

INVESTIGATION REPORT

The City of Red Deer

Council Code of Conduct Complaint COC2023-002

Complainant: 

Respondent: Cindy Jefferies

Submitted by: Red Deer City Council, acting as the Investigator in this matter

Date: July 24, 2023

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BACKGROUND

On June 6, 2023, the Mayor's office received a letter of complaint from citizen [REDACTED] (the "Complainant") against City Councillor, Cindy Jefferies (the "Respondent"), alleging a number of breaches of Council's *Code of Conduct Bylaw* (the "*Bylaw*").

The Mayor's office advised the Complainant that in order for his allegations to be reviewed in a legislated, complaint process, the *Bylaw* requires an individual to file a formal, signed complaint to the City. The Complainant later filed a formal complaint (the "Complaint"), which was received by the Mayor's office on June 16, 2023.

REVIEW PROCESS

As provided for in the *Bylaw*, the Mayor convened a review committee (the "Reviewer") on June 30, 2023, consisting of the following individuals: Mayor Ken Johnston, Councillor Kraymer Barnstable, and Councillor Bruce Buruma.

Also in attendance at this meeting were City Solicitor, Michelle Baer, as well as a municipal law expert from Brownlee LLP in Edmonton, Alifeyah Gulamhusein, who attended remotely.

Section 19.1.e of the *Bylaw* requires that upon receipt of a signed complaint, the Reviewer must decide whether there are sufficient grounds upon which to formally investigate the alleged matter. During this review process, the Reviewer identified the following two key issues upon which the Complaint is based:

1. The Respondent's board position at the Safe Harbour Society; and
2. The Irregularity of the Respondent's election expenses.

REVIEW CONCLUSIONS

The Reviewer determined there are sufficient grounds to advance the Complaint to an investigation, and provided the following recommendations to City Council as a result of its formal review of the Complaint:

1. Respecting issue one above, the Reviewer determined there were *insufficient* grounds upon which to proceed to investigation;
2. Respecting issue two above, the Reviewer found *sufficient* grounds upon which to proceed to investigation; and
3. Given the limited scope and complexity of the Complaint, the Reviewer recommended that Council appoint itself as the investigative body (the "Investigator"), as provided for under the *Bylaw*.

INVESTIGATION PROCESS

On July 10, 2023, Council agreed to act as the Investigator of the Complaint and set a Special Closed Meeting of Council for July 18, 2023 to carry out the investigation. Council directed Mayor Johnston to advise the Respondent of her right under the *Bylaw* to submit a response to the Complaint in advance of the Special Meeting, which the Respondent did.

At the Special Meeting of Council held on July 18, 2023, City Administration confirmed that both the Complainant and Respondent would make themselves available to respond to any questions that might arise during the investigation.

The Investigator sought and received clarification on a number of questions from the Respondent; however, since the Investigator found the Complainant's submissions sufficiently fulsome and detailed, the Investigator had no need to contact the Complainant for further clarification during the investigation.

Upon consideration of the Reviewer's report during the Special Meeting, the Investigator determined that it would investigate *three separate issues*, breaking out the Reviewer's second issue (irregularity of election expenses) into a third, related category. The three broad issues considered by the Investigator during the investigation are as follows:

1. The Respondent's board position at the Safe Harbour Society;
2. The irregularity of the Respondent's reporting of election expenses; and
3. Did the Respondent knowingly post false or misleading information on social media?

ALLEGATIONS

The following is a summary of the alleged acts and improprieties raised by the Complainant against the Respondent in the filed Complaint:

ISSUE ONE: The Respondent's Board Position at the Safe Harbour Society

- **Allegation 1**

The Respondent breached **section 4.1(d)** of the *Bylaw* by not publicly disclosing her prior position as a Director on the Board of the Safe Harbour Society once she was elected to City Council in October 2021.

[Section 4.1(d): Members shall arrange their private affairs and conduct themselves in a manner that promotes public confidence.]

- **Allegation 2**

The Respondent breached **section 10.1** of the *Bylaw* by not publicly disclosing her prior position as a Director on the Board of the Safe Harbour Society, which put the Respondent into "an apparent conflict of interest" position.

[Section 10.1: Members have a duty to comply with pecuniary interest provisions set out in the *Municipal Government Act* (the "MGA").]

- **Allegation 3**

The Respondent breached **section 4.1(a)** of the *Bylaw* by not publicly disclosing her prior position as a Director on the Board of the Safe Harbour Society, calling "into question the legitimacy of any decision by Council on the shelter because it cannot be seen as unbiased" and it "misleads the community on her intentions and interest in selecting the location of the permanent shelter in Red Deer."

[Section 4.1(a): Members shall act honestly and, in good faith, serve the welfare and interests of the Municipality as a whole.]

ISSUE TWO: The Irregularity of the Respondent's Reporting of Election Expenses

- **Allegation 4**

The Respondent breached **section 7.1** of the *Bylaw* by accepting two corporate donations during her 2021 municipal election campaign, in violation of section 147.2(1) of the *Local Authorities Elections Act*, Revised Statutes of Alberta 2000, Chapter L-21 (the "Elections Act").

[Section 7.1: 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.]

ISSUE THREE: Did the Respondent knowingly post false or misleading information on social media?

- **Allegation 5**

The Respondent breached **section 5.4** of the *Bylaw* by excluding her two corporate donations in an October 17, 2021 Facebook post, which misled the public regarding the disclosure of “all campaign donations I have received as of October 16, 2021.”

[Section 5.4: No Member shall make a statement when they know that statement is false.]

- **Allegation 6**

The Respondent breached **section 5.5** of the *Bylaw* by misrepresenting the public about the intent of the Elections Act, implying that other candidates who failed to publicly disclose campaign contributions prior to the election “did not follow the Act.”

[Section 5.5: No Member shall make a statement with the intent to mislead Council or members of the public.]

DOCUMENTS

The following documents and legislation were reviewed and considered by the Investigator:

- **From the Complainant:**

- Written letter of complaint dated June 6, 2023;
- A link to a Facebook message posted by the Respondent on October 17, 2021;
- A screenshot taken by the Complainant of the Respondent’s “2021 Council Campaign Donations” statement; and
- Form 26 - Campaign Disclosure Statement and Financial Statement of Cindy Jefferies, dated February 18, 2022 (with redactions and hand-written revisions).

- **From the Reviewer:**

- A written decision of the Reviewer respecting whether the Complaint reflects sufficient grounds to proceed to an investigation.

- **From the Respondent:**

- An email, dated October 21, 2021, from the Respondent resigning her position as a Director on the Safe Harbour Society’s Board of Directors;
- A letter, dated January 10, 2023, from Glen Resler, Chief Electoral Officer and Election Commissioner with Elections Alberta, to the Respondent; and
- Correspondence between the Respondent and representatives of Elections Alberta, dated between November 12, 2022 and January 10, 2023.
- An email, dated July 18, 2023, from the Respondent to City Administration, providing further clarification requested by the Investigator regarding two corporate donations.

- **From City Administration:**

- A copy of Red Deer’s *Council Code of Conduct Bylaw, Bylaw 3608/2018*.

COMPLAINANT'S SUBMISSIONS

Issue One: The Respondent's Board Position at the Safe Harbour Society

The Complainant raised the following points of concern related to the allegations raised under this issue:

1. Failure to Disclose:

- 1.1 The Complainant submitted correspondence regarding a Code of Conduct Complaint to the Office of the Mayor on June 16, 2023.
- 1.2 The Complainant alleged the Respondent was a member of the Safe Harbour Society Board, kept that position private and engaged in Council discussions about the permanent shelter, creating a conflict of interest. Furthermore, the Complainant claimed the Respondent continues participating in shelter discussions without disclosing her previous Board position with Safe Harbour Society.

2. Pecuniary Interest and Bias:

- 2.1 The Complainant cited the *MGA*:
170(1) Subject to subsection (3), a councillor has a pecuniary interest in a matter if
(a) the matter could monetarily affect the councillor or an employer of the councillor, or
(b) the councillor knows or should know that the matter could monetarily affect the councillor's family.

[Note: In his submission, the Complainant cites section (b), but quotes section (a).]
- 2.2 The Complainant submitted that the Respondent's non-disclosure of her past role as a Safe Harbour Board Member placed her in a position of conflict of interest. The Complainant specifically alleged that:
 - It misleads the Community on her intentions and interests in selecting the location of a permanent shelter.
 - It could influence debates and voting to favour the best interests of Safe Harbour versus what's best for all of Red Deer.
 - Voting could materially affect her former "employer" given potential monetary interests of Safe Harbour Society.
 - It calls into question the legitimacy of any decision made by Council on the shelter location.
 - The Respondent might be seen "rigging the vote" to support her former employer.

The Complainant contended that the Respondent should have publicly disclosed her previous role with the Safe Harbour Society and withdrawn from debate and voting on the location of the permanent shelter to ensure decisions are transparent and free of any conflict of interest.

Issue Two: The Irregularity of the Respondent's Reporting of Election Expenses

1. Prohibited Donations:

1.1 The Complainant cited the following section of the *Election Act*, highlighting that municipal election campaign contributions can only be made by individuals and not by corporations:

Limitations on contributions

147.2(1) Only an individual ordinarily resident in Alberta may make a contribution to a candidate.

