

<b>Title: PUBLIC CODE OF CONDUCT POLICY</b>		<b>Number: 8048</b>
<b>Reference:</b> Administrative Committee - July 31, 2024 Administrative Committee - August 8, 2024 Administrative Committee - September 5, 2024	<b>Adopted by City Council:</b> October 7, 2024	
	City Clerk	Chief Administrative Officer
<b>Supersedes:</b>		N/A
<b>Prepared by: PEOPLE SERVICES</b>		

## STATEMENT

The City of Medicine Hat ("the City") is committed to providing a safe, welcoming, and inclusive environment for all individuals, including Councillors, employees, residents, visitors, and vested parties when accessing City facilities and services.

The City recognizes the importance of allowing for the expression of opinions about municipal services while also maintaining professionalism and respect toward City staff, Council, and members of the public.

To achieve these objectives, unreasonable behaviors when accessing City facilities and services, or when interacting with City staff or Council, may need to be limited in a manner that is clear, consistent, reasonable, and proportional to the individual's action(s).

## 1. AUTHORITY

- 1.01 Pursuant to Section 201 of the *Municipal Government Act* (Alberta), Council is responsible for developing and evaluating the policies of the City. Pursuant to Section 207 of the *Municipal Government Act* (Alberta), the City Manager is responsible for ensuring that the policies of the City are implemented.
- 1.02 The City, as the owner of certain facilities, has a duty under the *Occupiers' Liability Act* (Alberta) to take such care as in all the circumstances of a particular case is reasonable to see that users of City facilities will be reasonably safe in using City facilities for the facilities' intended purposes.
- 1.03 The City, as an employer, has a duty under the *Occupational Health and Safety Act* (Alberta) to ensure, as far as it is reasonably practicable for the City to do so, the health, safety, and welfare of City staff engaged in work for the City, and other persons at or in the vicinity of such work, whose health and safety may be materially affected by identifiable and controllable hazards originating from the work site(s).

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- 1.04 As a municipal government, one of the City's core purposes is to develop and maintain safe and viable communities.
- 1.05 The City has the capacity, rights, and powers of a natural person.
- 1.06 The City, as owner of property, may exclude persons from attending such property in certain circumstances.

## 2. APPLICATION

- 2.01 This policy applies to Members of the Public when accessing City facilities and services and/or when interacting with City staff or Council and will be invoked if behaviors from a Member of the Public are determined to be Unreasonable Behavior in accordance with the procedures established by the City Manager.

## 3. PRINCIPLES

- 3.01 The City recognizes that City facilities and City services are accessed for a variety of purposes, including for work, recreation and cultural activities, to learn, and to obtain municipal services, along with participating in the democratic process and furthering public discourse and values protected under the Canadian *Charter of Rights and Freedoms*.
- 3.02 Some situations arising from Unreasonable Behavior may cause concern for the reasonable safety of City staff and other individuals in City facilities. Other situations may compromise the enjoyment of City facilities for all users or disrupt the delivery of City services to the detriment of certain customers. Further, frivolous and/or vexatious requests/queries may consume a disproportionate amount of Council and staff time and resources and may compromise their abilities to perform their public legal duties. Such requests may also impede Council and staff from attending to other essential matters.
- 3.03 This policy is not intended to deal with generally difficult clients and individuals. It is intended to deal with Members of the Public whose behaviors are unreasonable. Determining whether particular behaviors are unreasonable can be a flexible balancing exercise that requires all circumstances of a particular case to be taken into account. In many cases, the key question is whether the behaviors are likely to cause distress, disruption, or irritation, without reasonable justification.
- 3.04 Nothing within this policy restricts or otherwise limits the City's authority to pursue legal action against a Member of the Public as deemed appropriate by the City Solicitor and City Manager, including, but not limited to, providing a trespass notice to person(s) prohibiting their entry to City facilities pursuant to the *Petty Trespass Act* (Alberta) or *Trespass to Premises Act* (Alberta), as applicable.
- 3.05 Nothing within this policy restricts or otherwise limits the right of City Personnel to refuse unsafe work under the *Alberta Occupational Health and Safety Act* or restricts or otherwise limits the rights and obligations of City Personnel under the City's Respectful Workplace Policy, Whistleblower Policy, or other City policies.

