

**REGIONAL DISTRICT OF BULKLEY-NECHAKO**

**COMMITTEE OF THE WHOLE  
AGENDA**

**Thursday, July 15, 2021**

*I respectfully acknowledge that this meeting is being held on the traditional territories of the region's First Nations.*

<b><u>PAGE NO.</u></b>		<b><u>ACTION</u></b>
	<b><u>AGENDA- July 15, 2021</u></b>	<b>Approve</b>
	<b><u>Supplementary Agenda</u></b>	<b>Receive</b>
	<b><u>MINUTES</u></b>	
<b>2-7</b>	<b>Committee of the Whole Meeting Minutes - June 10, 2021</b>	<b>Approve</b>
	<b><u>REPORTS</u></b>	
<b>8-83</b>	<b>Cheryl Anderson, Director of Corporate Services - Code of Conduct</b>	<b>Direction</b>
	<b><u>SUPPLEMENTARY AGENDA</u></b>	
	<b><u>NEW BUSINESS</u></b>	
	<b><u>ADJOURNMENT</u></b>	

**REGIONAL DISTRICT OF BULKLEY-NECHAKO****COMMITTEE OF THE WHOLE MEETING****Thursday, June 10, 2021**

<b>PRESENT:</b>	Chair	Gerry Thiessen
	Directors	Gladys Atrill Shane Brienen Mark Fisher Dolores Funk Tom Greenaway Clint Lambert – arrived at 11:50 a.m. Brad Layton – via Zoom Linda McGuire Bob Motion Mark Parker Jerry Petersen Michael Riis-Christianson Sarrah Storey – via Zoom
	Director Absent	Chris Newell, Electoral Area “G” (Houston Rural)
	Alternate Director	Andrea Newell, Electoral Area “G” (Houston Rural) – via Zoom
	Staff	Curtis Helgesen, Chief Administrative Officer Cheryl Anderson, Director of Corporate Services Nellie Davis, Manager of Regional Economic Development – arrived at 11:17 a.m., left at 12:00 p.m. Liliana Dragowska, HRVA Coordinator – arrived at 11:16 a.m., left at 12:00 p.m. John Illes, Chief Financial Officer Deborah Jones-Middleton, Director of Protective Services – arrived at 11:13 a.m., left at 12:00 p.m. Jason Llewellyn, Director of Planning – left at 11:57 a.m., returned at 12:53 p.m. Maria Sandberg, Parks and Trails Coordinator – arrived at 11:00 a.m., left at 11:25 a.m. Wendy Wainwright, Executive Assistant
	Others	David Luggi, Stelat’en First Nation - via Zoom Sandy Mackay, Housing Research & Policy Lead, M’akola Development Services – via Zoom – left at 11:25 a.m. Rory Stever, Engagement Analyst, M’akola Development Services – via Zoom - left at 11:25 a.m. Cyndi Lauze, Vanderhoof – via Zoom – arrived at 11:09 a.m.
	<b><u>CALL TO ORDER</u></b>	Chair Thiessen called the meeting to order at 10:58 a.m.

## **AGENDA**

Moved by Director Atrill  
 Seconded by Director Greenaway

C.W.2021-6-1

“That the Agenda of the Committee of the Whole meeting of June 10, 2021 be approved.”

(All/Directors/Majority)

CARRIED UNANIMOUSLY

## **MINUTES**

Committee of the Whole  
 Minutes – May 13, 2021

Moved by Director Petersen  
 Seconded by Director Funk

C.W.2021-6-2

“That the Committee of the Whole meeting minutes of May 13, 2021 be adopted.”

(All/Directors/Majority)

CARRIED UNANIMOUSLY

## **DELEGATION**

### **M’AKOLA DEVELOPMENT SERVICES – Sandy Mackay, Housing Research & Policy Lead RE: Housing Needs Report Project**

Chair Thiessen welcomed Sandy Mackay, Housing Research & Policy Lead, M’akola Development Services

RDBN – Housing Needs

- Introductions
  - o About M’akola Development Services
- Review of Objectives and Deliverables
  - o Goals and Objectives
  - o Key Deliverables
- Data Approach
  - o Data Objective
  - o Limitations
  - o Timeline
- Engagement Approach
  - o Proposed Methods
  - o Timeline
- Next Steps.

Discussion took place regarding:

- Secondary dwellings within the ALR
- Scope of Report to review high level policy analysis
- Quantifiable housing data and matrix measurements
- Municipal housing studies
  - o Incorporating information
- Conducting a Regional Housing study to include member municipalities.

Chair Thiessen thanked Mr. Mackay for attending the meeting.

## **DELEGATION**

### **DAVID LUGGI, STELLAT'EN FIRST NATION – via Zoom RE: Lejac Residential School**

Chair Thiessen welcomed David Luggi, Stelat'en First Nation.

Mr. Luggi spoke of his personal experience in the residential school system and the direct and collateral impacts of the residential school system over the past 100 years.

Mr. Luggi provided a PowerPoint Presentation.

Every Child Matters

- Kamloops Residential School
- Kamloops & Lejac Residential School Survivors
- Stelat'en Members Attended
- Indian Residential Schools in Canada
- Lejac Residential School
  - o Operated 1922-1976
- Looking Ahead
  - o Truth and Reconciliation Commission Call to Action 92 – the Declaration provides the reconciliation framework for a paradigm shift
- “Those who do not remember the past are condemned to repeat it.” George Santayana.

Mr. Luggi spoke of the many real stories that individuals have regarding their experience with the residential school system and the long-term impacts to the indigenous community. The Board recognized the strength and courage it takes in sharing Mr. Luggi's story.

Discussion took place regarding:

- The Catholic Church residential school records
  - o Truth and Reconciliation Commission Recommendation 58
- Resolution/letters of support regarding the release of information
- Carrier Sekani Family Services, Nadleh Whut'en and Stelat'en – Wiping of the Tears Ceremony
  - o June 18-20, 2021
  - o Lejac Residential School Site.

Chair Thiessen thanked Mr. Luggi for his strength and courage in sharing his story.

**Break for lunch at 12:00 p.m.**

**Reconvened at 12:53 p.m.**

## **REPORTS**

### **Annual UBCM Convention-Minister/Ministry Staff Meetings**

Discussion took place in regard to requesting the following 2021 Union of BC Municipalities Convention Minister meetings:

- **The Honourable John Horgan, Premier**
  - o Nechako First Nations – Memorandum of Understanding: Health of the Nechako River
  - o RBA
- **The Honourable Lana Popham, Minister of Agriculture, Food and Fisheries**
  - o Slaughter Facilities
    - Class D & E licensed facilities
    - Class A & B licensed facilities
    - Demand for more Class A & B licensed facilities in the RDBN
- **Agricultural Land Commission (ALC)**
  - o New regulations
  - o Timing of new regulation – date of implementation

## **REPORTS (CONT'D)**

- **The Honourable Lisa Beare, Minister of Citizens' Services**
  - o Connectivity
  - o Funding program issues
  - o Connectivity to the household cost prohibitive
  - o Federal residence counts – inaccurate
  - o Installing fibre on BC Hydro Poles vs. fibre in the ground
    - Cost and challenges utilizing BC Hydro Poles
- **The Honourable George Heyman, Minister of Environment and Climate Change Strategy**
  - o ICI (Industrial Commercial Institutional) recycling
  - o Circular economy/waste diversion projects
  - o Recycling in Smithers
- **The Honourable Katrine Conroy, Minister of Forests, Lands, Natural Resource Operations and Rural Development**
  - o Economic future of the region
    - Non-indigenous and Indigenous communities must be included in the same conversations
  - o Recovery and innovation
  - o First Nations agreements – Local Government participation e.g Forest Policy
  - o Understand and clarify relationships between First Nations Governments and Local Governments
  - o Manufacturing of wood products - do more with less
  - o Follow-up in regard to First Nations Agreements and the Lakes and Prince George Timber Supply Apportionment
- **The Honourable Adrian Dix, Minister of Health**
  - o BC Ambulance crisis
- **The Honourable Murray Rankin, Minister of Indigenous Relations and Reconciliation**
  - o Economic future of the region
    - Non-indigenous and Indigenous communities must be included in the same conversations
  - o Recovery and innovation
  - o First Nations agreements – Local Government participation e.g Forest Policy
  - o Understand and clarify relationships between First Nations Governments and Local Governments
  - o Northern Development Initiative Trust funding for First Nations Liaison position
- **The Honourable Ravi Kahlon, Minister of Jobs, Economic Recovery and Innovation**
  - o Economic future of the region
    - Non-indigenous and Indigenous communities must be included in the same conversations
  - o Recovery and innovation
  - o First Nations agreements – Local Government participation e.g Forest Policy
  - o Understand and clarify relationships between First Nations Governments and Local Governments
- **The Honourable Sheila Malcolmson, Minister of Mental Health and Addictions**
  - o Opioid crisis
  - o Increased homelessness due to mental health and addiction struggles
  - o Long term addiction
  - o Seasonal acceleration in communities of individuals with addictions
- **The Honourable Mike Farnworth, Minister of Public Safety and Solicitor General and Jennifer Rice, Parliamentary Secretary – Emergency Preparedness**
  - o Emergency Services
  - o 9-1-1 Call Levy resolution

## **REPORTS (CONT'D)**

- **The Honourable Rob Fleming, Minister of Transportation, and Infrastructure**
  - o Highway 16 Safety and additional passing lanes
  - o Highway 27 (Fort St. James), Highway 35 (Francois Lake South) and Highway 118 (Granisle) Safety

Request a meeting with the following Ministry Staff:

- o **Ministry of Jobs, Economic Recovery and Innovation, Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Ministry of Indigenous Relations and Reconciliation:**
  - Economic future of the region
    - First Nations agreements – Local Government participation e.g. Forest Policy
    - Local government involvement earlier in First Nations agreement process
    - Non-indigenous and Indigenous communities must be included in the same conversations
  - Recovery and innovation
  - Understand and clarify relationships between First Nations Government and Local Government
  - Northern Development Initiative Trust funding for First Nations Liaison position
  - Nechako First Nations (NFN) – Memorandum of Understanding: Health of Nechako River
- o **BC Hydro**
  - Installing connectivity fibre on BC Hydro poles.

The following was discussed:

- Lack of follow-up from FLNRORD in regard to Lakes and Prince George Timber Supply Apportionment discussions early in 2021
- Indigenous and non-indigenous community engagement and relationships
- Northwest BC Resource Benefits Alliance (RBA)
  - o Staff will follow up in regard to scheduling a meeting at UBCM regarding the RBA
  - o Advocating for the benefits of an agreement between the RBA and Province when opportunities arise
  - o Speaking to the benefits from the Northern Capital Planning Grant Funding
  - o Housing – Meeting June 24<sup>th</sup> with Minister Osborne and Minister Eby.

## **Union of B.C. Municipalities-Forging the Path to Responsible Conduct in your Local Government**

Discussion took place regarding:

- Local Government Leadership Academy education opportunity
- Developing a Code of Conduct Policy
  - o Board and staff
- Risk management
- Ensure ability to voice opinion
- Provincial legislation
- Code of Conduct Policy
  - o Guidance, recommendations, best practices and tools
- Social Media Policy
- Staff will provide examples of local government Code of Conduct Policies for the Board to review.

## **REPORTS (CONT'D)**

### Administration Reports

Moved by Director Layton  
Seconded by Director Lambert

### C.W.2021-6-3

"That the following Administration Reports be received:

-Annual UBCM Convention – Minister/Ministry Staff Meetings  
-Annual UBCM Convention – BC Hydro Meeting  
-Forging the Path to Responsible Conduct in Your Local Government."

(All/Directors/Majority)

CARRIED UNANIMOUSLY

## **NEW BUSINESS**

### Canada's Residential School System

Moved by Director Riis-Christianson  
Seconded by Director Fisher

### C.W.2021-6-4

"That the Committee direct staff to bring forward to the June 24, 2021 Board Meeting Director Riis-Christianson's draft resolution in regard to Canada's residential school system for consideration."

(All/Directors/Majority)

CARRIED UNANIMOUSLY

### Regional Districts of Bulkley-Nechako, Kitimat-Stikine and Cariboo

Chair Thiessen mentioned that the Regional District of Bulkley-Nechako, Regional District of Kitimat-Stikine and Cariboo Regional District Chairs, Vice Chairs and CAOs met and discussed higher levels of government downloading, and downloading during a provincial emergency, updating Disaster Financial Assistance, inconsistent maintenance on Forest Service Roads, Agriculture support, weeds, Fire Departments and non-service issues, connectivity and First Nations capacity. Chair Thiessen noted the meeting was good and they will work to meet again.

