

July 26, 2021

## Code of Conduct investigation closes with sanctions for Councillor Buchanan

### 1. What is the Code of Conduct Bylaw?

A Code of Conduct is a written document that sets expectations for Council Member's conduct or behaviour.

All municipal councils are required by the *Municipal Government Act* (MGA) to have a Code of Conduct Bylaw. The City of Red Deer had code of conduct policies prior to the bylaw (3608-2018) being adopted by Council on July 23, 2018. It is reviewed when a new council is elected.

### 2. How is a Code of Conduct complaint handled?

When a person has a concern about the conduct of a Council Member they may choose a formal or an informal resolution process. Informal complaints are typically addressed through informal discussion between the parties, sometimes with the assistance of the Mayor to facilitate a healthy discussion and resolution. Receipt of a signed written complaint from either a member of the public or a Councillor triggers a more formal review and investigation. The investigation process may be led by members of Council or in independent third party. If the investigation determines that there has been a breach of the Code of Conduct Bylaw, Council may impose sanctions on the Council Member whose conduct fell short of the expected standards.

The member who is the subject of the complaint is given a full opportunity to respond to the complaint before council deliberates or a decision on sanctions are made.

### 3. How does the process start?

The process only starts when a person raises concerns that the conduct of a Council Member falls short or contravenes the standards set out in the Code of Conduct Bylaw. If they choose to discuss those concerns with the Council Member in question, that is considered an 'Informal Complaint'. If they submit a written complaint, that is considered a 'formal complaint'. There is no requirement that the person who has the concern start with the informal process before proceeding to a formal complaint.

### 4. Who is the reviewer?

According to the bylaw, a review is done by the Mayor, or at the Mayor's discretion, the Mayor and two Members, none of whom are the subject of or are implicated in the complaint. Members would be selected on a rotation by the Mayor or Deputy Mayor. A review is done to ensure the complaint has been made in good faith, and is not frivolous or vexatious. Only those complaints that pass this vetting process proceed to investigation. The investigation can be done by Council themselves or a third party.

### 5. Is the process confidential?

The investigation process is confidential. In most cases, a report is released to the public once the investigation is complete. Council must make any arising decisions in public.

### 6. Has The City received a formal Code of Conduct complaint?

Yes, after lengthy informal discussions with Councillor Buchanan failed to resolve the issue, a formal Code of Conduct complaint (C-01-2021) was submitted by Mayor Tara Veer in response to public and staff complaints. The formal complaint alleges Councillor Buchanan breached the bylaw through his social media activity in January 2021 and prior actions, causing City Council to lose leadership credibility and frustrating The City's pandemic response efforts.

### 7. What was the outcome of the complaint?

A committee made up of Council members reviewed the complaint and voted in favour of hiring a third party investigator. SAGE Analytics Inc. was hired to investigate the complaint and report back to Council. According to the findings SAGE, a social media post made by Councillor Buchanan in January 2021, combined with his prior actions amounted to a breach of three sections of the bylaw.

SAGE determined these actions were disrespectful to the local pandemic response efforts and increased a division in the community between individuals in favour and opposed to health restrictions. SAGE's report finds that through Councillor Buchanan's actions, The City's reputation was damaged, and The City's pandemic response efforts were negatively impacted. They also determined he demonstrated a pattern of conduct where he made negative comments that did not promote public confidence in The City's pandemic response efforts.

**8. Were there sanctions imposed?**

Yes, SAGE provided a list of recommended sanctions in the final report and Council ultimately resolved to require that Councillor Buchanan do the following:

- Issue a public apology to Red Deer residents, businesses, staff and Council for his actions and social media post on January 27, 2021, which caused increased confusion and division in the community during a time of crisis; and this apology be provided to the satisfaction of Council, during a public portion of a Council meeting.
- Arrange an in-person meeting with the AHS Central Zone Medical Director, or designate to offer a personal apology to Alberta Health Services for any harm caused by his public comments during the pandemic response.
- Be suspended from all Council committees and all Deputy Mayor rotation duties until sincere apologies are provided.
- Complete a social media course selected and paid for by The City of Red Deer that aligns with typical media training for City staff.

**9. Did Council hear from Councillor Buchanan?**

Councillor Buchanan was interviewed as part of the investigation and indicated he did not agree that he had breached the Bylaw. He was also given full opportunity to present his position prior to Council making their decision to adopt the findings of the investigator and impose sanctions.

**10. Did SAGE recommend all four of these sanctions?**

No, SAGE additionally recommended a reduction in Councillor Buchanan's committee pay. Council did not accept this recommendation, since Councillors are paid a base salary and not by the meeting, but Council did add a requirement that Councillor Buchanan obtain social media training.

**11. Do the sanctions impact Councillor Buchanan's term on City Council?**

Since Councillor Buchanan was elected by the people, he continues to serve as a Red Deer City Councillor.

**12. How much did the investigation cost?**

The total cost of the investigation, which was paid for by The City, was approximately \$20,000.

**13. How long did the process take?**

Councillor Buchanan's comments of concern were made on social media on January 27, 2021. Two months of informal discussions then took place before a formal complaint was filed on April 15, 2021. SAGE Analytics Inc. was retained on May 12, 2021 and presented their final report and recommendations to Council on July 6, 2021. Council's decision was finalized on July 26, 2021.

In holding each other to the standards of behavior expected of City Councillors, Council is accountable to each other, and ultimately to the citizens of Red Deer. It is critical that complaints are fairly and thoroughly investigated, that the member who is the subject of the complaint has a full opportunity to present their position to Council, and that any sanctions issued are appropriate to the severity of the breach. Although there is no set amount of time within which a complaint should be finalized, each is handled as promptly as possible.

**Additional information relating to Code of Conduct complaint number C-01-2021 can be found on the [Council Code of Conduct page](#) on The City's website.**