

Calgary Metropolitan Region Board  
**Governance Committee Meeting Agenda**

February 18, 2021 – **10:30** AM

Go-To Meeting

**\*Meetings are recorded & live-streamed\***

***The purpose of this meeting is to convene, discuss and make decisions regarding recommendations to be made to the Calgary Metropolitan Region Board.***

- |  |         |           |
|--|---------|-----------|
| 1. Call to Order & Opening Remarks   | Clark   |           |
| 2. Adoption of Agenda<br><b><i>For Decision: Motion to adopt and/or revise the Agenda</i></b>  | All     |           |
| 3. Approval of Minutes (Attachment)<br><b><i>For Decision: Motion that the Committee approve the Minutes of December 17, 2020 meeting</i></b>  | All     | <b>3</b>  |
| 4. Q4 Actuals (Attachment)<br><b><i>For Decision: Motion that the Committee receive and recommend for review by the Board the Q4 actuals</i></b>                                       | Copping | <b>6</b>  |
| 5. Dispute Framework (Attachment)<br><b><i>For Approval: Motion that the Committee approve the Dispute Resolution Framework and direct Administration to draft a Bylaw</i></b>         | Copping | <b>8</b>  |
| 6. REF Appeal Process & Non-REF Reconsideration Process (Attachment)   | Copping | <b>14</b> |
| a) <b><i>For Approval: Motion that the Committee approve the REF Appeal Process and direct Administration to draft a Bylaw</i></b>   |         |           |
| b) <b><i>For Approval: That the Committee approve the Non-REF Reconsideration Process and direct Administration to draft a Bylaw</i></b>   |         |           |
| 7. Treaty 7 Lands Acknowledgement (Verbal)<br><b><i>For Information: Motion that the Committee accept for information an update on the Treaty 7 Territory Land Acknowledgement</i></b> | Copping |           |
| 8. Chief Officer Performance Review (Attachment)<br><b><i>For Discussion: Motion that the Committee discuss the Performance Evaluation Procedure for the Chief Officer in 2021</i></b> | Clark   | <b>28</b> |

9. New Chair Disclosure of Concurrent Roles (Attachment) Clark **32**  
**For Information:** Motion that the Committee receive for information a letter from Chair Clark disclosing concurrent roles per the Board Conflict of Interest Policy
10. Proposed Next Meeting: April 8, 2021 @ 9:30 Clark
11. Adjournment

Governance Committee Members:

Mayor Peter Brown (Airdrie)	Cllr Jamie Kinghorn (High River)
Cllr George Chahal (Calgary)	Mayor Bill Robertson (Okotoks)
Reeve Dan Henn (Rocky View)	Reeve Amber Link (Wheatland)
Reeve Suzanne Oel (Foothills)	
Mayor Jeff Genung (Cochrane)	
Mayor Marshall Chalmers (Chestermere) Vice Chair	

Christopher Sheard, Committee Chair  
 Greg Clark, Committee Chair

Upcoming Meetings:

Board	February 26 @ 9:30 AM	Go-To Meeting
Land Use & Servicing Committee	March 4 @ 9:30 AM	Go-To Meeting
Governance Committee	April 8 @ 9:30 AM	Go-To Meeting
Advocacy Committee	TBD	

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Minutes of the meeting of  
the Governance Committee of the  
Calgary Metropolitan Region Board held by  
GoToMeeting on Thursday December 17, 2020

### **Delegates in Attendance**

Mayor Peter Brown – City of Airdrie  
Councillor George Chahal – City of Calgary  
Mayor Marshall Chalmers – City of Chestermere  
Mayor Jeff Genung – Town of Cochrane  
Reeve Suzanne Oel – Foothills County  
Councillor Ken Heemeryck – Town of Okotoks  
Reeve Dan Henn – Rocky View County  
Councillor Jamie Kinghorn – Town of High River  
Deputy Reeve Scott Klassen – Wheatland County

### **CMRB Administration:**

Chris Sheard, Chair  
Jordon Copping, Chief Officer  
Shelley Armeneau, Office Manager

#### **1. Call to Order**

Called to order at 9:30 AM.

#### **2. Adoption of Agenda**

**Moved by** Mayor Brown, **Seconded by** Reeve Henn, accepted by Chair.

**Motion:** That the Committee approve the agenda of the meeting.

**Motion carried unanimously.**

#### **3. Approval of Minutes**

**Moved by** Reeve Oel, **Seconded by** Councillor Kinghorn, accepted by Chair.

**Motion:** That the Committee approve the Minutes of the November 26, 2020 meeting.

**Motion carried unanimously.**

#### **4. Reserve Funds Policy**

**Moved by** Mayor Brown, **Seconded by** Mayor Genung, accepted by Chair.

**Motion:** That the Committee review and recommend for approval to the Board the proposed Reserve Funds Policy.

**Motion carried unanimously.**

## 5. Dispute Framework

Jordon noted there was a typo on the brief for this item under next steps and that feedback will help inform final agreement on how the bylaw will look, but not necessarily the final bylaw, will come to the next Committee meeting. Members discussed the draft appeal and reconsideration framework and questions set out in the agenda package. Feedback will be sent back to municipal administrations for consideration.

**Moved by** Mayor Brown, **Seconded by** Councillor Kinghorn, accepted by Chair.

**Motion:** That the Committee receive for information CMRB Administration's report on a dispute framework.

**Motion carried unanimously.**

## 6. REF Appeal Process

In discussing the proposed REF Appeal Process there was consensus for an external Appeal Committee to adjudicate a hearing from members of the Board and municipalities, with respect to Notices of Dispute. Most, but not all, members felt there should be a three-stage process: 1. Facilitated discussion 2. Mediation 3. Appeal. Some members felt there should not be a mediation step. Strong support was shown for the Municipal Government Board (MGB) to be the external party making the final, binding decision. Jordon noted he will be investigating whether this can fit into the new mandate of the revised MGB and what legislative or regulatory steps would be required.

**Moved by** Mayor Brown, **Seconded by** Councillor Kinghorn, accepted by Chair.

**Motion:** That the Committee receive for information CMRB Administration's report on REF Appeal Process.

**Motion carried unanimously.**

## 7. Non-REF Reconsideration Process

With respect to the Non-REF reconsideration process, a two-stage process including facilitation and mediation was favored by the Committee.

**Moved by** Councillor Heemeryck, **Seconded by** Reeve Henn, accepted by Chair.

**Motion:** That the Committee receive for information CMRB Administration's report on Non-REF Reconsideration Process.

**Motion carried unanimously.**

**8. Treaty 7 Lands Acknowledgment**

The Committee supported commencing the acknowledgment of Treaty lands at CMRB meetings. In addition, they agreed to consult with indigenous neighbours on the specific wording.

**Moved by** Mayor Brown, **Seconded by** Mayor Genung, accepted by Chair.

**Motion:** That the Committee support the recommendation and request feedback on the wording from indigenous neighbours and come back to next governance meeting with a report on revised wording, if necessary.

**Motion carried unanimously.**

**9. Next Meeting:** February 5, 2021.

**10. Adjourned at 11:29 AM.**

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CMRB Chair, Christopher Sheard

<b>Agenda Item</b>	<b>4</b>
<b>Submitted to</b>	<b>Governance Committee</b>
<b>Purpose</b>	<b>Present to the Governance Committee for Recommendation</b>
<b>Subject</b>	<b>CMRB 2020 Q4 Actuals</b>
<b>Meeting Date</b>	<b>February 18, 2021</b>
<i>That the Committee receive and recommend for review by the Board the 2020 Q4 actuals</i>	
<p>Background</p> <ul style="list-style-type: none"> <li>The CMRB has been funded by the Government of Alberta through the Alberta Community Partnership grant program.</li> </ul>	
<p>Attachments</p> <ul style="list-style-type: none"> <li>Q4 Actuals</li> </ul>	

## Introduction

CMRB Administration has compiled the Q4 Actuals for review by the Governance Committee.

## Recommendation

That the Governance Committee receive for information and recommend for review by the Board the 2020 Q4 Actuals.