### Past Director Thomas Liversidge

Director McGuire thanked the Board for the expressions of condolences in the passing of Village of Granisle Councillor and past RDBN Director Thomas Liversidge. She noted that Granisle recently received grant funding for its senior's housing project which was a project Councillor Liversidge was an advocate.

## **ADJOURNMENT**

Moved by Director Brienon  
Seconded by Director Layton

### C.W.2021-6-5

"That the meeting be adjourned at 2:05 p.m."

(All/Directors/Majority)

CARRIED UNANIMOUSLY

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Gerry Thiessen, Chair

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Wendy Wainwright, Executive Assistant



**REGIONAL DISTRICT OF BULKLEY-NECHAKO**

**MEMORANDUM**

**TO:** Chair Thiessen and Committee of the Whole

**FROM:** Cheryl Anderson, Director of Corporate Services

**DATE:** July 15, 2021

**SUBJECT:** Code of Conduct

**RECOMMENDATION:** (all/directors/majority)

Direction/Discussion.

**BACKGROUND**

At the June 10, 2021 Committee of the Whole Meeting, the Board discussed the document prepared by the Union of B.C. Municipalities, the Local Government Management Association, and the B.C. Ministry of Municipal Affairs titled 'Forging the Path to Responsible Conduct in Your Local Government.'

As requested, attached are Codes of Conduct from other local governments for the Board's information/consideration.

Attachments:

District of Saanich Code of Conduct  
 City of Richmond Council Code of Conduct  
 City of Port Moody Council Code of Conduct  
 City of New Westminster Council Code of Conduct  
 City of Nanaimo Council Code of Conduct  
 District of Lantzville Council Code of Conduct  
 Comox Valley Regional District Code of Conduct  
 Regional District of Central Okanagan Code of Conduct  
 City of Vancouver Code of Conduct



## COUNCIL POLICY

Dist. of Saanich

<b>NAME:</b>	<b>CODE OF CONDUCT</b>	
<b>ISSUED:</b>	November, 2016	<b>INDEX REFERENCE:</b>
<b>AMENDED:</b>	May 27, 2019 June 1, 2020	<b>COUNCIL REFERENCE: 16/CNCL</b>

**PURPOSE:**

To set minimum expectations for the behaviour of Council officials in carrying out their functions.

**SCOPE:**

All Council officials and the Chief Administrative Officer.

**DEFINITIONS:**

**Advisory Body Member:** a person sitting on an advisory committee, task force, commission, board, or other Council-established body.

**Confidential Information:** Confidential Information includes information that could reasonably harm the interests of individuals or organizations, including the District of Saanich, if disclosed to persons who are not authorized to access the information, as well as information to which section 117 of the *Community Charter* applies.

**Council official:** the Mayor and members of Council

**Personal Information:** has the same meaning as in the *Freedom of Information and Protection of Privacy Act*

**Staff:** an employee or contract employee of the District of Saanich, and includes staff that supports Advisory Bodies.

**Municipal Officer:** a member of staff designated as an officer under section 146 of the *Community Charter* or a bylaw under that section.

**INTERPRETATION:**

- (a) In this policy, a reference to a person who holds an office includes a reference to the persons appointed as deputy or appointed to act for that person from time to time.
- (b) This Code of Conduct applies to the use of social media by Council officials in relation to District related matters.

**POLICY STATEMENTS:****1. Key Principles**

- 1.1. **Integrity:** Council officials are keepers of the public trust and must uphold the highest standards of ethical behaviour. Council officials are expected to:
  - make decisions that benefit the community;
  - act lawfully and within the authorities of the *Community Charter, Local Government Act* and other applicable enactments; and
  - be free from undue influence and not act, or appear to act, in order to gain financial or other benefits for themselves, family, friends or business interests.
- 1.2. **Accountability:** Council officials are obligated to answer for the responsibility that has been entrusted to them. They are responsible for decisions that they make. This responsibility includes acts of commission and acts of omission. In turn, decision-making processes must be transparent and subject to public scrutiny; proper records must be kept.
- 1.3. **Leadership:** Council officials must demonstrate and promote the key principles of the Code of Conduct through their decisions, actions and behaviour. Their behaviour must build and inspire the public's trust and confidence in local government. Council officials will provide leadership to District staff through the Chief Administrative Officer.
- 1.4. **Respect:** Council officials must conduct public business efficiently and with decorum. They must treat each other and others with respect at all times. This means not using derogatory language towards others, respecting the rights of other people, treating people with courtesy and recognition of the different roles others play in local government decision making.
- 1.5. **Openness:** Council officials have a duty to be as open as possible about their decisions and actions. This means communicating appropriate information openly to the public about decision-making processes and issues being considered; encouraging appropriate public participation; communicating clearly; and providing appropriate means for recourse and feedback.

## 2. General Conduct

- 2.1. Council officials must adhere to the key principles and provisions of the Code of Conduct.
- 2.2. Council officials must act lawfully and within the authorities of the *Community Charter, Local Government Act* and other applicable enactments and exercise a reasonable degree of care and diligence in carrying out their functions.
- 2.3. Council officials have an obligation to consider issues and exercise powers, duties and functions in a manner that avoids arbitrary and unreasonable decisions.
- 2.4. Council officials must avoid behaviour that could constitute an act of disorder or misbehaviour. Specifically, Council officials must avoid conduct that:
  - contravenes this policy;
  - contravenes the law, including the *BC Human Rights Code*, and other enactments, and District Bylaws; and
  - is an abuse of power or otherwise amounts to improper discrimination, intimidation, harassment or verbal abuse of others.

## 3. Collection and Handling of Information

- 3.1. Council officials must:
  - Collect and use personal information in accordance with *Freedom of Information and Protection of Privacy Act* legislation and the Protection of Privacy Policy and guidelines as established in Saanich;
  - Protect information that is specifically marked confidential, that is Personal Information and other material identified or understood to be confidential in nature;
  - Refrain from discussing or disclosing any Confidential Information with or to Staff, or with persons outside the organization except as authorized;
  - Refrain from discussing or disclosing any Personal Information with or to other Council Officials, Staff, or with persons outside the organization except in a manner consistent with the duty to protect Personal Information under the *Freedom of Information and Protection of Privacy Act*.

- Take reasonable care to prevent the examination of confidential material or access to Personal Information by unauthorized individuals;
- Not use Confidential Information except for the purpose for which it is intended to be used;
- Only release information in accordance with established District policies and procedures and in compliance with the *Freedom of Information and Protection of Privacy Act* (British Columbia);
- Not disclose decisions, resolutions or report contents forming part of the agenda for or from an in-camera meeting of Council until a corporate decision has been made for the information to become public; and
- Not disclose details on Council's in-camera deliberations or specific detail on whether individual Councillors voted for or against an issue.

3.2. Except in the normal course of duties, Council officials must not in any way change or alter District records or documents.

3.3. When dealing with Personal Information, Council officials must comply fully with the provisions of the *Freedom of Information and Protection of Privacy Act*. All reasonable and necessary measures must be taken to ensure that the personal or private business information of individuals is protected. Personal information includes information or an opinion about a person whose identity is apparent, or can be determined from the information or opinion.

#### **4. Conflict of Interest**

4.1. Council officials are expected to make decisions that benefit the community. They are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends, or business interests.

4.2. Council officials must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their duties in accordance with statutory requirements of the *Community Charter*.

#### **5. Interactions of Council officials with Staff and Advisory Body Members**

5.1. Council is the governing body of the District of Saanich. It has the responsibility to govern the District in accordance with the *Community Charter* and other legislation.

- 5.2. The Mayor is the head and chief executive officer of the District and has a statutory responsibility to provide leadership to the Council and to provide general direction to municipal officers respecting the municipal policies, programs and other directions of the council as set out in the *Community Charter*.
- 5.3. Council officials are to contact staff including Municipal Officers, according to the procedures authorized by Council and the District Chief Administrative Officer regarding the interaction of Council officials and staff. As a general principle, the District adopts the one employee model where Council's point of contact with staff is the Chief Administrative Officer.
- 5.4. Council officials are to direct inquiries regarding departmental issues or questions to the District's Chief Administrative Officer or the Department Head (Director) of the appropriate department and refrain from contacting other staff without first discussing the issue with the Department Head.
- 5.5. Advice to Council from staff will be vetted, approved and signed by the Chief Administrative Officer.
- 5.6. Council officials will invite the Chief Administrative Officer to be present at any meeting between a Council official and a member of staff where such attendance is requested by the staff member.
- 5.7. Council officials are not to issue instructions to any of the District's contractors, tenderers, consultants or other service providers.
- 5.8. Council officials must not make public statements attacking or disparaging staff or Advisory Body Members and shall show respect for the professional capacities of staff. Council officials must not involve staff in matters for political purposes.
- 5.9. Council officials must not publish or report information or make statements attacking or reflecting negatively on staff or Advisory Body Members except to the Chief Administrative Officer as appropriate to bring a complaint to the attention of the Chief Administrative Officer for follow up.
- 5.10. Significant information provided to any member of Council, which is likely to be used in Council or in political debate, should also be provided to all other Council officials, and to the Chief Administrative Officer.
- 5.11. Council officials must treat members of the public, other Council officials, Advisory Body Members and staff appropriately, and without bullying, abuse or intimidation in order to preserve a workplace free from harassment.

**6. Council Officials Use of Social Media**

- 6.1. It is not the role of individual Council officials to report directly on District related business. Council officials will use caution in reporting decision-making by way of their social media profiles and websites ensuring that any material they publish is accurate, precise and communicates the intent of Council
- 6.2. Council officials will include an "in my opinion", or similar disclaimer, either within the banner of their individual social media site(s) or separately when making follow up posts to the District's social media postings and when creating original posts pertaining to District related business.

(Sample Disclaimer – "Opinions expressed are my own and do not reflect the view or opinions of the District of Saanich")

- 6.3. Council officials will refrain from using or permitting use of their social media accounts for purposes that include generating or recirculating:
- defamatory remarks, obscenities, profane language or sexual content;
  - negative statements disparaging other members of council;
  - negative statements disparaging staff or calling into question the professional capabilities of staff;
  - content that endorses, promotes, or perpetuates discrimination or mistreatment on the basis of race, religion or belief, age, gender, marital status, national origin, physical or mental disability or sexual orientation;
  - statements that indicate an actual attitudinal bias in relation to a matter that is to be the subject of a statutory or other public hearing;
  - promotion of illegal activity;
  - information that may compromise the safety or security of the public or public systems.
- 6.4. Council officials must regularly monitor their social media accounts and immediately take measures to remove messages or postings by others that violate this Code of Conduct.

## 7. Interactions with the Public and the Media

- 7.1. Council officials will accurately communicate the decisions of the Council, even if they disagree with the majority decision of Council, and by so doing affirm the respect for and integrity in the decision-making processes of Council.
- 7.2. When discussing the fact that he/she did not support a decision, or voted against the decision, or that another Council official did not support a decision or voted against a decision, a Council official will refrain from making disparaging comments about other Council officials or about Council's processes and decisions.

## 8. Gifts and Personal Benefits

The receipt and reporting of gifts and personal benefits is dealt with under sections 105 and 106 of the *Community Charter*. Ultimately, the interpretation of those sections is a matter for the courts. However, the general language used in those sections creates some level of uncertainty and this Code of Conduct is intended to provide some guidance to Council officials.

### 8.1. What are Gifts and Personal Benefits?

- 8.1.1. Gifts and personal benefits are items or services of value that are received by Council officials for personal use. These would include, but are not limited to, cash, gift cards, tickets to events, items of clothing, jewellery, pens, food or beverages, discounts or rebates on purchases, free or subsidized drinks or meals, entertainment, invitations to social functions, etc.
- 8.1.2. The following are not to be considered gifts or personal benefits:
  - Compensation authorized by law (see section 105(2)(b) of the *Community Charter*).
  - Reimbursement for out of pocket costs incurred for authorized travel, living and accommodation expenses associated with attendance at an event or in connection with an authorized travel.
  - A lawful contribution made to a Council official who is a candidate for election conducted under the *Local Government Act*.

