



**SPECIAL CLOSED MEETING OF COUNCIL
RESORT MUNICIPALITY OF WHISTLER
MINUTES**

Tuesday, May 30, 2023, 9:00 a.m.
Alta Vista Works Yard
3000 Highway 99

PRESENT: Mayor J. Crompton
Councillor A. De Jong
Councillor J. Ford
Councillor R. Forsyth
Councillor C. Jewett
Councillor J. Morden
Councillor J. Murl

STAFF PRESENT: Chief Administrative Officer, V. Cullen
General Manager of Corporate Services and Public Safety, T. Battiston
General Manager of Infrastructure Services, J. Hallisey
General Manager of Climate Action, Planning and Development Services, D. Mikkelsen
General Manager of Community Engagement and Cultural Services, K. Elliott
Director of Human Resources, D. Wood
Manager of Legislative Services/ Corporate Officer, P. Lysaght
Special Legal Projects, Brooke Browning
Legislative Services, Admin. Assistant, Pilar Mendieta

OTHERS: Young Anderson Partner, Reece Harding

1. CALL TO ORDER

Mayor J. Crompton recognized The Resort Municipality of Whistler is grateful to be on the shared, unceded territory of the Lílwat People, known in their language as Lílwat7úl, and the Squamish People, known in their language as Skwxwú7mesh. We respect and commit to a deep consideration of their history, culture, stewardship and voice.

2. RESOLUTIONS TO CONDUCT THE SPECIAL MEETING OF COUNCIL "CLOSED"

Moved By Councillor C. Jewett

Seconded By Councillor J. Murl

That the remainder of this Meeting is to be closed; and,

May 30, 2023

That Council conduct the Special Meeting of Council closed to the public in accordance with the *Community Charter* section:

- 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

3. PURPOSE OF THE MEETING

In general terms the purpose of this Special Closed Meeting of Council is for Council to receive legal advice on the Code of Conduct project.

4. ADOPTION OF AGENDA

Moved By Councillor J. Ford

Seconded By Councillor J. Morden

That Council adopt the Special Closed Council Meeting agenda of May 30, 2023.

CARRIED

5. VERBAL REPORTS

A presentation was led by Young Anderson Partner, Reece Harding.

The purpose of this item being on the Closed Council agenda is in accordance with section 90(1)(i) of the Community Charter.

Moved By Councillor J. Muri

Seconded By Councillor J. Morden

That Council direct staff to continue updating the Resort Municipality of Whistler's Code of Conduct (Code) to include the direction received on the ten questions posed by R. Harding as follows:

1. **APPLICATION** – Who will the Code apply to and who can engage the Code's complaint process?

- The Code will apply to Council Members;
- Council Members and staff, including officers, can engage the Code's complaint process; and
- Committee Members will be expected to agree to the Code requirements through a separate policy document.

2. **SCOPE OF SUBSTANTIVE PROVISIONS** – What kind of behaviour will the Code cover and how broad will these substantive provisions be?

- The scope of provisions will be robust and broad; and

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- This will cover core ethical conduct (including disqualifiable conduct) and interpersonal provisions.
3. **INFORMAL RESOLUTION** – Will the informal resolution procedures be a necessary precondition, where appropriate, before a formal investigation?
- Yes, it will be the "preferred primary path."
4. **NEUTRAL THIRD PARTY** – Who will be responsible for the initial intake of complaints and for administering and conducting investigations?
- The CAO will be given discretion to either perform the initial intake of complaints or determine that the complaint be referred to a third-party for preliminary assessment.
 - There will be a pre-qualified group of third-party investigators available when needed to administer and conduct investigations.
5. **INVESTIGATOR POWERS/ABILITIES** – What will the investigator's summary dismissal and fact-finding abilities be?
- The Code will incorporate robust provisions to allow the investigator to conduct preliminary assessments and summarily dismiss complaints.
6. **TIMELINES** – What will the limitation period be for making a complaint and will there be a timeline within which the complaint process must be completed?
- The Code will include a 60-day period to submit complaints.
 - The Code will include a 90-day period to process complaints, with the ability for the investigator to extend that timeline.
7. **COMPLAINT WITHDRAWAL** – What happens if the Complainant withdraws their complaint?
- This question was not discussed by Council.
8. **COMPLAINT MORATORIUM** – Is a complaint moratorium during or close to elections needed?
- Yes, the Code will include a complaint moratorium from the first day of the nomination period to General Voting Day.
9. **TRANSPARENCY** – What information will be made public?
- The Code will start from a default position of being in open meetings and then only in closed when it needs to be as dictated by the Community Charter.
10. **PENALTIES** – Will the Code provide for a remuneration reduction in the case of a breach?
- Yes, the Code will provide for the reduction to be escalated based on the circumstances (e.g., severity, impact on a third-party, external privacy issues, number of times the Code has been breached by the individual, good faith efforts, minor breaches).