	2020 Budget	2020 Q4 Budget	2020 Q4 Actual	Q4 Variance	YTD Budget	YTD Actual	YTD Variance
<b>REVENUE</b>							
GoA Grant	\$1,750,000.00	\$0.00	\$ -	\$0.00	\$1,750,000.00	\$1,750,000.00	\$0.00
Interest on GIC	\$40,000.00	\$10,000.00	\$ 14,912.80	\$4,912.80	\$40,000.00	\$25,617.15	-\$14,382.85
Withdrawal from Reserves	\$900,000.00	\$ 200,000.00	\$ -	-\$200,000.00	\$900,000.00	\$700,000.00	-\$200,000.00
<b>TOTAL Revenue</b>	<b>\$2,690,000.00</b>	<b>\$210,000.00</b>	<b>\$ 14,912.80</b>	<b>-\$195,087.20</b>	<b>\$2,690,000.00</b>	<b>\$2,475,617.15</b>	<b>-\$214,382.85</b>
<b>EXPENDITURES</b>							
<u>CAPITAL EXPENSES</u>							
Computers & Hardware	\$6,000.00	\$1,500.00	\$ -	\$1,500.00	\$6,000.00	\$0.00	\$6,000.00
Office Furniture	\$6,000.00	\$1,500.00	\$ -	\$1,500.00	\$6,000.00	\$0.00	\$6,000.00
Phone/Internet Hardware	\$3,000.00	\$750.00	\$ -	\$750.00	\$3,000.00	\$0.00	\$3,000.00
<b>TOTAL CAPITAL EXPENSES</b>	<b>\$15,000.00</b>	<b>\$3,750.00</b>	<b>\$ -</b>	<b>\$3,750.00</b>	<b>\$15,000.00</b>	<b>\$0.00</b>	<b>\$15,000.00</b>
<u>OPERATING EXPENSES</u>							
STAFFING COSTS							
Salary	\$645,000.00	\$157,500.00	\$ 156,720.24	\$779.76	\$645,000.00	\$647,406.15	-\$2,406.15
Benefits	\$117,000.00	\$29,250.00	\$ 28,015.92	\$1,234.08	\$117,000.00	\$110,993.73	\$6,006.27
Board Chair	\$140,000.00	\$35,000.00	\$ 27,880.00	\$7,120.00	\$140,000.00	\$87,198.80	\$52,801.20
<b>TOTAL STAFFING COSTS</b>	<b>\$902,000.00</b>	<b>\$221,750.00</b>	<b>\$ 212,616.16</b>	<b>\$9,133.84</b>	<b>\$902,000.00</b>	<b>\$845,598.68</b>	<b>\$56,401.32</b>
OFFICE LEASE	\$80,000.00	\$20,000.00	\$ 19,639.65	\$360.35	\$80,000.00	\$78,860.99	\$1,139.01
OFFICE OPERATING COST							
General Operating Costs	\$36,000.00	\$9,000.00	\$ 10,999.83	-\$1,999.83	\$36,000.00	\$35,487.30	\$512.70
Professional Fees	\$30,000.00	\$4,000.00	\$ 4,971.75	-\$971.75	\$30,000.00	\$21,423.00	\$8,577.00
<b>TOTAL OFFICE OPERATION COSTS</b>	<b>\$66,000.00</b>	<b>\$13,000.00</b>	<b>\$ 15,971.58</b>	<b>-\$2,971.58</b>	<b>\$66,000.00</b>	<b>\$56,910.30</b>	<b>\$9,089.70</b>
TRAVEL COSTS	\$45,000.00	\$11,250.00	\$ -	\$11,250.00	\$45,000.00	\$4,009.80	\$40,990.20
MEETING COSTS							
Meeting Venue/Catering	\$55,000.00	\$13,750.00	\$ -	\$13,750.00	\$55,000.00	\$10,770.42	\$44,229.58
Per Diem	\$75,000.00	\$18,750.00	\$ 19,400.00	-\$650.00	\$75,000.00	\$43,989.44	\$31,010.56
<b>TOTAL MEETING COSTS</b>	<b>\$130,000.00</b>	<b>\$32,500.00</b>	<b>\$ 19,400.00</b>	<b>\$13,100.00</b>	<b>\$130,000.00</b>	<b>\$54,759.86</b>	<b>\$75,240.14</b>
CONSULTANT COSTS							
Growth/ Servicing Plan	\$1,200,000.00	\$300,000.00	\$ 294,509.60	\$5,490.40	\$1,200,000.00	\$933,959.04	\$266,040.96
REF Consultants	\$144,000.00	\$36,000.00	\$ 11,555.33	\$24,444.67	\$144,000.00	\$44,321.85	\$99,678.15
<b>TOTAL CONSULTANT COSTS</b>	<b>\$1,344,000.00</b>	<b>\$336,000.00</b>	<b>\$ 306,064.93</b>	<b>\$29,935.07</b>	<b>\$1,344,000.00</b>	<b>\$978,280.89</b>	<b>\$365,719.11</b>
CONTINGENCY	\$108,000.00	\$27,000.00	\$ -	\$27,000.00	\$108,000.00	\$0.00	\$108,000.00
<b>TOTAL EXPENDITURE</b>	<b>\$2,690,000.00</b>	<b>\$665,250.00</b>	<b>\$ 573,692.32</b>	<b>\$91,557.68</b>	<b>\$2,690,000.00</b>	<b>\$2,018,420.52</b>	<b>\$671,579.48</b>

Agenda Item 4i Attachment

<b>Agenda Item</b>	<b>5</b>
<b>Submitted to</b>	<b>Governance Committee</b>
<b>Purpose</b>	<b>For Approval</b>
<b>Subject</b>	<b>CMRB Dispute Resolution Framework</b>
<b>Meeting Date</b>	<b>February 18, 2021</b>
<i>That the Committee approve the Dispute Resolution Framework and direct Administration to draft a bylaw</i>	
<p><b>Summary</b></p> <ul style="list-style-type: none"> <li>• The subsequent two agenda items will bring forward work to date regarding the two-streamed dispute resolution process for REF and Non-REF decisions. The two agenda items were updated with feedback from the previous Governance Committee Meeting in December 2020</li> <li>• The following framework summarizes input received from the Governance Committee in December 2020, which was incorporated into the subsequent two agenda items.</li> <li>• It is important to recognize the work of the EMRB which has set a path for CMRB to follow with respect to this Dispute Resolution Framework.</li> </ul>	
<p><b>Attachments:</b></p> <ul style="list-style-type: none"> <li>• <b>Proposed CMRB Dispute Resolution Framework</b></li> <li>• <b>Updated CMRB Appeal and Reconsideration Framework</b></li> </ul>	

