



June 9, 2021

News Release

Clarification on Rescinding of Councillor Appointments

In response to questions posed regarding Council motions made in relation to Councillor Hugo, the following is intended to provide additional clarity on the matter and the basis of Council's decisions.

The Municipal Government Act (MGA) outlines the roles and responsibilities of municipalities, elected officials, and administration. The MGA is a large, complex document that applies to all municipalities in Alberta, but several pertinent sections apply to the decisions Council made at the June 8 meeting:

- **Section 153 – General Duties of Councillors**

"(d) to obtain information about the operation or administration of the municipality from the chief administrative officer or a person designated by the chief administrative officer;"

This section establishes the Chief Administrative Officer (CAO) as the point of contact for Councillors. The CAO is Council's only employee.

- **Section 201 – Council's Principal Role in Municipal Organization**

"(2) A Council must not exercise a power or function or perform a duty that is by this or another enactment or bylaw specifically assigned to the chief administrative officer or a designate officer."

The MGA depicts separate roles for Council and Administration.

- **Section 207 – Chief Administrative Officer's Responsibilities**

"(a) is the administrative head of the municipality;"

and,

"(c) advises and informs the council on the operation and affairs of the municipality."

As well, section 146.1(1) of the MGA makes it mandatory for municipalities to establish a Code of Conduct governing the conduct of Councillors. Section 153 (e.1) of the MGA establishes that a Councillor must adhere to the Code of Conduct.

The Kneehill County Code of Conduct and Ethics Bylaw (Bylaw 1783), which all members of Council have signed, covers several topics. Part Four of the Code addresses the specific topics that Council felt pertained in this instance, and other instances that have occurred throughout the current term of Council.

Among others, Council felt that relevant sections from **Part Four of the Bylaw** included:

"Councillors agree to act honestly and in good faith at all times."

"Councillors agree to act with integrity, professionalism, and respect when interacting with other Members of Council, other elected officials and government officials, Kneehill County Administration, contractors, and members of the public."

Council also felt that provisions under **Part 5.3 of the Bylaw** were also relevant. Provisions such as:

“Councillors will respect the professional opinions of Kneehill County Administration and be mindful that the Chief Administrative Officer is exclusively responsible under the Municipal Government Act for directing staff.”

“Requests for information will be directed to the Chief Administrative Officer or in the manner specified by the Chief Administrative Officer.”

“Councillors will not instigate, be involved with, or condone personal attacks on other Councillors, members of Administration, or members of the public.”

“Councillors will not comment in public regarding the performance of any member of Administration but will instead refer any question of performance or a staff member to the Chief Administrative Officer.”

The provisions of the MGA and the Code are also reflective of the principle that no one member of Council can direct Administration (staff, contractors, etc.). Direction is given to the CAO by Council through motions that must be carried by a majority of Councillors. These provisions are in place to facilitate efficiency and good governance.

Council opted to conduct this discussion in open Council as recent events, such as Councillor Hugo’s involvement with contactors, attempt to direct contractors, and comments made towards staff while at the Torrington Gravel Pit, have demonstrated that previous attempts to resolve these behaviors in accordance with the Code, through confidential discussions of Council regarding their roles and responsibilities, and more than one discussion between the Reeve, Deputy Reeve, and Councillor Hugo, have not resulted in positive change.

During discussion in open Council on June 8th, 2021, Councillor Hugo admitted to the alleged acts and was deemed to be in contravention of the Code of Conduct. Given this, Council made the difficult choice to invoke Section 12.5 (2) of the Code, as 12.5 (1) of the Code had already been invoked previously and privately. Councillor Hugo was the only Councillor to oppose this motion.

Council also chose to reinforce the roles and responsibilities of a Councillor, as outlined in the Municipal Government Act and the Kneehill County Code of Conduct and Ethics Bylaw, by directing Councillor Hugo to refrain from engaging staff and contractors at County sites and facilities, and to engage with Administration through the Chief Administrative Officer as per legislation.

By Council motion, Councillor Hugo is no longer appointed to any Committees or Boards on behalf of Kneehill County Council. Councillor Hugo still retains his status as a Councillor and is still able to participate at Council and Committee of the Whole Meetings as the representative for his Division.