May 30, 2023

11. **INDEMNIFICATION** – Will the Code contain provisions allowing Council to partially or fully indemnify members who are subject to a complaints process?

- Yes, this will be at the discretion of Council and only for the first complaint.
- There will be a \$10,000 limit to indemnify members subject to a complaints process.

CARRIED



**CLOSED MEETING OF COUNCIL
RESORT MUNICIPALITY OF WHISTLER
MINUTES**

Tuesday, June 20, 2023, 9:00 a.m.
Flute Room at Municipal Hall
4325 Blackcomb Way, Whistler, BC V8E 0X5

PRESENT:

Mayor J. Crompton
Councillor A. De Jong
Councillor J. Ford
Councillor R. Forsyth
Councillor C. Jewett
Councillor J. Morden
Councillor J. Murl

STAFF PRESENT:

Chief Administrative Officer, V. Cullen
General Manager of Corporate Services and Public Safety, T. Battiston
General Manager of Infrastructure Services, J. Hallisey
General Manager of Climate Action, Planning and Development Services, D. Mikkelsen
General Manager of Community Engagement and Cultural Services, K. Elliott
Director of Planning, M. Kirkegaard
Director of Finance, C. Price
Director of Human Resources, D. Wood
Manager of Corporate Projects, M. Comeau
Manager of Legislative Services/ Corporate Officer, P. Lysaght

1. CALL TO ORDER

Mayor J. Crompton recognized The Resort Municipality of Whistler is grateful to be on the shared, unceded territory of the Lilwat People, known in their language as Lilwat7úl, and the Squamish People, known in their language as Skwxwú7mesh. We respect and commit to a deep consideration of their history, culture, stewardship and voice.

2. RESOLUTIONS TO CONDUCT THE COUNCIL MEETING "CLOSED"

Moved By Councillor J. Murl

Seconded By Councillor R. Forsyth

That the remainder of this Meeting is to be closed; and

That Council conduct the Meeting closed to the public in accordance with the *Community Charter* sections:

- *90(1)(c) labour relations or other employee relations;*
- *90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;*
- *90(1)(g) litigation or potential litigation affecting the municipality;*
- *90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;*
- *90(2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.*