**8.2. What Gifts and Personal Benefits may be Accepted?**

- 8.2.1. Section 105(1) of the *Community Charter* prohibits Council officials from directly or indirectly accepting a fee, gift or personal benefit connected with the official's performance of the duties of office.
- 8.2.2. In accordance with section 105(2), a Council official may accept gifts and personal benefits received as an incident of the protocol or social obligations that normally accompany the responsibilities of elected office.
- 8.2.3. Gifts and personal benefits received in accordance with section 105(2)(a) of the *Community Charter* as referenced in section 8.2.2 must be reported and disclosed in accordance with section 106 to the Corporate Officer.
- 8.2.4. Where a gift or personal benefit that may be accepted under the *Community Charter* has a value in excess of \$100.00, the Council official who receives the gift will do so on behalf of the District and turn over the gift to the District, except as otherwise permitted by Council.
- 8.2.5. Council officials must not accept a gift or personal benefit that could reasonably be expected to result in a real or perceived conflict of interest, and to assist in avoiding that situation, Council officials will not accept gifts or personal benefits from business or commercial enterprises having a value that exceeds \$50.00 or, where the total value of such gifts and benefits, received directly or indirectly from one source in any twelve (12) month period, would exceed \$250.00.

**8.3. How Must Gifts and Personal Benefits be Reported?**

- 8.3.1. Council officials must disclose to the Corporate Officer gifts and personal benefits in accordance with section 106 of the *Community Charter*.
- 8.3.2. If a Council official receives a gift or personal benefit that they do not wish to accept, regardless of value, they may immediately relinquish the gift or personal benefit to the District, in which case a disclosure form would not be required. If the gift or personal benefit is not immediately relinquished to the District, then the Council official must file a disclosure form.
- 8.3.3. The content of the disclosure must comply with section 106(2) of the *Community Charter* and must be filed "as soon as reasonably practicable".



- 8.3.4. It is the responsibility of Council officials to be familiar with the provisions in the *Community Charter* relating to acceptance and disclosure of gifts and to ensure that they comply with these requirements as contemplated by the statute.

**8.4. How are Gifts and Personal Benefits Valued?**

- 8.4.1. For the purposes of this Code, the value of each gift or personal benefit shall be determined by its replacement cost, i.e., how much it would cost to replace the item?

**8.5. Procedure for Dealing with Relinquished Gifts and Personal Benefits**

- 8.5.1. Where a gift or personal benefit is relinquished to the District, the Corporate Officer will record the receipt of the item, nature of the gift or personal benefit, source (including the addresses of at least two individuals who are directors, in the case of a corporation), when the gift was received, and the circumstances under which it was given and accepted.

**9. Breaches, Complaint Handling and Disciplinary Action**

**General**

- 9.1. This section, Breaches, Complaint Handling and Disciplinary Action, is for internal use only. Council officials and staff within the District of Saanich can use this section to lodge a complaint against a member of Council in relation to their own interactions with that Council official.
- 9.2. Council officials are to abide by the requirements of the *Community Charter* and this Code of Conduct, and shall endeavour to resolve interpersonal disputes in good faith, recognizing that interpersonal rancour does not facilitate good governance.

**Council Officials**

- 9.3. Alleged breaches of this Code of Conduct by Council Officials shall be submitted in a written complaint (as per the Breach Template (Template1)) addressed to the Mayor and the Chief Administrative Officer within six (6) months of the last alleged breach

In the event that the Mayor is the subject of, is in a conflict of interest related to the complaint or is implicated in the complaint, the complaint shall be addressed

to the current Acting Mayor unless that individual is the subject of, or implicated in the complaint.

In the event that the Chief Administrative Officer is the subject of, is in a conflict of interest related to the complaint or is implicated in the complaint, the complaint shall be addressed to the Director of Corporate Services unless that individual is the subject of or implicated in the complaint.

- 9.4. Upon receipt of a complaint under section 9.3, the Mayor or designated Councillor, and the Chief Administrative Officer or designate (Director, Corporate Services) shall review the Policy and the details of the alleged breach.

The role of the Mayor and CAO (or designates) is to be the keeper of the process, not to adjudicate the complaint. Their role is to facilitate and seek a mutually beneficial resolution between the parties. Information from both parties should be obtained, reviewed and options for resolution canvassed. There is no ability for the Mayor / CAO or designates to give advice about the processing or quality of resolution of the complaint.

- 9.5. If the situation is not able to be resolved through the informal process within thirty (30) days, the Mayor and the Chief Administrative Officer or designates will work to appoint an independent third party. Numerous third party investigators will be identified. The Complainant(s) and Respondent(s) will be provided with the resumes of the identified parties. The Complainant(s) and Respondent(s) have the ability to agree or disagree that the proposed parties have the necessary professional skills, knowledge and experience to investigate the complaint (the "Third Party Investigator").

The Complainant(s) and Respondent(s) will notify the Mayor and CAO or designated if they have a conflict of interest with any of the proposed Third Party Investigators.

The Third Party Investigators will then be contacted and the individual with the next available opening in their schedule will be appointed to the matter.

- 9.6. If the parties cannot agree on the choice of investigator, a nominee of the Complainant(s) and the Respondent(s) shall jointly select a suitable Third Party Investigator.
- 9.7. If the Complainant(s) or Respondent(s) refuse to participate in a formal investigation, the investigation may continue without that individuals' participation. The Third Party Investigator will make their determination based on the information they are provided.

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Not participating in the processes as outlined in sections 9.3 and 9.5 may also be considered grounds for a complaint under the policy.

- 9.8. Throughout both the informal or formal investigation, either party can have legal counsel present to assist them. This legal counsel will be required to follow any rules of in-camera or procedural bylaw process that are applicable.
- 9.9. As confidentiality is key, information provided to the Respondent(s) will be limited to the Breach Template completed by the Complainant.
- 9.10. The Third Party Investigator:

- 9.10.1. May conduct a preliminary assessment of the complaint, at the conclusion of which the investigator may determine to continue the investigation or make a written recommendation that the complaint be dismissed as unfounded, beyond jurisdiction or unlikely to succeed;

If the Third Party Investigator determines to continue the complaint, the Third Party Investigator shall:

- 9.10.2. Conduct an independent and impartial investigation of the complaint in a manner that is fair, timely, confidential and otherwise accords with the principles of due process and natural justice;
- 9.10.3. Provide an investigation update within ninety (90) days of his or her appointment to the Mayor and the Chief Administrative Officer or designates, as applicable, and to the Complainant and the Respondent;
- 9.10.4. Provide a written, confidential report (the "Report") of the findings of the investigation, including findings as to whether there has been a breach of this Code of Conduct, to the Mayor and the Chief Administrative Officer or designates, as applicable;
- 9.10.5. Provide recommendations regarding if a copy of or selected sections of the final Report should be provided to the Complainant and the Respondent; and
- 9.10.6. Provide recommendations in the Report as to the appropriate resolution of the complaint, which recommendations may include:
- dismissal of the complaint; or
  - public censure of the Council Official or Officials for misbehaviour or a breach of this Code of Conduct; <sup>1</sup>

- 
- a recommendation that a Council Official or Officials apologize to any person adversely affected by a breach of this Code of Conduct;
  - counselling of a Council Official or Officials; and/or
  - such other recommendations as are deemed appropriate in the professional judgment of the Third Party Investigator.
- 9.11. The Mayor and the Chief Administrative Officer or designates shall consider whether the Report or an executive summary of the Report should be presented to Council.
- 9.12. The Director of Corporate Services will receive and retain all reports prepared related to the complaint.
- 9.13. At the conclusion of the process the Third Party Investigator will destroy all notes that were taken or documents that were provided throughout the process of the investigation.
- 9.14. Where a Council Official alleges a breach of this Code of Conduct by a fellow Council Official, all Council Officials shall refrain from commenting on such allegations at open meetings of Council pending the conclusion of the Report and any decision of Council on the Report.
- 9.15. Council Officials who retain legal counsel to represent them in proceedings under this section may request in writing that the District indemnify them for their reasonable costs of representation, in accordance with section 740 of the *Local Government Act*.
- 9.16. Staff who retain legal counsel to represent themselves in proceedings under this section may request, in writing, reimbursement of reasonable costs from the District.

1. There is no defined or prescribed process related to public censure. The common law rules of natural justice would apply, meaning the right to a fair hearing, which includes the right to know the case against oneself, the right to be heard, the right to have an impartial adjudicator, and sometimes (but not always) the right to be represented by legal counsel.

**10. Attachments**

10.1. Attached to this document are two templates that could be utilized as part of the information resolution process:

- Proactive Apology by Council Member (Template 2)
- Apology by Council Member if held by Council to have violated the Code of Conduct (Template 3)

10.2. Please note: British Columbia's Apology Act provides that an "apology" made by or on behalf of a person in connection with any matter does not constitute an express or implied admission or acknowledgement of fault or liability. "Apology" is defined as "an expression of sympathy or regret, a statement that one is sorry or any other words or actions indicating contrition or commiseration, whether or not the words or actions admit or imply an admission of fault." The Act further provides that an apology does not void, impair or otherwise affect any insurance coverage that is available, or that would, but for the apology, be available to the person in connection with the matter. Evidence of an apology made by or on behalf of a person in connection with any matter is not admissible in any court as evidence of the fault or liability of the person in connection with that matter and must not be taken into account in any determination of fault or liability.

**TEMPLATE 1 – Complaint**

**DATE OF COMPLAINT:** \_\_\_\_\_

**NAME OF COUNCIL OFFICIAL MAKING THE COMPLAINT:** \_\_\_\_\_

**NAME OF COUNCIL OFFICIAL WHO THE COMPLAINT IS AGAINST:** \_\_\_\_\_

**DATE OF THE BREACH:** \_\_\_\_\_

**SECTIONS OF THE COUNCIL CODE OF CONDUCT THAT HAVE BEEN BREACHED:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**DETAILED DESCRIPTION OF INCIDENT AND HOW THE CODE OF CONDUCT WAS BREACHED**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**HAVE YOU APPROACHED THE OTHER COUNCIL OFFICIAL TO LET THEM KNOW ABOUT YOUR CONCERNS?**  
Y\_\_\_\_ N\_\_\_\_

**WHAT IS THE RESOLUTION THAT YOU ARE SEEKING?**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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**TEMPLATE 2 – Proactive Apology by Council Member**

[DATE]

**PERSONAL AND CONFIDENTIAL**

[Name of Recipient]

[Title]

District of Saanich

[Address]

[City, Province Postal Code]

Dear [title] [last name]:

**Re: Apology [subject]**

As you know, on [date], I ***[briefly set out the nature of the offending conduct. It is recommended you provide dates, times and a description of the conduct at issue as you understand it].***

On [date], you confronted me about my behaviour/conduct and expressed ***[describe briefly the conduct complained of and how it affected the offended person].*** I acknowledge that my conduct / actions made you feel ***[describe how it affected the offended person]*** and I admit that my ***[actions / conduct]*** were ***[reformulate why your actions were wrong in your own words – ex: offensive, derogatory, belittling, in poor taste, defamatory, wrong, discriminatory, callous, harmful to your reputation etc.].***

Having reflected on ***[your complaint / our conversation]***, I take full responsibility for my ***[actions / conduct]*** and wish to apologize for the harm that I have caused you. My behaviour was not in keeping with the key principles of our Council's Code of Conduct. In particular, I acknowledge that my conduct was in violation of ***[identify the section(s) of the Code of Conduct breached].***

Going forward, I commit to being more careful in my ***[words / actions]*** and to making better efforts to respect and abide by my obligations set out in the Code of Conduct. Please accept my heartfelt apology.

Sincerely,

***[name]***

***[title]***

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**TEMPLATE 3 - If held by Council to have violated the Code of Conduct**

[DATE]

**PERSONAL AND CONFIDENTIAL**

[Name of Recipient]

[Title]

District of Saanich

[Address]

[City, Province Postal Code]

Dear [title] [last name]:

**Re: Apology [subject]**

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As you know, on [date], I ***[briefly set out the nature of the offending conduct. It is recommended you provide dates, times and a description of the conduct at issue as you understand it].***

On [date], you confronted me about my behaviour/conduct and expressed ***[describe briefly the conduct complained of and how it affected the offended person].*** In light of Council having concluded that my conduct constituted a violation of the District's Council Code of Conduct, I acknowledge that my conduct / actions made you feel ***[describe how it affected the offended person]*** and I admit that my ***[actions / conduct]*** were ***[reformulate why your actions were wrong in your own words – ex: offensive, derogatory, belittling, in poor taste, defamatory, wrong, discriminatory, callous, harmful to your reputation etc.]***

Having reflected on ***[the decision of Council]***, I take full responsibility for my ***[actions / conduct]*** and wish to apologize for the harm that I have caused you. My behaviour was not in keeping with the key principles of our Council's Code of Conduct. In particular, I acknowledge that my conduct was in violation of ***[identify the section(s) of the Code of Conduct breached]***.

Going forward, I commit to being more careful in my ***[words / actions]*** and to making better efforts to respect and abide by my obligations set out in the Code of Conduct. Please accept my heartfelt apology.

