

Codes of Conduct & Occupation Health & Safety Investigations Summary

When	Investigation	What / Who	Notes
February 2023	Pre-Code Investigation	In February of 2023 – a public complaint received led to an investigation of a member of Town staff inappropriately attending a private residence on paid time. Residence identified as belonging to Cllr Fedeyko, who was then identified as a witness in the investigation	
April 4, 2023	Pre-Code Investigation	Call to Cllr. Fedeyko from CAO Derricott advising her of investigation and that she has been identified as a witness	
May 23, 2023	Pre-Code Investigation	Closed Session - Council were presented with the information surrounding the investigation on May 23, 2023 Cllr. Reed was absent.	
June 12, 2023	Pre-Code Investigation	Cllr. Fedeyko objected to the request for her to recuse herself from Closed Session item 11a on the agenda and, stating limited knowledge and no information being granted to her for this particular item, she noted that the process contravenes her role as an elected official. She agreed that the In Camera discussion proceed, but requested her formal objection be noted for the record.	
June 19, 2023	Pre-Code Investigation	Cllr. Fedeyko objected to the request for her to recuse herself from Closed Session item 11a on the agenda and, stating limited knowledge and no information being granted to her for this particular item, she noted that the process contravenes her role as an elected official. She agreed that the In Camera discussion proceed, but requested her formal objection be noted for the record.	
June 26, 2023	Code of Conduct 1	Formal Code of Conduct complaint filed against Cllr. Fedeyko	
June 26, 2023	Code of Conduct 1	Resolution was passed at the June 26th meeting. RES # 127/06/23 Moved by Cllr. Flowers that Council direct that the in camera meeting discussion and documents remain confidential pursuant to Sections 24 (Advice from Officials), and 27 (Privileged Information) of the Freedom of Information and Protection of Privacy Act; and further that Council direct Administration to proceed with Option 1 as presented during the in camera session. Opposed: Cllr. McFadden & Cllr Nagel. Carried. Cllr. Fedeyko and Cllr. Reed were absent. In Camera Option 1 was to engage legal firms to conduct Code of Conduct investigation and provide direction to Council.	
January 23, 2024	OHS 1	A staff member submitted an OHS complaint to the Province alleging harassing behaviour from Cllr. Fedeyko	

When	Investigation	What / Who	Notes
February 7, 2024	OHS 2	Cllr. Fedeyko submitted an OHS complaint to the province online alleging workplace bullying and harassment from members of Council.	
February 13, 2024	OHS 2	Town of Cochrane notified of OHS complaint from Cllr. Fedeyko against other members of Council~ The complaint specifically alleging workplace bullying and harassment. CAO advised both parties that there be no direct contact between Member of Council and Cllr. Marni Fedeyko	
February 16, 2024	Code of Conduct 1	<p>Legal Firm #2 Legal Report Summary findings</p> <ul style="list-style-type: none"> • There were 2 breaches identified in the original Code of Conduct complaint. • Each of the breaches were determined to be unsubstantiated by the investigator based on evidence submitted <p>DEFINITIONS:</p> <p>Unfounded: when an investigation finds that the incident or claim did not occur.</p> <p>Unsubstantiated: when an investigation finds there is insufficient or inadequate evidence to either prove or disprove the claim.</p> <p>Substantiated: when an investigation finds enough credible evidence to prove that the incident or claim actually occurred.</p>	
February 21, 2024	OHS Complaint 1	Town of Cochrane received formal notification of OHS complaint against Cllr. Fedeyko ~ The complaint specifically cites allegations of workplace bullying and harassment.	
February 23, 2024	OHS Complaint 1	CAO Derricott email to Cllr. Fedeyko informing her of the complaint. Legal Firm #1 retained to investigate both OHS complaints.	
February 28, 2024	Code of Conduct 1	Email to Cllr. Fedeyko from CAO Derricott has informed her of the Special Meeting on March 8 th and that due to the nature of the discussion it would not be appropriate for her to participate in the meeting.	
<i>During this time the two OHS investigations were ongoing with witness interviews taking place.</i>			
March 8, 2024	Code of Conduct 1	Special Meeting to consider directing Legal Firm #2 to review additional evidence now that the HR investigation was concluded and there was no further need to restrict access to evidence for the Code of Conduct investigation. (all of Council excluding Cllr. Fedeyko present)	Legal Firm #3 attended to review Legal Firm #2 report
March 15, 2024	Code of Conduct 1	Letter to Legal Firm #2 from Mayor on behalf of Council sent requesting that additional information from the HR	

