

Procedure Name:	Alternative Informal Dispute Resolution Process
Procedure Number:	PRO-121
Procedure Owner:	Legislative Services
Adopted Date:	2024 April 19
Effective Date:	2024 April 19
Date Last Amended:	N/A
Date Last Reviewed:	N/A

Purpose

- 1 The purpose of this procedure is to provide councillors with an informal dispute resolution process as an alternative to pursuing a formal complaint under the *Council Code of Conduct Bylaw*.
- 2 The aim of this procedure is to avoid formal code of conduct complaints, investigations, and sanctions under the *Council Code of Conduct Bylaw* when appropriate and desired.
- 3 The informal dispute resolution process is intended to support the resolution of disputes between councillors through mediation and mutually agreed upon resolutions.



Alternative Informal Dispute Resolution Process

- 4 The informal dispute resolution process established by this procedure is intended to be an alternative to the informal and formal complaint processes established by the *Council Code of Conduct Bylaw*.
 - (1) Although not required by the *Council Code of Conduct Bylaw*, councillors are offered the option to utilize a mediator as part of the informal dispute resolution process outlined by this procedure prior to pursuing a formal complaint.
 - (2) Councillors are not required to pursue the informal dispute resolution process under this procedure prior to pursuing a formal complaint under the *Council Code of Conduct Bylaw*.
- 5 Any councillor who witnesses or becomes aware of conduct by a councillor that they reasonably believe, in good faith, contravenes any provision of the *Council Code of Conduct Bylaw*, and the councillor has addressed these concerns with the offending councillor without a resolution, should pursue the informal dispute resolution process by:

- (1) advising the Municipal Clerk that they wish to pursue the informal dispute resolution process provided by this procedure rather than the informal or formal complaint process provided by the *Council Code of Conduct Bylaw*.
- 6 When advised of the desire to pursue the informal dispute resolution process pursuant to this procedure, the Municipal Clerk:
- (1) provides for an independent mediator to assist with mediating the dispute between the councillors, subject to section 9 of this procedure; and
 - (2) coordinates and supports the informal dispute resolution process between the independent mediator and the councillors involved in the dispute as required.
- 7 All councillors involved in the dispute must be in agreement to pursue mediation under this procedure. If all councillors are not in agreement, any of the councillors involved may pursue a formal complaint under the *Council Code of Conduct Bylaw*.
- 8 All proceedings under the informal dispute resolution process must remain confidential and will be protected under the *Freedom of Information and Protection of Privacy Act*.



Independent Mediator

Eligibility of the Independent Mediator

- 9 The following persons are not eligible to act as an independent mediator:
- (1) a councillor of Rocky View County, or a family member, friend, or close associate of a councillor of Rocky View County;
 - (2) the Chief Administrative Officer of Rocky View County, or a family member, friend, or close associate of the Chief Administrative Officer of Rocky View County;
 - (3) a Rocky View County employee; nor
 - (4) any other person with a conflict of interest or vested interest in the outcome of investigations conducted under the *Council Code of Conduct Bylaw*.

Role of the Independent Mediator

- 10 The role of the independent mediator is to help resolve disputes between councillors in an informal and mutually agreed upon manner. The independent mediator is responsible for:

- (1) understanding the dispute and the positions of the councillors involved;
 - (2) assisting the councillors with developing solutions that would resolve the dispute or mitigate future conflict between the councillors;
 - (3) formalizing an agreement with the councillors with a mutually agreed upon solution that would resolve the dispute or mitigate future conflict between the councillors; and
 - (4) creating strategies for implementing the agreement between the councillors that would resolve the dispute or mitigate future conflict between the councillors.
- 11 The independent mediator is empowered to use generally accepted mediation practices to resolve disputes between councillors. The independent mediator does not conduct investigations, make findings, provide reports, or impose or recommend sanctions.
- 12 If the councillors involved cannot come to a mutually agreed upon resolution to the dispute with the independent mediator, any of the councillors involved may pursue a formal complaint under the *Council Code of Conduct Bylaw* on the matter.
- 13 Should a councillor decide to pursue a formal complaint, the independent mediator must be available to the Complaints Adjudicator to share information if requested.



References and Related Documents

Legislation	<ul style="list-style-type: none"> • Municipal Government Act • Code of Conduct for Elected Officials Regulation
Plans, bylaws, policies, etc.	<ul style="list-style-type: none"> • Council Code of Conduct Bylaw C-8338-2022
Related procedures	<ul style="list-style-type: none"> • N/A
Forms and templates	<ul style="list-style-type: none"> • N/A
Other	<ul style="list-style-type: none"> • Dispute Resolution Reference Guide, Department of Justice, Government of Canada



Revision History

Amendment date(s) – Amendment Description	• N/A
Review date(s) – Review Outcome Description	• N/A



Definitions

- 14 Words in this procedure have the same meaning as set out in the *Council Code of Conduct Bylaw*, except for the following:
- (1) “*Council Code of Conduct Bylaw*” means Rocky View County Bylaw C-8338-2022, being the *Council Code of Conduct Bylaw*, as amended or replaced from time to time;
 - (2) “Independent Mediator” means the person provided by the Municipal Clerk to mediate disputes between councillors in accordance with is procedure; and
 - (3) “Municipal Clerk” means the person employed in the role of Municipal Clerk or the equivalent position in Rocky View County’s organizational chart.