1.2 Referring to the Respondent's filed copy of the "City of Red Deer - Campaign Disclosure Statement and Financial Statement," the Complainant noted the following contributions made by businesses which he alleged are prohibited:

- 1371750 Alberta Limited in the amount of \$500.00
- Phoenix Construction in the amount of \$1830.75

1.3 The Complainant noted that by accepting the donation, the Respondent violated section 7.1 of the *Bylaw* which reads: "Members shall uphold the law established by the Parliament of Canada and the Legislature of Alberta."

Issue Three: Did the Respondent knowingly post false or misleading information on social media?

1. Inaccurate Information:

1.1 The Complainant cited a Facebook post by the Respondent dated October 17, 2021 (the day prior to the Municipal Election), wherein the Respondent stated: "In accordance with the Alberta Local Authorities Election Act, I am disclosing all campaign donations I have received as of October 16, 2021, I have also self-funded my campaign."

1.2 The post included a table titled, "Cindy Jefferies - 2021 Council Campaign Donations" that had twenty named contributors and the amount each donated for a total value of \$2800.00. It also included a link to the Elections Alberta website, specifically related to financial contributions to campaigns.

1.3 The Complainant alleged that the information on the Facebook post was incomplete and not accurate when referenced against the names and amounts listed in the Respondent's "City of Red Deer - Campaign Disclosure Statement and Financial Statement."

[It is noted by the Investigator that the Respondent's disclosure statement was received by The City of Red Deer on February 25, 2022.]

1.4 The Complainant alleged that the post was incomplete, was a known false statement and/or intended to mislead the public by not including all donors, specifically noting that the list did not include the names and amounts of two corporate donations.

[It is also noted by the Investigator that two other donations by individuals were also not included on the Facebook post.]

- 1.5 The Complainant further alleged the Respondent misled the public to believe disclosures were required before the election, which implies other candidates did not follow the *Act*.

RESPONDENT'S SUBMISSIONS

ISSUE ONE: The Respondent's Board Position at the Safe Harbour Society

The Respondent submitted the following points in response to allegations raised under this issue:

1. Resignation:

- 1.1 The Respondent submitted a copy of electronic evidence that on October 21, 2021, she emailed the Chair of the Safe Harbour Society Board advising of her resignation from the Board. She acknowledged in that email that there could be the potential for conflict of interest were she to remain on the Board as a City Councillor, since "there will be decisions that come before the Council involving Safe Harbour."
- 1.2 The municipal election was held on October 18, 2021, so the Respondent deemed her swift resignation from this Board as the "prudent" thing to do so she could feel unencumbered to participate in Council decision-making that may relate to the work of the Society.
- 1.3 The Respondent further noted that she had advised the Mayor and all members of Council (early in that new term) that she had resigned from the Safe Harbour Board.

2. Pecuniary Interest:

- 2.1 The Respondent clarified that her role as a Board Director was strictly a non-remunerated, volunteer position. As such, she was never an *employee* of the Society.
- 2.2 In respect of this issue, the Respondent submitted that she does not believe she has a pecuniary interest at all.

3. Bias:

- 3.1 The Respondent submitted that she has "gone out of my way" to ensure her past service on the Safe Harbour Board would not in any material manner bias her decisions as a City Councillor.
- 3.2 The Respondent flatly denied the allegation raised by the Complainant that she might be perceived as "rigging the vote" in favour of Safe Harbour, noting that she has always voted her conscience on all matters before Council and expects her colleagues to do the same.
- 3.3 The Respondent maintained that in all her duties as a City Councillor, she has acted honestly and in good faith to serve the welfare and interests of the community as a whole.

ISSUE TWO: The Irregularity of the Respondent’s Reporting of Election Expenses

The Respondent submitted the following points in response to allegations raised under this second issue:

1. Corporate Donations:

- 1.1 The Respondent freely acknowledged that she had received two corporate donations to her 2021 municipal election campaign that breached the Alberta *Election Act*: one from Phoenix Construction in the amount of \$1,830.75 and another from a limited company (of which she was the sole director) in the amount of \$500.00.
- 1.2 Upon questioning, the Respondent confirmed that this limited company had been established by her late husband years ago and was not established for any purpose related to her municipal election campaign.

2. Election Act Rule Change:

- 2.1 The Respondent submitted that in her several previous election campaigns prior to 2021, corporate donations were permitted under the Alberta *Election Act*.
- 2.1 The Respondent noted that while she should have kept up on all legislated campaign requirements, she was simply unaware of the 2018 changes to the *Election Act* which banned corporate contributions to a municipal election candidate.
- 2.3 Upon questioning, the Respondent replied, “I thought I knew the rules and I didn’t. I didn’t know the rules had changed.”

3. Elections Alberta Investigation:

- 3.1 The Respondent stated that as soon as she became aware of the changes to the *Election Act*, she made every effort to rectify the error by ensuring the donations were returned to the corporate donors.
- 3.2 The Respondent submitted a copy of a letter, dated January 10, 2023, from Glen Resler, the Chief Electoral Officer and Election Commission for Elections Alberta, confirming that their investigation into this matter (under a separate citizen complaint) was resolved to the satisfaction of that regulating body and that Elections Alberta now considers the matter “concluded.”

ISSUE THREE: Did the Respondent knowingly post false or misleading information on social media?

1. Intent:

- 1.1 The Respondent submitted that she “never intended to misguide anyone” by posting on Facebook on October 17, 2021 a list of her campaign donations as of October 16, 2021.

“I was following the guidance of an Alberta Municipalities” election handbook which encouraged candidates to be open and transparent about their campaign finances.

- 1.2 The Respondent further submitted that in her post, she identified these donations as the known contributions she had received *as of October 16, 2021*.
- 1.3 Finally, the Respondent indicated that in no way was she trying to mislead the public regarding the intent or direction of the *Election Act* when posting her campaign contributions; she was merely trying to be open and transparent about her donors.

2. Corporate Donations:

- 2.1 In response to questioning, the Respondent submitted that the reason the \$500.00 numbered company corporate donation wasn't included in her Facebook post is because that contribution was made on October 18, 2021 - the day *after* the Facebook post in question.
- 2.2 With respect to the \$1,830.75 corporate contribution noted on her Campaign Disclosure form, the Respondent submitted that this reflected the approximate value of lumber which she was loaned for the campaign, and which she returned to the company for re-use immediately after the election.
- 2.3 Upon further questioning, the Respondent indicated that she had asked Red Deer's Returning Officer if and/or how the lumber should be accounted for on her Disclosure Statement and wasn't yet clear how to account for this when she posted campaign donations on October 17, 2021 – which is why she didn't include that donation.

“I wouldn't have known that the lumber donation had to be accounted for as cash at that time. It was when I was filing my campaign expense disclosure statement that I realized I had to account for it as a donation and expense.”

INVESTIGATOR'S FINDINGS: SUMMARY

After a fulsome review of all evidence presented by both parties, the Investigator renders the following conclusions with respect to each allegation raised in the Complaint:

- **Allegation 1:** *Unfounded*
- **Allegation 2:** *Unfounded*
- **Allegation 3:** *Unfounded*
- **Allegation 4:** *Founded*
- **Allegation 5:** *Unfounded*
- **Allegation 6:** *Unfounded*

INVESTIGATOR’S FINDINGS: WITH REASONS

ISSUE ONE: The Respondent’s Board Position at the Safe Harbour Society

- **ALLEGATION 1**

The Respondent breached **section 4.1(d)** of the *Bylaw* by not publicly disclosing her prior position as a Director on the Board of the Safe Harbour Society once she was elected to City Council in October 2021.

[Section 4.1(d): Members shall arrange their private affairs and conduct themselves in a manner that promotes public confidence.]

- The Investigator finds the allegation to be **UNFOUNDED**.

The Code of Conduct establishes standards for the ethical conduct of Members relating to their roles and obligations as representatives of the Municipality. Members of Council are bound to the Code of Conduct once they are sworn into office. Members of the current City Council were sworn in on October 25, 2021.

Following the election to City Council on October 18, 2021, the Respondent provided evidence of her resignation from the Board of the Safe Harbour Society on October 21, 2021. The Respondent was not a Councillor while serving on the Safe Harbour Board and therefore not bound by the Code of Conduct.

The Respondent had advised all members of City Council of her past involvement with the Safe Harbour Society as well as her resignation from the Board.

The Respondent’s involvement with the Safe Harbour Society was publicly available, known to many in the community and information she freely shared.

Since she had resigned her Board position days after the 2021 municipal election, the Investigator concludes that the Respondent did not breach section 4.1 (d) of the *Bylaw*.

- **ALLEGATION 2**

The Respondent breached **section 10.1** of the *Bylaw* by not publicly disclosing her prior position as a Director on the Board of the Safe Harbour Society, which put the Respondent into “an apparent conflict of interest” position.

[Section 10.1: Members have a duty to comply with pecuniary interest provisions set out in the *Municipal Government Act* (the “MGA”).]

- The Investigator finds the allegation to be **UNFOUNDED**.

Section 170(1)(a) of the *MGA* [cited inadvertently by the Complainant as section 170(1)(b)], states that: “Subject to subsection (3), a councillor has a pecuniary interest in a matter if (a) the matter could monetarily affect the councillor or an employer of the councillor.”

Since the Respondent was not an employee of the Society (even when she was a Board Director), and since she had resigned her Board position days after the 2021 municipal election, the Investigator concludes that the Respondent did not breach section 10.1 of the *Bylaw*.

