

EXECUTIVE SUMMARY

A municipal council code of conduct is a governance accountability tool that establishes a level of acceptable conduct and standards for elected officials. The Alberta *Municipal Government Act* ([MGA](#)) requires all municipal councils to establish a code of conduct.

The Town of Innisfail Council Code of Conduct [Bylaw No. 1612-2018](#) establishes formal and informal complaint processes and identifies sanctions that may be imposed by the council if a council member is found to have breached the code of conduct bylaw.

The code of conduct complaint process provides a means for any person to hold an elected official to account if they feel that an elected official breached the council code of conduct. Allegations of misconduct by elected officials need to be taken seriously and investigated objectively to hear all sides of an issue, review factual evidence, and to find whether an allegation has merit or not, based on a balance of probabilities. The investigation process involves procedural fairness and allows the respondent's position to be heard and considered.

Innisfail Town Council initiated this external, independent investigation in the absence of a formal complaint. Council members were concerned that the council code of conduct was not being upheld by all members of council. Members of the public had also brought concerns to council's attention.

SAGE Analytics Inc. was appointed by Innisfail Council on November 23, 2020 to conduct a code of conduct investigation and report back to council. Council did not limit the investigation scope to any particular council member.

Various allegations involving more than one council member were received during the investigation. Separate investigation reports are based on the specific council member involved. This investigation report C-03-2021 involves Councillor Donnie Hill. This investigation is based on an objective review of facts, documents, and interview comments provided.

The allegations received expressed concern over Councillor Hill's private affairs where he was currently facing criminal charges of a domestic nature, and that he was charged with mischief in 2020. Members of the public felt that Councillor Hill did not hold himself to a high standard of conduct expected of elected officials, and they questioned how he could continue to serve on council when he has "had this many run-ins" with the law.

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Councillor Hill responded to the allegations by confirming that he does not have a criminal record and has never been convicted of any past charges. He stated that the pending charges did not inhibit his ability to serve the community honourably. He emphasized his strong commitment to the community through his council role and local business.

Bylaw 1612-2018 s. 4.1(d) requires council members to *"Arrange their private affairs and conduct themselves in a manner that promotes public confidence and will bear close public scrutiny."*

The investigation findings acknowledge the serious nature of the allegations, charges, and ongoing legal proceedings. The scope of this council code of conduct investigation did not include investigating criminal or domestic charges.

The investigation findings conclude that Councillor Hill breached s. 4.1(d) of the Council Code of Conduct Bylaw due to the shaken public confidence in him as an elected official and the reputational damage to council and the community due to Councillor Hill's pending charges. Recommended sanctions include a temporary suspension of his council committee appointments.

The investigation findings further conclude that since Councillor Hill has no current convictions he has not breached s. 7.1 of the Code of Conduct Bylaw, which reads as follows: *"Members shall uphold the law established by the Parliament of Canada and the Legislature of Alberta and the bylaws, policies and procedures adopted by Council."*

Legislation does not prohibit Councillor Hill from serving on Innisfail Town Council while the outcome of criminal charges is pending. The Disqualification of Councillors section in the MGA s.174(1)(e) specifically references a conviction. Since Councillor Hill has no current convictions, he is complying with the MGA by remaining on council. The MGA s. 146.1(4) also states that a councillor must not be disqualified or removed from office for a breach of the code.

Respectfully submitted,

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