When	Investigation	What / Who	Notes
		<p>investigation be reviewed and a supplemental report be provided.</p> <p>This letter was also sent to Cllr. Fedeyko on this date.</p>	
March 19 ,2024	Code of Conduct 1	Legal Firm #2 Legal letter received stating that they were prepared to receive and consider relevant information that could affect the outcome of the Code of Conduct investigation given that Council had not yet rendered a final decision on the complaint.	
March 19 ,2024	Code of Conduct 1	Town contacted by legal counsel for Cllr. Fedeyko indicating that legal action may be taken should Council proceed with requesting the review of additional evidence and the provision of a supplemental report.	
March 21, 2024	Code of Conduct 1	Legal representation of the Town requested more detailed rationale from Cllr. Fedeyko's counsel to be shared for not proceeding with review of additional evidence with a deadline of April 5 th for further arguments.	
April 2, 2024	Code of Conduct 1	Legal Counsel for Cllr. Fedeyko response letter received stating objection to submission and review of additional evidence alleging bias.	
May 2, 2024	Code of Conduct 1	<p>CAO Derricott emailed Cllr. Fedeyko informing her that item 6b on the agenda was related to Council reviewing legal advice relative to the ongoing Code of Conduct process. As such it will be requested she recuse herself for this portion of the meeting. Advising CAO will be sending a note to the remaining members of Council bringing this request to their attention but wanted Cllr. Fedeyko to be made aware first.</p> <p>Cllr. Fedeyko confirmed receipt of this email.</p>	
May 6, 2024	Code of Conduct 1	<p>Cllr. Fedeyko objected to the request for her to recuse herself from Closed Session item 6b on the agenda and, stating limited knowledge and no information being granted to her for this particular item, she noted that the process contravenes her role as an elected official. She agreed that the In Camera discussion proceed, but requested her formal objection be noted for the record.</p> <p>Council discussed whether or not to proceed with the request for the review of additional evidence and a supplemental report from the Code of Conduct Investigator. Council determined that the review of additional evidence would not proceed.</p>	

When	Investigation	What / Who	Notes
May 22, 2024	Code of Conduct 1	Email to Legal Firm #3 requesting Cllr. Fedeyko's availability on May 31, 2024 for a Special meeting for Cllr. Fedeyko to address Council regarding the alleged violations of the Code of Conduct.	
May 24, 2024	Code of Conduct 1	Email from Cllr. Fedeyko's Counsel advising that Cllr. Fedeyko did not intend to address Council with respect to the allegations set out in the Complaint or the Report. It was felt that she fully cooperated with the investigation, responded to allegations and given her responses were incorporated into the report, there was nothing further to provide to Council to assist them in resolving the complaint.	
May 31, 2024	Code of Conduct 1	<p>Special Meeting Resolutions Made RES # 128/05/24 Moved by Cllr. Flowers that Council finds Cllr. Fedeyko in breach of the Code of Conduct Bylaw 12/2018. In relation to one of the two code of conduct complaints filed as of June 2023 as investigated by Legal Firm #2 legal on the following basis:</p> <p>With respect to allegation one, Council concurs with the conclusions of the investigator that the allegation is unsubstantiated.</p> <p>With respect to allegation two, Council having reviewed the investigative report and the investigators conclusions does not concur that the allegation is unsubstantiated. The investigators conclusion is based on a narrow interpretation of section 9.4(a) of the code of conduct with respect to who constitutes a member of the public. It is Councils conclusion that members of the public include staff members or any other individual who is not the intended recipient of the confidential information, and therefore Council finds there has been a breach of section 9.4(a) of the code of conduct by Cllr. Fedeyko.</p> <p>Opposed: Cllr. McFadden Carried</p> <p>RES # 129/05/24 Moved by Cllr. Reed that having found Cllr. Fedeyko in breach of Section 9.4(a) of the Code of Conduct, that council impose the following sanctions:</p> <ol style="list-style-type: none"> 1. Cllr. Fedeyko shall attend a 4 hour Cllr. responsibilities and code of conduct training within 60 days by a provider to be determined by the Town. 2. Cllr. Fedeyko is removed from all Committee appointments until December 31, 2024. 3. Cllr. Fedeyko will not take her next scheduled time in the rotation as Deputy Mayor. <p>Opposed: Cllr. McFadden</p>	Legal Firm #3 Attended to advise Council