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- 3.06 Nothing within this policy restricts the ability of Members of the Public to request access to emergency services or to obtain essential City services.
- 3.07 Nothing within this policy restricts or otherwise limits the ability or obligation of the City to comply with any requirements established by federal or provincial legislation, the Canadian *Charter of Rights and Freedoms*, or other applicable City policies.
- 3.08 This policy does not apply to the Medicine Hat Police Service, municipal corporations owned by the City, or other independent entities established by the City. However, such bodies may adopt this policy for their purposes at their discretion.
- 3.09 Notice of this policy and its requirements may be posted on any City facility and on the City's website.

#### 4. DEFINITIONS

The following definitions apply within this policy:

- 4.01 "**City**" means the City of Medicine Hat;
- 4.02 "**City Manager**" means the City's chief administrative officer, operating under the title of City Manager;
- 4.03 "**Council**" means the council of the City of Medicine Hat;
- 4.04 "**Discrimination**" includes, but is not limited to, differential treatment or any action or communication that has an adverse impact on an individual or group of individuals based on Protected Grounds;
- 4.05 "**Frivolous**" means trivial, groundless, without substance, having no merit, unnecessary or lacking good faith;
- 4.06 "**Harassment**" includes any single incident or repeated incidents of objectionable or unwelcome communication, behavior, or action by a person that causes or is intended to cause offence, intimidation, or humiliation to a member of Council or staff member, or adversely affects the health or safety of a member of Council or staff member, including, but not limited to: (i) comment, conduct, or bullying because of a person's race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, or sexual orientation; and (ii) a sexual solicitation or advance;
- 4.07 "**Member of the Public**" includes any person who is not a member of City staff or Council who: (i) interacts with City staff or Council; or (ii) accesses City facilities or services;
- 4.08 "**Protected Grounds**" means the protected grounds under the *Alberta Human Rights Act*.

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That Act prohibits discrimination based on the protected grounds of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression, and sexual orientation;

4.09 **"Public Meeting"** means any official meeting of Council, its Standing Committees, Advisory Committees, or local boards, as well as any workshops, events, public consultation, or information meetings hosted by City staff or other representatives of the City;

4.10 **"Unreasonable Behavior"** may include, without limitation:

- (a) failure to follow the City's bylaws, rules, guidelines, or safety protocols while on or in City facilities or accessing City services;
- (b) the use of discriminatory, threatening, abusive, offensive, insulting, derogatory, or profane language or remarks in any form of communication;
- (c) acting toward any other individual in a discriminatory, threatening, abusive, intimidating and/or violent manner, including, but not limited to, bullying, assaulting, or spitting on another individual;
- (d) forceful and targeted yelling or swearing;
- (e) abuse of the emotional, mental, or physical well-being of Council, City staff, or any other person;
- (f) engaging in Discrimination;
- (g) abuse or misuse of the City's resources or processes, or Council or City staff time;
- (h) impugning the integrity of members of Council, City staff, or other Members of the Public at a Public Meeting;
- (i) accessing or attempting to access physical areas of City facilities that are used as private space for City staff, or which the public is not otherwise permitted to enter;
- (j) engaging in activities on or in City facilities that are considered a crime under the Criminal Code of Canada;
- (k) inappropriate, sexual self-touching on or in City facilities, such as masturbation;
- (l) engaging in Harassment or violent behavior;
- (m) obsessive, persistent, or repetitive behavior or actions;
- (n) frivolous or vexatious communications, complaints, requests, or inquiries;

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- (o) photographing or video recording City staff, members of Council, or other Members of the Public while on or in City facilities or on any property being used by the City for the purposes of providing City services where it is determined by City staff that such recording will disrupt the City's operations or services, or where there is a reasonable expectation of privacy for those individuals and written consent to record has not been obtained from them;
- (p) unruly public protest that is disruptive to the operation of City services including, but not limited to, obstructing or preventing access to City facilities, obstructing or preventing the provision of City services, the appropriation of public space for private use, engaging or threatening to engage in violent behavior, or harming or threatening to harm the safety of City staff, members of Council, or other Members of the Public in or on City facilities;
- (q) deliberately interfering with operations, City services, and/or duties being performed or provided by City staff or Council;
- (r) entering restricted areas of City facilities without proof of authorization;
- (s) denying or changing statements made at an earlier stage; or
- (t) changing the basis of a complaint/request as the matter proceeds.

