

MINUTES OF THE REGULAR COUNCIL MEETING OF BRAZEAU COUNTY, HELD IN THE COUNTY ADMINISTRATION BUILDING, COUNCIL CHAMBERS IN BRAZEAU COUNTY ON TUESDAY JANUARY 17, 2023

CALL TO ORDER

Reeve B. Guyon called the meeting to order at 9:00 a.m.

PRESENT

B. Guyon, Reeve
D. Wiltse, Councillor
D. Ekstrom, Councillor
C. Brooks, Councillor
A. Heinrich, Councillor
K. Westerlund, Councillor
K. Edney Chief Administrative Officer
C. Swap, Chief Financial Officer
T. Scharfl, Executive Assistant
J. Grainger, Customer Service/Administrative Assistant
K. MacInnis, Corporate Communications Coordinator (by telephone)

URGENT ADDITIONS AND ADOPTION OF AGENDA

Addition to and Adoption of Agenda

- 001/23-01-17** Moved by D. Ekstrom to approve the agenda with the following additions:
- 6. Delegations/Appointments
1:00 p.m. Citizen Appreciation: Reg Harrison
 - 15. Meeting Dates
 - c) ACCPA 2023 Conference May 1-3, 2023 Edmonton, AB

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

Adoption of Minutes

- 002/23-01-17** Moved by D. Ekstrom to approve the minutes of the December 20, 2022 Council meeting as amended with corrections to the follow up action list.

CARRIED UNANIMOUSLY

BUSINESS ARISING

Business Arising

Follow Up Action List

K. Edney reviewed the status of the action items.

003/23-01-17 Moved by D. Wiltse to receive the Follow Up Action List for information.

CARRIED UNANIMOUSLY

CAO REPORT

CAO Report

2023 Division 1 By-Election - Establishing Dates

C. Swap presented the request for Council to establish the Election Day and Nomination Day for the Division 1 Councillor By-Election.

004/23-01-17 Moved by K. Westerlund to set Monday, April 3, 2023 as Election Day for Division 1 Councillor By-Election; to set Monday, March 6, 2023 as Nomination Day for Division 1 Councillor By-Election and to approve an advance vote to be held at the County office with dates and times to be determined by the Returning Officer.

CARRIED UNANIMOUSLY

Appointment of Election Officials

C. Swap presented the request to appoint election officials.

005/23-01-17 Moved by A. Heinrich to appoint Courtney Whalen as the Returning Officer for the 2023 Division 1 By-Election and to appoint Tina Scharfl as the Substitute Returning Officer for the 2023 Division 1 By-Election.

CARRIED UNANIMOUSLY

FIRE SERVICES

Fire Services

Station 3 Drayton Valley Parking Lot Upgrades

T. Thomson presented a request to upgrade the parking lot at the firehall in Drayton Valley. The project will be a cost shared project between the Town of Drayton Valley and Brazeau County with each municipality contributing \$10,000.00 to the project.

006/23-01-17 Moved by K. Westerlund to direct Administration to contribute up to \$10,000 to assist in the upgrade of the parking lot at Station 3 in Drayton Valley which will come from the Fire Department restricted surplus budget.

IN FAVOUR

D. Wiltse

C. Brooks

K. Westerlund

OPPOSED

D. Ekstrom

A. Heinrich

B. Guyon

MOTION LOST

007/23-01-17

Moved by K. Westerlund to add Station 3 Parking Lot Upgrades to 2024 budget discussions.

CARRIED UNANIMOUSLY

**PLANNING &
DEVELOPMENT**

Planning and Development

White Paper: Cryptocurrency Mining Operations

K. Sterling presented white paper on the issues and impacts of cryptocurrency mining operations.

Reeve B. Guyon left the meeting at 9:31 a.m. and Deputy Reeve C. Brooks assumed the chair.

008/23-01-17

Moved by A. Heinrich to direct Administration to adjust the current white paper with comments from today and to set up a meeting with the appropriate Ministers and Council.

CARRIED UNANIMOUSLY

Deputy Reeve C. Brooks called for a break at 9:53 a.m. and the meeting resumed at 10:00 a.m.

PUBLIC HEARING

Public Hearing

**Bylaw 1132-23 to Rezone a Portion of Pt. NW 19-47-3-W5M from
Agricultural (AG) to Agricultural Holdings (AGH)**

009/23-01-17

Moved by A. Heinrich that the regular Council meeting of January 17, 2023 proceed into public hearing for Bylaw 1132-23 at 10:01 a.m.