- **ALLEGATION 3**

The Respondent breached **section 4.1(a)** of the *Bylaw* by not publicly disclosing her prior position as a Director on the Board of the Safe Harbour Society, calling “into question the legitimacy of any decision by Council on the shelter because it cannot be seen as unbiased” and it “misleads the community on her intentions and interest in selecting the location of the permanent shelter in Red Deer.”

[Section 4.1(a): Members shall act honestly and, in good faith, serve the welfare and interests of the Municipality as a whole.]

- The Investigator finds the allegation to be **UNFOUNDED**.

The Respondent states she has been diligent in not letting her service as a Board Member of the Safe Harbour bias decisions she makes as a Councillor.

As to potential of ‘rigging the vote’ to benefit her ‘former employer’, when voting, the Respondent indicates she is guided by her conscience and expects her Council colleagues to be guided likewise. The Respondent indicated her work is serving the welfare and interests of the community as a whole.

It should be noted that with Council serving as Investigator in this matter, members have unique and direct insight on the actions and behaviours of the Respondent to make an informed decision on this allegation.

It should also be noted that there is no formal policy that requires councillors to publicly declare their current or former community service positions. Furthermore, these types of service opportunities and personal experiences add layers of depth and perspective that help inform sound decision making. It is these insights, gained through education, careers, values, and involvement in our community that are needed and what citizens are seeking in elected officials. Citizens are not looking for individuals with “*blank slates*.”

For the reasons noted above, Investigator concludes that the Respondent did not breach section 4.1(a) of the *Bylaw*.

ISSUE TWO: The Irregularity of the Respondent's Reporting of Election Expenses

▪ ALLEGATION 4

The Respondent breached section 7.1 of the *Bylaw* by accepting two corporate donations during her 2021 municipal election campaign, in violation of section 147.2(1) of the *Local Authorities Elections Act*, Revised Statutes of Alberta 2000, Chapter L-21 (the "*Elections Act*").

[Section 7.1: 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.]

- The Investigator finds the allegation to be **FOUNDED**.

The Respondent repeatedly acknowledged her error in accepting the two corporate donations, stating that she thought she understood the *Election Act* (which until 2018 permitted corporate donations to municipal campaigns), but she was mistaken.

This issue was brought to the attention of Elections Alberta in a separate citizen complaint. An investigation was undertaken by Alberta's Chief Electoral Officer and Election Commission, Glen Resler, who conducted an investigation into the allegations, rendered his findings, and advised the Respondent by letter dated January 10, 2023 that "My office will be taking no further action and this matter is now concluded."

In February, 2023, the Respondent made all of Council aware of the Elections Alberta complaint, investigation, and subsequent outcome – as a matter of full disclosure to her colleagues.

With respect to the subject Complaint, the Investigator accepts the authority of Elections Alberta to conduct these types of investigations respecting campaign contribution irregularities and relies upon the findings and conclusions rendered by the Commissioner in that case.

These findings are highlighted below as a matter of courtesy and transparency for members of the public who may wish to review the subject Complaint decision:

- The Commissioner acknowledged there is sufficient evidence to suggest that the Respondent "acted in a manner that contravened section 147.2(1) of the *Election Act*."
- He advised that in cases where an individual has committed a violation of the *Act*, a penalty or reprimand may be imposed. In this case, the Respondent was not fined or reprimanded, noting that "I do not believe doing so, in this case, would serve the public interest for the following reasons":
 - The Respondent was unclear how to account for the contribution of lumber and supplies and contacted the municipality for additional direction.
 - The Respondent was not aware of the legislative change to the *Election Act* prohibiting corporate donations to municipal candidates.

- The Respondent took steps to remedy the situation and become compliant with the legislation once she became aware, including the refunding of contributions which were not permitted.
- The Respondent was “fully cooperative” with the investigation and answered all questions in a “open, honest and forthright manner.”

Since this matter was adjudicated by the appropriate provincial authority and has been rendered “concluded” by Elections Alberta, the Investigator is of the opinion that no further actions or sanctions are required under the circumstances, respecting the subject Complaint.

ISSUE THREE: Did the Respondent knowingly post false or misleading information on social media?

- **ALLEGATION 5**

The Respondent breached section 5.4 of the *Bylaw* by excluding her two corporate donations in an October 17, 2021 Facebook post, which misled the public regarding the disclosure of “all campaign donations I have received as of October 16, 2021.”

[Section 5.4: No Member shall make a statement when they know that statement is false.]

- The Investigator finds the allegation to be **UNFOUNDED**.

The key element in finding a violation under section 5.4 of the *Bylaw* is to establish that a Councillor *knowingly* made a statement that he or she knew to be false.

The Respondent submitted that she received the \$500.00 corporate donation on October 18, 2021. Her Facebook post dated October 17, 2021 states that she is disclosing all campaign donations received “as of October 16, 2021.” The Investigator is satisfied that the Respondent did not knowingly make a false statement related to this donation, since it hadn’t yet been made as of October 16, 2021.

With respect to the corporate donation of \$1,830.75, the Respondent indicated that she was unclear how to account for the donation of lumber and supplies – and *if*, in fact, and/or *how* the lumber should be accounted for on her Disclosure Statement. The Investigator accepts the evidence that she made an inquiry to the Returning Officer who suggested she seek legal advice if needed.

The Respondent submitted that she “wouldn’t have known [on October 17, 2021] that the lumber donation had to be accounted for as cash at that time. It was when I was filing my campaign expense disclosure statement that I realized I had to account for it as a donation and expense.”

With respect to this allegation, the Investigator is satisfied that once the Respondent understood how to account for this donation-in-kind, she declared the deemed value of the lumber as a “monetary donation” and the use of it as an “expense” – as verified in the Form 26 Campaign Disclosure Statement and Financial Statement she filed with Elections Alberta.

While arguably, the Respondent might have erred on the side of safety by ascribing a deemed monetary value to the lumber and supplies and including that value to her list of campaign donations in her October 17, 2021 Facebook post, the Investigator accepts that this omission was an *oversight* rather than a *false statement*.

- **ALLEGATION 6**

The Respondent breached section 5.5 of the *Bylaw* by misrepresenting the public about the intent of the Elections Act, implying that other candidates who failed to publicly disclose campaign contributions prior to the election “did not follow the Act.”

[Section 5.5: No Member shall make a statement with the intent to mislead Council or members of the public.]

- The Investigator finds the allegation to be **UNFOUNDED**.

The key element in finding a violation under section 5.5 of the *Bylaw* is to establish that a Councillor made a statement with the *intent* to mislead Council or members of the public.

The Respondent stated in her October 17, 2021 Facebook post: “In accordance with the Alberta Local Authorities Election Act, I am disclosing all campaign donations I have received as of October 16, 2021. I have also self-funded my campaign.”

The Investigator is satisfied that the Respondent did not intend to misrepresent the *Election Act* by implying that other candidates failed to follow the *Act* by not disclosing campaign contributions prior to the election, as she had done.

The Investigator finds that on a reasonable, plain language read of the Respondent’s statement, such an interpretation is difficult to support and therefore determines this allegation to be unfounded.

SANCTIONS

Upon a finding of breach of the *Bylaw* by a member of Council, Section 20.4 of the *Bylaw* speaks to the matter of sanctions. For clarity, the *Bylaw* does not *require* the imposition of sanctions when a breach has been determined. This section provides a range of potential sanction options Council *may* consider imposing, including:

- a letter of reprimand addressed to the Member;
- requesting the Member to issue a letter of apology;
- publication of a letter of reprimand or request for apology and the Member's response;
- suspension or removal of the chief elected official's presiding duties under section 154 of the Act;
- suspension or removal from some or all Council committees and bodies to which council has the right to appoint members;
- reduction or suspension of remuneration as defined in section 275.1 of the Act corresponding to a reduction in duties; or (g) any other sanction Council deems reasonable and appropriate in the circumstances provided that the sanction is not contrary to the Act.

Since every complaint investigation is based upon a unique set of facts, Council must be guided in each case by the specific circumstances of a complaint to determine what, if any, sanctions are appropriate to impose in any particular investigation.

In the subject Complaint, since this matter was adjudicated by the appropriate provincial authority and was rendered "concluded" by Elections Alberta, the Investigator is of the opinion that no further actions or sanctions are required at this time.

RECOMMENDATIONS:

An important outcome of any investigation process should be a review of learnings gleaned throughout the process, in order to seek ongoing improvement, accountability, and transparency for the public.

Thus, the Investigator submits the following recommendation for consideration arising from the investigation process in this case:

1. For enhanced public transparency following future municipal elections, City Administration consider updating City of Red Deer election information pages online to include a link to each candidate's filed Campaign Disclosure Statement and Financial Statement - Form 26 (redacted for personal information, as required), to be maintained for a period of four years.

June 6, 2023

Ken Johnston
Mayor City of Red Deer
Box 5008
Red Deer, Alberta, AB
T4N 3T4

Subject: Code of Conduct violations by Councillor Cindy Jefferies

Dear Mayor Johnston,

The City Code of Conduct bylaw is a way for residents of Red Deer to raise awareness of conflicts of interest and infractions by Red Deer City Council members. I want to bring to your attention such violations by Councillor Cindy Jefferies.

- Section 4.1 (d) states, “arrange their private affairs and conduct themselves in a manner that promotes public confidence.”
- Section 10.1, “Members have a statutory duty to comply with the pecuniary interest provisions set out in Part 5, Division 6 of the Act and a corresponding duty to vote unless required or permitted to abstain under the Act or another enactment.”
- Section 4.1 (a) “Members shall act honestly and, in good faith, serve the welfare and interests of the Municipality as a whole.”

