political activities and support a candidate for political office.
2. Councillors who wish to take part in political activities must clearly separate that activity from their duty as a Councillor. Federal or Provincial political activities shall not be undertaken while carrying out the work of Council.
3. If a Councillor wishes to run for a Provincial or Federal office, that Councillor must take an unpaid leave of absence.
4. A Councillor that is elected to the House of Commons, the Legislative Assembly of Alberta or the senate will be required to resign from Council.

#### BREACH OF POLICY

1. Members of council have a duty to help create a responsive, accessible, transparent and fair municipal government. Members have duty to question whether another Councillor is violating the legislation, ethics or respectful behavior as set forth in this policy.
2. If a Councillor suspects a breach of this policy by a fellow Councillor, that Councillor shall bring it to the attention of the Mayor.
3. If a Councillor suspects a breach of this policy involves the mayor, it shall be taken up with the Deputy Mayor. If that Councillor is not satisfied with the outcome of that discussion the



Councillor can table the matter in Council which may be discussed during a closed session portion of the meeting.

4. Breaches of this policy may result in disciplinary action which may include but not limited to:
  - a. Apology to affected individuals or party,
  - b. Removal of Councillor from Council committees,
  - c. Dismissal from a position of Deputy Mayor or Chairperson of a committee,
  - d. Mandatory training and education, AND
  - e. Disqualification if a breach of the MGA S.174 (1).

It will be the requirement of each Councillor upon accepting the oath of office, and every year thereafter, to sign Schedule A indicating they have read, understand and accept the terms of this and other related policies.

END OF POLICY

APPROVED: February 12, 2019 Motion: C-070-19

AMENDED: September 22, 2020

Schedule "A" – Policy Declaration

I, \_\_\_\_\_ have read, understand and accept the terms of the following bylaws, policies and procedures.

1. Village of Hines Creek Policy – Council Code of Conduct
2. Village of Hines Creek Bylaw – Council Procedure
3. Online FOIP Training – <http://www.servicealberta.gov.ab.ca/foip/training/online:training:cfm>.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



VILLAGE OF HINES CREEK  
POLICIES AND PROCEDURES MANUAL  
COUNCIL

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TITLE: Disclosure of Pecuniary Interest

POLICY NUMBER: 100-23

EFFECTIVE DATE:

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POLICY STATEMENT:

According to Section 170 of the MGA a councillor has a pecuniary interest in a matter if:

- a. The matter could monetarily affect the councillor or an employer of the councillor, or
- b. The councillor knows or should know that the matter could monetarily affect the councillor's family.

1. When a Councillor has a pecuniary interest in a matter before the council, a council committee or any other body to which the Councillor is appointed as a representative of the council, the Councillor must, if present:

- Disclose the general nature of the pecuniary interest prior to any discussion of the matter.
- Abstain from voting on any question relating to the matter,
- Subject to subsection (3), abstain from any discussion of the matter, and
- Subject to subsections (2) and (3), leave the room in which the meeting is being held until discussion and voting on the matter are concluded.

2. If the matter with respect to which the Councillor has a pecuniary interest is the payment of an account for which funds have previously been committed, it is not necessary for the Councillor to leave the room.

3. If the matter with respect to which the Councillor has a pecuniary interest is a question on which, under this Act or another enactment, the Councillor as a taxpayer, an elector or an owner has a right to be heard by the council.

- It is not necessary for the Councillor to leave the room, and

- The Councillor may exercise a right to be heard in the same manner as a person who is not a Councillor.

4. If a Councillor is temporarily absent from a meeting when a matter in which the Councillor has a pecuniary interest arises, the Councillor must immediately on returning to the meeting, or as soon as the Councillor becomes aware that the matter has been considered, disclose the general nature of the Councillor's interest in the matter.

5. The abstention of a Councillor under subsection (1) and the disclosure of a Councillor's interest under subsection (1) or (4) must be recorded in the minutes of the meeting.