## Next Steps

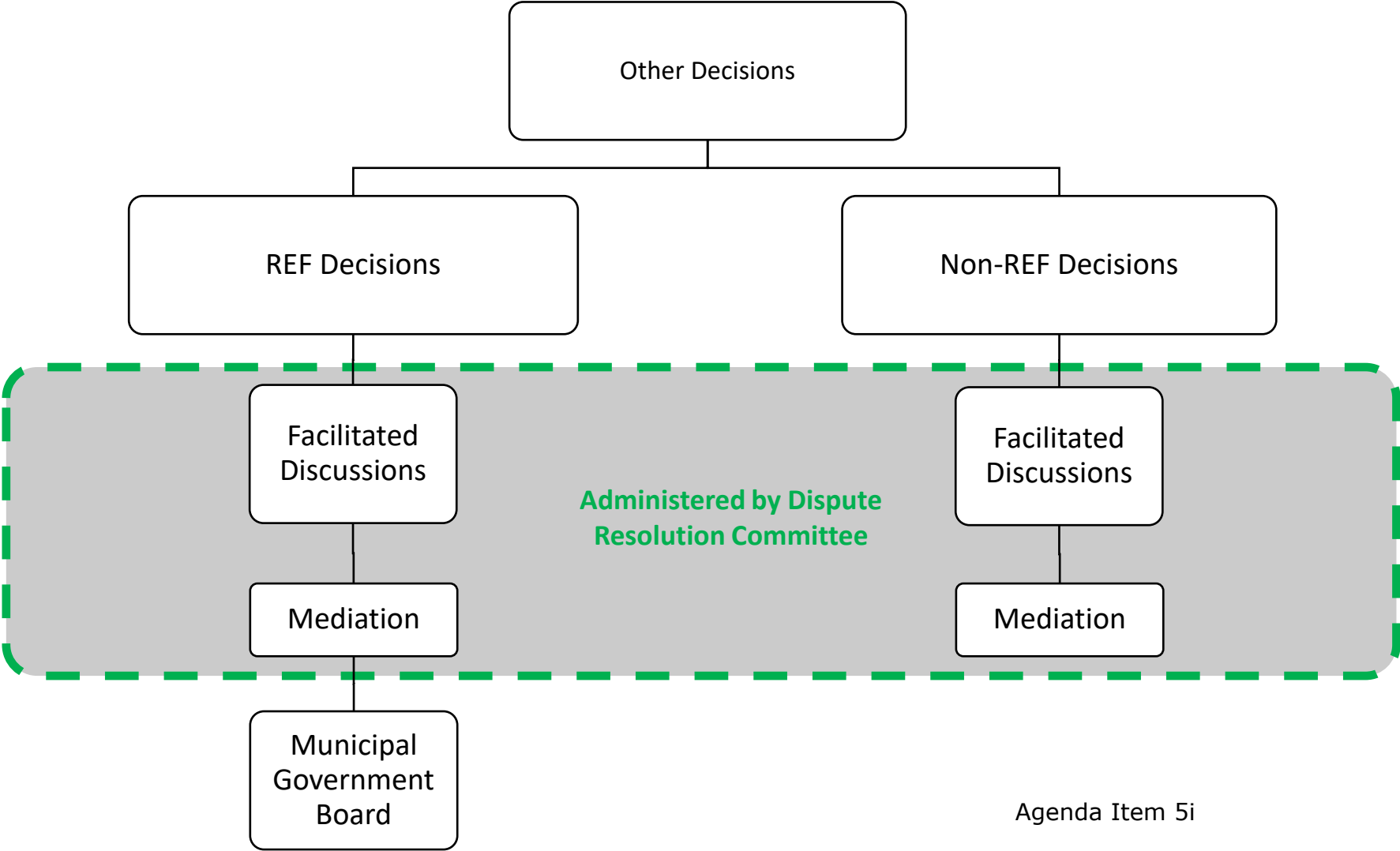
Given the requested extension for delivering the Growth and Servicing Plan, and the current demands on municipal staff time, CMRB Administration wants to confirm that the Committee supports the Dispute Resolution Framework, including having the Municipal Government Board conduct written hearings as the mechanism for CMRB Members to appeal Regional Evaluation Framework (REF) decisions. Once the Committee endorses this approach by recommending it to the Board, Administration will draft a bylaw for review and input from municipal administrations before taking the entire package to the Board for discussion.

## Recommendation

That the Committee approve the Dispute Resolution Framework and direct Administration to draft a bylaw.



# Proposed Dispute Resolution Framework



## UPDATED CMRB APPEAL AND RECONSIDERATION FRAMEWORK

	<b>Working Framework / Recommendations</b>	<b>Questions and Governance Committee Feedback</b>
<p><b>WHEN</b> and <b>HOW</b> is a dispute submitted for resolution?</p>	<ul style="list-style-type: none"> <li>• Within 28 days of the disputed decision. The Board has the authority to extend this deadline by an additional 14 days, to account for special or extenuating circumstances.</li> <li>• By a member municipality filing a written Notice of Dispute which sets out:               <ul style="list-style-type: none"> <li>○ the grounds on which the decision is disputed (for example, breach of process or discriminatory treatment );</li> <li>○ reasons for the dispute; and</li> <li>○ a copy of the Council resolution authorizing the filing of the Notice of Dispute.</li> </ul> </li> <li>• The Board is required to acknowledge receipt of a Notice of Dispute within three (3) business days.</li> <li>• <b>REF decision</b> dispute referred to Dispute Resolution Committee and, if necessary, Municipal Government Board (MGB)</li> <li>• <b>Non-REF decision</b> dispute referred to Dispute Resolution Committee only</li> </ul>	<ul style="list-style-type: none"> <li>• Does Board Administration have the authority to reject a Notice of Dispute which does not satisfy these mandatory requirements? To be determined</li> <li>• Is there a filing fee payable to the Board? No</li> </ul>
<p><b>WHAT</b> decisions are subject to the dispute resolution process?</p>	<ul style="list-style-type: none"> <li>• Grounds for submitting a Board decision for dispute resolution:               <ul style="list-style-type: none"> <li>○ Breach of process</li> <li>○ Discriminatory treatment</li> <li>○ Decisions which impose a significant financial hardship on a member municipality, or impact a municipality's sustainability</li> <li>○ Other.</li> </ul> </li> <li>• Decisions that would be exempt from the dispute resolution process:</li> </ul>	

	<b>Working Framework / Recommendations</b>	<b>Questions and Governance Committee Feedback</b>
	<ul style="list-style-type: none"> <li>○ Preparation of Growth Plan and Servicing Plan (ss. 7 and 14 of Regulation)</li> <li>○ Preparation of REF (s. 12(1) of Regulation)</li> <li>○ Other.</li> </ul>	
<b>WHAT</b> is the REF Appeal process?	<ul style="list-style-type: none"> <li>● A three stage appeal process:               <ol style="list-style-type: none"> <li>(1) Facilitated Discussions</li> <li>(2) Mediation</li> <li>(3) MGB</li> </ol> </li> <li>● The complainant and the Board must participate in each step of the dispute resolution process.</li> <li>● The MGB’s decision is final, i.e., there is no further right of dispute or appeal.</li> </ul>	
<b>WHAT</b> is the Non-REF reconsideration process?	<ul style="list-style-type: none"> <li>● A two stage reconsideration process:               <ol style="list-style-type: none"> <li>(1) Facilitated Discussions</li> <li>(2) Mediation</li> </ol> </li> <li>● The Complainant and the Board must participate in each step of the reconsideration process.</li> <li>● The Dispute Resolution Committee’s decision is final, i.e., there is no further right of dispute or appeal.</li> </ul>	<ul style="list-style-type: none"> <li>● Requires direction from Governance Committee regarding whether or not to include Mediation in Non-REF reconsideration process. Including mediation was preferred.</li> </ul>
<b>WHO</b> is the decision maker and <b>HOW</b> is the decision made? (Stage 1, Facilitated Discussions)	<ul style="list-style-type: none"> <li>● A Dispute Resolution Committee (the “DRC”) to be established in accordance with Terms of Reference adopted by the Board, to make recommendations to the Board on matters for both REF Appeal and Non-REF Reconsideration disputes per the TOR.</li> <li>● The DRC will participate in a facilitated discussion with the complainant within thirty (30) days of receipt of the Notice of Dispute; continuations may be scheduled by agreement of the parties. The Board has</li> </ul>	<ul style="list-style-type: none"> <li>● See draft Terms of Reference.</li> </ul>