Sincerely,

***[name]***

***[title]***





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## POLICY <POLICY NO.> :

### **INTRODUCTION**

As local government elected Council members ("members"), Richmond's City Council ("Council") recognizes that responsible conduct is essential to providing good governance for the City of Richmond.

Members have committed to strive to ensure that the duties and obligations of Council are performed with highest ethical standards. Members respect one another, the public and staff and recognize the unique role and contribution each person has in making the City a better place to work and live. To this end, Council has adopted a Code of Conduct ("Code") which outlines the foundational principles and standards of conduct to which Council has committed.

### **APPLICATION OF THE CODE OF CONDUCT**

This Code of Conduct applies to the members of Council and, where indicated, to any person appointed by Council to boards, committees, commissions, panels, or task forces ("appointees"). It is the individual responsibility of each member and appointee to uphold the Code in their dealings with other members, appointees, staff, and the public. Members and appointees must conduct themselves in accordance with the law. This Code of Conduct is intended to be developed, interpreted and applied by members and appointees in a manner that is consistent with all applicable Federal and Provincial Laws, as well as the bylaws and policies of the City of Richmond, the common law and any other legal obligations which apply. It must be noted that all legislation, including the *Community Charter*, overrides the Code of Conduct. This document is not intended to be punitive or disciplinary in nature.

## **1. FOUNDATIONAL PRINCIPLES**

Council recognizes that responsible conduct is based on the foundational principles of integrity, accountability, respect, leadership and collaboration, and openness and transparency.

- 1.1 **Integrity:** means being honest and demonstrating strong ethical principles. Conduct under this principle upholds the public interest, is truthful and honourable.
- 1.2 **Respect:** means having due regard for others' perspectives, wishes and rights; it also means displaying deference to the offices of local government, and the role of local government in community decision making.
- 1.3 **Accountability:** means an obligation and willingness to accept responsibility or to account for ones actions.



- 1.4 **Leadership and Collaboration:** means an ability to lead, listen to, and positively influence others; it also means coming together to create or meet a common goal through collective efforts.
- 1.5 **Openness and Transparency:** means being as open as possible about decisions and actions; it also means communicating appropriate information openly to the public about decision-making processes and issues being considered; encouraging public participation and communicating clearly.

## 2. CONDUCT OF MEMBERS AND APPOINTEES

- 2.1 Members and appointees shall adhere to the foundational principles and the provisions of the Council Code of Conduct.
- 2.2 Members and appointees must act lawfully and within the authorities of the *Community Charter*, the *Local Government Act*, and other applicable legislation and policies and exercise a reasonable degree of care and diligence in carrying out their functions.
- 2.3 The conduct of members and appointees in the performance of their duties and responsibilities with the City of Richmond must be fair, open, and honest.
- 2.4 Members and appointees shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other members, appointees, the staff, or the public.

## 3. CONDUCT IN MEETINGS

- 3.1 Members and, where applicable, appointees shall prepare themselves for public meetings; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall not interrupt other speakers; make personal comments not germane to the business of the body; or otherwise disturb a meeting.
- 3.2 Members and appointees shall adhere to the *Rules of Conduct in Council Meetings* as outlined in any relevant Council Procedures and Bylaws.

## 4. RESPECT FOR PROCESS

- 4.1 Members and, where applicable, appointees shall perform their duties in accordance with the policies and procedures and rules of order established by the City Council governing the deliberation of public policy issues, meaningful



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involvement of the public, and implementation of policy decisions of the Council by City staff.

## 5. COLLECTION AND HANDLING OF INFORMATION

- 5.1 Members and appointees shall respect the confidentiality of information including information concerning the property, personnel or legal affairs of the City. They shall neither disclose confidential information without proper authorization, nor use such information to advance their personal, financial or other private interests.
- 5.2 Subject to paragraph 5.1, members and appointees may publicly share substantive information which they may have received from sources outside of the public decision-making process.

## 6. INTERACTIONS WITH STAFF

- 6.1 Members and appointees shall not make public statements attacking or disparaging staff.
- 6.2 Members and appointees shall not involve staff in matters for political purposes. It is the role of staff: to provide overall management of the operations of the municipality; to provide advice, information, and make to recommendations to Council; and to ensure the policies, programs and other directions of Council are implemented under the authority of the CAO. It is the role of Council to make decisions and provide direction to staff to carry out the role of managing the operations and affairs of the municipality.
- 6.3 Concerns or issues with staff and/or appointees should be brought to the Mayor and/or the Chief Administrative Officer in private communications as appropriate.

## 7. INTERACTIONS WITH THE PUBLIC AND THE MEDIA

- 7.1 Members and appointees shall accurately communicate the decisions of Council, even if they disagree with the majority decision of Council; and by doing so affirm the respect and integrity in the decision-making process of Council.
- 7.2 Members and appointees shall not publish or report information that they know to be inaccurate, incomplete, or in other ways misrepresents the City or a decision of Council.



## 8. USE OF SOCIAL MEDIA

- 8.1 It is not the role of individual members and appointees to report directly on City-related business. Members and appointees will use caution in reporting decision-making by way of their social media profiles and will ensure what is said is accurate and complete.
- 8.2 Members and appointees will include an "in my opinion", or similar disclaimer, either within the banner of their individual social media site(s) or separately when making follow up posts to the City's social media postings and when creating original posts pertaining to City-related business.
- 8.3 Members and appointees will refrain from using, or permitting use of, their social media accounts for purposes that include:
- (a) defamatory remarks;
  - (b) content that endorses, promotes, or perpetuates discrimination or mistreatment on the basis of race, religion or belief, age, gender, marital status, national origin, physical or mental disability or sexual orientation;
  - (c) statements that indicate an attitudinal bias in relation to a matter that is to be the subject of a statutory or other public hearing;
  - (d) promotion of illegal activity; and
  - (e) information that may compromise the safety or security of the public or public systems.
- 8.4 Members and appointees shall regularly monitor their social media accounts and immediately take measures to address the publication of messages or postings by others that violate this Code of Conduct.

## 9. USE OF PUBLIC RESOURCES

- 9.1 Members and appointees shall not use public resources that are not available to the public in general, such as staff time, equipment, supplies or facilities, for private gain or personal purposes.



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## 10. CONFLICT OF INTEREST

- 10.1 Members and appointees shall be aware of and appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their duties in accordance with statutory requirements of the *Community Charter*.

## 11. ACCEPTANCE AND DISCLOSURE OF GIFTS

- 11.1 Members and appointees shall be aware of and adhere to all rules and restrictions related to accepting and disclosing gifts in accordance with Division 6 of the *Community Charter*.
- 11.2 Members and appointees shall not, directly or indirectly, accept a fee, gift or personal benefit that is connected with the performance of the duties of the member or appointee.
- 11.3 Paragraph 11.2 does not apply to:
- (a) a gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of the office or the appointment;
  - (b) compensation authorized by law; or
  - (c) a lawful contribution made to a member who is a candidate for election to a local government.

## 12. ADVOCACY AND POLITICAL ACTIVITIES

- 12.1 Members and appointees shall represent the official policies or positions of Council or of the body to which they have been appointed to the best of their ability when designated as delegates for this purpose.
- 12.2 When presenting their individual opinions and positions, members and appointees shall clearly state they do not represent Council, the body to which they have been appointed, or the City of Richmond, nor will they allow the inference that they do.

## 13. ABSENCES AND VACATIONS

- 13.1 Members will adhere to the guidelines and policies for absences and vacations.
- 13.2 During a period when the Mayor is absent, the Mayor may transfer the duties of the Mayor, including those related to formal greetings and protocol. An Acting

Council Administration



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Mayor rotation schedule is established each year that outlines the appropriate Council member that will fulfill the role of Acting Mayor if required. The role and title of Acting Mayor is valid only when this transfer has been formally granted by the Mayor.

#### 14. IMPLEMENTATION

- 14.1 The Council Code of Conduct is intended to be self-enforcing. Members and appointees should view the Code as a set of guidelines that express collectively the standards of conduct expected of them. It, therefore, becomes most effective when members and appointees are thoroughly familiar with the Code and embrace its provisions. For this reason, the Code of Conduct will be provided to candidates for Council. Information regarding the Code of Conduct will be incorporated into the Council orientation process for members elected to Council and for those appointed by Council to boards, committees, commissions, panels, or task forces.
- 14.2 Council may review the Code, consider recommendations from members and appointees, and update the Code as necessary.

#### 15. COMPLIANCE AND ENFORCEMENT

- 15.1 Members themselves have the primary responsibility to ensure that the standards outlined within the Code are understood and met.
- 15.2 The strongest measure Council can take after attempting to resolve any differences through direct discussion is to impose a motion of public censure.
- 15.3 If a member wishes to make a formal complaint, a written statement must be brought forward to a closed General Purposes Committee meeting. Anonymous complaints will not be publicized or acted on.
- 15.4 To ensure procedural and administrative fairness, a member who is alleged to have violated any provision of the Code (with the exception of violations otherwise addressed through legislation), shall have a minimum of one week or the time between two consecutive General Purposes Committee meetings, whichever is greater, to prepare his or her response to a formal complaint. Before considering taking measures, Council shall ensure that a member has:
- (a) received a written copy of the complaint against him or her; and
  - (b) an opportunity to be heard in a subsequent closed General Purposes Committee meeting.



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15.5 A violation of this Code of Conduct shall not be considered a basis for challenging the validity of a Council or Committee decision.

DRAFT



# City of Port Moody

## **Bylaw No. 3164**

A Bylaw to govern the conduct of members of Council.

The Council of the City of Port Moody enacts as follows:

### 1. Citation

- 1.1 This Bylaw may be cited as "City of Port Moody Council Code of Conduct Bylaw, 2018, No. 3164".

### 2. Definitions

2.1 In this Bylaw,

- a) "Administration" means the administrative and operational arm of the Municipality, composed of various departments and business units and including all employees who operate under the leadership and supervision of the City Manager;
- b) "City Manager" means the chief administrative officer of the Municipality, or any other person designated to act in the place of the City Manager;
- c) "Investigator" means Council or the individual or body appointed by Council to investigate and report on complaints;
- d) "Member" means a member of Council and includes a Councillor or the Mayor; and
- e) "Municipality" means the municipal corporation of the City of Port Moody.

### 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 with dignity and make every effort to participate diligently in the meetings of Council, committees of Council, and other bodies to which they are appointed by Council; and
- d) arrange their private affairs and conduct themselves in a manner that promotes public confidence and will bear close public scrutiny.

#### 5. Communicating on Behalf of the Municipality

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

#### 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 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 the Administration, agents, contractors, consultants, or other service providers or prospective vendors to the Municipality.
- 6.2 Members shall conduct and convey Council business and all their duties in an open and transparent manner, other than for those matters which by law are authorized to be dealt with in a confidential manner in a closed session, and in so doing, allow 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.
- 6.4 Council members have the right and responsibility to speak publicly and explain their position and agreement or disagreement with the overall Council decision.

## 7. Adherence to Policies, Procedures, and Bylaws

- 7.1 Members shall uphold the law established by the Parliament of Canada and the Legislature of British Columbia 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 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.
- 8.2 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.
- 8.3 No Member shall use indecent, abusive, or insulting words or expressions toward another Member, any employee of the Municipality, or any member of the public.
- 8.4 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.
- 8.5 Members shall respect the fact that employees in the Administration work for the Municipality as a corporate body and are charged with making recommendations that reflect their professional expertise and a corporate perspective and that employees are required to do so without undue influence from any Member or group of Members.
- 8.6 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 keep in confidence matters discussed in private at a Council or Council committee meeting until the matter is discussed at a meeting held in public or until disclosure has been lawfully authorized.
- 9.2 Members shall refrain from disclosing or releasing any confidential information acquired by virtue of their office except when required by law or authorized by Council to do so.
- 9.3 No Member shall use confidential information for personal benefit or for the benefit of any other individual organization.
- 9.4 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 the *Freedom of Information and Privacy Protection Act* 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) personal information;
  - b) labour relations or other employee relations;
  - c) the security of the property of the Municipality;
  - d) a proposed or pending acquisition or disposition of land or other property;
  - e) law enforcement matters;
  - f) litigation or potential litigation, including matters before administrative tribunals;
  - g) advice subject to solicitor-client privilege;
  - h) contract negotiations and discussions respecting the proposed provision of a service; and
  - i) discussions with other levels of government.

## 10. Conflicts of Interest

- 10.1 Members have a statutory duty to comply with the Conflict of Interest provisions as set out in the *Community Charter*.
- 10.2 Members may request that the City Manager seek a legal opinion from the City Solicitor with respect to situations that may result in a real or perceived conflict of interest.
- 10.3 Members are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends, or associates, business or otherwise.
- 10.4 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 the influence of the Member's office for any purpose other than for the exercise of the Member's official duties.
- 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 obtain employment with the Municipality for themselves, family members, or close associates. 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, inappropriate, or for personal gain.