Councillor Jefferies was a member of the Board for the Safe Harbour Society and kept that position private after she engaged in the Council discussions and debate in the selection of a permanent shelter in the City of Red Deer. Councillor Jefferies continues participating in those discussions without disclosing her previous Board position with the Safe Harbour Society.

Councillor Jefferies is in violation because, under the MGA Part 5, division 6 section 170 (1) (b) states, “the matter could monetarily affect the councillor or an employer of the councillor.” Councillor Jefferies’s non-disclosure of her past role as a Board member of the Safe Harbour Society puts her in an apparent conflict of interest. It misleads the community on her intentions and interest in selecting the location of the permanent shelter in Red Deer.

Without any disclosure, the community is not aware if she is debating and voting on the location of the permanent shelter location in the best interest of Red Deer or the best interest of the Safe Harbour Society. Councillor Jefferies’s voting intention could materially affect her former “employer” in that the Safe Harbour Society has a monetary interest in the location of the permanent shelter in Red Deer. For a fair and open discussion, Red Deerians must know that all Councillors are free of external influences and come to the table with neutral positions. I am afraid that Councillor Jefferies’s decision not to disclose her previous position as a member of the Board for the Safe Harbour Society calls into question the legitimacy of any decision by Council on the shelter because it cannot be seen as unbiased and not the best interest of Red Deer. Councillor Jefferies should have publicly disclosed her previous role with the Safe Harbour Society and withdrawn herself from the debate and vote on the location of the permanent shelter.

It is highly offensive and hurtful to Red Deerians engaging in a fair debate on the location of the permanent shelter when a Councillor could be seen rigging the vote to support their former employer. For many in Red Deer, their livelihood or future will be impacted by the future location, and that decision needs to be transparent and free of any conflict of interest.

Red Deerians expect that our elections are free and fair and that all candidates follow the rules. Councillor Jefferies broke the rules by accepting corporate donations.

- Section 147.2(1) of the Local Authorities Election Act states, "Only an individual ordinarily resident in Alberta may make a contribution to a candidate."

The public disclosure submitted to the City of Red Deer from Councillor Jefferies, also attached to the email, clearly shows that she received two donations from corporate entities. First, she received \$500 from 1371750 Alberta LTD and another \$1,830.75 from Phoenix Construction. Those are two illegal campaign contributions that violate the Act. By accepting corporate donations, Councillor Jefferies violated section 7.1 of the Code of Conduct, which states that "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." She violated the Local Authorities Election Act by accepting illegal corporate donations.

In addition to violating section 7.1 of the Code of Conduct, Councillor Jefferies violated section 5.4, which states, "No Member shall make a statement when they know that statement is false." And section 5.5 "No Member shall make a statement with the intent to mislead Council or members of the public."

On October 17, 2021, Cindy Jefferies posted on her Facebook page claiming to disclose of all her donations, but she excluded the two corporate contributions. Her Facebook post states, "I am disclosing all campaign donations I have received as of October 16, 2021. I have also self-funded my campaign." Councillor Jefferies misled the electorate by disclosing only a portion of the donations she received, specifically excluding the two corporate donations. In her official disclosure we can see that Phoenix Construction donated the exact same amount \$1830.75 as her "lumber and supplies". As Ms. Jefferies had campaign signs throughout the city which required "lumber and supplies" it is safe to say that donation occurred prior to Oct 16th, 2021. By misleading the public and making a false statement about her campaign contributions, she was portraying that she was following the rules when she had violated the Local Authorities Election Act by accepting corporate money. We will never know the impact of her decision to hide that she accepted illegal contributions to her campaign and how that would have swayed the vote. Our election needs to be free of corporate donations, and by accepting these illegal donations, Councillor Jefferies only weakens democracy and her legitimacy as a City Councillor. Councillor Jefferies needs to return those illicit donations.

This social media post also misrepresents the Local Elections Act, as disclosures are not required prior to the election, and implies that other candidates did not follow the Act.

The violations by Councillor Jefferies need to be dealt with as they are offensive to many Red Deerians and weaken every Councillor's ability to carry out their responsibilities effectively. I request that Council review these matters and take corrective action to ensure Red Deer has a fully compliant Council.



For reference the link to the facebook post is here:

https://www.facebook.com/permalink.php?story_fbid=pfbid0aiZ2cEtS7rzeGLMmiUV2QGpSk1R9mxJVm9ePzuNQmZqnUX9xgMiPu4SuKPH6wqbAI&id=103550585422073

 **Cindy Jefferies - Red Deer City Council**
October 17, 2021 · 🌐

In accordance with the Alberta Local Authorities Election Act, I am disclosing all campaign donations I have received as of October 16, 2021. I have also self-funded my campaign.
<https://www.elections.ab.ca/finance/contributions/>

Cindy Jefferies – 2021 Council Campaign Donations	
L. & D. Roberts	\$100
H. & M. Flewwelling	\$300
C. & S. Warren	\$500
V. Jensen	\$200
L. & D. Pimm	\$200
N. Kirkwood	\$100
K. Kenny	\$100
D. Steinke	\$50
C. Thomas	\$100
R. Huddleston	\$100
P. Franz	\$50
J. Slipp	\$250
V. & H. Morelli	\$200
S. Gingras	\$100
M. Champney	\$50
M. & S. Vaartstra	\$100
J. Knopp	\$100
A. Farries	\$100
T. Lewis	\$100
G. Welch	\$50
Total Donations	\$2800

CAMPAIGN DISCLOSURE STATEMENT AND FINANCIAL STATEMENT
Local Authorities Election Act (Sections 147.3, 147.4)

FORM 26

LOCAL JURISDICTION: CITY OF RED DEER, PROVINCE OF ALBERTA
 Full Name of Candidate: CINDY JEFFERIES
 Candidate's Mailing Address: [REDACTED], Alberta Postal Code: [REDACTED]

THIS FORM, INCLUDING ANY CONTRIBUTOR INFORMATION FROM LINE 2, IS A PUBLIC DOCUMENT.

Pre-Campaign Period Report

1. Pre-Campaign Period Contributions (up to a limit of \$5,000 per year or \$10,000 from candidate's own funds per year)	\$ <u>0</u>
2. Pre-Campaign Period Expenses	\$ <u>0</u>

Campaign Period Revenue

CAMPAIGN CONTRIBUTIONS:

1. Total amount of contributions of \$50.00 or less	\$ <u>185.00</u>
2. Total amount of all contributions of \$50.01 and greater, together with the contributor's name and address (see attached list)	\$ <u>5080.75</u>
NOTE: For lines 1 and 2, include all money and valued personal property, real property or service contributions.	
3. Deduct total amount of contributions returned	\$ <u>0</u>
4. NET CONTRIBUTIONS (line 1+2-3)	\$ <u>5165.75</u>

OTHER SOURCES:

5. Total amount contributed out of candidate's own funds	\$ <u>2240.92</u>
6. Total net amount received from fund-raising functions	\$ <u>0</u>
7. Transfer of any surplus or deficit from a candidate's previous election campaign	\$ <u>0</u>
8. Total amount of other revenue	\$ <u>0</u>
9. TOTAL OTHER SOURCES (line 5+6+7+8)	\$ <u>2240.92</u>
10. Total Campaign Period Revenue (line 4+9)	\$ <u>7606.22</u>

Campaign Period Expenditures

11. Total Campaign Period Expenses	7606.22
Paid \$ <u>5151.7</u> Unpaid \$ <u>0</u> Total \$ <u>5151.7</u>	

THE CANDIDATE MUST ATTACH AN ITEMIZED EXPENSE REPORT TO THIS FORM.

Campaign Period Surplus (Deficit)

12. Campaign Period Surplus (Deficit) deduct line 11 from line 10	\$ <u>0</u>
---	-------------

A candidate who has incurred campaign expenses or received contributions of \$50,000 or more must attach a review engagement statement to this form.

ATTESTATION OF CANDIDATE

This is to certify that to the best of my knowledge this document and all attachments accurately reflect the information required under section 147.4 of the *Local Authorities Election Act*.

[REDACTED]

February 18, 2022
Date

FORWARD THE SIGNED ORIGINAL OF THIS DOCUMENT TO THE RETURNING OFFICER OF THE CITY OF RED DEER, PO BOX 5008, RED DEER, AB, T4N 3T4

IT IS AN OFFENCE TO FILE A FALSE STATEMENT

The personal information on this form is being collected to support the administrative requirements of the local authorities election process and is authorized under section 147.4 of the *Local Authorities Election Act* and section 33(c) of the *Freedom of Information and Protection of Privacy Act*. The personal information will be managed in compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act*. If you have any questions concerning the collection of this personal information, please contact the Returning Officer of The City of Red Deer at 403-342-8132.