4.11 **"Vexatious"** means, in the context of a communication, complaint, request or inquiry, a communication, complaint, request or inquiry that is initiated with the intent to distress, disrupt, delay, embarrass, annoy, irritate, bother, or hurt, or amounts to abuse or misuse of the City's communications, complaints, requests or inquiry process.

## 5. NON-EXHAUSTIVE EXAMPLES OF UNREASONABLE BEHAVIOUR

5.01 Examples of behaviors which might be considered Unreasonable Behavior for the purposes of this policy are provided below. These examples are not exhaustive and are intended as guidance only. Each situation must be considered in context. While a single significant incident may require application of this policy, it is also possible that a single or a few incidents may not be sufficient for one's behavior to constitute Unreasonable Behavior for the purposes of this policy. In such situations, this policy does not need to be invoked.

- (a) Using racial epithets in communication(s) with Council or City staff;
- (b) Violent or angry outbursts;
- (c) Submitting repeated communications for the same issue, or refusing to accept that an issue has been dealt with by Council or City staff;
- (d) Changing the basis of an inquiry or request or introducing trivial or irrelevant new information after City staff have commenced investigating the complaint or fulfilling the request;

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- (e) Insisting that a complaint or request will be dealt with in a manner that is incompatible with the City's bylaws, policies, procedures, or practices;
- (f) Making excessive or multiple lines of communication, such as pursuing a complaint or request with several departments of the City or contacting several members of Council, City staff, or others, such as elected officials, the judiciary, the Federal or Provincial government or governmental agencies, ombudsman, or law enforcement agencies, with the same issue;
- (g) Complaining about or challenging a matter based on a prior irreversible or final decision or persisting in seeking an outcome which is unrealistic for legal or policy reasons;
- (h) Electronically recording meetings or conversations without the prior knowledge and written consent of at least one (1) party participating in the meeting or conversation that is being electronically recorded;
- (i) Loitering, causing a disturbance while accessing a City program, service, event, or facility, or acting under the influence of an intoxicating substance while attending a workplace; or
- (j) Threatening the employment, reputation, or private life of a member of Council or a City staff member.

## 6. ROLE OF COUNCIL

- 6.01 To receive, review and adopt this policy and any recommended amendments thereto.
- 6.02 To support this policy and encourage all Members of the Public to abide by the principles and provisions of this policy.

## 7. ROLE OF CITY MANAGER

- 7.01 The City Manager is responsible for ensuring that Council and City staff are aware of and trained on this policy and any accompanying procedures.
- 7.02 The City Manager is responsible for implementing this policy, which includes ensuring appropriate procedures are established.

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## 1. DEFINITIONS

The following definitions apply within these Procedures:

- 1.01 **"City staff"** means any employee of the City and for the purposes of the Policy, also includes contract employees, contractors, consultants, temporary employees, and volunteers;
- 1.02 **"City Clerk"** means the City Clerk for the City and includes designates of the City Clerk;
- 1.03 **"City Manager "** means the chief administrative officer for the City, operating under the title "City Manager", and includes designates of the City Manager;
- 1.04 **"City facilities"** includes any land, buildings, facilities, and outdoor spaces owned or operated by the City, and includes things at, upon, in or near which City staff or a member of Council works, whether on a permanent or temporary basis;
- 1.05 **"City Solicitor"** means the City Solicitor for the City, and includes designates of the City Solicitor;
- 1.06 **"Communication"** or **"communicating"** includes any form of expressive contact, including but not limited to verbal, non-verbal, and written communications, whether in person, at Public Meetings, or by way of letter, email, voicemail, telephone call, code, text, chat, social media, or other form of expressive contact;
- 1.07 **"Director"** means a director of an internal City department, and includes their respective designates, and also includes the City Clerk, the City Solicitor, and positions operating under the title "General Manager";
- 1.08 **"Letter of Warning"** means a letter issued to a Member of the Public informing them of instances in which the Member of Public engaged in Unreasonable Behavior, including a caution that further Unreasonable Behavior by the Member of the Public may result in restrictions against them. The Letter of Warning may, but is not required to, set out potential restrictions;
- 1.09 **"Managing Director"** means an individual appointed to the position of Managing Director pursuant to section 25 of the City's Administrative Organization Bylaw No. 4662, as amended or replaced from time to time;
- 1.10 **"Minor"** means a person below the age of majority, being under eighteen (18) years of age;
- 1.11 **"Notice of Restrictions"** means a letter issued to a Member of the Public informing them of instances in which the Member of Public engaged in Unreasonable Behavior and the application of restrictions against them in respect thereof;
- 1.12 **"Personal information"** has the meaning ascribed to such term in the *Freedom of Information and Protection of Privacy Act* (Alberta), as amended or replaced from time to time;