	Working Framework / Recommendations	Questions and Governance Committee Feedback
	<p>the authority to extend the 30 day deadline by an additional 14 days, to account for special or extenuating circumstances.</p> <ul style="list-style-type: none"> <li>• The Board will pay the costs of the facilitator, and any other external costs incurred by the Board with respect to the facilitated discussions.</li> </ul>	
<p><b>WHO</b> is the decision maker and <b>HOW</b> is the decision made? (Stage 2, Mediation )</p>	<ul style="list-style-type: none"> <li>• The parties. Any resolution would be subject to approval by the Board and Council of the municipality at subsequent meetings.</li> <li>• Representatives from the Board and municipality participate in a non-binding without prejudice mediation. <ul style="list-style-type: none"> <li>○ Board is represented by DRC.</li> <li>○ The municipality is represented by its appointed representative, alternate, and CAO or designate.</li> <li>○ The parties may agree to additional persons being present during the mediation.</li> </ul> </li> <li>• The mediator is appointed by administration from a roster of mediators approved by the Board.</li> <li>• The mediation must commence within thirty (30) days of the conclusion of the unsuccessful facilitated discussions; continuations may be scheduled with the agreement of the parties.</li> <li>• The parties will share the cost of the mediator and facilities, and pay their own costs with respect to the mediation process.</li> </ul>	<ul style="list-style-type: none"> <li>• See draft Terms of Reference</li> <li>• This stage may not be applicable for Non-REF Disputes, in which case, only REF Appeals would utilize stage 2, Mediation. Committee preferred mediation for both REF and Non-REF disputes</li> </ul>
<p><b>WHO</b> is the decision maker and <b>HOW</b> is the decision made? (Stage 3, MGB )</p>	<ul style="list-style-type: none"> <li>• MGB is the decision maker and the process is administered by the MGB. There is no need for a separate committee.</li> </ul>	<ul style="list-style-type: none"> <li>• How are costs apportioned?</li> <li>• See draft Terms of Reference No longer applicable.</li> </ul>

<b>GENERAL CONSIDERATIONS</b>		<ul style="list-style-type: none"><li>• Which timelines and requirements should be incorporated into the Bylaw (which requires Ministerial approval) and which should be included in the Terms of Reference, which can be amended by Board resolution from time to time? To be determined</li></ul>
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DRAFT

<b>Agenda Item</b>	<b>6</b>
<b>Submitted to</b>	<b>Governance Committee</b>
<b>Purpose</b>	<b>For Approval</b>
<b>Subject</b>	<b>CMRB REF Appeal Process and Non-REF Reconsideration Process</b>
<b>Meeting Date</b>	<b>February 18, 2021</b>
<p>6a) That the Committee approve the REF Appeal Process and direct Administration to draft a Bylaw</p> <p>6b) That the Committee approve the Non-REF Reconsideration Process and direction Administration to draft a Bylaw</p>	
<p><b>Summary</b></p> <ul style="list-style-type: none"> <li>• The <i>Municipal Government Act</i> (MGA) requires the CMRB to approve an appeal mechanism or dispute resolution mechanism by bylaw for the purposes of resolving disputes arising from actions taken or decisions made by the growth management board.</li> <li>• In response to a request of all ten municipalities by the Chair, Rocky View County submitted a proposal detailing potential mechanisms to be explored by the CMRB.</li> <li>• At its May 2018 meeting, the Governance Committee provided the following direction to CMRB Administration, <i>“Convene a workshop of member CAOs, providing them with resources needed -including legal if necessary, in order to make a recommendation to the Board regarding a dispute resolution mechanism or appeal process that will satisfy the requirements of the legislation and provide a workable mechanism for the Board in the future.”</i></li> <li>• CAO workshops were held on July 11, September 11, and December 5, 2018. These meetings were productive and led to a consensus position among the CAOs that there is need to develop a dispute resolution mechanism. This mechanism would be used to mediate disagreements between municipalities in the event a challenge is filed against a recommendation of approval of an IREF application by CMRB Administration.</li> <li>• At the September 2019 Board meeting, the Governance Committee recommended Proposed Option 2 of the CMRB Dispute Resolution Mechanism for approval by the Board.</li> <li>• At the October 2019 meeting of the Board, this issue was referred back to the Governance Committee for further discussion.</li> </ul>	

- At the February 21, 2020 meeting of the Governance Committee the following direction was given to Administration:
  - Eliminate option “Appeal to the Minister of Municipal Affairs”.
  - Administration to consult with Municipal Government Board to ask if they would consider creating a review track specific to CMRB.
  - Consider discussion on IREF process and whether the Board should be removed from that decision.
  - Bring back to Governance Committee meeting for additional vetting before going to the Board.
- At the July 2, 2020 meeting of the Committee a two track appeal mechanism was put forward by Administration, as well as the possibility of working with the Edmonton Metropolitan Region Board on a possible appeal mechanism.
  - The Committee was not ready to support recommending a two stream appeal mechanism to the Board at the time and the City of Calgary and Foothills County requested time to provide further input into the development of the mechanism.
  - CMRB Administration continued to work with the EMRB to explore areas of joint interest and possible cooperation.
- At the October 2020 meeting of the Committee, the Committee approved using a two track appeal mechanism. One track was for appeals pertaining only to REF decisions and the other track was for reconsideration pertaining to non-REF decisions. Administration was asked to explore the details of the REF decision appeals and also Non-REF decision reconsiderations to include the option for mediation.
- **REF Decisions:** At the December 2020 meeting, the majority of feedback indicated that utilizing a three step **REF Appeal** process was preferable and that the final step utilize a fully external panel to render a final decision. CMRB Administration received confirmation from the MGB that they could be utilized as the final step. Consequently, as the final step utilizes an existing body with its own set of bylaws and processes, there is no need for a CMRB Appeal Committee to administer the third step in the process. Consequently, the Appeal Committee will not be struck by the Board.
- **Non-REF Decisions:** At the December 2020 meeting, the majority of feedback indicated that utilizing a two step **Non-REF Decision Reconsideration** process was preferable (Option A). The steps are to include facilitated discussions and mediation. The outcome of the two steps include recommendations made to the Board on the Notice of Dispute.
- Prior to submitting a Notice of Dispute, “the Complainant” is encouraged to first discuss the issue with the Board and seek resolution through administrative means

**Attachments:**

- Process Diagram: REF Decision Appeal Process
- Process Diagram: Non-REF Reconsideration Process
- Draft TOR Dispute Resolution Committee

## Introduction

The MGA requires the creation of an appeal or dispute resolution mechanism. There are several dispute mechanisms which could be considered by the Board including, but not limited to: mediation, arbitration, mediation-arbitration, referral to an adjudicative body or referral to the courts.

However, Section 13 of the CMRB Regulation states:

(4) Subject to an appeal or dispute resolution mechanism established under section 708.23(1) of the *Act* or as otherwise provided in the Framework, a participating municipality has no right to a hearing before the Board in respect of its approval or rejection of a statutory plan.

(5) Subject to section 708.23(1) of the *Act*, a decision of the Board under this section is final and not subject to appeal.

(6) This section applies only to statutory plans to be adopted by a participating municipality after the establishment of the Framework.

It is important to note that the Regulation recognizes the supremacy of the Board in approving statutory plans which are reviewed under the Interim Region Evaluation Framework (IREF).

## Background

The full text of the pertinent section of the MGA and of the CMRB Regulation is as below.

### *Municipal Government Act*

**708.23(1)** A growth management board must at its inception establish by bylaw an appeal mechanism or dispute resolution mechanism, or both, for the purposes of resolving disputes arising from actions taken or decisions made by the growth management board.

**(2)** Section 708.08(2) and (3) apply to a bylaw made under this section as if the bylaw were made under that section

### *CMRB Regulation*

#### Approval of statutory plan

**13(1)** Statutory plans to be adopted by a participating municipality that meet the criteria set out in the Framework must be submitted to the Board for approval.

**(2)** In accordance with the Framework, the Board may approve or reject a statutory plan.

**(3)** A statutory plan referred to in subsection (1) has no effect unless it is approved by the Board under subsection (2).



**(4)** Subject to an appeal or dispute resolution mechanism established under section 708.23(1) of the *Act* or as otherwise provided in the Framework, a participating municipality has no right to a hearing before the Board in respect of its approval or rejection of a statutory plan.

**(5)** Subject to section 708.23(1) of the *Act*, a decision of the Board under this section is final and not subject to appeal.

**(6)** This section applies only to statutory plans to be adopted by a participating municipality after the establishment of the Framework.

## **Work to Date**

At the request of the Governance Committee CMRB Administration convened three CAO workshops in an attempt to reach a consensus position on what type of appeal/dispute resolution mechanism would best suit the needs of the CMRB.

The three workshops were successful in framing the issue, exploring the need and applicability of such a mechanism, and determining in what circumstances an appeal mechanism would best serve the needs of the CMRB.