CITY OF RED DEER
Elections Services
RECEIVED
February 25, 2022

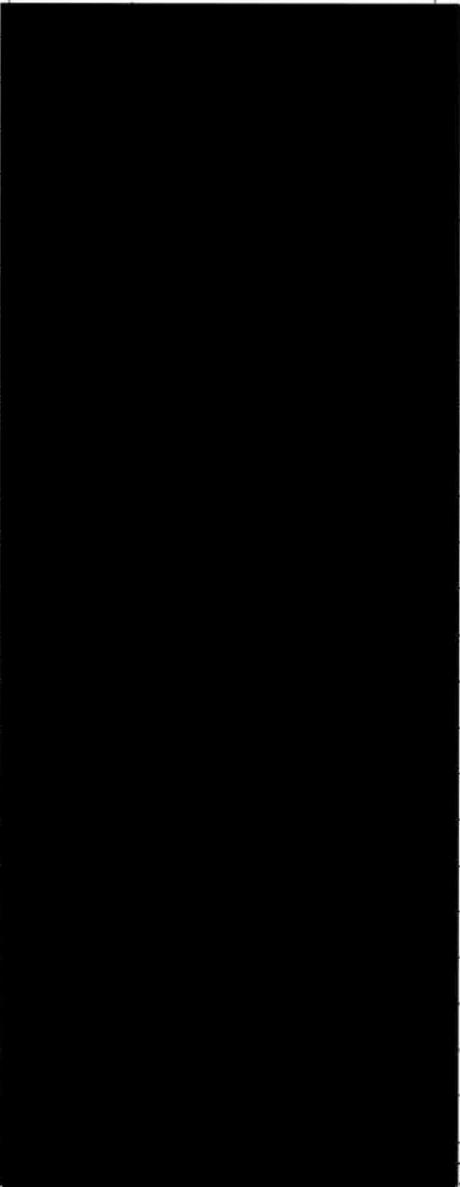
CAMPAIGN DISCLOSURE STATEMENT AND FINANCIAL STATEMENT

FORM 26

Local Authorities Election Act (Sections 147.3, 147.4)

CONTRIBUTOR INFORMATION

Full Name of Candidate: CINDY JEFFERIES

Contributor's Name	Address	Amount
Linda/Rich ROBERTS		\$100.00
Val Jensen		\$200.00
Blaine Ritchie		\$100.00
Alayne Farries		\$100.00
CHRIS WARREN		\$500.00
Tom Lewis		\$100.00
Glenn Welsh		\$50.00 *
KAY KENNY		\$100.00 *
Cindy Jefferies		\$10.00 *
LIZ/NEIL KIRKWOOD		\$100.00
LARRY-DIANE Pimm		\$200.00
Morris Flewelling		\$300.00
Colleen Thomas		\$100.00
Darrin Steinke		\$50.00 *
Richard Huddleston		\$100.00 *
Peterl Franz		\$25.00 *
Jim Stipp		250.00
V+H. Morelli		200.00
Serge Gingras		\$100.00
Mitchell Champney		\$50.00 *
Jean Knopp		\$100.00
Marilla Vaerstra		\$100.00
1371750 ALBERTA LTD		\$500.00
PHOENIX CONSTRUCTION <small>(CAM BALDWIN)</small>		1830.75
JOEL BISHOP		200.00
	TOTAL 5465.75	
	<u>5465.75</u>	

* < 50.00 or less = 185.00

Anonymous and unauthorized contributions

147.23 Any anonymous contributions and any contribution or portion of a contribution made in contravention of this Part accepted by a candidate or a person acting on behalf of a candidate must not be used or expended, and the candidate or the person acting on behalf of the candidate shall

- (a) return the contribution to the contributor if the contributor's identity can be established, or
- (b) if the contributor's identity cannot be established, pay an amount equivalent to the contribution to a registered charity or to the local jurisdiction for which the candidate is running for election.

This will serve as the minutes of the Review Group (the Reviewer), in response to the complaint filed by [REDACTED] on June 16.

Reviewer Attendance (in person): Mayor Ken Johnson, Councillor Bruce Buruma, Councillor Kraymer Barnstable

Administrative Support: Michelle Baer (in person), Alifeyah Gulamhusein, Brownlee LLP (remotely)

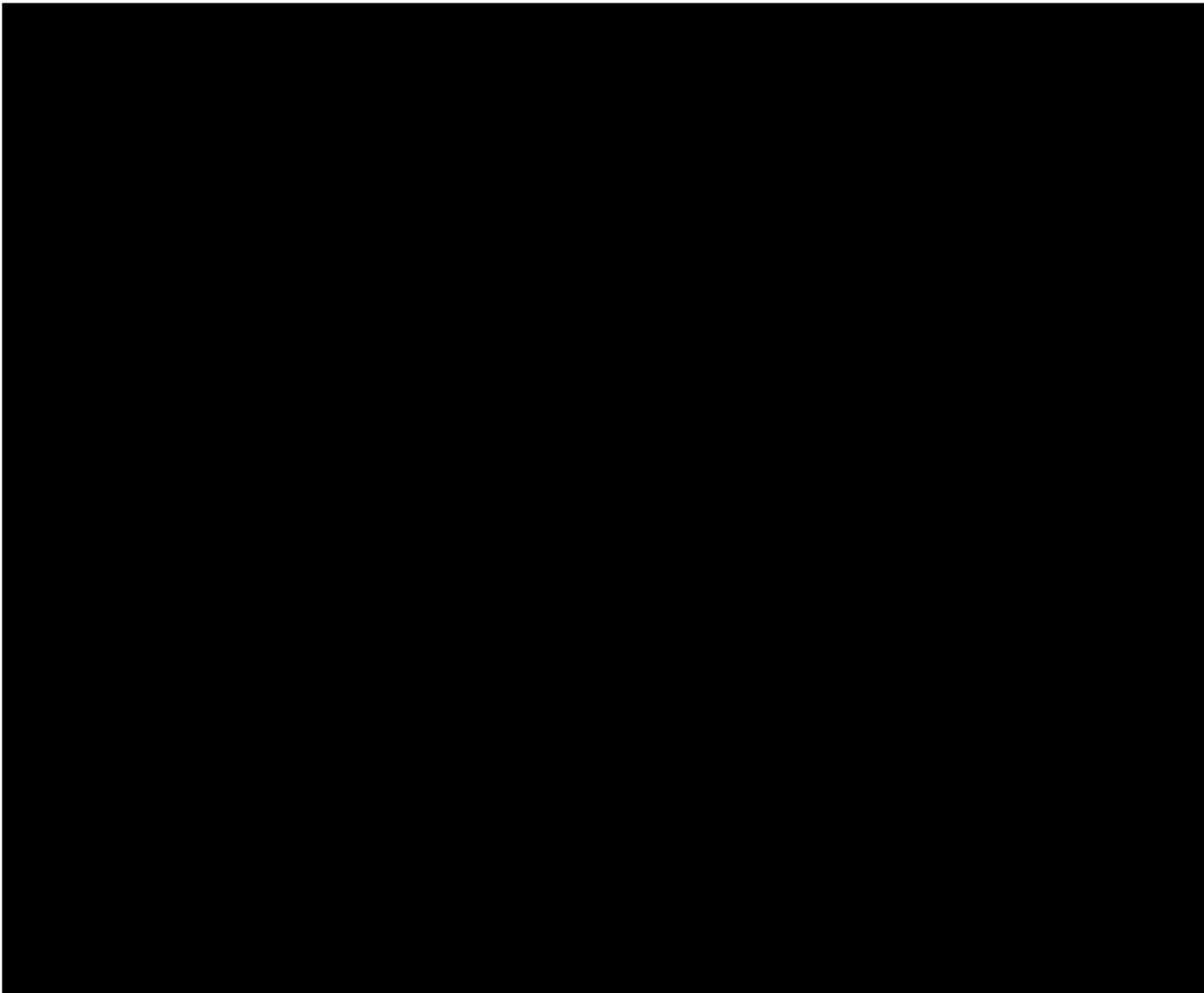
Date of Meeting: June 30, 2023

Meeting Start: 9:30. Baer left meeting at 10:00, Brownlee left meeting at 10:40.

Following a process discussion the Reviewer found:

In considering the complaint from [REDACTED], the Reviewer focussed on Section 19.1.e of the bylaw and whether the complaint was frivolous, vexatious, made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation. It divided the complaint into two key issues brought by [REDACTED]: (1) The Board position at Safe Harbour, and (2) the irregularity of the election expenses.

The Reviewer considered the complaint was not frivolous, not vexatious, and was made in good faith. Therefore it focussed on the grounds of the matter as they are known, or are apparent, to [REDACTED]. As to Point 1 the Reviewer determined there were insufficient grounds to proceed to investigate as no violation of pecuniary interest or conflict was apparent in a voluntary position. Legal resources enabled the Reviewer to arrive at this conclusion. As to Point 2, the Reviewer recommends that it proceed to Council as, in their opinion, there are allegations in the complaint which, if true, would be a breach of the bylaw. Thus there are grounds to investigate part (2) of the complaint. It recommends that Council be its own investigator given the scope of the complaint.



----- Forwarded message -----

From: [REDACTED]
Date: Thu, Oct 21, 2021 at 4:12 PM
Subject: Re: Resignation from SH Board
To: Cindy Jefferies [REDACTED]
CC: Kath Hoffman [REDACTED], Johnnie Bachusky [REDACTED], Heather klien [REDACTED],
[REDACTED], Kathy S. [REDACTED], Susan Knopp [REDACTED], Val Joa [REDACTED],
[REDACTED], Jason Snider [REDACTED], Rae Dittberner [REDACTED]

Councillor

I was expecting this letter. but hoping that I could congratulate you in person. At any rate CONGRATULATIONS!. Thank you so much for your participation on the Board. I'm going to miss your calm level headed analysis and thoughtful discussion. You're in a good spot and I'm glad to see you there. We're going to miss you on the board.