CARRIED

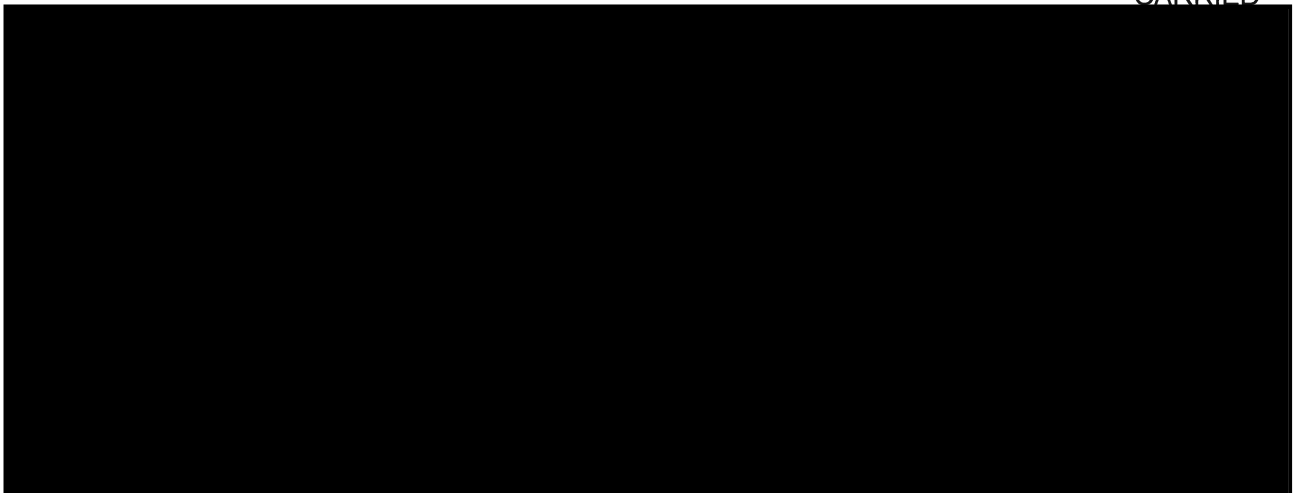
3. ADOPTION OF AGENDA

Moved By Councillor J. Morden

Seconded By Councillor J. Ford

That Council adopt the Closed Council Meeting agenda of June 20, 2023, as amended to add Other Business "Reconsideration of Code of Conduct Resolutions passed at the May 30, 2023 Special Closed Meeting of Council".

CARRIED



7. OTHER BUSINESS

Moved By Mayor J. Crompton

Seconded By Councillor R. Forsyth

That Council reconsider the Code of Conduct resolutions adopted at the May 30, 2023
Closed Council Meeting as soon as convenient.

CARRIED



**SPECIAL CLOSED MEETING OF COUNCIL
RESORT MUNICIPALITY OF WHISTLER
MINUTES**

Tuesday, June 27, 2023, 9:00 a.m.
Remote Meeting via Zoom

PRESENT: Mayor J. Crompton
Councillor A. De Jong
Councillor J. Ford
Councillor R. Forsyth
Councillor J. Morden
Councillor J. Muri

ABSENT: Councillor C. Jewett

STAFF PRESENT: Chief Administrative Officer, V. Cullen
General Manager of Corporate Services and Public Safety, T. Battiston
Director of Human Resources, D. Wood
Manager of Legislative Services/ Corporate Officer, P. Lysaght
Special Legal Projects, Brooke Vagelatos

OTHER: Young Anderson Partner, Reece Harding

1. CALL TO ORDER

Mayor J. Crompton recognized The Resort Municipality of Whistler is grateful to be on the shared, unceded territory of the Lílwat People, known in their language as Lílwat7úl, and the Squamish People, known in their language as Skwxwú7mesh. We respect and commit to a deep consideration of their history, culture, stewardship and voice.

2. RESOLUTIONS TO CONDUCT THE SPECIAL MEETING OF COUNCIL "CLOSED"

Moved By Councillor J. Morden

Seconded By Councillor R. Forsyth

That the remainder of this Meeting is to be closed; and,

That Council conduct the Special Meeting of Council closed to the public in accordance with the *Community Charter* section:

- 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

June 27, 2023

3. PURPOSE OF THE MEETING

In general terms the purpose of this Special Closed Meeting of Council is for Council to receive legal advice on the Code of Conduct project.

4. ADOPTION OF AGENDA

Moved By Councillor J. Ford

Seconded By Councillor J. Morden

That Council adopt the Special Closed Council Meeting agenda of June 27, 2023.

CARRIED

5. VERBAL REPORTS

5.1 Reconsideration of Code of Conduct Resolution

Moved By Councillor J. Morden

Seconded By Councillor R. Forsyth

That Council consider each question from the resolution passed at the May 30, 2023 Special Meeting on Code of Conduct separately.