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1.13 **"Policy"** means the City's Public Code of Conduct Policy No. 8048;

1.14 **"Request for Review"** means a formal request submitted to the City in accordance with these procedures by a Member of the Public to review restrictions applied to that Member of the Public; and

1.15 All defined terms in the Policy apply to these procedures wherever used in these procedures. References to "the Policy" or "this Policy" include these procedures.

## 2. RESPONSIBILITIES

### 2.01 RESPONSIBILITIES OF CITY MANAGER

- (a) The City Manager is responsible for establishing such forms (including but not limited to the Request for Review form), procedures, and guidelines as the City Manager considers necessary or advisable to implement the Policy.

### 2.02 ADMINISTRATIVE COMMITTEE

- (a) To receive, review, and adopt these procedures and any recommended amendments thereto.
- (b) To review, hear, and determine Requests for Review in accordance with these procedures.

### 2.03 MANAGING DIRECTORS AND DIRECTORS

- (a) To perform their enforcement duties under these Procedures.
- (b) To identify and declare to the City Manager any actual or potential conflict of interest in the performance of their enforcement duties under these Procedures and arrange for an alternate Managing Director to handle the relevant enforcement duties as applicable.

### 2.04 DIRECTOR OF PEOPLE SERVICES

- (a) The City's Director of People Services/Chief People Services Officer may be notified, as appropriate, by a Managing Director, a member of Council, or the City Manager, regarding communications or other incidents of Unreasonable Behavior by a Member of the Public, so that the Director of People Services/Chief People Services can consult and collaborate with the Managing Director, Council, and the City Manager, as appropriate, to provide any necessary supports to ensure the health and safety of impacted City staff or Councillors.

### 2.05 OTHER CITY STAFF

- (a) City staff shall respond to interactions with Members of the Public in accordance with their applicable training, departmental protocols, and appropriate de-escalation



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techniques. This includes the right to end customer service interactions to the Member of the Public when Unreasonable Behavior occurs.

- (b) If a City staff member reasonably believes in good faith that a Member of the Public is engaging in or has engaged in Unreasonable Behavior in City facilities or in accessing City services or when interacting with City staff, the City staff member should promptly advise and consult with the Director of that City staff member's department. The City staff member should collect any supporting material or evidence and provide it to the Director, including but not necessarily limited to, the following information, to the extent it is available:
- i. details of the person's identity;
  - ii. history of contact with the person, if any;
  - iii. efforts made by City staff to address or resolve the communication, complaint, request or inquiry, where applicable;
  - iv. particulars of the Unreasonable Behavior experienced or witnessed;
  - v. the potential impact of the Unreasonable Behavior (to themselves, others, and the City).

Where the relevant City staff member is the Director or Managing Director, the Director or Managing Director, as applicable, shall compile the above information to the extent it is available.

### 3. GENERAL ENFORCEMENT

3.01 The following general process shall be followed in the enforcement of this Policy:

- (a) **For incidents that pose an immediate threat to public safety, where acts of violence are imminent, or if a crime is in progress, City staff shall contact the Medicine Hat Police Service immediately at 9-1-1.**
- (b) City staff shall review incidents involving possible Unreasonable Behavior by a Member of the Public to determine whether Unreasonable Behavior occurred and report to the Director of the City staff's department as set out in this Policy.
- (c) Directors shall promptly review information reported by City staff or compiled by the Director directly.
- (d) After reviewing the information reported by City staff or compiled by the Director, Directors may:
  - i. issue a Letter of Warning to a Member of the Public in accordance with this Policy; or
  - ii. refer the matter to the Managing Director responsible for the business division which the Director's department is part of and provide the Managing Director with the information reported by City staff or compiled by the Director. Where the Director is the City Solicitor or the City Clerk or another Director that reports to a position other than a Managing Director, the Director may refer the matter to any Managing Director that is available to handle the matter.