CARRIED UNANIMOUSLY

M. Martindale presented Bylaw 1132-23 for second and third readings.

Public Input: None

010/23-01-17

Moved by D. Wiltse that the regular Council meeting of January 17, 2023 come out of public hearing at 10:04 a.m.

CARRIED UNANIMOUSLY

011/23-01-17
IN FAVOUR

D. Wiltse
D. Ekstrom
C. Brooks
K. Westerlund

OPPOSED

A. Heinrich

CARRIED

Moved by K. Westerlund to give second reading to Bylaw 1132-23.

012/23-01-17
IN FAVOUR

D. Wiltse
D. Ekstrom
C. Brooks
K. Westerlund

OPPOSED

A. Heinrich

CARRIED

Moved by D. Wiltse to give third reading to Bylaw 1132-23.

PUBLIC WORKS

Public Works

Draft Roadside Ditching Policy

A. Saltesz presented a draft roadside ditching policy for Council's review.

013/23-01-17

Moved by A. Heinrich to amend the draft roadside ditching policy to include Clause 2. b) iv *"Brazeau County Public Works shall avoid the rotary ditching option unless prior approval has been granted by Council."*

D. Ekstrom offered a friendly amendment that the draft policy be brought back to the February 1, 2023 meeting for final approval.

A. Heinrich accepted the amendment.

IN FAVOUR

A. Heinrich
D. Wiltse
D. Ekstrom

C. Brooks

OPPOSED

K. Westerlund

CARRIED

Buck Creek Drainage Options

A. Saltesz presented several options for enhancing the drainage within the Hamlet of Buck Creek.

014/23-01-17

Moved by D. Ekstrom to receive the report for information with no further action.

IN FAVOUR

- D. Wiltse
- D. Ekstrom
- C. Brooks
- K. Westerlund

OPPOSED

- A. Heinrich

CARRIED

Buck Creek Fire Suppression Options

A. Saltesz presented several options for providing fire suppression within the Hamlet of Buck Creek.

Discussion paused for public input session.

PUBLIC INPUT SESSION

Public Input Session

Deputy Reeve C. Brooks opened the Public Input Session at 11:00 a.m.

Public Input: None

Deputy Reeve C. Brooks closed the Public Input Session at 11:01 a.m.

PUBLIC WORKS

Public Works

Buck Creek Fire Suppression Options

Discussion continued.

015/23-01-17

Moved by A. Heinrich to direct Administration, including the fire department, to conduct a thorough assessment of the County's fire suppression needs, including where water source locations are, and what areas are of higher risk and rank them as priorities.

CARRIED UNANIMOUSLY

AGRICULTURAL SERVICES

Agricultural Services

ALUS-1 Guiding Framework Policy

N. Chambers presented an amendment to the ALUS-1 Policy to include gates and a termination clause to the policy.

016/23-01-17 Moved by A. Heinrich to direct Administration to bring to the PAC's attention that when they are looking at forgiving significant dollars to consider the impact it has on other ALUS projects.

IN FAVOUR

A. Heinrich

D. Ekstrom

C. Brooks

K. Westerlund

OPPOSED

D. Wiltse

CARRIED

017/23-01-17 Moved by D. Ekstrom to approve the ALUS-1 Policy as revised.
CARRIED UNANIMOUSLY

FINANCE

Finance

Bank Reconciliation Statement as of November 30, 2022

018/23-01-17 Moved by K. Westerlund to receive the bank reconciliation statement for information.
CARRIED UNANIMOUSLY

Tax Recovery Reserve Bids

C. Swap presented the recommend reserve bids for properties up for tax sale.

019/23-01-17 Moved by K. Westerlund to establish the reserve bids as recommended by Accurate Assessment Group Ltd. on each property up for sale.
CARRIED UNANIMOUSLY

Code of Conduct Costs

C. Swap presented the costs related to the three Council Code of Conduct complaints.

020/23-01-17 Moved by A. Heinrich to receive the code of conduct costs report for information and to direct Administration to provide the totals after the billing is finalized.
CARRIED UNANIMOUSLY

021/23-01-17 Moved by K. Westerlund to table items 12. a) b) c) until the Reeve's return.
CARRIED UNANIMOUSLY

**CORRESPONDENCE
ITEMS**

Correspondence/Items for Information

Alberta Transportation re: Line Painting, High and Wide Loads, Intersection of Hwy 616 and Range Road 43

022/23-01-17 Moved by A. Heinrich to direct Administration to draw up a document to restate Council's concerns on road conditions and line painting to present to the Ministers they are trying to meet with on crypto currency and to receive the letter from Alberta Transportation for information.