CARRIED

Application

Moved By Councillor R. Forsyth

Seconded By Councillor J. Morden

That Council direct staff to draft the Code of Conduct (Code) such that:

- The Code will apply to Council Members.
- Council Members and staff, including officers, can engage the Code's complaint process.
- Committee Members will be expected to agree to the Code requirements through a separate policy document.

CARRIED

Informal Resolution

Moved By Councillor J. Murl

Seconded By Councillor R. Forsyth

That Council direct staff to draft the Code such that:

June 27, 2023

- Informal resolution will be the "preferred primary path".

CARRIED

Neutral Third Party

Moved By Councillor J. Morden

Seconded By Councillor J. Murl

That Council direct staff to draft the Code such that:

- The CAO will be given discretion to either perform the initial intake of complaints or determine that the complaint be referred to a third-party for preliminary assessment.
- There will be a pre-qualified group of third-party investigators available when needed to administer and conduct investigations.

CARRIED

Investigator Powers/Abilities

Moved By Councillor J. Morden

Seconded By Councillor J. Murl

That Council direct staff to draft the Code such that:

- The Code will incorporate robust provisions to allow the investigator to conduct preliminary assessments and summarily dismiss complaints; and
- The Code will require the investigator to determine whether there is a court with jurisdiction (criminal code, elections act, community charter, etc.) and if so, refer the matter (or complainant) to that court process.

CARRIED

Amendment:

Moved By Mayor J. Crompton

Seconded By Councillor J. Morden

That Council direct staff to draft the Code such that:

- The Code will require the investigator to determine whether there is a court with jurisdiction (criminal code, elections act, community charter, etc.) and if so, refer the matter (or complainant) to that court process.

CARRIED

June 27, 2023

Timelines

Moved By Councillor R. Forsyth

Seconded By Councillor J. Murl

That Council direct staff to draft the Code such that:

- The Code will include a 60-day period to submit complaints.
- The Code will include a 90-day period to process complaints, with the ability for the investigator to extend that timeline.

CARRIED

Complaint Withdrawal

Moved By Councillor J. Murl

Seconded By Councillor R. Forsyth

That Council direct staff to draft the Code such that:

- The Code establish the investigator's authority in the case of a complaint withdrawal, including the ability to close the complaint.

CARRIED

Complaint Moratorium

Moved By Councillor J. Ford

Seconded By Councillor J. Morden

That Council direct staff to draft the Code such that:

- The Code will include a complaint moratorium from the first day of the nomination period to General Voting Day.

CARRIED

Transparency

Moved By Councillor J. Murl

Seconded By Councillor J. Morden

That Council direct staff to draft the Code such that:

- The Code will start from a default position of being in open meetings and then only in closed when it needs to be as dictated by the *Community Charter*.

CARRIED

June 27, 2023

Penalties

Moved By Councillor J. Morden

Seconded By Councillor J. Murl

That Council direct staff to draft the Code such that:

- The Code will provide for the reduction to be escalated based on the circumstances (e.g., severity, impact on a third-party, external privacy issues, number of times the Code has been breached by the individual, good faith efforts, minor breaches).

CARRIED

OPPOSED: (1): Councillor R. Forsyth

Indemnification

Moved By Councillor J. Murl

Seconded By Councillor J. Morden

That Council direct staff to draft the Code such that:

- Indemnity for members subject to a complaints process will be at the discretion of Council and only for the first complaint
- There will be a \$10,000 limit to indemnify members.

CARRIED

Scope of Substantive Provisions and Disqualification Proceedings

Moved By Mayor J. Crompton

Seconded By Councillor R. Forsyth

That Council defer the following resolution to the next convenient Closed Council meeting:

That Council direct staff to draft the Code such that:

- *The scope of provisions will be robust and broad.*
- *This will cover core ethical conduct (including disqualifiable conduct) and interpersonal provisions.*
- *A provision is included to address disqualification proceedings under the Community Charter.*

CARRIED



**CLOSED MEETING OF COUNCIL
RESORT MUNICIPALITY OF WHISTLER
MINUTES**

Tuesday, July 18, 2023, 9:00 a.m.
Flute Room at Municipal Hall
4325 Blackcomb Way, Whistler, BC V8E 0X5