Good luck

Buzz

On Thu, Oct 21, 2021 at 3:06 PM Cindy Jefferies [REDACTED] wrote:

Good Evening Buzz,

With the Safe Harbour AGM coming up later today, and my recent election to city council, please accept this as my letter of resignation from the board of Safe Harbour Society. I believe this is the prudent thing to do as there will be decisions that come before the council involving Safe Harbour. I would be in a position of conflict of interest and would have to excuse myself from the discussion and debate. I think it is best for me to participate in the council decision making process.

I have a space in my heart for this organization and the work it does. I am amazed at the good work people do at the Harbour everyday. The work of the organization and the board will be important in the months ahead. I look forward to working with you in my new role. Thank you for your work. It has been good to be involved with the board. I think there is reason, once again, to have hope for solutions to come in our community. It will take all of us working together to get there!

Thank you and all the best,
Cindy
Cindy Jefferies



chief electoral office

Suite 100
11510 Kingsway NW
Edmonton, Alberta
Canada T5G 2Y5

Tel | 780.427.7191
Fax | 780.422.2900

info@elections.ab.ca

January 10, 2023

SENT VIA EMAIL AND REGISTERED MAIL

Cindy Jefferies

File No. 2022-0037

Red Deer, AB

Email: cindy.jefferies@reddeer.ca

Dear Ms. Jefferies:

Subject: Notice of Investigation Outcome – Advice to Future Conduct

I am writing to inform you of the outcome of an investigation undertaken by my Office relating to your candidate campaign for Red Deer city council during the 2021 Municipal Election. It was alleged that you accepted a prohibited contribution from a corporation and filed an inaccurate financial disclosure statement.

In my correspondence of October 14, 2022, I invited you to respond to these allegations and provide any relevant information by November 18, 2022.

You submitted a response and I have reviewed and considered your submissions.

I have also reviewed the investigation report, the evidence collected by the investigator, and I have undertaken my own analysis and come to my own conclusions.

At this point in time, there is evidence before me to suggest that you acted in a manner that contravened section 147.2(1) Prohibited Contributions under the *Local Authorities Election Act* (LAEA).

In cases where an individual has committed a violation, of the LAEA, the Election Commissioner may impose an administrative penalty or reprimand. I do not believe doing so, in this case, would serve the public interest for the following reasons:

- You were unclear as to how to account for the contribution of lumber and supplies and contacted the municipality for additional direction on this matter. You indicated the municipality did not clarify this and advised you to seek legal counsel.
- You were not aware that corporate contributions were not allowed under the legislation. Although this does not eliminate the requirement for you to comply with the LAEA, it is reasonable that you may have not been aware of the provisions.
- You took steps to remedy the situation and become compliant with the legislation once you were aware that this contribution was not permitted. This included the refunding of contribution/s which were not permitted.

- You were fully cooperative with my investigation into this matter and answered all questions regarding what you knew to have taken place in an open, honest and forthright manner.

My decision, based on the facts and circumstances in your case, is to remind you that political contributions can only be made by individuals ordinarily resident in Alberta. Prohibited entities must not make contributions to political participants and there may be contribution limits that apply to the making of political contributions.

As required by Section 192(1) of the LAEA, this is your notice of the conclusion of our review.

Thank you for your cooperation during this investigation. My Office will be taking no further action and this matter is now concluded.

Sincerely,



Glen Resler
Chief Electoral Officer and Election Commissioner

/as

November 12, 2022

Sent Via Email and Registered Mail

Glen Resler
Chief Electoral Officer and Election Commissioner
Suite 100, 11510 Kingsway NW
Edmonton, AB. T5G wY5
Email: info@elections.ab.ca

Dear Mr. Resler:

Subject: Investigation Results -Response

I appreciate the opportunity to provide comment and clarification on the concerns that have been raised by [REDACTED] with respect to my municipal election donation and expenses disclosure statement.

It is my understanding that there are three areas of concern:

- 1) A corporate donation from Phoenix Construction, Mr. Cam Baldwin, in the amount of \$1830.75. Phoenix Construction/Mr. Baldwin provided 2X4's for my election signage. The wood was picked up, used for the period of the election, my signs were dismantled by my volunteer sign team, and the wood was returned to Phoenix Construction/Cam Baldwin, and subsequently used on another job site. When I was filing my disclosure statement, I wasn't certain how to report this donation. As you know, I contacted the City Clerk for advice. I chose to assign the full value to purchase the lumber as a donation and expense as I was not sure how to do an evaluation of the value of the use of the wood. In my mind, the full purchase price was higher than the value of the donation of the use of the lumber, but thought it was best to go with the higher number. It was only when the investigator called me that I realized I had accepted a donation from a corporation contrary to section 147.2 (1) of the LAEA.

As I indicated to the investigator, this was an error on my part. In past elections (2004, 2010, and 2013) donations from corporations were allowed. I should have read the detail and not relied on past practice and understanding.

- 2) A \$500 contribution from 1371570 Alberta Ltd. I made two errors in recording this donation. Firstly, I transcribed the numbers in the

numbered company incorrectly. I wrote 1371750 Alberta Ltd. This was in no way an attempt to hide a donation. This is a numbered company that I am the sole director of. Once again, I was in error accepting this donation from a corporate body.

- 3) A \$10.00 donation from myself that was, in the opinion of the complainant, recorded on the wrong line of the disclosure statement. As I explained to the investigator, this was a \$10 sum that was made by me to test my website and make sure the donations portion of the website was working. I didn't see it as a pre-campaign donation because my campaign started so late and by the time my website was up, I had already filed nomination papers, and kicked off my campaign. I did not announce my candidacy until mid-September 2021. It was recorded as a donation.

I take full responsibility for contravening the section of the act that prohibits corporate donations. This was an error on my part, as explained above. I suggested to the investigator that I am fully prepared to make this right. I could write a personal cheque and reimburse both the donation of \$1830.75 from Phoenix Construction and the \$500 from 1371570 Alberta Ltd. I would submit a correction to the City Clerk with respect to my disclosure statement. As for the \$10 donation that was possibly reported in the wrong section of the disclosure statement, I am not sure how that is best remedied. It was a donation, and it was accounted for and recorded as a donation.

With respect to the complainant's concerns that there were several errors on my disclosure statement and the suggestion that I had changed numbers. I wish to provide some context to the time at which this statement was filed. It was the fall of 2021, COVID-19 restrictions were in place, the majority of city staff were working from home. Under normal circumstances, I would have gone to city hall and picked up a new form when I made my errors. Given the limited number of staff in city hall and their limited availability, I chose to stroke through the mistakes I had made. In those instances, I made sure the numbers were clear by reinforcing my writing. The document you provided in your report is the document I submitted to city staff under oath. I did not have access to the document after it was submitted. As for the suggestion that I changed the math to make the numbers work, as with any self-funded campaign, I added up the total donations, added up the expenses, and funded the deficit in donations myself. My campaign expenses were higher than my

total donations. I self-funded the difference. All donations, expenses, and the sources were disclosed.

In closing, I am saddened to see the amount of work, time, and money that has gone into investigating and following up on this concern. For this, I am sorry. I am sorry for the mistakes that I made. A simple phone call from the complainant to me would have given me the opportunity to provide explanation. In my mind, that would have been the common-sense approach and saved taxpayers' dollars.

I believe I am a responsible and trusted community member. My record of service to the community as an elected official and as a volunteer suggests nothing less. I am prepared to correct the mistakes I made.

Cindy Jefferies

Cindy Jefferies

From: Harv Davies <harv.davies@elections.ab.ca>
Sent: December 7, 2022 2:00 PM
To: Cindy Jefferies
Subject: [External] Elections Alberta
Attachments: Sample of Amended Financial Disclosure for Cindy Jefferies.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

You don't often get email from harv.davies@elections.ab.ca. [Learn why this is important](#)

Good afternoon Cindy,

I left you a voicemail and will summarize here what I said in the voicemail.

I understand you provided the Election Commissioner a response to the Notice of Preliminary Investigation Results (NPIR) indicating you would take the necessary steps to bring yourself into compliance with the legislation.

I would ask for documentation supporting your completion of those steps so the Election Commissioner can make a final determination. I believe that would be you refunding the corporate contribution received from your corporation and filing an amended disclosure statement with the City of Red Deer.

I have attached an example disclosure statement you can use as a template.

Please send me the documentation supporting these steps have been completed and the Election Commissioner can make a final determination on this matter.

Thanks

Harv Davies
Investigator
Compliance and Enforcement
Elections Alberta

100 11510 Kingsway NW
Edmonton AB T5G2Y5

Phone: 403-650-2911
Main Line: 780-427-7191



Thanks Cindy,

This should close this matter with Elections Alberta and you can expect correspondence from the Elections Commissioner notifying you of his decision and closure of this matter.

Happy Holidays.

Harv Davies
Investigator
Compliance and Enforcement
Elections Alberta

100 11510 Kingsway NW
Edmonton AB T5G2Y5

Phone: 403-650-2911
Main Line: 780-427-7191



From: Cindy Jefferies <Cindy.Jefferies@reddeer.ca>
Sent: December 20, 2022 10:17 AM
To: Harv Davies <harv.davies@elections.ab.ca>
Subject: Documentation as requested - #2022-0037

Good morning,

As requested in follow up to the investigation on my campaign disclosure statement, here is a scan of the bank deposit, and the amended disclosure statement I filed with the City Clerk last Friday.

Thank you for helping me bring this to a close. I will know better next time – not likely to be a next time!