There was wide-ranging discussion at all three workshops, and consensus was reached that a mediation process should be implemented for IREF decisions where another municipality lodges a challenge against a recommendation of approval from the CMRB Administration (this will be discussed further below); however, there was no consensus reached on two critical issues:

1. Whether or not an appeal mechanism should remain internal to the Board or if there should be an external body to which a member can appeal.
  - There were three options discussed on this topic:
    - i. That an appeal should be made to an external body, such as the Municipal Governance Board.
    - ii. That an appeal should be made to the Minister of Municipal Affairs.
    - iii. That it should be a reconsideration process by the CMRB.
2. Whether the appeal mechanism should be available on decisions other than IREF decisions.
  - While much of the discussion on this topic focussed on appeals relating to a denied IREF application, there were municipal representatives who wanted to explore the possibility that the appeal mechanism could have broader applicability.

Considering the lack of consensus among the ten members, the Chief Officer of the CMRB put forward a two pronged methodology for consideration by the Committee.

### **3.1. Top Tier Decisions**

By member suggestion, and agreed upon by the Governance Committee, it is recommended that the Board consider separating decisions into 'Top Tier' decisions and other decisions. Top Tier decisions would include decisions such as passing the Growth and Servicing Plans and would be passed only by consensus of the entire membership of the Board. Top Tier decisions would not be subject to an appeal process.

Other decisions, which would not require consensus, would fall into two categories. The two categories are either REF decisions, or non-REF decisions.

### **3.2. Applicability of the Appeal Mechanism to REF Decisions versus Non-REF Decisions**

The CMRB has been enabled to provide a number of coordinating functions to member municipalities in the Region. The Regulation provides significant latitude in the range of endeavours the Board can direct Administration to undertake as long as those endeavours are focused on benefiting the members of the Region. One key role of the Region is to develop the Growth and Servicing Plans, the policies necessary to implement these plans, and the Regional Evaluation Framework necessary to ensure member municipalities are meeting the agreed upon commitments made in Growth and Servicing Plans.

The Board has the authority to determine which Board decisions will be subject to an appeal mechanism. At the October 2020 meeting of the Governance Committee, the committee agreed that the Appeal Mechanism be applicable only to REF decisions of the Board. A separate reconsideration mechanism is to be applicable to non-REF decisions, and is to be established through bylaws adopted by the Board.

### **3.3. Work of the Edmonton Metropolitan Region Board**

EMRB is currently working on creating an appeal mechanism or dispute resolution mechanism as directed in section 708.23 of the MGA. Similar to the work previously done in the CMRB, the EMRB has a CAO Working Group to develop this process. One potential solution which has been raised in the Edmonton Metropolitan Region is the creation of a roster of knowledgeable individuals who would be able to hear appeals from the EMRB.

In order to enact this idea, the Board would create a pool of individuals who are knowledgeable regarding the MGA, Statutory Plans who would serve on a roster to hear appeals of decisions made by the CMRB. The Governance Committee supported CMRB Administration exploring this option at the October 2020 meeting. This avenue offers a number of benefits for the CMRB:

- Requires no regulatory change
- Allows the CMRB to maintain control of the process
- Allows the CMRB to control timing and cost
- Is an outside body, which addresses concerns raised by some members

Borrowing elements of the work products developed by the EMRB, CMRB Administration propose the attached three (3) staged process to a REF Decision Appeal.

## **Proposed REF Appeal Process**

This process has three stages of potential resolution, each with escalating level of effort and cost, encouraging the parties to come to agreement. Those stages are:

Stage 1: Facilitated discussion (Dispute Resolution Committee and facilitator)

Stage 2: Mediation (Dispute Resolution Committee and mediator)

Stage 3: Appeal (Municipal Government Board (MGB))

This proposed process involves creation of one committee. An internal Dispute Resolution Committee of the Board would be struck for the purposes of administering facilitated discussion and, failing that, mediations on behalf of the Board and making recommendations to the Board regarding Notices of Dispute. Draft Terms of Reference are attached.

At the December 2020 meeting of the Committee, the preference of the members was to utilize a fully external panel to render a final decision. Since that meeting, at the direction of the Governance Committee, CMRB Administration has been in discussions with the MGB. The MGB is able to act in this capacity for the CMRB. As the MGB is an existing entity with existing procedures, there is no need for a separate committee of the Board to administer the third stage of the process.

The MGB will adjudicate a hearing, failing the previous two steps of facilitated discussions and mediation, with respect to Notices of Dispute and render a binding decision.

The process is outlined in the REF Decision Appeal Process diagram attachment.

### **4.1 Appeal to the Municipal Government Board**

The MGB is in the midst of undergoing a transformation to the Land and Property Rights Tribunal (LPRT). Alberta Government Bill 48 (2020) established the *New Land and Property Rights Tribunal Act* to legislatively combine 4 boards (Municipal Government Board, New Home Buyer Protection Board, Land Compensation Board, Surface Rights Board) into a single public agency. The LPRT is scheduled to come into existence on June 1, 2021.

Regulations for the new organization are currently being drafted and staff from Municipal Affairs have agreed to ensure that the LPRT will be granted the authority to hear appeals from Growth Management Boards (GMB), should a GMB choose to utilize these services.

As a larger organization, the LPRT will have greater capacity to hear appeals of REF decisions from the CMRB.

In discussion with the Chair of the MGB, who will become the Chair of the LPRT, the potential of using a written hearing, similar to a judicial reference, was raised as a beneficial process.

A written hearing asks parties for submissions, asking for each party to provide written reasons for its position in the matter at hand, including documentary evidence. This evidence is reviewed by a three member panel comprised of a lawyer, a planner and a generalist. The current timeline for delivering a decision for a written hearing is 120 days.

The discussion further explored benefits of a written hearing:

1. The REF process outlines clear requirements, which lends itself to a written review.
2. Lower cost to municipalities - similar to the current IREF the REF process will require any challenges to CMRB Administration to be done in writing. A written hearing would be an extension of the existing CMRB process
3. Clear timelines – the current target for decisions from written hearings is 120 days
4. Experience in managing written hearings – the LPRT has great experience in process management of these hearings.

## **4.2 Key Question**

Does the Committee agree that a written hearing, similar to a judicial reference, is an appropriate appeal process for the CMRB?

## **Proposed Non-REF Reconsideration Process**

For Board decisions that are not related to REF, the Committee wanted to establish a separate process for decisions lacking an established agreement to measure against (as is the case for REF decisions). This proposed process has two stages of potential resolution, each with escalating level of effort and cost, encouraging the parties to come to agreement. The stages are:

Stage 1: Facilitated discussion (Dispute Resolution Committee and facilitator)

Stage 2: Mediation (Dispute Resolution Committee and mediator)

At the December 2020 meeting of the Committee, the Committee was overall in favour of striking the Dispute Resolution Committee (DRC) to administer a portion of the proposed REF Appeal process. The proposed DRC, would then also administer the Non-REF Decision reconsideration process and make recommendations to the Board regarding Notices of Dispute in accordance with the Terms of Reference (draft attached).