6. If a Councillor has disclosed a pecuniary interest at a council committee meeting and council considers a report of the committee in respect of which the Councillor disclosed a pecuniary interest at the council meeting and subsection (1) applies to the Councillor.

END OF POLICY

APPROVED: February 12, 2019 Motion: C-070-19

AMENDED: September 22, 2020



VILLAGE OF HINES CREEK  
POLICIES AND PROCEDURES MANUAL

Council

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TITLE: Special Meetings  
POLICY NUMBER: 100-29  
EFFECTIVE DATE: 2020-09-22

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POLICY STATEMENT:

Additional meetings that do not appear in the annual schedule may need to be called to address special or emergent issues. As per the MGA Section 194 there are specific criteria that must be met to call a special meeting, and some conditions that must be followed during a special meeting.

METHODS

1. The chief elected official may call a special meeting whenever the official considers it appropriate to do so, and must call a special meeting if the official receives a written request for the meeting (stating its purpose) from a majority of the councilors.
2. A special meeting must be held within 14 days after the date the request was received.
3. The chief elected official may call a special meeting by giving a least 24 hours' notice in writing to each councilor and to the public. The purpose of the meeting, the date, time and place of the meeting must be stated.
4. A special meeting may be held with no notice to the public and less than 24 hours' notice to councilors if at least 2/3 of council agrees to the meeting in writing before the beginning of the meeting.
5. No matter other than that stated in the notice calling the special meeting may be discussed at the meeting unless the whole council is present and agrees to deal with the matter in question.

END OF POLICY

APPROVED:

AMENDED

VILLAGE OF HINES CREEK  
POLICY MANUAL  
ADMINISTRATION





VILLAGE OF HINES CREEK  
POLICIES AND PROCEDURES MANUAL

Council

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TITLE: Public Hearings

POLICY NUMBER: 100-30

EFFECTIVE DATE: 2020-09-22

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**POLICY STATEMENT:**

Pursuant to the Municipal Government Act, the Village must hold a Public Hearing before Council when adopting or amending a Statutory Plan or Land Use Bylaw. Public Hearings provide an opportunity for members of the public to speak to Council on proposed planning and development matters. Public hearings are formal hearings that must follow rules set out by provincial and local legislation. Comments may be submitted in writing or verbally during the hearing, and Council can ask questions of the people who are present. Anyone may speak during a public hearing.

**METHODS:**

Section 230 of the Municipal Government Act states that:

- 1) Notice of the public hearing must be given in accordance with Section 606 of the MGA-where notice of the meeting is advertised in such a manner that it will be brought to the attention of substantially all residents who may be affected
- 2) The public hearing is conducted during a regular or special council meeting so that only one set of minutes is created.
- 3) The meeting must be held before the second reading of the bylaw, or before council votes on the resolution.
- 4) After the public has the opportunity to speak council may:
  - a) Pass the bylaw or resolution
  - b) Make any amendment to the bylaw or resolution it considers necessary and proceed to pass it without further advertisement or hearing, or
  - c) Defeat the bylaw or resolution
- 5) The minutes of the council meeting during the public hearing must record the public hearing to the extent directed by the council.

END OF POLICY

APPROVED:

AMENDED





VILLAGE OF HINES CREEK  
POLICIES AND PROCEDURES MANUAL  
COMMUNITY

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TITLE: PUBLIC PARTICIPATION POLICY

POLICY NUMBER: 500-02

EFFECTIVE DATE:

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**POLICY STATEMENT:**

In accordance with Section 216.1 of the Municipal Government Act, this Public Participation Policy has been developed to recognize the value of public participation and create opportunities for meaningful participation in decisions that directly impact the public.

This Public Participation Policy is in addition to and does not modify or replace the statutory public hearing requirements in the Municipal Government Act.