Happy Holidays to you,

Cindy

Cindy Jefferies

Councillor -City of Red Deer

Cell phone: 403 302-3706

Email: cindy.jefferies@reddeer.ca

January 10, 2023

SENT VIA EMAIL AND REGISTERED MAIL

Cindy Jefferies

File No. 2022-0037

Red Deer, AB

Email: cindy.jefferies@reddeer.ca

Dear Ms. Jefferies:

Subject: Notice of Investigation Outcome – Advice to Future Conduct

I am writing to inform you of the outcome of an investigation undertaken by my Office relating to your candidate campaign for Red Deer city council during the 2021 Municipal Election. It was alleged that you accepted a prohibited contribution from a corporation and filed an inaccurate financial disclosure statement.

In my correspondence of October 14, 2022, I invited you to respond to these allegations and provide any relevant information by November 18, 2022.

You submitted a response and I have reviewed and considered your submissions.

I have also reviewed the investigation report, the evidence collected by the investigator, and I have undertaken my own analysis and come to my own conclusions.

At this point in time, there is evidence before me to suggest that you acted in a manner that contravened section 147.2(1) Prohibited Contributions under the *Local Authorities Election Act* (LAEA).

In cases where an individual has committed a violation, of the LAEA, the Election Commissioner may impose an administrative penalty or reprimand. I do not believe doing so, in this case, would serve the public interest for the following reasons:

- You were unclear as to how to account for the contribution of lumber and supplies and contacted the municipality for additional direction on this matter. You indicated the municipality did not clarify this and advised you to seek legal counsel.
- You were not aware that corporate contributions were not allowed under the legislation. Although this does not eliminate the requirement for you to comply with the LAEA, it is reasonable that you may have not been aware of the provisions.
- You took steps to remedy the situation and become compliant with the legislation once you were aware that this contribution was not permitted. This included the refunding of contribution/s which were not permitted.

- You were fully cooperative with my investigation into this matter and answered all questions regarding what you knew to have taken place in an open, honest and forthright manner.

My decision, based on the facts and circumstances in your case, is to remind you that political contributions can only be made by individuals ordinarily resident in Alberta. Prohibited entities must not make contributions to political participants and there may be contribution limits that apply to the making of political contributions.

As required by Section 192(1) of the LAEA, this is your notice of the conclusion of our review.

Thank you for your cooperation during this investigation. My Office will be taking no further action and this matter is now concluded.

Sincerely,



Glen Resler
Chief Electoral Officer and Election Commissioner

/as

From: Cindy Jefferies
Sent: July 18, 2023 2:46 PM
To: Michelle Baer
Subject: Disclosure on Facebook

Hi,
Here's what I believe happened. The Facebook post is as of October 16, 2021. I wouldn't have known that the lumber donation had to be accounted for as cash at that time. It was when I was filing my campaign expense disclosure statement that I realized I had to account for it as a donation and expense.

The numbered company donation of \$500 was made on October 18, 2021.

Cindy Jefferies
Councillor | The City of Red Deer

Cell: [403.302-3706](tel:403.302-3706)
Email: cindy.jefferies@reddeer.ca

BYLAW NO. 3608/2018

A BYLAW TO ESTABLISH A CODE OF CONDUCT FOR MEMBERS OF COUNCIL

WHEREAS, pursuant to section 146.1(1) of the *Municipal Government Act*, a council must, by bylaw, establish a code of conduct governing the conduct of Members of Council;

AND WHEREAS, pursuant to section 153 of the *Municipal Government Act*, Members of Council have a duty to adhere to the code of conduct established by the council;

AND WHEREAS the public is entitled to expect the highest standards of conduct from the Members of Council that it elects to council for the City of Red Deer;

AND WHEREAS the establishment of a code of conduct for members of council is consistent with the principles of transparent and accountable government;

AND WHEREAS a code of conduct ensures that members of council share a common understanding of acceptable conduct extending beyond the direction provided through legislative provisions governing the conduct of Members of Council;

NOW THEREFORE the Council of the City of Red Deer, in the Province of Alberta, duly assembled, enacts as follows:

1. Short Title

1.1 This Bylaw may be referred to as the “Council Code of Conduct Bylaw”.

2. Definitions

2.1 In this Bylaw, words have the meanings set out in the Act, except that:

- (a) “**Act**” means the *Municipal Government Act*, R.S.A. 2000, c. M-26, and associated regulations, as amended;
- (b) “**Administration**” means the administrative and operational arm of the Municipality, comprised of the various departments and business units and including all employees who operate under the leadership and supervision of the City Manager;
- (c) “**City Manager**” means the chief administrative officer of the Municipality, or their delegate;
- (d) “**FOIP**” means the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25, any associated regulations, and any amendments or successor legislation;
- (e) “**In Camera**” means a meeting, or a portion of a meeting, which is closed to the public in accordance with the Act;

- (f) **“Investigator”** means Council or the individual or body established by Council to investigate and report on complaints;
- (g) **“Member”** means a member of Council and includes a councillor or the Mayor;
- (h) **“Municipality”** means the municipal corporation of the City of Red Deer; and
- (i) **“Reviewer”** means the Mayor, or at the Mayor’s discretion, the Mayor and two Members, none of whom are the subject of or are implicated in the complaint. Members would be selected on a rotation by the Mayor or Deputy Mayor.

3. Purpose and Application

- 3.1 The purpose of this Bylaw is to establish standards for the ethical conduct of Members relating to their roles and obligations as representatives of the Municipality and a procedure for the investigation and enforcement of those standards.

4. Representing the Municipality

- 4.1 Members shall:
 - (a) act honestly and, in good faith, serve the welfare and interests of the Municipality as a whole;
 - (b) perform their functions and duties in a conscientious and diligent manner with integrity, accountability and transparency;
 - (c) conduct themselves in a professional manner and make every effort to participate in the meetings of Council, committees of Council and other bodies to which they are appointed by Council, as well as Deputy Mayor duties; and
 - (d) arrange their private affairs and conduct themselves in a manner that promotes public confidence.

5. Communicating on Behalf of the Municipality

- 5.1 Unless Council directs otherwise, the Mayor is Council’s official spokesperson and in the absence of the Mayor it is the Deputy Mayor or Acting Mayor. All inquiries from the media regarding the official Council position on an issue shall be referred to Council’s official spokesperson.
- 5.2 A Member who is authorized to act as Council’s official spokesperson must ensure that their comments accurately reflect the will or official position of Council as a whole, even if the Member personally disagrees with Council’s position.
- 5.3 A Member must not claim to speak on behalf of Council unless authorized to do so.

- 5.4 No Member shall make a statement when they know that statement is false.
- 5.5 No Member shall make a statement with the intent to mislead Council or members of the public.

6. Respecting the Decision-Making Process

- 6.1 Decision-making authority lies with Council, and not with any individual Member. Council may only act by bylaw or resolution passed at a Council meeting held in public at which there is a quorum present. No Member shall, unless authorized by Council, attempt to bind the Municipality or give direction to employees in Administration, agents, contractors, consultants or other service providers or prospective vendors to the Municipality.
- 6.2 Members shall conduct and convey Council business in an open and transparent manner other than for those matters which, by law, are authorized to be dealt with In Camera. This allows the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.
- 6.3 Members shall accurately communicate the decisions of Council, even if they disagree with Council's decision, such that respect for the decision-making processes of Council is fostered.

7. Adherence to Policies, Procedures and Bylaws

- 7.1 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.
- 7.2 Members shall respect the Municipality as an institution, its bylaws, policies and procedures and shall encourage public respect for the Municipality, its bylaws, policies and procedures.
- 7.3 A Member 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.

8. Respectful Interactions with Council Members, Staff, the Public and Others

- 8.1 Council members will establish and model a respectful workplace where they will not speak disrespectfully about the organization, other members of Council, the City Manager or employees of The City.
- 8.2 Members shall act in a manner that demonstrates fairness, respect for individual differences and opinions, and an intention to work together for the common good and in furtherance of the public interest.

- 8.3 Members shall treat one another, employees of the Municipality and members of the public with courtesy, dignity and respect and without abuse, bullying or intimidation.
- 8.4 No Member shall use indecent, abusive, or insulting words or phrases toward another Member, any employee of the Municipality or any member of the public.
- 8.5 No Member shall speak in a manner that is discriminatory to any individual based on the person's race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.
- 8.6 Members shall respect the fact that employees in Administration work for the Municipality as a corporate body and are charged with making recommendations that reflect their professional expertise and a corporate perspective. Members shall respect that employees are entitled to carry out their work free from pressure or undue influence from any Member or group of Members.
- 8.7 Members must not:
- (a) involve themselves in matters of Administration, which fall within the jurisdiction of the City Manager;
 - (b) use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any employee of the Municipality with the intent of interfering in the employee's duties; or
 - (c) maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of employees of the Municipality.

9. Confidential Information

- 9.1 Members must not disclose matters that were discussed In Camera at a Council or Council committee meeting until the matter is discussed at a meeting held in public.
- 9.2 In the course of their duties, Members may also become privy to confidential information received outside of an In Camera meeting. Members must not:
- (a) disclose or release by any means to any member of the public, including the media, any confidential information acquired by virtue of their office, unless the disclosure is required by law or authorized by Council;
 - (b) access or attempt to gain access to confidential information held by the Municipality unless it is needed for the performance of the Member's duties and then only through appropriate channels; or
 - (c) use confidential information for personal benefit or for the benefit of any other individual or organization.