## 13. Orientation and Other Training Attendance

- 13.1 Every Member must attend the orientation training offered by the Municipality within 90 days after the Member takes the oath of office.
- 13.2 Unless excused by Council, every Member must attend the Elected Officials Seminar offered by the Local Government Leadership Academy in the first quarter of the year following local government elections.
- 13.3 Unless excused by Council, every Member must attend any other training organized at the direction of Council for the benefit of Members throughout the Council term.

## 14. Remuneration and Expenses

- 14.1 Members are stewards of public resources and shall avoid waste, abuse, and extravagance 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 have a statutory duty to comply with provisions of the *Community Charter* on restrictions on accepting gifts.
- 15.2 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.
- 15.3 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 a 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; or
  - 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 Acting 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 person who has identified or witnessed conduct by a Member that the person 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 Investigator and Council may, in the case of any complaint, either appoint an Investigator, or investigate such complaint itself;
  - c) the complaint must set out reasonable and probable 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 Investigator and be given the opportunity to provide an initial response to the complaint, prior to the decision being made as to whether to investigate, pursuant to section 18.1(e);
- e) upon receipt of a complaint under this Bylaw, the Investigator shall review the complaint, including any initial response by the Member who is the subject of the complaint, and decide whether to proceed to investigate the complaint. If the Investigator is of the opinion that a complaint is frivolous, vexatious, or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, the Investigator may choose not to investigate or, if already commenced, may terminate any investigation, or 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 Investigator's decision;
- f) if the Investigator decides to investigate the complaint, the Investigator shall take such steps as may be considered 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 the Council and the Member who is the subject of the complaint, the results of the Investigator's investigation for Council's consideration, including any decision or imposition of a sanction and if Council is the Investigator and decides to investigate pursuant to section 18.1(f), such investigation shall be conducted pursuant to section 18.1(h) below;
- h) a Member who is the subject of an investigation shall be afforded procedural fairness, including an opportunity to respond to the allegations at the time of receipt by Council of the Investigator's report, where Council is not the Investigator and in any event before Council deliberates and makes any decision or any sanction is imposed; and
- i) a Member who is the subject of an investigation is entitled to be represented by legal counsel at the Council meeting where any decision is to be made or any sanction may be imposed, at the City's expense once, and subsequently, at the Member's sole expense, unless Council has, in advance, agreed to be responsible for such legal costs.

## 19. Compliance and Enforcement

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

19.2 Members are expected to cooperate in every way possible in securing compliance with the application and enforcement of this Bylaw.

19.3 No Member shall:

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

19.4 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 that the Member issue a letter of apology;
- c) publication of a letter of reprimand or request for apology and the Member's response;
- d) requirement to attend training;
- e) suspension or removal of the appointment of a Member as the Acting Mayor;
- f) suspension or removal from some or all internal and external Council committees and bodies to which Council has the right to appoint members;
- g) restricting the Member from attending events as a representative of Council;
- h) imposing further limits on Council related travel or expenses beyond those set out in Corporate policies;
- i) requiring the return of Municipal property provided for convenience;
- j) limiting access to certain municipal facilities;
- k) restricting how documents are provided to the Member; and
- l) any other sanction Council deems reasonable and appropriate in the circumstances, provided that the sanction does not prevent a Member from fulfilling the legislated duties of a Member and the sanction is not contrary to Provincial Legislation.

## 20. Review

20.1 This Bylaw shall be brought forward for review at the beginning of each term of Council 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.

## 21. Severability

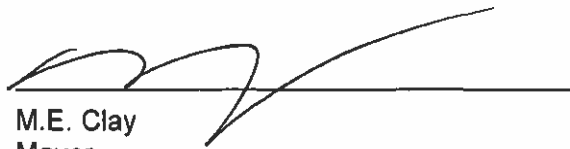
21.1 If a portion of this Bylaw is found invalid by a court, it will be severed and the remainder of the Bylaw will remain in effect.

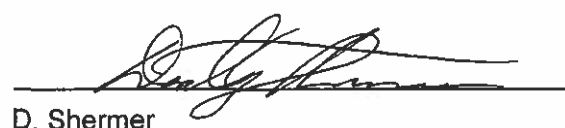
**Read a first time this 17<sup>th</sup> day of July, 2018.**

**Read a second time this 17<sup>th</sup> day of July, 2018.**

**Read a third time this 17<sup>th</sup> day of July, 2018.**

**Adopted this 24<sup>th</sup> day of July, 2018.**

  
M.E. Clay  
Mayor

  
D. Shermer  
Corporate Officer

<b>Policy Title:</b>	<b>COUNCIL CODE OF CONDUCT</b>
<b>Issue Date:</b>	<b>December 3, 2018</b>
<b>Revised Date:</b>	
<b>Prepared by:</b>	<b>Lisa Spitale, Chief Administrative Officer</b>
<b>Document #:</b>	<b>1305468</b>

### 1. PURPOSE

The public expects a responsive local government with the highest standards of professional conduct from Members elected to it. Honesty, integrity, objectivity, due diligence and accountability are some of the core ethical values reflected in this Code. Council Officials are expected to perform their functions of office faithfully and to the best of their knowledge and ability, in accordance with these core ethical values.

The purpose of this Code is to establish minimum expectations for the ethical and interpersonal conduct of Council Officials.

### 2. SCOPE & EFFECT

All Council Officials and the Chief Administrative Officer.

### 3. DEFINITIONS

The following definitions are used in this policy:

**Advisory Body Member:** a person sitting on an advisory committee, task force, commission, board, or other Council-established body.

**Confidential Information:** Confidential Information includes information that could reasonably harm the interests of individuals or organizations, including the City of New Westminster, if disclosed to persons who are not authorized to access the information, as well as information to which section 117 of the *Community Charter* applies.

**Council Official:** the Mayor and Council members.



**Personal Information:** has the same meaning as in the *Freedom of Information and Protection of Privacy Act*.

**Staff:** an employee or contract employee of the City of New Westminster, and includes staff that supports Advisory Bodies.

**Municipal Officer:** a member of staff designated as an officer under section 146 of the *Community Charter* or a City's Officers Establishment and Indemnity Bylaw under that section.

#### 4. **INTERPRETATION:**

- a) In this policy, a reference to a person who holds an office includes a reference to the persons appointed as deputy or appointed to act for that person from time to time.
- b) This Code of Conduct applies to the use of social media by Council Officials in relation to City of New Westminster related matters.

#### 5. **POLICY STATEMENTS:**

##### 5.1 **Key Principles**

**5.1.1 Integrity:** Council Officials are keepers of the public trust and must uphold the highest standards of ethical behaviour. Council Officials are expected to:

- make decisions that benefit the community;
- act lawfully and within the authorities of the *Community Charter*, *Local Government Act* and other applicable enactments; and
- be free from undue influence and not act, or appear to act, in order to gain financial or other benefits for themselves, family, friends or business interests.

**5.1.2 Accountability:** Council Officials are obligated to answer for the responsibility that has been entrusted to them. They are responsible for decisions that they make. This responsibility includes acts of commission and acts of omission. In turn, decision-making processes must be transparent and subject to public scrutiny; proper records must be kept.

**5.1.3 Leadership:** Council Officials must demonstrate and promote the key principles of the Code of Conduct through their decisions, actions and behaviour. Their behaviour must build and inspire the public's trust and confidence in local government. Council Officials will provide leadership to City staff through the Chief Administrative Officer (CAO).

**5.1.4 Respect:** Council Officials must conduct public business efficiently and with decorum. They must treat each other, staff and members of the public with respect at all times. This means not using derogatory language towards each other, staff and

members of the public, respecting the rights of each other, staff and members of the public, treating people with courtesy and recognition of the different roles others play in local government decision making.

- 5.1.5 *Openness:*** Council Officials have a duty to be as open as possible about their decisions and actions. This means communicating appropriate information openly to the public about decision-making processes and issues being considered; encouraging appropriate public participation; communicating clearly; and providing appropriate means for recourse and feedback.

## **5.2 General Conduct**

- 5.2.1** Council Officials must adhere to the key principles and provisions of the Code of Conduct.
- 5.2.2** Council Officials must act lawfully and within the authorities of the Community Charter, Local Government Act and other applicable enactments and exercise a reasonable degree of care and diligence in carrying out their functions.
- 5.2.3** Council Officials have an obligation to consider issues and exercise powers, duties and functions in a manner that avoids arbitrary and unreasonable decisions.
- 5.2.4** Members shall perform their duties in accordance with the policies and procedures and rules of order established by the City Council governing the deliberation of public policy issues, involvement of the public, and implementation of policy decisions of the Council by City staff.
- 5.2.5** Council Officials must avoid behaviour that could constitute an act of disorder or misbehaviour. Specifically, Council Officials must avoid conduct that:
- contravenes this policy;
  - contravenes the law, including the *BC Human Rights Code* and other enactments, and City Bylaws and Policies including the City's Respectful Workplace Policy; and
  - is an abuse of power or otherwise amounts to improper discrimination, intimidation, harassment or verbal abuse of others.

## **5.3 Conduct of Meetings**

Council Officials shall prepare themselves for meetings, listen courteously and attentively to all discussions before the body, and focus on the business at hand. Council Officials shall not interrupt other speakers, make personal comments not germane to the business of the body, or otherwise interfere with the orderly conduct of a meeting.

## **5.4 Collection and Handling of Information**

- 5.4.1** Council Officials shall respect the confidentiality of information concerning the property, personnel, legal affairs, or other information of the City distributed for the purposes of, or considered in, a closed Council meeting. Members shall neither disclose confidential information without proper authorization, nor use such information to advance their own or anyone's personal, financial or other private interests. Council Officials shall not disclose Council resolutions or staff report contents from a closed meeting of Council unless and until a Council decision has been made for the information to become public, and shall not disclose detail on Council's closed meeting deliberations or how individual members voted on a question in a closed meeting.
- 5.4.2** When dealing with Personal Information, Council Officials must comply fully with the provisions of the Freedom of Information and Protection of Privacy Act and the City's Privacy policy. All reasonable and necessary measures must be taken to ensure that the personal or private business information of individuals is protected. Personal information includes information or an opinion about a person whose identity is apparent, or can be determined from the information or opinion.

## **5.5 Conflict of Interest**

- 5.5.1** Council Officials are expected to make decisions that benefit the community. They are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends, or business interests.
- 5.5.2** Council Officials must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their duties in accordance with statutory requirements of the *Community Charter*.

## **5.6 Interactions of Council Officials with Staff and Advisory Body Members**

- 5.6.1** The Mayor is the head and chief executive officer of the City and has a statutory responsibility to provide leadership to the Council and to provide general direction to municipal officers respecting the municipal policies, programs and other directions of the Council as set out in the *Community Charter*.
- 5.6.2** As a general principle, Council Officials are to direct inquiries or questions to the CAO or the appropriate Department Director and refrain from contacting other staff without first discussing the issue with the Director.
- 5.6.3** Advice to Council from staff will be vetted, approved and signed by the CAO.
- 5.6.4** Council Officials shall respect the Advisory Committee format and understand that these committees are not able to task staff with work directly, and that recommendations for staff action arising from committees must be referred to Council

for approval before staff can be tasked.

**5.6.5** Council Officials must not make public statements, publish or report information or make statements attacking or reflecting negatively on staff, members of the public, community groups, (or any person/organization the City has a contractual relationship with) or Advisory Body Members except to the CAO as appropriate to bring a complaint to the attention of the CAO for follow up.

**5.6.6** Significant information provided to any member of Council, which is likely to be used in Council or in political debate, will also be provided to all other Council members, and to the CAO.

### **5.7 Council Officials Use of Social Media**

**5.7.1** Council Officials use of social media is governed by the City's Social Media Policy.

**5.7.2** Council Officials will include an "in my opinion", or similar disclaimer, either within the banner of their individual social media site(s) or separately when making follow up posts to the City's social media postings and when creating original posts pertaining to City related business.

**5.7.3** Council Officials must regularly monitor their social media accounts and immediately take measures to deal with the publication of messages or postings by others that violate this Code of Conduct. If material is deleted this action should be reported to the City Clerk.

### **5.8 Interactions with the Public and the Media**

Council Officials will accurately communicate the decisions of the Council, even if they disagree with the majority decision of Council, and by so doing affirm the respect for and integrity in the decision-making processes of Council.

### **5.9 Gifts and Personal Benefits**

Council Officials must not, directly or indirectly, accept a fee, gift or personal benefit that is connected with the member's performance of their duties, except in accordance with the provisions of the Community Charter and City's Code of Conduct.