PRESENT:

Mayor J. Crompton
Councillor A. De Jong
Councillor J. Ford
Councillor R. Forsyth
Councillor C. Jewett
Councillor J. Morden
Councillor J. Muri

STAFF PRESENT:

Chief Administrative Officer, V. Cullen
General Manager of Corporate Services and Public Safety, T. Battiston
General Manager of Infrastructure Services, J. Hallisey
General Manager of Climate Action, Planning and Development Services, D. Mikkelsen
General Manager of Community Engagement and Cultural Services, K. Elliott
Director of Planning, M. Kirkegaard
Manager of Communications, J. Smith
Manager of Legislative Services/ Corporate Officer, P. Lysaght
[REDACTED]
Deputy Corporate Officer, C. Hodgson
[REDACTED]
Special Legal Projects, B. Vagelatos

1. CALL TO ORDER

Mayor J. Crompton recognized The Resort Municipality of Whistler is grateful to be on the shared, unceded territory of the Lílwat People, known in their language as Lílwat7úl, and the Squamish People, known in their language as Skwxwú7mesh. We respect and commit to a deep consideration of their history, culture, stewardship and voice.

July 18, 2023

2. RESOLUTIONS TO CONDUCT THE COUNCIL MEETING "CLOSED"

Moved By Councillor J. Ford

Seconded By Councillor J. Murl

That the remainder of this Meeting is to be closed; and

That Council conduct the Meeting closed to the public in accordance with the *Community Charter* sections:

- 90(1)(c) labour relations or other employee relations;
- 90(1)(g) litigation or potential litigation affecting the municipality;
- 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- 90(1)(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