D. Wiltse offered a friendly amendment to direct the letter to Alberta Transportation.

A. Heinrich accepted the amendment.

CARRIED UNANIMOUSLY

Reeve B. Guyon returned to the meeting and resumed the chair at 11:32 a.m.

**GENERAL
MATTERS**

General Matters

Appointment of Council member to Agricultural Service Board

023/23-01-17 Moved by D. Wiltse to appoint B. Guyon to the Agricultural Service Board.

CARRIED UNANIMOUSLY

Nomination and Appointment of Council member to the Drayton Valley and District Library Board

024/23-01-17 Moved by K. Westerlund to nominate A. Heinrich and C. Brooks as members to the Drayton Valley and District Library Board.

CARRIED UNANIMOUSLY

Voting ensued

Successful candidate: C. Brooks

025/23-01-17 Moved by K. Westerlund to appoint C. Brooks to the Drayton Valley and District Library Board.

CARRIED UNANIMOUSLY

Nomination and Appointment of Council member as Alternate for the Subdivision Development Appeal Board

026/23-01-17 Moved by K. Westerlund to defer the appointment of an Alternate to the SDAB to the April 18, 2023 Council meeting.

CARRIED UNANIMOUSLY

Alberta Municipal Affairs re: Intermunicipal Collaboration Frameworks

027/23-01-17 Moved by A. Heinrich to receive the letter from Municipal Affairs for information.

CARRIED UNANIMOUSLY

Lynn Oberle re: December 20, 2022 minutes

028/23-01-17 Moved by K. Westerlund to receive the letter from Lynn Oberle for information.

IN FAVOUR

A. Heinrich

D. Wiltse

C. Brooks

K. Westerlund

OPPOSED

D. Ekstrom

B. Guyon

CARRIED

RCMP re: RMA Convention follow up

029/23-01-17 Moved by K. Westerlund to add item 16. c) RCMP Staff Sergeant to the Closed Session *FOIP s. 17*.

CARRIED UNANIMOUSLY

030/23-01-17 Moved by D. Ekstrom to add Managing Unreasonable Conduct by Complainant *FOIP s. 19* to Closed Session as 16. d).

CARRIED UNANIMOUSLY

031/23-01-17 Moved by K. Westerlund to receive the correspondence from the RCMP for information.

CARRIED UNANIMOUSLY

Rotary Club re: Black & White Ladies Diamond Gala

032/23-01-17 Moved by A. Heinrich to direct Administration to write back to the Rotary Club with Council's expressed concerns.

CARRIED UNANIMOUSLY

**COUNCILLOR
REPORTS**

Councillor Reports

Reeve B. Guyon attended:

- Warburg Seed Cleaning
- Regular Council Meeting x 2
- WCFA meet with MLA and Ministers
- Prep Documents information for Pembina
- Meet with Executive for Pembina
- Meeting with Town and ASB

Councillor D. Ekstrom attended:

- Regular Council Meeting x 2
- MPC Meeting
- ASB Meeting

Councillor A. Heinrich attended:

- Regular Council meeting x 2
- Lunch with Drayton Valley Council - no charge
- ASB

Councillor K. Westerlund attended:

- Meeting with Minister Jean's Assistant - no charge
- Regular Council Meeting x 2
- Drayton Valley and District Community Learning Association
- Meeting with Lafarge Berrymoor Pit - no charge
- Eagle Point Blue Rapids Meeting
- Hook'd Broadband Meeting - no charge
- Health Committee Meeting with AHS

Councillor C. Brooks attended:

- Regular Council Meeting x 2
- MPC Training/Meeting
- Town Council Engagement - no charge

Councillor D. Wiltse attended:

- YRL Board Meeting
- Breton FCSS
- Regular Council Meeting x 2
- WCAS Meeting
- KnowB4 Training

033/23-01-17 Moved by A. Heinrich to receive the Councillor Reports for information.
CARRIED UNANIMOUSLY

**MEETING
DATES**

Meeting Dates

Selection of date in February 2023 for Workshop to discuss alternative base stabilization products, SB-90 and hard top surfacing options

034/23-01-17 Moved by D. Wiltse to add to the February 1, 2023 agenda to discuss alternative base stabilization products, SB-90 and hard top surfacing options.