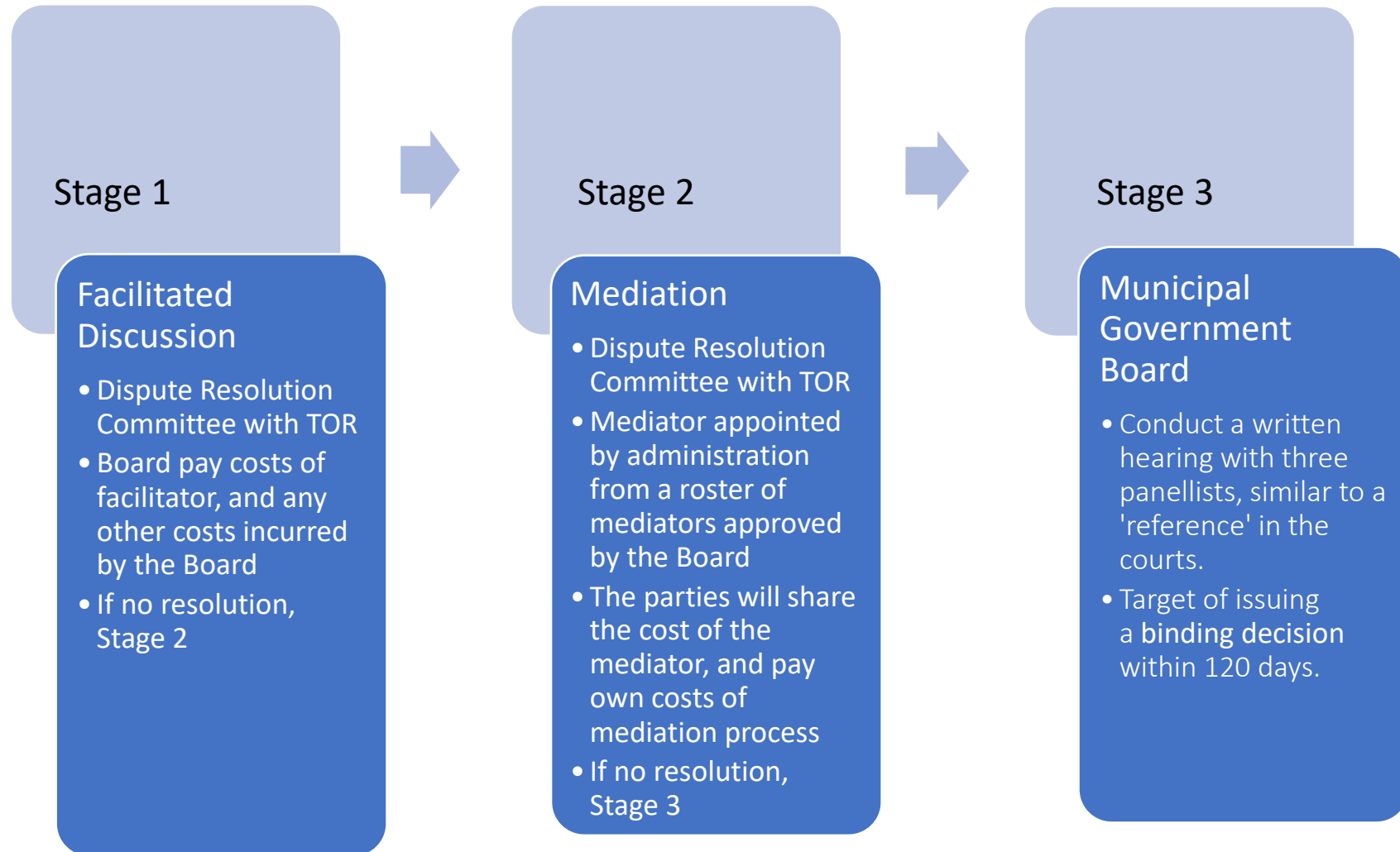
The process is outlined in the attached process diagram, entitled Non-REF Decision Reconsideration Process.

## **Recommendation**

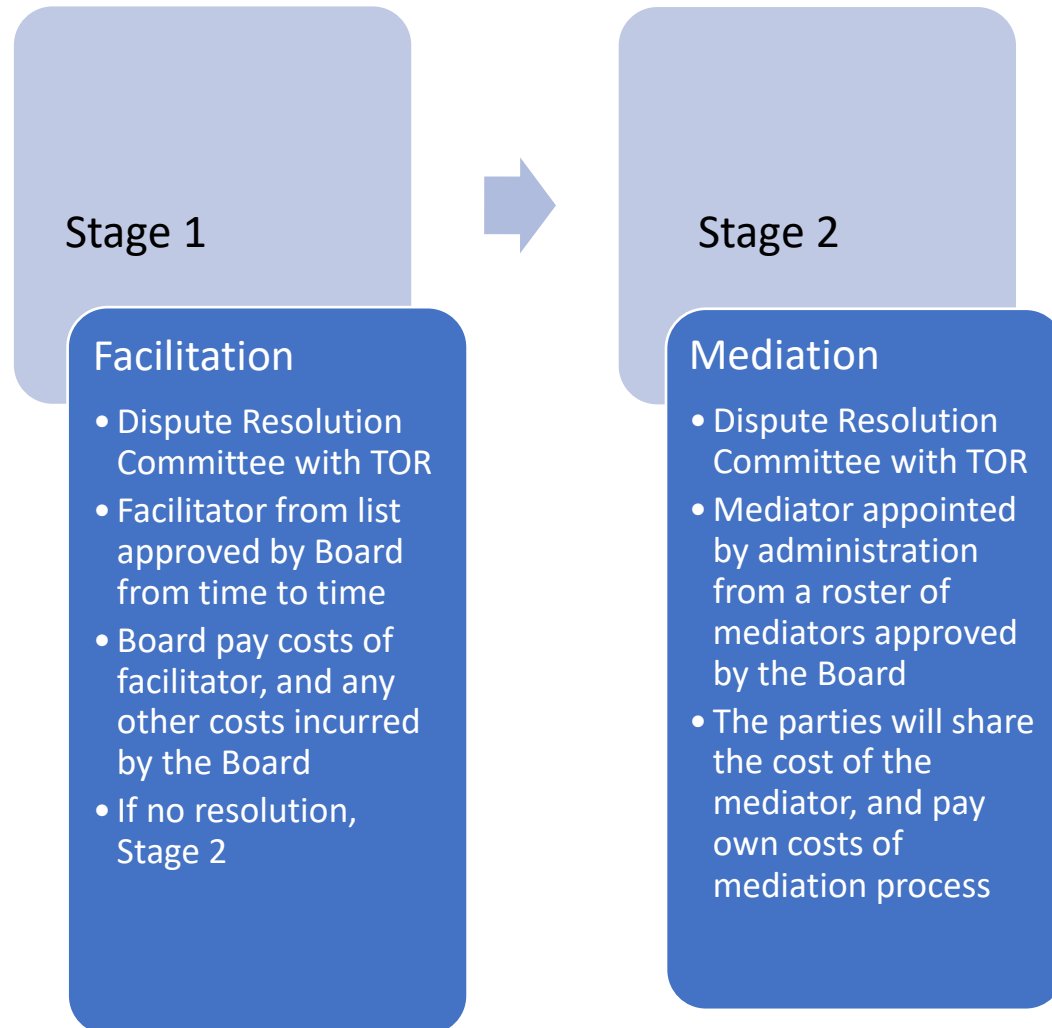
6a) That the Committee approve the REF Appeal Process and direct Administration to draft a Bylaw

6b) That the Committee approve the Non-REF Reconsideration Process and direct Administration to draft a Bylaw.

# REF Decision Appeal Process



# Non-REF Decision Reconsideration Process



Agenda Item 6ii Attachment

**PROPOSED TERMS OF REFERENCE  
DISPUTE RESOLUTION COMMITTEE**

NTD: Note to Draft

The Bylaw allows a member municipality to dispute an action taken or decision made by the CMRB by filing a written Notice of Dispute with the CMRB. The Dispute Resolution Committee (“the Committee”) plays a key role in the initial assessment of and response to Notices of Dispute.