When	Investigation	What / Who	Notes
		Cllr. Nagel and Wilson were absent Email from CAO Derricott to Cllr. Fedeyko informing Cllr. Fedeyko of the resolutions and the resulting sanctions.	
June 11, 2024		CAO Derricott email to Cllr. Fedeyko providing formal notification of her removal from Council committee's and details of training to be delivered within the 60 day period. Email from Cllr. Fedeyko to CAO Derricott that she will not be providing any dates until she has decided how she will proceed.	
June 17, 2024		Email from CAO Derricott to Cllr. Fedeyko detailing 22 potential dates for training to facilitate the sanctions imposed by Council at the Special Meeting on May 31, 2024. Email from Cllr. Fedeyko to CAO Derricott informing him that Cllr. Fedeyko will not be choosing a date until she makes a legal decision on next steps. Email from CAO Derricott to Cllr. Fedeyko acknowledging the email and detailing the email was necessary to ensure Administration completed their obligations relative to the sanction.	
July 2, 2024		Email from CAO Derricott confirming the date and time for the Cllr. Training.	
July 3, 2024	OHS 1	Email to Council from CAO Derricott: In light of the outcomes of the recent OHS investigations and in accordance with my responsibility under OH&S to ensure a safe working environment, and as outlined in the MGA, and further supported by Council during last nights meeting effective immediately and for an indefinite period of time Cllr. Fedeyko is not to have any contact with any staff member of the Town of Cochrane excepting myself in the role of CAO. This includes Executive Assistant's, ELT, Legislative Services and any other member of the staff team. Cllr. Fedeyko will still receive all information provided to Council including agendas, meeting requests, update emails etc. In each of these circumstances please refrain from responding directly to the staff. Any responses or inquires should be directed to me. Cllr. Fedeyko may respond with availability directly to meeting requests. Cllr. Fedeyko's prohibition of staff contact will be communicated internally and she will be putting staff in contravention of an organizational directive should she attempt to interact with them. Should staff members violate this directive they may be subject to discipline. We will be proceeding with scheduling a Special Meeting where:	

When	Investigation	What / Who	Notes
		Council will be given legal advice on the implications of the OH&S report outcomes and what obligations Council as a body has to maintain the safety of the workplace. Council will consider what, if any, corrective or disciplinary action might be taken, and advised accordingly by legal counsel. Cllr. Fedeyko will be afforded the opportunity to address her colleagues.	
July 23, 2024	OHS 1	Special Meeting to discuss the OHS investigations Cllr's Fedeyko and McFadden absent	
July 29 th 2024		Cllr Fedeyko completed the Councillor Responsibilities and Code of Conduct Training which was as a results of the sanctions imposed.	
August 9, 2024	Code of Conduct 2	Council member initiates the formal complaint process regarding breaches of Town Council Bylaw 12/2018 Council Code of Conduct Policy specific to the OHS complaint findings	
August 16, 2024	Code of Conduct 2	CAO informed Cllr. Fedeyko, in writing, of the Code of Conduct complaint made against her due to the findings of the OHS investigation, and of intention to inform rest of Council on Monday August 19 th , he would bring the item to a closed session at the September 9 Meeting of Council. Council would then determine what, if any, next steps there may be. As is common practice it will not be appropriate for Cllr. Fedeyko to participate in that portion of that meeting.	
August 19, 2024	Code of Conduct 2	Council were informed of the Code of Conduct following the OH&S investigation via email	
September 9, 2024	Code of Conduct 2	Cllr. Fedeyko objected to the request for her to recuse herself from item 9b on the agenda. She agreed that the Closed Session discussion proceed, but requested her formal objection be noted for the record.	Legal Firm #3 Attended to advise Council
October 2, 2024	Code of Conduct 2	Special Meeting RES # 191/10/24 Moved by Cllr. Flowers That Council finds Cllr. Fedeyko in breach of the Code of Conduct Bylaw 12/2018 Section 8.2. Carried Unanimously RES # 192/10/24 Moved by Cllr. Reed that having found Cllr. Fedeyko in breach of 8.2 of the Code of Conduct Bylaw, that Council read into the record the following motion of censure. As a consequence of an Occupational Health & Safety complaint filed by an employee in relation to allegations of inappropriate and harassing conduct directed to the employee by Cllr. Fedeyko, the Town was required to commission a mandatory investigation into the allegations. The investigative report was completed and received on June 24, 2024. The report outlined an inappropriate and sustained pattern of harassing behaviour which occurred over a period	Legal Firm #3 Attended to advise Council

When	Investigation	What / Who	Notes
		<p>of more than a year. Council is disappointed in this behaviour and the impact it has had on staff and with the unnecessary allocation of resources, both in time and energy and in direct costs. As a result of Cllr. Fedeyko's behaviour the Municipality was exposed to unnecessary risk. Council is committed to ensuring a safe and respectful working environment and it is expected that Cllr. Fedeyko will cease the inappropriate behaviours immediately and conduct herself in compliance with the Code of Conduct Bylaw and appropriate workplace decorum. Council believes that it is in the best interest of the public to have this information to allow them to evaluate Cllr. Fedeyko's behaviour of their own volition.</p> <p>Carried Unanimously</p> <p>RES # 193/10/24 Moved by Cllr. Wilson that following confirmation by legal counsel, Council direct Administration to make publicly available a copy of the Occupational Health & Safety investigative report related to the Code of Conduct violation subject to such redactions as may be required by law.</p> <p>Carried Unanimously</p> <p>Cllr's Fedeyko & Nagel were absent.</p>	

Legal Costs for Code of Conduct #1 \$65,687.82

Legal Costs for OHS Investigations and Code #2 \$228,880.36

TOTAL: \$294,568.18