- 9.3 Confidential information includes information in the possession of, or received in confidence by, the Municipality that the Municipality is prohibited from disclosing pursuant to legislation, court order or by contract, or is required to refuse to disclose under FOIP or any other legislation, or any other information that pertains to the business of the Municipality, and is generally considered to be of a confidential nature, including but not limited to information concerning:
- (a) the security of the property of the Municipality;
 - (b) a proposed or pending acquisition or disposition of land or other property;
 - (c) a tender that has or will be issued but has not been awarded;
 - (d) contract negotiations;
 - (e) employment and labour relations;
 - (f) draft documents and legal documents, including reports, policies, bylaws and resolutions, that have not been the subject matter of deliberation in a meeting open to the public;
 - (g) law enforcement matters;
 - (h) litigation or potential litigation, including matters before administrative tribunals; and
 - (i) advice that is subject to solicitor-client privilege.

10. Conflicts of Interest

- 10.1 Members have a statutory duty to comply with the pecuniary interest provisions set out in Part 5, Division 6 of the Act and a corresponding duty to vote unless required or permitted to abstain under the Act or another enactment.
- 10.2 Members are expected to carry out their duties free from improper influence and must not act or appear to be acting in order to gain financial benefits for themselves, family, friends or associates, business or otherwise.
- 10.3 Members shall approach decision-making with an open mind that is capable of persuasion.

11. Improper Use of Influence

- 11.1 No Member shall use their position as a Member for their own private gain, or for that of persons or organizations that the member is personally associated with.
- 11.2 No Member shall act as a paid agent to advocate on behalf of any individual, organization or corporate entity before Council or a committee of Council or any other body

established by Council.

- 11.3 Members shall not contact or otherwise attempt to influence members of any adjudicative body regarding any matter before it relating to the Municipality.
- 11.4 Members shall refrain from using their positions to assist any person to obtain employment with the Municipality. The only exception to this is for the City Manager, who is Council's sole employee. Members may provide a reference for a person who is or has been employed by the Municipality in the role of City Manager at their discretion. Members are ineligible to apply or be considered for any position with the Municipality while they hold their elected position and for one year after leaving office.

12. Use of Municipal Assets and Services

- 12.1 Members shall use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Member, subject to the following limited exceptions:
 - (a) municipal property, equipment, service, supplies and staff resources that are available to the general public may be used by a Member for personal use upon the same terms and conditions as members of the general public, including booking and payment of any applicable fees or charges; and
 - (b) electronic communication devices, including but not limited to desktop computers, laptops, tablets and smartphones, which are supplied by the Municipality to a Member, may be used by the Member for personal use, provided that the use is not offensive or inappropriate.

13. Orientation and Other Training Attendance

- 13.1 Every Member of Council must attend the orientation training offered by the Municipality following a municipal election, unless doing so is not practically possible.
- 13.2 Every Member of Council must attend retreats and workshops organized at the direction of Council for the benefit of Members of Council throughout the Council term, unless doing so is not practically possible.

14. Remuneration and Expenses

- 14.1 Members are stewards of public resources and shall avoid waste and abuse in the use of public resources.
- 14.2 Members shall be transparent and accountable with respect to all expenditures and strictly comply with all municipal bylaws, policies and procedures regarding claims for remuneration and expenses.

15. Gifts and Hospitality

- 15.1 Members shall not accept gifts, hospitality or other benefits that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved.
- 15.2 Members may accept hospitality, gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation. Council members will file a disclosure with the Legislative Services Manager for all accepted gifts, discounts, or hospitality valued at greater than \$50.
- 15.3 Gifts received by a Member on behalf of the Municipality as a matter of official protocol which have significance or historical value for the Municipality shall be left with the Municipality when the Member ceases to hold office.

16. Election Campaigns

- 16.1 No Member shall use any facilities, equipment, supplies, services, municipal logo or other resources of the Municipality for any election campaign or campaign-related activity.

17. Informal Complaint Process

- 17.1 Any Member who has identified or witnessed conduct by another Member that the Member reasonably believes, in good faith, is in contravention of this Bylaw may address the prohibited conduct by:
 - (a) advising the Member that the conduct violates this Bylaw and encouraging the Member to stop; and
 - (b) requesting the Mayor to assist in informal discussion of the alleged complaint with the Member in an attempt to resolve the issue. In the event that the Mayor is the subject of, or is implicated in a complaint, the person may request the assistance of the Deputy Mayor.
- 17.2 Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying conduct that they believe violates this Bylaw. However, an individual is not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure outlined below.

18. Formal Complaint Process

- 18.1 Any Member who has identified or witnessed conduct by another Member that the Member reasonably believes, in good faith, is in contravention of this Bylaw may file a formal complaint in accordance with the following procedure:
 - (a) All complaints shall be made in writing and shall be dated and signed by an identifiable individual;

- (b) All complaints shall be addressed to the Reviewer;
- (c) The complaint must set out reasonable grounds for the allegation that the Member has contravened this Bylaw, including a detailed description of the facts, as they are known, giving rise to the allegation;
- (d) If the facts, as reported, include the name of one or more Members who are alleged to be responsible for the breach of this Bylaw, the Member or Members concerned shall receive a copy of the complaint submitted to the Reviewer;
- (e) Upon receipt of a complaint under this Bylaw, the Reviewer shall review the complaint and decide whether to proceed to investigate the complaint or not. If the Reviewer is of the opinion that a complaint is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, the Reviewer may choose not to investigate and may dispose of the complaint in a summary manner. In that event, the complainant and Council, if Council is not the Investigator, shall be notified of the Reviewer's decision;
- (f) In all other cases, the Reviewer will refer the complaint to the Investigator. The Investigator shall take such steps as it may consider appropriate, which may include seeking legal advice. All proceedings of the Investigator regarding the investigation shall be confidential;
- (g) If the Investigator is not Council, the Investigator shall, upon conclusion of the investigation, provide Council and the Member who is the subject of the complaint, the results of the Investigator's investigation;
- (h) A Member who is the subject of an investigation shall be afforded procedural fairness, including an opportunity to respond to the allegations before Council deliberates and makes any decision or any sanction is imposed.

19. Public Complaints

19.1 Members of the public who have identified or witnessed conduct by a Member that they reasonably believe, in good faith, is in contravention of this Bylaw may address their concerns by:

- (a) providing a written complaint, dated and signed by an identifiable individual;
- (b) delivering the complaint to the Mayor or the Deputy Mayor;
- (c) the complaint should set out a detailed description of the facts, as they are known, giving rise to the concern;
- (d) If the facts, as reported, include the name of one or more Members who are alleged to be responsible for the breach of this Bylaw, the Member or Members concerned

shall receive a copy of the complaint submitted to the Reviewer;

- (e) Upon receipt of a complaint under this Bylaw, the Reviewer shall review the complaint and decide whether to proceed to investigate the complaint or not. If the Reviewer is of the opinion that a complaint is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, the Reviewer may choose not to investigate and may dispose of the complaint in a summary manner. In that event, the complainant and Council, if Council is not the Investigator, shall be notified of the Reviewer's decision;
- (f) In all other cases, the Reviewer will refer the complaint to the Investigator. The Investigator shall take such steps as it may consider appropriate, which may include seeking legal advice. All proceedings of the Investigator regarding the investigation shall be confidential;
- (g) If the Investigator is not Council, the Investigator shall, upon conclusion of the investigation, provide Council and the Member who is the subject of the complaint, the results of the Investigator's investigation;
- (h) A Member who is the subject of an investigation shall be afforded procedural fairness, including an opportunity to respond to the allegations before Council deliberates and makes any decision or any sanction is imposed.

20. Compliance and Enforcement

20.1 Members shall uphold the letter and the spirit and intent of this Bylaw.

20.2 Members are expected to co-operate and comply with the application and enforcement of this Bylaw.

20.3 No Member shall:

- (a) undertake any act of reprisal or threaten reprisal against a complainant or any other person;
- (b) obstruct Council, or any other person, in carrying out the objectives or requirements of this Bylaw.

20.4 Sanctions that may be imposed on a Member, by Council, upon a finding that the Member has breached this Bylaw may include:

- (a) a letter of reprimand addressed to the Member;
- (b) requesting the Member to issue a letter of apology;
- (c) publication of a letter of reprimand or request for apology and the Member's response;

- (d) suspension or removal of the chief elected official’s presiding duties under section 154 of the Act;
- (e) suspension or removal from some or all Council committees and bodies to which council has the right to appoint members;
- (f) reduction or suspension of remuneration as defined in section 275.1 of the Act corresponding to a reduction in duties; or
- (g) any other sanction Council deems reasonable and appropriate in the circumstances provided that the sanction is not contrary to the Act.

21. Review

21.1 This Bylaw shall be brought forward for review at the beginning of each term of Council, when relevant legislation is amended, and at any other time that Council considers appropriate to ensure that it remains current and continues to accurately reflect the standards of ethical conduct expected of Members.

READ A FIRST TIME IN OPEN COUNCIL this	9	day of July	2018.
READ A SECOND TIME IN OPEN COUNCIL this	23	day of July	2018.
READ A THIRD TIME IN OPEN COUNCIL this	23	day of July	2018.
AND SIGNED BY THE MAYOR AND CITY CLERK this	23	day of July	2018.

“Frank Wong”

DEPUTY MAYOR

“Samantha Rodwell”

DEPUTY CITY CLERK