D. Wiltse requested to withdraw her motion.

MOTION 034/23-01-17 WITHDRAWN

035/23-01-17 Moved by D. Ekstrom to set the Public Works workshop for February 22, 2023 at 9 a.m.

CARRIED UNANIMOUSLY

Ratification of Meeting January 10, 2023 Minister Jean Councillor K. Westerlund

036/23-01-17 Moved by D. Wiltse to ratify K. Westerlund's attendance at the Meeting with Minister Jean on January 10, 2023.

CARRIED UNANIMOUSLY

ACCPA 2023 Conference May 1-3, 2023

037/23-01-17 Moved by K. Westerlund to approve up to three councillors to attend the ACCPAC conference.

IN FAVOUR

B. Guyon
D. Ekstrom
D. Wiltse
C. Brooks
K. Westerlund

OPPOSED

A. Heinrich

CARRIED

Reeve called for a break at 12:07 p.m. and meeting resumed at 12:52 p.m.

**MEETING
DATES**

Meeting Dates

038/23-01-17

Moved by K. Westerlund change the May 2 and 16 Council meetings to May 9 and 23, 2023.

IN FAVOUR

D. Wiltse

B. Guyon

D. Ekstrom

C. Brooks

K. Westerlund

OPPOSED

A. Heinrich

CARRIED

**CLOSED
SESSION**

Closed Session

039/23-01-17

Moved by D. Ekstrom that the regular Council Meeting of January 17, 2023 proceed into closed session at 12:59 p.m. for the purpose of discussing:

a) Clarification of Legal Advice on Release of Code of Conduct Reports *FOIP s. 17 & 23*

b) Air Cadets Lease *FOIP s.16*

c) RCMP Staff Sergeant update *FOIP s. 17*

d) Unreasonable Conduct by Complainant *FOIP s. 19*

CARRIED UNANIMOUSLY

C. Swap joined the closed session at 1:00 p.m. for the purpose of discussing Legal Advice on Release of Code of Conduct Reports *FOIP s. 17 & 23* and Unreasonable Conduct by Complainant *FOIP s. 19*.

C. Swap left the closed session at 1:23 p.m.

L. Chambers joined the closed session at 1:26 p.m. for the purpose of discussing Air Cadets Lease *FOIP s. 16*.

L. Chambers left the closed session at 1:32 p.m.

040/23-01-17

Moved by C. Brooks that the regular Council Meeting of January 17, 2023 come out of closed session at 1:33 p.m.

CARRIED UNANIMOUSLY

Reeve B. Guyon called for a break at 1:33 p.m. to allow the public ample time to return and the meeting resumed at 1:38 p.m.

041/23-01-17

Moved by A. Heinrich to follow the legal advice and include the complete summary reports from the code of conduct files in today's minutes.

IN FAVOUR

A. Heinrich
B. Guyon
D. Ekstrom
C. Brooks
K. Westerlund

OPPOSED

D. Wiltse

CARRIED

042/23-01-17

Moved by D. Ekstrom to receive the report regarding the Air Cadets Lease for information and direct Administration to provide further information as requested.

CARRIED UNANIMOUSLY

043/23-01-17

Moved by K. Westerlund to receive the Staff Sergeant update for information.

CARRIED UNANIMOUSLY

044/23-01-17

Moved by D. Wiltse to receive the discussion on Unreasonable Conduct by Complainant as information and direct Administration to proceed as directed.

IN FAVOUR

D. Wiltse
B. Guyon
D. Ekstrom
C. Brooks
K. Westerlund

OPPOSED

A. Heinrich

CARRIED

ADJOURNMENT

045/23-01-17

Moved by C. Brooks that the regular Council Meeting of January 23, 2023 adjourn at 1:40 p.m.

CARRIED UNANIMOUSLY



Reeve



Executive Assistant

Attachments:

Summary of report from Code of Conduct Complaint by Mr. Huber.

Summary of report from Code of Conduct Complaint by Mr. Taylor.

