

VILLAGE OF PEMBERTON
BYLAW No. 959, 2024

A bylaw to amend Village of Pemberton Council Remuneration Bylaw No. 704, 2012

The Council of the Village of Pemberton, in open meeting assembled, **ENACTS AS FOLLOWS:**

CITATION

1. This bylaw may be cited for all purposes as the “Village of Pemberton Council Remuneration Amendment (Code of Conduct Penalties) Bylaw No. 959, 2024.”

PURPOSE

2. The purpose of this bylaw is to amend Village of Pemberton Council Remuneration Bylaw No. 704, 2012, to include provision for the reduction of remuneration for a breach of Village of Pemberton Code of Conduct Bylaw No. 958, 2024.

GENERAL

- 3 (1) Village of Pemberton Council Remuneration Bylaw No. 704, 2012, is amended by inserting a new section 2. (e) as follows:
 - (e) Subject to paragraph (f), if a council member has been found by the *investigator* to have breached Code of Conduct Bylaw No. 958, 2024, or if a council member has been found by the *investigator* to have submitted a complaint that is frivolous, vexatious, or made in bad faith, the remuneration to which the council member would otherwise be entitled under this bylaw shall be reduced as follows:
 - i. where the council member has been found to have breached the bylaw for the first time, the remuneration to which the member of council would otherwise be entitled to under this bylaw shall be reduced by 10% for a period of 12 months from the date on which council considers the *investigator’s* report;
 - ii. where the council member has been found to have breached the bylaw for a second time, the remuneration to which the council member would otherwise be entitled to under this bylaw shall be reduced by 15% for a period of 12 months from the date on which council considers the *investigator’s* report relating to that offence;
 - iii. where the council member has been found to have breached the bylaw for a third or subsequent time, the remuneration to which the council member would otherwise be entitled to under this bylaw shall be reduced by 25% for a period of 12 months from the date on which council considers the *investigator’s* report relating to that offence;

- iv. for a certainty, where a member has been found to have breached the bylaw more than once in a 12-month period, the reductions in the remuneration to which the council member would otherwise be entitled under this bylaw shall be cumulative for any period of overlap in the duration of each reduction (for example, if a council member is found to have first breached the bylaw on January 1 of a calendar year, and is subsequently found to have breached the bylaw again on July 1 of that year, the remuneration to which the council member would otherwise be entitled shall be reduced by 10% from January 1 to June 30 of that year, by 25% from July 1 to December 31 of that year, by 15% from January 1 to June 30 of the following year, and thereafter be fully reinstated).

(2) Section 2. (f) is added as follows:

- (f) Paragraph (e) does not apply if, pursuant to section 30 (3) of Code of Conduct Bylaw No. 958, 2024, the *investigator* has determined that:
 - i. the member of Council took all reasonable steps to prevent the breach;
 - ii. the breach was trivial or inadvertent; or
 - iii. the breach was because of an error in judgment made in good faith.

READ A FIRST TIME this 30th day of April, 2024.

READ A SECOND TIME this 30th day of April, 2024.

READ A THIRD TIME this 30th day of April, 2024.

ADOPTED this 7th day of May, 2024.

Mike Richman
Mayor

Gwendolyn Kennedy
Corporate Officer