### **5.10 Use of Public Resources**

Council Officials shall not use City public resources such as staff time, equipment, supplies or facilities, for private gain or personal purposes. Specifically, members shall not undertake municipal election campaign related activities at City Hall or on other premises owned by the City during regular working hours, unless such activities are organized by the City (e.g. all-candidate information sessions). Council Officials shall not use City-owned equipment, technology or other property for municipal election campaign work (e.g. photocopiers, computers, cell phones, etc.).

### 5.11 Advocacy

Council Officials shall represent the Official policies or positions of the City Council to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Council Officials shall explicitly state they do not represent Council or the City, nor shall they allow the inference that they do.

## 6. CONSEQUENCES OF NON-COMPLIANCE

This Code expresses standards of ethical conduct expected for Council Officials, who themselves have the primary responsibility to assure that this code is understood and met, thus allowing the public to continue to have full confidence in the integrity of the governance of the City. Council Officials shall respect the integrity of this Code and the enforcement of it.

However, to ensure accountability and fairness of process, Council Officials agree to the following breach, complaint and disciplinary handling procedure. This procedure flows from the City's Respectful Workplace Policy.

- a) Alleged breaches of this Code of Conduct by Council Officials shall be submitted in a written complaint addressed to the Mayor and the CAO within six (6) months of the last alleged breach. In the event that the Mayor is the subject of, or is implicated in the complaint, the complaint shall be addressed to the Acting Mayor unless that individual is the subject of, or implicated in the complaint.
- b) Upon receipt of a complaint, the Mayor, or Acting Mayor, and the CAO shall, if they are not able to resolve the matter informally, within thirty (30) calendar days, appoint an independent third party identified and agreed between the Complainant(s) and Respondent(s) as having the necessary professional skills, knowledge and experience to investigate the complaint (the "Third Party Investigator"). If the parties cannot agree on the choice of investigator, the nominee of the Complainant(s) and the Respondent(s) shall jointly select a suitable Third Party Investigator.
- c) The Third Party Investigator:
  - May conduct a preliminary assessment of the complaint, at the conclusion of which the Investigator may determine to continue the investigation or make a written recommendation that the complaint be dismissed as unfounded, beyond jurisdiction or unlikely to succeed;
- d) If the Third Party Investigator determines to continue the complaint, the Third Party Investigator shall:
  - Conduct an independent and impartial investigation of the complaint in a manner that is fair, timely, confidential and otherwise accords with the principles of due process and natural justice;

- 
- Provide an investigation update within ninety (90) calendar days of their appointment to the Mayor or Acting Mayor, as applicable, and to the Complainant and the Respondent;
  - Provide a written, confidential report (the “Report”) of the findings of the investigation, including findings as to whether there has been a breach of this Code of Conduct, to the Mayor or Acting Mayor, as applicable, and to the Complainant and the Respondent; and
  - Provide recommendations in the Report as to the appropriate resolution of the complaint, which recommendations may include:
    - i. dismissal of the complaint;
    - ii. public censure of a Council Official or Officials for misbehaviour or a breach of this Code of Conduct;
    - iii. a recommendation that a Council Official or Officials apologize to any person adversely affected by a breach of this Code of Conduct;
    - iv. counselling of a Council Official or Officials, and/or
    - v. such other recommendations as are deemed appropriate in the professional judgment of the Third Party Investigator.
- e) The Mayor or Acting Mayor shall consider whether the Report should be presented to Council.
- f) The City Clerk will retain and maintain the confidentiality of all Reports prepared in the investigation.
- g) Where a Council Official alleges a breach of this Code of Conduct by a fellow Council Official, all Council Officials shall refrain from commenting on such allegations at meetings of Council pending the conclusion of the Report and any decision of Council on the Report.
- h) A violation of this Code shall not be considered a basis for challenging the validity of a Council decision.



### **COUNCIL CODE OF CONDUCT**

The public expects a responsive local government with the highest standards of professional conduct from those elected to it. The residents of the City of Nanaimo are entitled to have a fair, ethical and accountable municipal Council that has earned the public's full confidence for integrity. It is an honour and a privilege to serve the public.

As local elected representatives, we recognize that responsible conduct is essential to providing good governance for the City of Nanaimo. We further recognize that responsible conduct is based on the foundational principles of integrity, accountability, respect, and leadership and collaboration.

In order to fulfill our obligations and discharge our duties, we are required to conduct ourselves to the highest ethical standards by being active participants in ensuring that these foundational principles, and the standards set out in the Code of Conduct, are followed in all of our dealings with other Elected Officials, staff, and the public.

Our signatures below are evidence of our individual commitments to abide by the spirit and letter of the Code of Conduct.

Signed at the City of Nanaimo, this \_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
Mayor Leonard Krog

\_\_\_\_\_  
Councillor Sheryl Armstrong

\_\_\_\_\_  
Councillor Don Bonner

\_\_\_\_\_  
Councillor Tyler Brown

\_\_\_\_\_  
Councillor Ben Geselbracht

\_\_\_\_\_  
Councillor Erin Hemmens

\_\_\_\_\_  
Councillor Zeni Maartman

\_\_\_\_\_  
Councillor Ian Thorpe

\_\_\_\_\_  
Councillor Jim Turley



# District of Lantzville

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**Policy No.:** 3002-1

**Date of Implementation:** May 6, 2019

**Council Resolution:** C19-86

**Amended:**

**Council Resolution:**

## ***COUNCIL CODE OF CONDUCT***

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### **PURPOSE**

To provide a written document that sets shared expectations for conduct and behaviour for how members of Council should conduct themselves while carrying out their responsibilities and in their work as a collective decision-making body for their community.

### **POLICY**

As local elected representatives, we recognize that responsible conduct is essential to providing good governance for the District of Lantzville. We further recognize that responsible conduct is based on the foundational principles of integrity, accountability, respect, and leadership and collaboration.

In order to fulfill our obligations and discharge our duties, we are required to conduct ourselves to the highest ethical standards by being active participants in ensuring that these foundational principles, and the standards set out in this Code of Conduct, are followed in all of our dealings with other Elected Officials, staff, and the public.

### **PRIMARY GOALS**

#### **FOUNDATIONAL PRINCIPLES OF RESPONSIBLE CONDUCT**

1. **Integrity** – means being honest and demonstrating strong ethical principles. Conduct under this principle upholds the public interest, is truthful and honourable.
2. **Respect** – means having due regard for others’ perspectives, wishes and rights; it also means displaying deference to the offices of local government, and the role of local government in community decision making. Conduct under this principle is demonstrated when an Elected Official fosters an environment of trust by demonstrating due regard for the perspectives, wishes and rights of others and an understanding of the role of the local government.
3. **Accountability** – means an obligation and willingness to accept responsibility or to account for one’s actions. Conduct under this principle is demonstrated when Elected Officials, individually and collectively, accept responsibility for their actions and decisions.



4. **Leadership and Collaboration** – means an ability to lead, listen to, and positively influence others; it also means coming together to create or meet a common goal through collective efforts. Conduct under this principle is demonstrated when an Elected Official encourages individuals to work together in pursuit of collective objectives by leading, listening to, and positively influencing others.

### **STANDARDS OF CONDUCT**

**Integrity:** Integrity is demonstrated by the following conduct:

1. Elected Officials will be truthful, honest, and open in all dealings, including those with other Elected Officials, staff and the public.
2. Elected Officials will ensure that their actions are consistent with the shared principles and values collectively agreed to by the council.
3. Elected Officials will follow through on their commitments, correct errors in a timely and transparent manner, and engage in positive communication with the community.
4. Elected Officials will direct their minds to the merits of the decisions before them, ensuring that they act on the basis of relevant information and principles and in consideration of the consequences of those decisions.
5. Elected Officials will behave in a manner that promotes public confidence in all of their dealings.

**Respect:** Respect is demonstrated through the following conduct:

1. Elected Officials will treat every person with dignity, understanding, and respect.
2. Elected Officials will show consideration for every person's values, beliefs, and contributions to discussions.
3. Elected Officials will demonstrate awareness of their own conduct, and consider how their words or actions may be perceived as offensive or demeaning.
4. Elected Officials will not engage in behaviour that is indecent, insulting or abusive. This behaviour includes unwanted physical contact, or other aggressive actions that may cause any person harm or makes them feel threatened.

**Accountability:** Accountability is demonstrated through the following conduct:

1. Elected Officials will be responsible for the decisions that they make and be accountable for their own actions and the actions of the collective council.
2. Elected Officials will listen to and consider the opinions and needs of the community in all decision-making, and allow for appropriate opportunities for discourse and feedback.
3. Elected Officials will carry out their duties in an open and transparent manner so that the public can understand the process and rationale used to reach decisions and the reasons for taking certain actions.

**Leadership and Collaboration:** Leadership and collaboration is demonstrated through the following conduct:

1. Elected Officials will behave in a manner that builds public trust and confidence in the local government.
2. Elected Officials will consider the issues before them and make decisions as a collective body. As such, Elected Officials will actively participate in debate about the merits of a decision, but once a decision has been made, all Elected Officials will recognize the democratic majority, ideally acknowledging its rationale, when articulating their opinions on a decision.
3. Elected Officials will recognize that debate is an essential part of the democratic process and encourage constructive discourse while empowering other Elected Officials and staff to provide their perspectives on relevant issues.
4. As leaders of their communities, Elected Officials will calmly face challenges, and provide considered direction on issues they face as part of their roles and responsibilities while empowering their colleagues and staff to do the same.
5. Elected Officials will recognize, respect and value the distinct roles and responsibilities others play in providing good governance and commit to fostering a positive working relationship with and among other Elected Officials, staff, and the public.
6. Elected Officials will recognize the importance of the role of the chair of meetings, and treat that person with respect at all times.

## **PROCEDURE**

Each new member of Council will be provided with the Council Code of Conduct Policy and a Letter (Sample Attached) to sign as evidence of their individual commitment to abide by the spirit and letter of the Code of Conduct.

## **SCOPE & RESPONSIBILITY**

This Code of Conduct applies to the members of Council of the District of Lantzville ("Elected Officials"). It is each Elected Official's individual responsibility to uphold both the letter and the spirit of this Code of Conduct in their dealings with other Elected Officials, staff, and the public. Elected officials must conduct themselves in accordance with the law. This Code of Conduct is intended to be developed, interpreted and applied by Elected Officials in a manner that is consistent with all applicable Federal and Provincial Laws, as well as the bylaws and policies of the District of Lantzville, the common law and any other legal obligations that apply to Elected Officials individually or as a collective Council.

*Sample Letter*



**COUNCIL CODE OF CONDUCT**

The public expects a responsive local government with the highest standards of professional conduct from those elected to it. The residents of the District of Lantzville are entitled to have a fair, ethical and accountable municipal Council that has earned the public's full confidence for integrity. It is an honour and a privilege to serve the public.

As local elected representatives, we recognize that responsible conduct is essential to providing good governance for the District of Lantzville. We further recognize that responsible conduct is based on the foundational principles of integrity, accountability, respect, and leadership and collaboration.

In order to fulfill our obligations and discharge our duties, we are required to conduct ourselves to the highest ethical standards by being active participants in ensuring that these foundational principles, and the standards set out in the Code of Conduct, are followed in all of our dealings with other Elected Officials, staff, and the public.

Our signatures below are evidence of our individual commitments to abide by the spirit and letter of the Code of Conduct.

Signed at the District of Lantzville, this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor,

\_\_\_\_\_  
Councillor,

\_\_\_\_\_  
Councillor,

\_\_\_\_\_  
Councillor,

\_\_\_\_\_  
Councillor,

<b>Subject:</b> Code of Conduct	
<b>Branch:</b> Executive management branch	
<b>Department:</b> Human Resources - external	<b>Policy Reference:</b> 2510-00

### **Purpose**

This policy has been approved by the Comox Valley Regional District (CVRD) board to provide for a positive work environment in which everyone conducts themselves professionally, ethically, and safely. The responsibility for creating a positive and productive work environment rests with all individuals who are associated with the regional district.

### **Scope**

The policies apply to the identified individuals who are expected to comply. Failure to comply and commission of any violation could lead to corrective/preventive actions and/or discipline up to and including termination for cause.

## **POLICY**

### ***Professionalism***

Applicable to all employees, volunteers, agents, and contractors who are required to:

- Carry out their responsibilities in a professional and competent manner.
- Continue to improve their knowledge, competence, skills, and professional ability.
- Be aware of and abide by the British Columbia *Human Rights Code*.
- Not engage in any action or conduct or make any comment, gesture, or contact which a reasonable person would regard as likely to cause offence or humiliation to anyone, whether in the workplace or any other location.
- Act, and be perceived by the public to act, in a fair and impartial manner in the performance of their duties or provision of services.
- Not make any public comments that denigrate, disparage, or are disrespectful of the CVRD, employees, and elected officials, and refrain from making negative comments about the credibility of the CVRD, employees, and elected officials.
- Conduct themselves in a friendly, courteous, and professional manner when dealing with the public.