	<b>Description</b>
<b>Purpose</b>	<p>The purpose of the Committee is to:</p> <ul style="list-style-type: none"> <li>• Review any Notice of Dispute filed with the CMRB by a member municipality (the “<b>Complainant</b>”);</li> <li>• Participate in facilitated discussions and mediations with the Complainant regarding the Notice of Dispute; and</li> <li>• Make recommendations to the CMRB regarding Notices of Dispute, including with respect to the validity of the Notice of Dispute and procedural and substantive matters.</li> </ul>
<b>Authority</b>	<p>The Committee is an advisory body to the CMRB. Recommendations by the Committee to the CMRB will require a motion of the Committee.</p>
<b>Membership</b>	<p>The membership of the Committee shall consist of five (5) representatives of participating municipalities or their designated alternates, appointed by the CMRB as follows:</p> <ul style="list-style-type: none"> <li>• One (1) representative from the City of Calgary;</li> <li>• One (1) representative from a City;</li> <li>• One (1) representative from a Town, and;</li> <li>• One (1) representative from a County,</li> <li>• One (1) alternate member on a rotating basis.</li> </ul> <p>In addition to the above, the CMRB shall appoint three (3) alternate members, which shall consist of one (1) alternate representative from a City, one (1) alternate representative from a Town, and one (1) alternate representative from a County, that are not otherwise represented on the Committee. Where the City of Calgary is the Complainant, the City of Calgary and the alternate will not participate on the Committee, resulting in a Committee of three for that Notice of Dispute.</p>



<p><b>Term</b></p>	<p>The CMRB will appoint Committee members for a term to be determined by the CMRB. The CMRB may, but is not required to, appoint members for varying or staggered terms. Committee members shall be prepared to serve for a minimum term of two (2) years.</p> <p>The CMRB will appoint new Committee members as required, including following municipal elections.</p>
<p><b><i>Ex Officio</i> Members</b></p>	<p>The CMRB Chair and Chief Officer shall be <i>ex officio</i> non-voting members of the Committee.</p>
<p><b>Chair and Vice Chair</b></p>	<p>The members of the Committee shall appoint a Chair and Vice Chair from amongst themselves. The Chair and Vice Chair must be representatives of member municipalities and voting members of the Committee.</p>
<p><b>Duties and Responsibilities</b></p>	<p><u>Facilitated Discussions</u></p> <p>The Committee shall meet within thirty (30) days of receipt of a Notice of Dispute by the CMRB, for the purpose of participating in a facilitated discussion with the Complainant regarding the Notice of Dispute.</p> <p>The Committee may, with the agreement of the Complainant, hold one or more additional meetings for the purpose of continuing facilitated discussions with the Complainant.</p> <p>The Committee shall provide a recommendation to the CMRB regarding a Notice of Dispute at the CMRB meeting following the conclusion of the CMRB’s facilitated discussions with the Committee. The Committee’s recommendation shall include:</p> <ul style="list-style-type: none"> <li>• The Committee’s assessment of the validity of the dispute; and</li> <li>• The Committee’s recommendation regarding any actions to be taken or decisions made by the CMRB in response to the Notice of Dispute, including any recommendations regarding the procedure to be followed in response to the Notice of Dispute.</li> </ul> <p><u>Mediation</u></p> <p>The Committee shall participate in a mediation with a Complainant within thirty (30) days of the conclusion of unsuccessful facilitated discussions regarding the Notice of Dispute.</p> <p>The Committee may, with the agreement of the Complainant, participate in one or more additional sessions for the purpose of</p>

	<p>continuing mediations with the Complainant.</p> <p>The Committee shall provide a recommendation to the CMRB regarding a Notice of Dispute at the CMRB Meeting following the conclusion of the mediation.</p>
<b>Quorum</b>	<p>Quorum is defined as a simple majority (50% plus one) of the membership of the Committee.</p>
<b>Decision Making</b>	<p>Representatives of participating municipalities shall be voting members of the Committee and shall have one (1) vote each. <i>Ex officio</i> members of the Committee shall not have voting rights.</p> <p>In the event that a member of the Committee represents the Complainant, the member shall not participate in any meetings regarding the Notice of Dispute and the alternate member shall participate as a member of the Committee for all purposes related to the Notice of Dispute. For further clarity, the alternate member shall represent the same type of municipality (i.e., City, Town of County) as the Complainant.</p> <p>In making decisions and recommendations, the Committee shall act:</p> <ul style="list-style-type: none"> <li>• In accordance with the <i>Municipal Government Act</i>, Calgary Metropolitan Region Board Regulation, Bylaw, and any other applicable CMRB bylaw or policy; and</li> <li>• In the best interest of the Calgary Metropolitan Region.</li> </ul> <p>All Committee motions must be moved by a voting member. A simple majority (50% plus one) of members in attendance is required to pass a motion.</p>
<b>Meetings</b>	<p>The Committee shall meet as necessary to fulfill its duties and responsibilities and otherwise as directed by the CMRB.</p> <p>Administration will endeavor to provide meeting agendas, minutes, reports, briefings, and supporting materials to Committee members in electronic format in advance of scheduled Committee meetings. Any materials not provided in advance of a scheduled Committee meeting will be provided to Committee members at the meeting.</p> <p>The Committee is required to conduct its meetings in public unless a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the <i>Freedom of Information and Protection of Privacy Act</i>, pursuant to s. 708.04 of the <i>Municipal Government Act</i>. In the event that a meeting is closed to the public, all Committee members and other individuals</p>

	<p>present during the closed portion of the meeting shall keep matters disclosed in the closed portion of the meeting in confidence until disclosed or discussed at a Committee or CMRB meeting held in public. Dispute resolution discussions would be subject to the same FOIP considerations as the Board.</p>
<p><b>Support and Resources</b></p>	<p>The Committee shall be supported by the Chief Officer, and CMRB Administration and outside consultants and professionals as determined to be necessary and directed by the Chief Officer.</p> <p>The Chief Officer shall engage the services of a facilitator to assist in discussions between the Committee and a Complainant. The facilitator shall be selected from a list of qualified individuals approved by the CMRB from time to time.</p> <p>The Chief Officer shall engage the services of a mediator to conduct mediation between the Committee and a Complainant. The mediator shall be selected from a list of qualified individuals approved by the CMRB from time to time.</p>
<p><b>Amendments to the Terms of Reference</b></p>	<p>The Committee may, from time to time, consider changes to its Terms of Reference and recommend proposed changes to the Terms of Reference to the CMRB for consideration and approval.</p>

<b>Agenda Item</b>	<b>8</b>
<b>Submitted to</b>	<b>Governance Committee</b>
<b>Purpose</b>	<b>For Discussion</b>
<b>Subject</b>	<b>Chief Officer Performance Evaluation</b>
<b>Meeting Date</b>	<b>February 18, 2021</b>
<i>That the Governance Committee discuss the performance evaluation process for the Chief Officer in 2021.</i>	
<p><b>Background</b></p> <ul style="list-style-type: none"> <li>• The Performance Review Process for Chair and Chief Officer were passed at the Board in April 2020</li> <li>• The Chair and Vice-Chair of the Governance Committee wish to discuss the performance evaluation process for the Chief Officer in 2021</li> </ul>	
<p><b>Attachments</b></p> <ul style="list-style-type: none"> <li>• Approved Performance Review Process</li> </ul>	

## Recommendation

Motion that the Governance Committee discuss the performance evaluation process for the Chief Officer in 2021.

## Approved Review Process

### Purpose

A formalized review process for both the Independent Board Chair and the Chief Officer will provide Board members the opportunity to:

- provide feedback on how the Independent Board Chair and the Chief Officer are performing in their roles, and
- offer constructive criticism on ways the Independent Board Chair and the Chief Officer can further support the Board in meeting its organizational goals.

It should be noted that this process is not the only method to offer feedback. Board, Committee and Sub-Committee members are encouraged to reach out to the Independent Board Chair or the Chief Officer to provide constructive performance feedback as necessary.

### Independent Board Chair Performance Review Process



*Figure 1: Steps in the Independent Board Chair Performance Review Process*

Step 1. The Independent Board Chair will set goals and strategic targets on an annual basis that support the Board in achieving its organizational mandate. These goals and targets will be submitted to the Board for its approval during Q1 of the fiscal year.

Step 2. The Board will discuss and approve the goals during Q1 of the fiscal year.

Step 3. In the event that the term of the Independent Board Chair's contract finishes in Q4 of the fiscal year, the Board will decide on renewal of the Independent Board Chair's contract in Q3 of the fiscal year.

Step 4. A report will be provided by the Independent Board Chair to the Vice-Chair of the Board outlining the goals and targets achieved during the fiscal year. These will be submitted to the Vice-Chair two (2) months before fiscal year end.