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- (e) Managing Directors shall promptly review information received from a Director under this Policy.
- (f) After reviewing the information received from a Director under this Policy, Managing Directors may:
  - i. issue a Letter of Warning to a Member of the Public in accordance with this Policy. It is not necessary to issue a Letter of Warning prior to applying restrictions to a Member of the Public.
  - ii. issue a Notice of Restrictions to the Member of the Public in accordance with this Policy. The Managing Director shall advise other City staff of the restrictions on a need-to-know basis for purposes of enforcement.

3.02 City staff and Council may conduct their interactions with a Member of the Public who is subject to restrictions imposed pursuant to the Policy in accordance with those restrictions.

#### 4. ENFORCEMENT PROCEDURE

##### 4.01 Response to Unreasonable Behavior

- (a) In response to one or more instances of Unreasonable Behavior by a Member of the Public, a Letter of Warning may be issued, or restrictions may be applied to the Member of the Public in accordance with the conditions, authorities, and limitations described in this Policy.
- (b) Letters of Warning and restrictions in Notices of Restrictions should be tailored to deal with the individual circumstances, the nature and severity of the Unreasonable Behavior at issue, and the impact on City staff, Council, the specific Member of the Public, and other Members of the Public.
- (c) For clarity, the examples of Unreasonable Behavior in the Policy are not exhaustive, nor does one single incident or activity on its own necessarily mean the Member of the Public will be subject to a Letter of Warning or Notice of Restrictions.

##### 4.02 Potential Restrictions

- (a) A Managing Director or a Director may issue a Letter of Warning to the Member of the Public at the Managing Director's or Director's discretion, as the case may be.
- (b) In addition, and whether or not a Letter of Warning has been issued to the relevant Member of the Public, a Managing Director may impose any one or combination of the following restrictions on the Member of the Public for a set duration of time at the Director's discretion:
  - i. requiring any in-person interaction with City staff to be in the presence of another City staff member or other representative of the City;
  - ii. limiting correspondence to a particular format, time, or duration;
  - iii. requiring any communication to be directed only through specific individuals;
  - iv. requiring any face-to-face interactions between the individual and City staff to take place in the presence of at least two City staff;
  - v. limiting the number of responses that may be provided regarding an active complaint or inquiry;

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- vi. closing any active complaints, inquiries, or requests for service related to a specific matter;
  - vii. limiting the number of new complaints, inquiries, or requests that may be submitted;
  - viii. prohibiting the Member of Public from in-person access to City services (other than emergency services);
  - ix. refusing to accept any further complaints or inquiries on a specific subject matter from the Member of the Public;
  - x. instructing staff not to respond to further correspondence from the Member of the Public regarding the complaint or a substantially similar issue; and/or
  - xi. informing the Member of the Public that further contact on the matter will not be acknowledged or replied to.
- (c) In addition to the restrictions set out in subsection (b), a Managing Director may, in severe cases of Unreasonable Behavior by a Member of the Public, apply any or all of the following further restrictions against the Member of the Public for a duration of time not to exceed 365 consecutive days at the Managing Director's discretion:
- i. prohibiting the Member of the Public's in-person attendance at one or more City facilities (except for the sole purpose of conducting legitimate business at the applicable City facility);
  - ii. prohibiting the Member of the Public's in-person attendance at one or more Public Meetings; and/or
  - iii. any other restrictions as the Managing Director may consider appropriate in the circumstances.
- (d) Each case must be reviewed on an individual basis. When deciding whether to impose restrictions against a Member of the Public regarding Unreasonable Behavior, the Managing Director must consider the following factors at minimum:
- i. any relevant information received from City staff;
  - ii. the particular circumstances of the incident(s) in question, including but not limited to the nature and severity of the Unreasonable Behavior;
  - iii. previous interactions between City staff and the Member of the Public;
  - iv. where the incident involves a complaint or query from the Member of the Public, whether City staff have made reasonable efforts to resolve or answer the complaint or query;
  - v. the impact the potential restrictions may have on the Member of the Public, including but not limited to any negative impacts that may result from limitations to City services or City facilities;
  - vi. the proportionality of any potential restrictions to the Unreasonable Behavior at issue;
  - vii. where the Managing Director is considering prohibiting the Member of Public from accessing a City facility, whether the potential prohibition would prevent the Member of Public from accessing a City service that is only available at that City facility; and
  - viii. whether such potential restrictions may help to deter the specific Member of the Public from engaging in further Unreasonable Behavior and/or to deter other Members of the Public from engaging in Unreasonable Behavior.