### ***Ethical Responsibility***

Applicable to all employees and volunteers who are required to:

- Carry out their responsibilities to the highest standard of integrity.
- Carry out their responsibilities with impartiality and equality of service to customers.
- Not use confidential information for their personal gain, or discuss matters being dealt with by the board in-camera.
- Declare any interest or indirect interest which might create a conflict of interest, or a perceived conflict of interest.

- Not use work time, equipment, or facilities of the employer for personal or private purposes, pursuits, or gain.
- Not engage in any business or other employment that may bring them into conflict with their responsibilities as an employee of the regional district.
- Not accept gifts, hospitality, or other benefits that could be construed as being given in anticipation of future special considerations.
- Not conduct themselves in any way in their professional or personal lives which is likely to affect their judgment, or their ability to perform their duties, or prejudice the image of integrity, professionalism, or the reputation of the regional district.

### ***Other Employment***

Applicable to all employees. Employees with outside business interests or employment shall advise their manager. The manager will review the situation on its own merits, and draw any concerns or potential conflicts with this policy to the attention of the executive manager of human resources and the chief administrative officer.

### ***Basic Safety Rules of Conduct***

Applicable to all employees, volunteers, agents, and contractors who are required to:

#### Vehicles and Equipment

- Obey all speed limits and drive defensively.
- Wear seatbelts in all equipment and vehicles so equipped. Removal of seatbelts from a vehicle or equipment is prohibited.
- Only operate vehicles and equipment that you are trained and certified.
- Never ride in the box of pickup trucks.
- Only carry passengers in vehicles or equipment when required for regional district business and only when there are passenger seatbelts.

#### Personal

- Refrain from horseplay.
- Wear appropriate personal protective equipment for the work being done.
- Be physically and mentally fit for work, unimpaired by medication, drugs, alcohol, or any other reason.
- Use handrails when using stairs.
- Follow job and hazard specific work and safety procedures.

#### Emergency Procedures

- Immediately leave an oxygen-deficient atmosphere or an area suspected or known to contain high levels of gas.
- Know where the nearest emergency equipment is located (e.g. showers, eyewashes, self-contained breathing apparatus, and fire extinguishers).
- Report all hazards to your supervisor immediately. Take whatever measures you can to correct the unsafe condition without putting yourself at risk.
- Refuse unsafe work and report unsafe conditions to your supervisor immediately (e.g. un-shored or improperly shored trenches and excavations, unauthorized or unsafe entry into a confined space, seatbelts not being worn, lockout violations, use of overhead equipment near power lines).

Injuries, Accidents and Close Call Incidents

- Report all accidents and close call incidents immediately your supervisor.
- Report all injuries immediately to a trained, designated first aid attendant.

Tools, Equipment, and Housekeeping

- Make sure all tools and equipment are cleaned and stored after finishing a job. Keep equipment and stored materials out of pedestrian areas and away from exits, firefighting equipment, stairways, fire doors, electrical panels, valves, and emergency eyewashes and showers.
- Make sure tools are in good condition and only use tools appropriate for the job.
- Keep worksites and buildings clean, tidy, and in good repair.

**Approval History**

Policy adopted:	May 1, 2012
Policy amended:	



# Regional Board Policy

## CODE OF CONDUCT

APPROVED: MARCH 31, 2016

Resolution No.: #82/16

Replacing: #230/11 – Adopted October 13, 2011

Date of Last Review:

Policy No.: 2 - 2016

This Code of Conduct establishes guidelines for the conduct of Board members, staff, and advisory bodies in providing good governance for the Regional District of Central Okanagan. For the purposes of this policy, staff includes all staff and contract workers insofar as not to conflict with the Collective Agreement with our unionized workers through CUPE Local No. 338.

The Regional District seeks to be an acknowledged leader in regional governance by acting in a manner that is respectful & ethical, accountable & responsible, and transparent & open.

To help achieve this goal, the Board of Directors, staff and advisory bodies have committed to performing their functions of office truthfully, faithfully and impartially to the best of their knowledge and ability, exhibiting the following:

### 1. Key Values:

- i. **Integrity** – Board members, staff and advisory body members are keepers of the public trust and must uphold the highest standards of ethical behaviour and are expected to:
  - o make decisions that benefit the community;
  - o act lawfully and within the authorities of the Regional District;
  - o be free from undue influence and not act, or appear to act, in order to gain financial or other benefits for themselves, family, friends or business interests
- ii. **Accountability** – Board members, staff, and advisory body members are obligated to answer for a responsibility that has been entrusted to them. They are responsible for the decisions they make.
- iii. **Leadership** – Board members, staff and advisory body members must demonstrate and promote the key principles of the Code of Conduct through their decisions, actions and behaviour. Their behaviour must build and inspire the public's trust and confidence in local government;
- iv. **Responsibility** – Board members, staff and advisory body members must act responsibly, within the law and within the authorities of the Local Government Act. They must follow the letter and spirit of policies and procedures, and exercise all conferred power strictly for the purpose for which the powers have been conferred;
- v. **Respect** – Board members, staff and advisory body members must conduct public business efficiently, with decorum and with proper attention to the Regional District's diversity. They must treat each other and others with respect at all times. This means not using derogatory language towards others, respecting the rights of other people, treating people with courtesy and recognizing the different roles others play in local government decision making; and
- vi. **Openness** – Board members, staff and advisory body members have a duty to be as open as possible about their decisions and actions while respecting the need to keep confidential matters confidential.

## APPLICATION OF THE CODE

### 2. General Conduct:

- 2.1. Board members, staff and advisory body members must adhere to the key values and provisions of the Code of Conduct;
- 2.2. Board members, staff and advisory body members must comply with all applicable federal, provincial, and local laws in the performance of their public duties. These laws include, but are not limited to:
  - 2.2.1. *the Constitution Act of Canada,*
  - 2.2.2. *the Provincial Human Rights Code,*
  - 2.2.3. *the Criminal Code,*
  - 2.2.4. *the Local Government Act,*
  - 2.2.5. *the Community Charter,*
  - 2.2.6. laws pertaining to financial disclosures and employer responsibilities, and
  - 2.2.7. all relevant Regional District bylaws and policies.
- 2.3. Board members, staff and advisory body members have an obligation to consider issues consistently and fairly;
- 2.4. Board members, staff and advisory body members will treat one another and the public with dignity and respect. They must also refrain from abusive conduct, intimidating or demeaning behaviour, or verbal attacks upon the character, professionalism or motives of others;
- 2.5. When making decisions, Board members, staff and advisory body members must consider all relevant facts, opinions and analysis of which they should be reasonably aware;
- 2.6. Board members, staff and advisory body members are obliged to question any request to act or make a decision that they think may be unethical or unlawful;
- 2.7. Staff and advisory body members must carry out their duties in a manner that allows the Regional Board members to remain informed about local government activities and practices;
- 2.8. Should there be uncertainty about the ethical issues around a conduct or decision, Board members, staff, and advisory body members should consider the following:
  - 2.8.1. Is the conduct or decision lawful?
  - 2.8.2. Is the conduct or decision consistent with RDCO policy, Board objectives and the Code of Conduct?
  - 2.8.3. Will the outcome of the decision or conduct provide a private benefit for the individual, family, friends or business interests?
  - 2.8.4. Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?



### **3. Meetings**

Board members, staff and advisory body members shall prepare themselves for meetings, listen courteously and attentively to all discussions before the body, and focus on the business at hand. Cell phones should be turned off during meetings, however, if an urgent matter necessitates that a Director respond to an email during the meeting, the cell phone shall be kept on silent or vibrate.

Board members, staff and advisory body members shall not interrupt other speakers, make personal comments or comments not germane to the business of the body, or otherwise disturb a meeting. Meetings shall provide an environment for transparent and healthy debate on matters requiring deliberation by the Board.

### **4. Communication and Media Relations**

The Regional Board Chair is the spokesperson for the Regional District on Board matters. The CAO or his/her designate is the spokesperson for the Regional District on administrative and operational matters.

Board members, staff and advisory body members will accurately communicate the decisions of the Board, even if they disagree with the majority decision of the Board. A Director may state that he/she voted against a decision but will refrain from making disparaging comments about other Directors or the Board's decision itself. By doing so will affirm the respect for and integrity of the decision making process of the Regional Board.

### **5. Conflict of Interest**

- 5.1.** Board members, staff and advisory body members are expected to make decisions that benefit the community. They are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends or business interests;
- 5.2.** A conflict exists when an individual is, or could be, influenced or appear to be influenced, by a personal interest, financial (pecuniary) or otherwise, when carrying out their public duty. Personal interest can include direct or indirect pecuniary interest, bias, pre-judgement, closemindedness or undue influence;
- 5.3.** Board members, staff and advisory body members must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their public or professional duties in accordance with statutory requirements. When considering whether or not a conflict of interest exists, it is important to consider whether there are any grounds for a reasonable person to think that a conflict exists;
- 5.4.** Staff must fully disclose to their supervisor or the Chief Administrative Officer any direct or indirect pecuniary interest or any bias or undue influence with respect to any matter they are dealing with as soon as practical;
- 5.5.** Advisory body members must fully disclose to the Chief Administrative Officer any direct or indirect pecuniary interest, any bias or undue influence with respect to any matter they are dealing with immediately;
- 5.6.** When staff or advisory board members are uncertain whether a conflict exists, the situation must be immediately presented to the Chief Administrative Officer for guidance;

- 5.7.** Board members, staff and advisory body members must not use Confidential Information gained through their official position for the purpose of securing a private benefit for themselves or for any other person;
- 5.8.** Examples of conflicts that may be encountered by Board members, staff and advisory body members include but are not limited to:
- 5.8.1. *Obligation to others:* Board members, staff and advisory body members must not place themselves in a situation where they may be under obligation to someone who has business dealings with the Regional District, and who would benefit from special consideration or treatment.
- 5.8.2. *Special advantage/disadvantage:* when Board members, staff and advisory body members can gain special advantage because of their position or when the Regional District is disadvantaged as a result of the other interests of Board members, staff and advisory body members.
- 5.8.3. *Provision of special consideration or treatment:* in the performance of their duties, staff and advisory body members may only grant special consideration or treatment as specifically authorized by the Board or the Chief Administrative Officer.
- 5.8.4. *Representation to the Regional Board, its Committees, or Tribunals:* staff and advisory body members must not represent any private interest(s) except on their own behalf.
- 5.8.5. *Use of Regional District owned resources:* Board members, staff and advisory body members must use Regional District owned equipment, material, staff time and property in accordance with RDCO policy, or as specifically authorized by the Regional Board or the Chief Administrative Officer.
- 5.8.6. *Discounts/Rebates:* Board members, staff and advisory body members may not take advantage of discounts/rebates on personal purchases from suppliers having an existing business relationship with the Regional District, unless those suppliers offer the same discount/rebates to the general public or those discounts/rebates are offered to staff of other large employers (public and private) on a no-strings-attached basis to the employer.
- 5.9.** Board members, staff and advisory body members must not expect or request preferential treatment for themselves or their family because of their position. They must also avoid any action that could lead members of the public to believe that they are seeking preferential treatment;
- 5.10.** Staff who are considering outside employment, contract work or any business or undertaking that relates in any way to the business of the Regional District or that might conflict or appear to conflict with their duties to the Regional District must notify and seek the approval of the Chief Administrative Officer in writing.
- 5.10.1. In dealing with such requests the Chief Administrative Officer must not unreasonably withhold approval except where such employment is deemed to be inappropriate or present a high probability of the existence of a conflict.
- 5.10.2. Before staff engage in outside employment or business they must ensure that it will not:
- Conflict or appear to conflict with official duties;
  - Interfere with Regional District work;

- Involve the use of Confidential Information or Regional District resources obtained through their work for the Regional District;
- Require work during Regional District work hours;
- Discredit or disadvantage the Regional District or the Regional Board; or
- Result in their holding any property or interest which may be in conflict with the employee's duties to the Regional District.