Step 5. The Vice-Chair of the Board will lead a 360 feedback review of the Independent Board Chair's performance. Feedback will be collected through surveys and interviews with Board Members, the Chief Officer, and any other stakeholders as mutually agreed to between the Vice-Chair of the Board and Independent Board Chair.

Step 6. 360 feedback will be consolidated and reported to the Board. The Board will discuss and agree to performance recommendations which will be communicated to the Independent Chair by the Vice-Chair. This process should occur early in Q1 of the fiscal year such that the 360 feedback recommendations can inform the Independent Chair's goal setting as described in Step 1.

### Chief Officer Performance Review Process



Figure 2: Steps in the Chief Officer Performance Review Process

Step 1. The Chief Officer, in discussion with the Board Chair, will set goals and strategic targets on an annual basis that support the Board in achieving its organizational mandate. These goals and targets will be submitted to the Board for its approval during Q1 of the fiscal year.

Step 2. The Board will discuss and approve the goals during Q1 of the fiscal year.

Step 3. A report will be provided by the Chief Officer to the Independent Board Chair outlining the goals achieved during the fiscal year. These will be submitted to the Vice-Chair two (2) months before fiscal year end.

Step 4. The Independent Board Chair will lead a 360 feedback review of the Chief Officer's performance. Feedback will be collected through surveys and interviews with Board Members, CMRB Administration, and any other stakeholders as mutually agreed to between the Independent Board Chair and the Chief Officer. A review session between the Chief Officer and the Board will also be coordinated by the Board Chair.

Step 5. 360 Feedback will be consolidated and reported to the Board. The Board will discuss and agree to performance recommendations which will be communicated to the Chief Officer by the Independent Board Chair. This should occur early in Q1 of the fiscal year such that the 360 feedback recommendations can inform the Chief Officers' goal setting as described in Step 1.

<b>Agenda Item</b>	<b>9</b>
<b>Submitted to</b>	<b>Governance Committee</b>
<b>Purpose</b>	<b>For Information</b>
<b>Subject</b>	<b>Board Chair Disclosure</b>
<b>Meeting Date</b>	<b>February 18, 2021</b>
<i>That the Committee receive for information a letter from Chair Clark disclosing concurrent roles per the Board Conflict of Interest Policy.</i>	
<p><b>Background</b></p> <ul style="list-style-type: none"> <li>• Chair Clark’s contract began on January 4, 2021</li> <li>• Chair Clark has submitted the attached letter to the Governance Committee in accordance with the Conflict of Interest Policy disclosing concurrent roles</li> </ul>	
<p><b>Attachments</b></p> <ul style="list-style-type: none"> <li>• Letter from Chair Clark</li> <li>• Governance Policy G-03, Conflict of Interest Policy</li> </ul>	

## Recommendation

That the Governance Committee receive for information a letter from Chair Clark disclosing concurrent roles per the Board Conflict of Interest Policy.



January 26, 2021

Mr. Chris Sheard  
Chair, Governance Committee  
Calgary Metropolitan Region Board  
Suite 305, 602 - 11th Avenue SW  
Calgary, AB T2R 1J8

Mayor Marshall Chalmers  
Vice-Chair, Governance Committee  
Calgary Metropolitan Region Board  
105 Marina Rd  
Chestermere, AB T1X 1V7

**Via Email**

Dear Mr. Sheard and Mayor Chalmers,

In accordance with the CMRB Conflicts of Interest Policy I write to share with you and the Governance Committee the concurrent roles I hold. I can advise that these external appointments do not create either a real, potential, or perceived conflict of interest or a conflict of commitment in relation to my role and responsibilities as Chair of the CMRB.

Please see the attached disclosure list.

I will keep the Committee updated should any of these roles change and, in keeping with the Pre-Separation clause of the Conflicts of Interest Policy, commit to consulting with you before I accept any other concurrent roles.

I would be happy to meet with the Committee or any individual Committee member should you have any questions.

Sincerely,



Greg Clark  
Chair, CMRB

cc. CMRB Governance Committee:

Mayor Peter Brown  
Councillor George Chahal  
Mayor Jeff Genung  
Reeve Suzanne Oel  
Councillor Jaime Kinghorn  
Mayor Bill Robertson  
Reeve Daniel Henn  
Reeve Amber Link

Agenda Item 9i Attachment

### Greg Clark Concurrent Roles

1. **Board Chair**, Balancing Pool. The Balancing Pool manages certain assets, revenues and expenses arising from the transition to competition in Alberta's electricity industry.
2. **President**, IKM Solutions Inc. IKM Solutions is my personal holding company through which I undertake occasional management consulting contracts.
3. **Board Member**, cSPACE Projects. cSPACE is a not-for-profit arts incubator based in Calgary, AB.
4. **Minority Shareholder**, RA2 Inc. RA2 is a marketing, research and communications firm based in Calgary, AB.
5. **Minority Shareholder**, Collabware Inc. Collabware is a software developer focused on records management software based in Vancouver, BC.

## **Updated Governance Policy G-03** **Conflict of Interest Policy**

### **Policy Brief and Purpose**

The Conflict of Interest policy is intended to help CMRB Board, Committee and sub-Committee Members (Members), CMRB Staff (Staff) and contractors make appropriate decisions when the issues they face involve ethical considerations. The policy cannot *cover all scenarios but provides guidance in support of day-to-day decisions.*

### **Scope**

This policy affects all CMRB Members, Staff, and contractors.

### **Policy**

Members, Staff and contractors must not use their status or position with the CMRB to influence or gain a benefit or advantage for themselves or others outside of the CMRB's mandate.

Members, Staff and contractors must take reasonable steps to avoid situations where they may be placed in a real or apparent conflict between their private interests and the interests of the CMRB. In other words, actions or decisions that members, Staff or contractors take on behalf of the CMRB must not provide them with an opportunity to further their pecuniary interests.

#### Gifts and Gratuities

Members are bound by the gift and gratuity policy of the municipal council to which they are elected.

Staff must not accept or receive gifts and gratuities other than the normal exchange of gifts between friends or business colleagues, tokens exchanged as part of protocol or the normal presentation of gifts to people participating in public functions.

#### Outside Activities

Members, Staff and contractors must avoid participating in outside activities that conflict with the interests and work of the CMRB. Members, Staff and contractors will discuss any potential conflicts with the CMRB Chair and/or the Chief Officer. This policy is not intended to impact the ability of Members to discharge their duties as officials elected to represent their municipalities.

#### Pecuniary Interests

If Members or Staff have a pecuniary interest, as defined in the *Municipal Government Act*, in a matter before the Board or any of its Committees, that Member or Staff must follow the CMRB Pecuniary Conflict of Interest Procedure.

Agenda Item 9ii Attachment

### Volunteer Activity

If Members, Staff or contractors are involved in volunteer work, the activity must not influence or conflict with decisions relating to the CMRB outside of providing potential insights in support of meeting the CMRB's mandate.

### Pre-Separation

Members and Staff considering a new offer of appointment or employment must be aware of and manage any potential conflicts of interest between their current position and their future circumstance and must remove themselves from any decisions affecting their new appointment or employment.

### Post-Separation

Once members and staff have left the CMRB, they must not disclose confidential information that they became aware of during their time with the CMRB and must not use their contacts with their former colleagues to gain an unfair advantage for their current circumstance.

### Sanctions for Members found Contravening the Policy

The Board (excluding the Member(s) who is subject of the complaint) will determine by simple majority what sanctions (if any) will be imposed, during a closed session of the Board.

The Chair will recommend to the Board the application of sanctions which may include:

- a. no sanctions be imposed
- b. letter of reprimand addressed to the Board or Committee Member,
- c. requesting the Board or Committee member issue a letter of apology,
- d. a letter of reprimand addressed to the Municipal Council and CAO of the municipality which the Board or Committee Member is representing,
- e. publication of a letter of reprimand addressed to the Board or Committee member,
- f. a letter to the Municipal Council and CAO of the municipality which the Board or Committee member is representing requesting that a new representative to CMRB be appointed, or
- g. other appropriate sanctions as determined by the Board.

The Board will decide through a simple majority which sanctions, if any, to impose on a Member.