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- (e) If after completing the review under subsection (d) the Managing Director considers that a Member of the Public has engaged in Unreasonable Behavior and that the imposition of restrictions is an appropriate response to the Member of the Public's Unreasonable Behavior, the Managing Director shall deliver a Notice of Restrictions to the Member of the Public in accordance with these Procedures.  
The Notice of Restrictions must be dated and signed by the Managing Director, and set out the following information:
  - i. the date(s) on which the Unreasonable Behavior occurred;
  - ii. a description of the Unreasonable Behavior;
  - iii. the restrictions being applied to the Member of the Public as a result of the Unreasonable Behavior;
  - iv. the duration of the restrictions, including the start date and end date;
  - v. if applicable, the name and contact information of the City staff or representative of the City that the Member of the Public may contact during the restriction period, as well as the form of communication to be used (as applicable);
  - vi. instructions for submitting a Request for Review to the City Clerk, including the appropriate email address and mailing address for the City Clerk; and
  - vii. any other information the Managing Director considers necessary or advisable.
- (f) The Managing Director imposing the restrictions shall endeavor to promptly provide the Member of the Public with the Notice of Restrictions by email or ordinary mail.
- (g) Where a Letter of Warning or Notice of Restrictions is issued to a Minor, the Managing Director may direct the Letter of Warning or Notice of Restrictions to the Minor's parent or guardian (if known), which shall satisfy the notice requirements of these Procedures.
- (h) Where the Managing Director is unable, for any reason, to deliver the Notice of Restrictions to the Member of the Public or the parent or guardian of a Minor, the Managing Director shall complete an affidavit noting the inability to deliver the required Notice of Restrictions, which shall satisfy the notice requirements of these Procedures.
- (i) Where a Member of the Public is prohibited or restricted from entering one or more City facilities, the Managing Director may, in addition to issuing a Notice of Restrictions, issue a notice not to trespass to the Member of the Public. A notice not to trespass issued to a Member of the Public under this Policy may be enforced pursuant to applicable trespass legislation. For notices not to trespass for a duration of 72 hours or less, a verbal notice may be issued. Notices not to trespass are not subject to a separate right to Request for Review.
- (j) Where a Member of the Public is restricted from attending a Public Meeting in-person pursuant to this Policy, the restriction should minimally impair the affected Member of the Public, which may require the City to facilitate other means of participation in the Public Meeting, including but not limited to allowing the Member of the Public to make written submissions or participate electronically, as may be deemed appropriate by the City Manager.

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- (k) A Managing Director who has issued a Notice of Restrictions shall advise other City staff of such restrictions on a need-to-know basis.

#### 4.03 Right of Review

- (a) A Member of the Public who is subject to restrictions may request a review of the restrictions as set out in the Notice of Restrictions by the City Manager by submitting to the City Clerk a written Request for Review in the form approved by the City Manager within fifteen (15) calendar days after the date of the subject Notice of Restrictions. The Request for Review must include, at minimum:
- i. the date and description of the Unreasonable Behavior that resulted in the restrictions;
  - ii. the date of the Notice of Restrictions and the name of the Managing Director who issued the Notice of Restrictions;
  - iii. the grounds for the review, stating the specific reasons;
  - iv. what resolution or outcome the Member of the Public is seeking;
  - v. any supporting documents or relevant evidence the Member of the Public is relying on; and
  - vi. the Member of the Public's return email address and mailing address.
- (b) This right to submit a Request for Review also applies where the City continues restrictions against the Member of the Public after conducting a reassessment in accordance with these procedures, in which case the fifteen (15) calendar day period begins to run from the date of the decision to continue the restrictions. There is no right to submit a Request for Review where the City decides to discontinue the restrictions after conducting a reassessment.
- (c) Prior to submitting a Request for Review, the affected Member of the Public or their legal guardian may request a meeting with the Managing Director who issued the Notice of Restrictions to review the restrictions. Requests for meetings may be accepted or denied at the Managing Director's discretion and may be conducted virtually or in-person as the Managing Director determines appropriate. The Managing Director may invite additional City staff to attend the meeting. Reasonable accommodations will be made to ensure the Member of the Public requesting the meeting is able to fully participate in any meeting the Managing Director accepts.
- (d) There is no right to Request a Review in connection with a Letter of Warning.

