

From: Ron Voss
Subject: Time to Do What is Right!
Date: October 23, 2023 at 4:04:32 PM MDT
To: CouncilDist <CouncilDist@cochrane.ca>

Dear members of Town Council,

At the October 3, 2023 Committee of the Whole Meeting, Ms. Jaylene Knight, the town's Director, Legislative & Administrative Services, spun a narrative that sections of the Town's Procedural Bylaw 19/2019 may not be properly understood because of a purported lack of clarity in those sections. I contend that she did so in an effort to absolve the Town Council from failing to comply with those sections, and, as well, to absolve the Administration, in particular, herself, of failing to advise Council of their impropriety.

As you are aware, I have drawn attention to the fact that that Mayor Genung has been acting in violation of sub-section 4.2 (c) of the town's Procedural Bylaw 19/2019. Sub-section 4.2 (c) of the town's Procedural Bylaw dealing with the function and responsibility of the Presiding Officer is reproduced below:

"When the Presiding Officer wishes to participate in the debate on a question or motion properly before the Meeting, the Presiding Officer shall vacate the Chair and request the Deputy Mayor to assume the Chair".

Ms. Knight has claimed that "during a presentation by a delegation earlier this year it became clear that the Town of Cochrane's Procedural Bylaw was creating confusion for residents and upon further review included sections that created challenges for Council and Administration as well". During my presentation as a delegation to Council on March 20, 2023 alluded to by Ms. Knight, I should point out that, at that time, I raised only one issue, namely, the mayor not following sub-section 4.2 (c) of the bylaw, and despite Ms. Knight's patronizing comment that that section of the bylaw "was creating confusion", I can assure you that I am not in any way suffering from "confusion" on this matter. Sub-section 4.2 (c) is perfectly clear and should be so for anyone with a reasonable understanding of the English language!

Now, I ask you each one of you, do you in all honesty have trouble understanding the meaning of this requirement, as per sub-section 4.2 (c) of the Procedural Bylaw, because of a lack of clarity?

Next, reproduced below is the content of the section, 7.2, related to Notices of Motion in your Procedural Bylaw:

7.2 Notices of Motion

- (a) A Member may make a motion introducing any new matter only if:
- (i) Notice is given at a previous regular Council meeting and a legible copy of the content of the notice is made available to the Manager, Legislative Services; or
 - (ii) Council on a two-thirds (2/3) vote waives the requirement for Notice.
- (b) A Notice of Motion must give sufficient detail so that the subject of the motion and any proposed action can be determined, and it must state the date of the meeting at which the motion will be made. A notice must be given without discussion of the matter, but any written copies distributed may include explanatory paragraphs.
- (c) To be placed on the meeting agenda, the Notice of Motion and any supporting documents must be submitted in the form of a Council Report to the Manager, Legislative Services by 4:00 pm on the seventh complete day preceding the meeting.
- (d) If a motion is not made at the meeting indicated in the notice, it will appear on the agenda for, and may be made at any of, the next two Regular Meetings; thereafter, it will be removed from the agenda and may only be made by a new Notice of Motion.

A notice of motion is simply that a “notice”, a notice of a motion to be made at some point in the future, a courteous forewarning to the rest of Council to let them know of an event that will happen in the future.

It is clear from the section, 7.2, of the town’s Procedural Bylaw relating to Notices of Motion that a Notice of Motion per se is **not** subject to debate and vote!

For example, apart from the reference to “A notice must be given **without discussion of the matter**” in sub-section 7.2(b), according to sub-section 7.2(a)(i), “A Member may make a motion introducing any new matter only if notice is given at a previous regular Council meeting and a legible copy of the content of the notice is made available to the Manager, Legislative Services”. Note, in particular that, “A Member may make a motion introducing any new matter **only if** notice is given at a **previous** regular Council meeting”, that is, the motion is made at a Regular Council meeting **after** the Notice of Motion was given at a previous Regular Council meeting. The example of section 32(4) of the City of Edmonton’s Procedural Bylaw, couldn’t make it any clearer, “The giving of notice of motion is not debatable”.

Again, I ask you each one of you, do you in all honesty have trouble understanding the meaning of this requirement with respect to a Notice of Motion because of a lack of clarity?

I will remind you of sub-section 7.3 from section 7. Adherence to Policies, Procedures and Bylaws of your Code of Conduct, which states that “A Member (a Councillor) must not encourage disobedience of any bylaw, policy or procedure of the Municipality in responding to a member of the public, as this undermines public confidence in the Municipality and in the rule of law”, and, as well, according to clause 19.2 of a section of your Code of Conduct dealing with "Compliance and Enforcement", "Members are expected to co-operate in every way possible in securing compliance with the application and enforcement of this Bylaw".

In light of the above, please consider the minutes from the September 25, 2023 Regular Council Meeting submitted to you for adoption which indicates in RES # 171/09/23 that it was “Moved by Councillor Fedeyko that Council hold a public vote on whether each Council member remains confident in the leadership direction under Mr. Derricott” and that such a resolution was defeated by the remaining six members of Council after Councillor Fedeyko had left the meeting.

Councillor Fedeyko’s notice of motion could have been brought to the floor for debate and vote on September 25, **IF** there had there been a two-thirds vote by Council to support such, as per 7.2(a)(ii) of the Procedural Bylaw. However, **no** such two-thirds vote took place. Accordingly, as per my October 1, 2023 email, “Complaint Re Proper Procedures Not Followed”, sent to Ms. Knight with a copy to you, “Councillor Fedeyko’s Notice of Motion stands as having been properly presented in a formal way at the September 25, 2023 Regular Council Meeting. However, the other aspects of the proceedings, namely, the debate and vote on the Notice of Motion, should be deemed as Out of Order, and thereby considered null and void. Accordingly, the minutes cannot be adopted as such without reinforcing the violation of the Procedural Bylaw that took place. Therefore, **the September 25, 2023 minutes should be amended** to simply state that “Councillor Fedeyko presented a Notice of Motion that Council hold a public vote on whether each Council member remains confident in the leadership direction under Mr. Derricott.”

Now is a time for Council to turn over a new leaf, chart a new course of committing to abide in complying with all the requirements contained in the town’s Procedural Bylaw as well as in the town’s Code of Conduct. Instead of relying upon the bogus excuse created by Ms. Knight, I trust that you will act in accordance with subsections 7.3 and 19.2 of your Code of Conduct, as above, on this matter. As Councillor Fedeyko suggested at the October 3, 2023 Committee of the Whole Meeting, if Council is not following the Procedural Bylaw that you had put in place, that “every single one of us sitting around this table call it out, because it is not appropriate if you choose to say nothing.”

Sincerely,
Ron Voss