The Village of Hines Creek values the use of effective and meaningful public participation approaches and techniques that:

- contribute to good decisions and policies that serve the community's interest; and
- assist with the establishment of effective programs to deliver services to the community.

The Village shall provide appropriate public participation opportunities in its decision-making processes based on the nature of the decision to be made.

**PROCEDURE:**

The application of this public participation policy must be balanced with the understanding that Council is elected to make decisions that set the direction for the municipality. While taking into account all of the information available to them, including the input of the public, Council must ultimately bear the burden of making significant and often difficult choices. Furthermore, to allow for timely and efficient governance, public participation must be proportional to the scope of the decision to be made.

The Village shall use a variety of public participation approaches and techniques to address the differing circumstances and needs of the various issues that may be the subject of public participation efforts.

The public participation approaches and techniques that may be used, either individually or in combination with each other, by the Village as part of a public participation process include:

1. Formal opportunities for meeting with Council members outside the regular Council meetings

2. A statistically representative citizen satisfaction survey to obtain the community's overall perceptions of quality of life in Hines Creek and satisfaction with the services and programs provided by the Village of Hines Creek (subject to funding);
3. Written and electronic surveys, polls and questionnaires;
4. Booths or displays at community events;
5. Open houses, community workshops and public meetings;
6. Public hearings and devoted times at regular Council meetings for public input;
7. Letters and targeted notices;
8. Broad general advertising using a variety of media (print, social, digital);
9. Task forces, steering committees and advisory groups; and
10. Focus groups and presentations to community organizations.

#### DEFINITIONS

**"CAO"** means the Chief Administrative Officer of the Village of Hines Creek;

**"Community"** means the residents, landowners, business owners, organizations and agencies that make up the Village of Hines Creek;

**"Public participation"** means the efforts the Village makes to interact with members of the community and the public when making decisions on behalf of the community related to policies, programs, projects, approvals, use of resources and services. These efforts are in addition to the Village's normal, routine interactions with members of the community through the day-to-day delivery of services and responses to inquiries;

**"Public participation approach"** or **"public participation technique"** means the processes and activities the Village may use to achieve public participation and may include such things as surveys, workbooks, open houses, workshops, round tables, focus groups, advisory committees, citizen boards and similar methods of involvement.

#### RESPONSIBILITIES

Council shall:

1. Help identify issues and decisions that may need or could benefit from public participation;
2. Review staff recommendations on issues requiring public participation and assess the level of public participation to be undertaken relative to the nature of the issue and the capacity of the Village;
3. Support effective and meaningful public participation through the appropriate allocation of budget and staff resources;
4. Promote public participation opportunities and encourage participation;
5. Communicate positively to citizens and the media about the importance of public participation events to the Village and the Village's decision making process;
6. Attend and observe public participation events;
7. Respect and support the role of staff in designing, executing and reporting on public participation activities and outcomes;
8. Respect and support the role of advisory committees in considering the input received from these committees;
9. Carefully and thoughtfully review the findings of public participation events; and
10. Use the input received through public participation as an essential part of Council discussions, deliberations and decision making.

The CAO shall:

1. Identify issues that may need or could benefit from public participation;
2. Assess the level and type of public participation that is appropriate and recommend an overall approach to Council;
3. Prepare public participation plans for Council's consideration when so directed or when deemed necessary by the CAO based on the nature of the issue that is going before Council;
4. Execute public participation plans approved by Council as effectively and efficiently as possible;
5. Summarize and report to Council and the community on the input and results from public participation activities;
6. Consider the input received through public participation in creating recommendations to Council on how to proceed;
7. Evaluate public participation events and techniques for ongoing improvement and effectiveness; and
8. Continuously build up skills and experience in public participation to be able to deliver effective and meaningful opportunities and approaches.

#### METHODS

This policy shall be posted on the Village of Hines Creek website and made readily available to all members of the public.

This policy shall be reviewed every four years, or earlier if deemed necessary by Council.

END OF POLICY

APPROVED

AMENDED