CARRIED

3. ADOPTION OF AGENDA

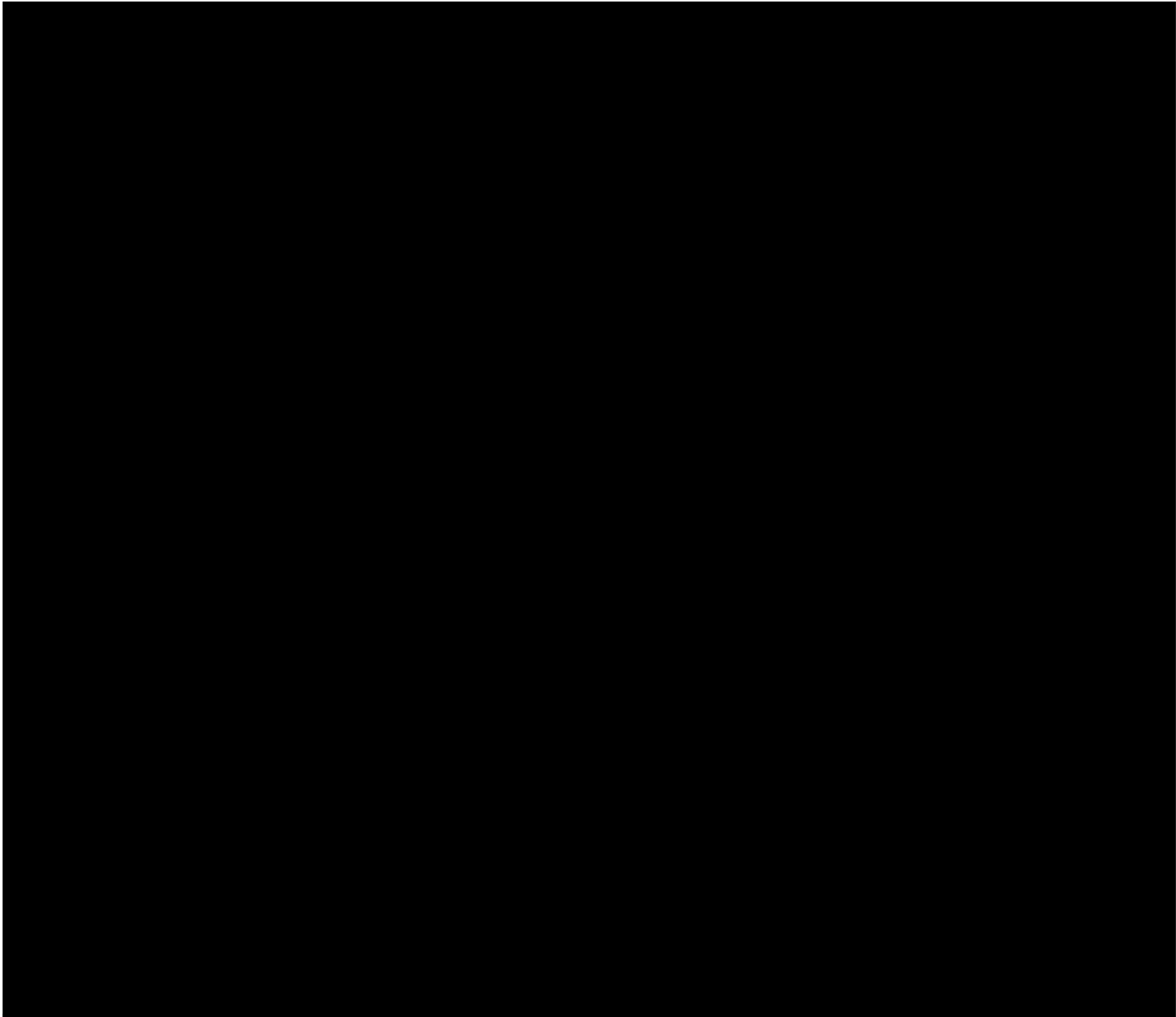
Moved By Councillor C. Jewett

Seconded By Councillor J. Murl

That Council adopt the Closed Council Meeting agenda of July 18, 2023.

CARRIED

July 18, 2023



5.3 Code of Conduct Continuation

A continuation of the reconsideration of the Code of Conduct agenda item from the Special Closed Meeting of June 27, 2023 was concluded.

The purpose of this item being on the Closed Council agenda is in accordance with section 90(1)(i) of the Community Charter.

Moved By Councillor R. Forsyth

Seconded By Councillor J. Morden

That Council direct staff to draft the Code of Conduct such that:

- The scope of provisions will be robust and broad; and,

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- this will cover core ethical conduct (including disqualifiable conduct) and interpersonal provisions; and further,
- Complaint and resolution procedures apply to all conduct under the Code of Conduct (i.e., there is no separate provision for disqualifiable conduct).

DEFEATED

Moved By Councillor C. Jewett

Seconded By Councillor J. Morden

That Council direct staff to draft the Code of Conduct such that:

- The scope of provisions will be robust and broad; and,
- This will cover core ethical conduct (including disqualifiable conduct) and interpersonal provisions; and further,
- A provision is included to address disqualification proceedings under the *Community Charter*.

DEFEATED

IN FAVOUR: (1): Councillor C. Jewett

OPPOSED: (6): Mayor J. Crompton, Councillor A. De Jong, Councillor J. Ford, Councillor R. Forsyth, Councillor J. Morden, and Councillor J. Muri

Moved By Councillor J. Muri

Seconded By Councillor J. Morden

That Council direct staff to draft the Code of Conduct such that:

- The scope of provisions will not include core ethical conduct (disqualifiable conduct); and,
- It will focus on interpersonal provisions; and further,
- The investigator must reject the complaint, or part of the complaint, if the complaint is with respect to conduct that may subject a member to disqualification pursuant to section 111 of the *Community Charter*.

CARRIED

OPPOSED: (1): Councillor C. Jewett

Moved By Councillor J. Ford

Seconded By Councillor J. Muri

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That Council direct staff to bring a report on the Code of Conduct to a Regular Meeting of Council prior to the end of 2023 and to include Council's resolutions from the Closed Council Meetings on the Code of Conduct in that report.

CARRIED

