



**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

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**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

May 30, 2023

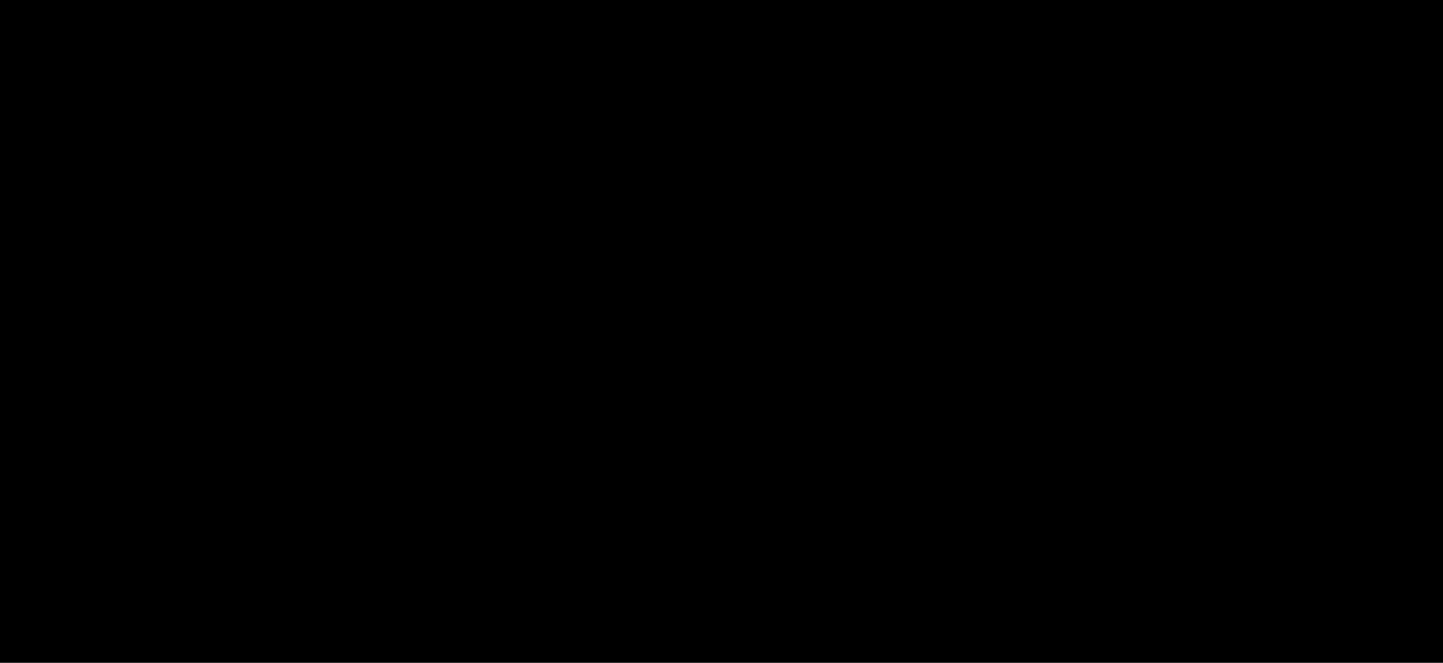
- This will cover core ethical conduct (including disqualifiable conduct) and interpersonal provisions.
3. **INFORMAL RESOLUTION** – Will the informal resolution procedures be a necessary precondition, where appropriate, before a formal investigation?
- Yes, it will be the "preferred primary path."
4. **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. 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  
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

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**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 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

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**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,

**Minutes - Meeting of Closed Council - Resort Municipality of Whistler**

**July 18, 2023**

- 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



**Minutes - Meeting of Closed Council - Resort Municipality of Whistler**

**July 18, 2023**

**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