Brazeau County Council Report on Code of Conduct Complaint by Mr. Huber

An investigator (“Investigator”) was retained to review a complaint brought by Mr. Les Huber regarding a verbal exchange between Mr. Huber and Reeve Bart Guyon during a Council Meeting on December 7, 2021.

Conclusion

Reeve Guyon acknowledged and agreed that he will modify his future behaviour to honour the purpose of ‘Public Input’ sessions to allow members of the public to engage in these sessions within the time permitted during Council Meetings in accordance with the Code of Conduct, Bylaw 1010-18 (the “Code of Conduct”).

Background

Mr. Huber’s complaint related to a verbal exchange between Mr. Huber and Reeve Guyon, which occurred during a ‘Public Input’ session of a Council Meeting on December 7, 2021. The exchange related to why certain road paving projects were approved during the annual budget, even though they did not appear on long-term infrastructure plans. Mr. Huber noted that there seemed to be some discrepancies between the budget and the long-term plans. The subsequent exchange was a back-and-forth verbal dialogue between Mr. Huber and Reeve Guyon.

Analysis

In accordance with the County’s Procedural Bylaw 1072-21, the County allows residents to speak to issues during a ‘Public Input’ session of a Council Meeting. ‘Public Input’ sessions are for the purpose of allowing residents to express their concerns and ask questions of Council.

During his interview, Mr. Huber stated that Reeve Guyon interrupted him and was dismissive of his concerns. While the verbal exchange between Mr. Huber and Reeve Guyon escalated to becoming a tense debate, that is not atypical for these types of engagements during Council Meetings; however, in this particular instance, the exchange between both sides became animated and Reeve Guyon admitted that his behaviour should support the spirit of the Code of Conduct. Reeve Guyon has agreed that he would handle future engagements differently, and issued a verbal apology to Mr. Huber at a subsequent Council Meeting. Reeve Guyon agreed that his behaviour and use of authority inherent in the position of meeting chair will be consistent with the purpose of ‘Public Input’ sessions.

Brazeau County Council Report on Code of Conduct Complaint by Mr. Taylor

An Investigator was retained to review the complaint brought by Mr. Taylor regarding how he was treated in his absence at an Agricultural Services Board (ASB) meeting on November 8, 2021.

Conclusion

We did not find a violation of the Code of Conduct, Bylaw No. 1010-18 (the "Code of Conduct") by Councillor Dallas Ekstrom.

We did not find a violation of the Code of Conduct by Councillor Randy Swap.

Background

Mr. Taylor's complaint related to two issues as follows:

1. Did Councillor Dallas Ekstrom violate the Code of Conduct, Bylaw No. 1010-18 (the "Code of Conduct") by making statements about Mr. Taylor?
2. Did Councillor Randy Swap violate the Code of Conduct by making a statement about another ratepayer revealing that he had been an applicant for the weed subsidy?

Analysis

While the comments offended Mr. Taylor on a subjective level, they are found to not be of a type or level of comment to meet the threshold of a finding of being disrespectful on an objective level; and therefore, did not violate the Code of Conduct.

Mr. Swap's comments about another ratepayer did not violate the Code of Conduct as there was no evidence that Mr. Swap was aware of who the applicants for the weed rebate program were at the time of his comments which were based on an assumption based on his personal knowledge regarding the large purchase of chemicals.

Policy and Decision Considerations

Policies Considered

Code of Conduct, Bylaw No. 1010-18

Workplace Harassment Policy Per - 11

Decisions and Cases considered

Chiarelli v. Ottawa (City of), 2021 ONSC 8256

Motlow(Re), 2021 ONMIC 40, Toronto Integrity Commissioner

Chan v. Therrien, 2021 ONMIC 6, Peterborough Integrity Commissioner

AUPE Grievance No. 867285, 2021 Canlii 56919 (AB GAA)

DeKoter v. McLeod, 2018ABQB217

Fortini v. Miles, 2018 ONMIC 23

Re: Dan Mclean, Councillor, decision of Integrity Commissioner, City of Calgary, May 31, 2022 (C2022-0759)

Re: Gian-Carlo Carra, Councillor, decision of Integrity Commissioner, City of Calgary, June 30, 2022 (C2022-0851)

Re: Evan Woolley, Councillor, decision of Integrity Commissioner, City of Calgary, April 9, 2021 (C2021-0733)

Re: Naheed Nenshi, Mayor, decision of Integrity Commissioner, City of Calgary, 2016 (M2016-0625)