#### 4.04 Conduct of Review - Initial Assessment

- (a) Within seven (7) calendar days after receiving a Request for Review, the City Clerk must forward a copy of the Request for Review to:
- i. the City Manager; and
  - ii. the Managing Director who issued the Notice of Restrictions that is the subject of the Request for Review.

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- (b) Within fifteen (15) calendar days following receipt of a Request for Review, the City Manager must conduct an initial assessment of the Request for Review and may, at the City Manager's discretion:
  - i. determine that the request should be dismissed based on any one or more of the following grounds:
    - (i) the City Clerk received the request after the fifteen (15) calendar day deadline,
    - (ii) the request is not on the form approved by the City Manager;
    - (iii) the request is incomplete, frivolous, or vexatious; or
    - (iv) the request otherwise has no reasonable prospect of success.
  - ii. decide to conduct a substantive review of the Request for Review.
- (c) The City Clerk shall notify the subject Member of the Public of the City Manager's decision as soon as reasonably practicable after completion of the initial assessment.

#### 4.05 Conduct of Review - Substantive

- (a) If the City Manager decides to conduct a substantive review of the Request for Review, the City Manager must conduct the substantive review and make a determination within thirty (30) days following the date of the City Manager's initial assessment decision. However, the City Manager may extend this thirty (30) day period for up to an additional thirty (30) days if it is not practically possible for the City Manager to conduct a substantive review and make a determination within the initial thirty (30) day period.
- (b) The City Manager will determine the format of the substantive review and may meet with the Member of the Public, consult with the Managing Director, and/or obtain information from such other persons as the City Manager considers appropriate for the substantive review.
- (c) After conducting the substantive review, the City Manager may confirm, vary, substitute, or cancel any or all of the restrictions that are the subject of the Request for Review.
- (d) All decisions of the City Manager are final and binding.
- (e) The City Clerk shall notify the subject Member of the Public of the City Manager's decision as soon as reasonably practicable after completion of the substantive review.

#### 4.06 Restrictions Not Suspended Pending Review

- (a) Restrictions take effect on the date specified in the Notice of Restrictions and will not be suspended pending the outcome of a Request for Review. Further, a Request for Review does not stay the operation of a notice not to trespass issued in relation to restrictions that are the subject of the Request for Review.

#### 4.07 Reassessment of Restrictions

- (a) The Notice of Restrictions shall advise the affected Member of the Public of a reassessment date for the restrictions applied. Generally, all cases where this Policy is applied should be reassessed every six (6) months and not more than twelve (12)

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months after the initial date of the Notice of Restrictions or the date on which the restrictions were last continued/upheld, unless the City Manager determines otherwise.

- (b) The affected Member of the Public will be invited to participate in the reassessment process by providing a written submission or by way of another method as the applicable Managing Director determines appropriate in the circumstances, unless the Managing Director determines in their discretion that this invitation will provoke further Unreasonable Behavior from the individual.
- (c) Prior to the reassessment date, the applicable City staff shall meet with the applicable Managing Director and review the situation and the City Manager shall determine whether the restrictions should continue. During the reassessment, consideration must be given to the following factors at minimum:
  - i. whether the individual has complied with the restrictions;
  - ii. any information/arguments the Member of the Public has put forward;
  - iii. the impact to the Member of the Public of continuing the restrictions; and
  - iv. any other information that may be relevant in the circumstances.

#### 4.08 Personal Information

- (a) Personal information collected and used under this Policy may include, but is not limited to, an individual's general description and/or photographic image or likeness, digital audio or video recording, and/or records of communications containing the individual's name and contact information; and such personal information collected shall not be used or disclosed for a purpose inconsistent with this Policy.
- (b) In order to enforce any restrictions applied to a Member of the Public under the Policy, City staff may disclose the Member of the Public's personal information to other City staff and Council, including a summary of the Unreasonable Behavior and any restrictions applied to the Member of the Public.