## **6. Gifts and Personal Benefits**

### **6.1. What are gifts and personal benefits?**

- 6.1.1. Gifts and personal benefits are items or services of value that are received by Board members, staff and advisory body members for their personal use. Gifts and personal benefits include but are not limited to cash, gift cards, tickets to events, items of clothing, jewelry, pens, food or beverages, discounts/rebates on personal purchases, free or subsidized drinks or meals, entertainment, and invitations to social functions organized by groups or community organizations;
- 6.1.2. The following are not considered to be gifts or personal benefits for the purposes of this policy:
- Compensation authorized by law, and
  - Reimbursement for out-of-pocket costs incurred for authorized travel, living and accommodation expenses associated with attendance at an event.

### **6.2. What gifts and personal benefits may and may not be accepted?**

- 6.2.1. Board members, staff and advisory body members must not, directly or indirectly, accept a gift or personal benefit that is intended to influence the member's performance of their respective official duties related to the Regional District;
- 6.2.2. Board members may accept gifts and personal benefits received as an incident of the protocol or social obligations that normally accompany the responsibilities of elected office;
- 6.2.3. Staff or advisory body members may accept a gifts or personal benefit that meets both of the following criteria:
- It has a value of \$50 or less, AND
  - Is received as an incident of protocol or as a Regional District representative on activities such as speaking engagements, technical presentations, business meetings and social obligations reasonably related to their role with the Regional District of Central Okanagan.
- 6.2.4. Notwithstanding section 6.2.2 and 6.2.3 Board members, staff and advisory body members must never accept a gift of cash;
- 6.2.5. Staff may not take advantage of discounts/rebates on personal purchases from suppliers having an existing business relationship with the Regional District, unless those suppliers offer the same discount/rebates to the general public or those discounts/rebates are offered to staff of other large employers (public and private) on a no-strings-attached basis to the employer;

6.2.6. Board members, staff and advisory body members must take all reasonable steps to ensure that their immediate family members do not receive gifts or personal benefits that could appear to an impartial observer to be an attempt to subvert this policy or to influence or secure a favour from the Board members, staff and advisory body member. Immediate family members include parents, spouses, children and siblings.

**6.3. How must gifts and personal benefits be reported?**

- 6.3.1. Board members must disclose any gift or personal benefit they have accepted that is valued at more than \$50;
- 6.3.2. If an Elected official, staff or advisory body member receives multiple gifts or personal benefits valued under \$50 from a single individual or source in one calendar year, the gifts must be disclosed if the combined value of these gifts for the year is more than \$50;
- 6.3.3. Board members, staff and advisory body members in receipt of gifts or personal benefits that they do not wish to accept have the option of immediately relinquishing the gift or personal benefit to the Chief Administrative Officer without filing a disclosure form. If not relinquished immediately, a disclosure form will be required;
- 6.3.4. Responsibility for relinquishing of gifts and personal benefits exceeding a cumulated value of \$50 in one calendar year lies solely with the recipient of the gift.

**6.4. How are gifts and personal benefits valued?**

- 6.4.1. For the purposes of this Code, the value of each gift or personal benefit shall be determined by its replacement cost, i.e. how much it would cost to replace the item;
- 6.4.2. Where the value for a gift or personal benefit is unclear, the Chief Administrative Officer shall determine this value.

**6.5. How are relinquished gifts managed and disposed of?**

- 6.5.1. The Chief Administrative Officer's office will maintain records of all gifts and personal benefits received, including disposition;
- 6.5.2. Any gifts or personal benefits that have been received in contravention of section 8.2 of this policy must be turned over to the Chief Administrative Officer for safekeeping or disposition, and are the property of the Regional District;
- 6.5.3. At the Chief Administrative Officer's discretion, such gifts may be disposed of as follows:
- Returned to the donor;
  - Displayed in the public areas of the corporate head office; or
  - Disposed of by donation, sale or auction, with any proceeds credited to the Regional District's general administration revenues or to the direct or indirect support of a charitable organization.
- 6.5.4. The Chief Administrative Officer may contact the donor, where appropriate, to report on the disposition of the gift.

## **7. Interactions of Board Members, Staff and Advisory Body Members**

- 7.1. The Regional Board is the governing body of the Regional District of Central Okanagan. It has the responsibility to govern the Regional District in accordance with the *Local Government Act*, *Community Charter*, and other relevant legislation;
- 7.2. The Regional Board of Directors must act in accordance with the Board's Procedure Bylaw and the conduct guidelines outlined in this document;
- 7.3. Board members must not direct or influence, or attempt to direct or influence any staff or advisory body member in the exercise of their duties or functions;
- 7.4. Board members are not to contact or issue instructions to any of the Regional District's contractors, tenderers, consultants or other service providers;
- 7.5. Board members must not make public statements attacking or reflecting negatively on Regional District staff or invoke staff matters for political purposes;
- 7.6. Board members must not approach staff organizations about personal matters of individual staff members;
- 7.7. The Chief Administrative Officer is responsible for the efficient and effective operation of the Regional District organization and for ensuring the implementation of the decisions of the Board;
- 7.8. The Regional Board operates under a single employee model. That single employee is the Chief Administrative Officer (CAO). Requests for information from the Board other than over the counter inquiries must be addressed to the CAO who will refer the inquiry to the appropriate staff member to respond. Requests for meetings between Board members and managers must be approved by the CAO prior to the meeting. Direct access to staff within a department is not permitted unless previously approved by the Chief Administrative Officer.

When Board members request information from staff that would constitute more than a technical clarification, the response will be provided to all Directors so that all Directors have access to the same information, unless the information is provided through a formal *Freedom of Information and Protection of Privacy Act (FIPPA)* request;

- 7.9. There are distinct and specialized roles expected of staff both in carrying out their responsibilities and in dealing with the Board. Staff are accountable to the Chief Administrative Officer and the Chief Administrative Officer is accountable to the Board. As such, it is inappropriate for Directors to involve themselves in matters of administration, departmental management, personnel or other administrative responsibilities that fall within the jurisdiction of the Chief Administrative Officer;
- 7.10. The Board as a whole, not individual Directors, gives direction to staff through Board resolutions. The Chief Administrative Officer directs administrative staff and oversees the implementation of those Board resolutions. Accordingly, Directors shall not request staff to undertake work that has not been expressly authorized by the Board. Directors shall submit such requests directly to the Board or, where the Director believes the request is of a minor nature consistent with corporate policies, to the Chief Administrative Officer who shall determine if the request can be accommodated without compromising other Board-approved directives or if the request needs to be referred to the Board for consideration of resource allocation;

**7.11. Staff are expected to:**

- 7.11.1. Give their attention to the business of the Regional District while on duty;
- 7.11.2. Ensure that their work is carried out efficiently, economically and effectively;
- 7.11.3. Provide Board members with information sufficient to enable them to carry out their civic functions;
- 7.11.4. Carry out lawful directions given by any person having authority to give such directions; and
- 7.11.5. Give effect to the lawful policies, decisions and practices of the Regional Board, whether or not the staff member agrees with or approves of them.

**7.12.** Staff should seek the advice and approval of their manager prior to responding to a direct request from a Board member, except where the request is minor or of a day-to-day operational nature;

**7.13.** Staff are to provide information and professional advice through regular Regional District processes and are not to lobby Board members on any matter;

**7.14.** Staff must not make public statements unfairly attacking or reflecting negatively on the Regional District of Central Okanagan, the Regional Board, individual Board members or staff;

**7.15.** The Chief Administrative Officer and senior managers are to be equally helpful to all members of the Board, and should avoid close alliance, or the appearance of close alliance, with any particular member. Information and advice is to be provided as requested within the limitations of this document;

**7.16.** Significant information provided to any Board member, which is likely to be used in a Board meeting or in political debate, should also be provided to all other Board members, and to the Chief Administrative Officer;

**7.17.** Advisory body members must act in accordance with the relevant sections of the Regional District's Procedure Bylaw and the conduct guidelines outlined in this document;

**7.18.** Advisory body members must not inappropriately direct or influence, or attempt to direct or influence, any staff in the exercise of their duties or functions except where such direction or influence is necessary to fulfill the specific mandate of the advisory body;

**7.19.** Advisory body members must not make public statements unfairly attacking or reflecting negatively on the Regional District of Central Okanagan, the Regional Board, individual Board members or staff.

**8. Confidential Information**

**8.1.** Board members shall be aware of their responsibilities under Section 205 of the *Local Government Act* and Section 117 of Division 1 of Part 5 of the *Community Charter* and shall fulfill the requirements of the legislation;

**8.2.** Board members, staff and advisory body members shall not disclose or release to anyone, confidential information acquired by virtue of their office, in either oral or written form except when required by law or authorized by the Board to do so;

**8.3.** Board members, staff and advisory body members shall not disclose the substance of deliberations of an in-camera meeting until the Board approves a resolution to bring formerly confidential information to a meeting that is open to the public or releases the information to the public;

**8.4.** Confidential information includes documents and discussions regarding all matters described under Section 90 of the Community Charter affecting the business affairs of the Region as well as information provided by a third party on a confidential basis. Confidential information also includes, but is not limited to information:

- 8.4.1. Disclosed or discussed at an In-Camera or Confidential Meeting of the Board;
- 8.4.2. That is circulated to Directors and marked "Confidential"; or
- 8.4.3. That is given verbally in confidence in preparation for or following an in-camera meeting.

## **9. Use of Public Resources**

**9.1.** Board members, staff and advisory body members shall not use Regional District resources, such as staff time, equipment, supplies, websites, facilities or other property, other than for the discharge of their duly authorized duties dealing with Regional District business and in no case for personal convenience or profit.

## **10. Advocacy**

**10.1.** It is recognized that Directors play a dual role of representing the interests of their respective taxpayers, while recognizing the benefits of regional collaboration and cooperation within the democratic process of decision making as a regional entity. All members of the Board shall respect the diverse interests of its citizenry and the role of Directors to balance the views of their respective jurisdictions with that of other jurisdictions. As such, a Director needs to consider all aspects of an issue including applying the Board's Key Values prior to making decisions that support the Boards strategic objectives. While it is not anticipated that all decisions will be unanimous, it is recognized that the decisions of the Board will be the only position portrayed as a corporate decision;

**10.2.** When presenting their individual opinions and positions, Directors shall expressly state that the views are their own and do not represent the views of the Regional District. Directors shall not use Regional District letterhead for personal matters or to convey an opinion on any matter not specifically approved by the Board.

## **11. Political Activity**

**11.1.** Staff members enjoy broad political freedoms and should be able to engage in democratic politics with few restrictions. However, such broad freedoms must be exercised so as not to call into question their ability to perform their employment duties in a professional and impartial manner;

**11.2.** The purpose of this section of the Code of Conduct is to recognize the right of employees to engage in Political Activity while maintaining the principle of political impartiality in the public service;

**11.3.** An employee may engage in Political Activity so long as it does not impair, or is not perceived as impairing, the employee's ability to perform his or her duties in a politically impartial manner. This precludes employees from displaying slogans or symbols supporting a particular party or candidate while at work where their duties may reasonably require them to interact in person with the public or where their duties require them to supervise, schedule or assign work to others;

**11.4.** The Chief Administrative Officer and senior managers shall not engage in any public Political Activity other than voting in an election;

- 11.5. Before being nominated to office as a member of the board of the regional district, or as a member of a council of a municipality that is within the regional district an employee must give written notice to his or her employer of their intention to consent to nomination. They must also arrange for a leave of absence for the duration of the nomination period and, if successfully elected resign their position with the RDCO prior to making their oath of office, all in accordance with the *Local Government Act*;
- 11.6. Board members shall not undertake campaign related activities on Regional District property during regular working hours unless specifically organized by the Regional District (i.e. candidate procedures, all candidate orientation, etc.);
- 11.7. Board members shall not use any Regional District property for campaign work including Regional District photocopiers, computers, email lists, etc.

## 12. Reprisals and Obstruction

- 12.1. The Regional District will not retaliate against Directors or Regional District staff who, in good faith, report a known or suspected violation of this Code as described herein. Directors will respect the integrity of the Code of Conduct and investigations conducted under it;
- 12.2. Any reprisal or threat of reprisal against a complainant or anyone for providing relevant information in an investigation is, therefore, prohibited;
- 12.3. It is a violation of the Code of Conduct to obstruct an investigation.

## 13. Implementation

- 13.1. The Regional District's Code of Conduct is intended to be self-enforcing. Directors should view the Code as a set of guidelines that express collectively the standards of conduct expected of them. It, therefore, becomes most effective when Directors are thoroughly familiar with the Code and embrace its provisions.

For this reason, the Code of Conduct will be provided to candidates for Regional District elections. Persons elected to the Regional District will be requested to sign the Director's Statement affirming they have read and understand the Regional District's Code of Conduct. The Code of Conduct will be reviewed in detail at orientation sessions for new and returning directors following each election or by-election.

## 14. Compliance and Enforcement

- 14.1. The Regional District's Code of Conduct expresses standards of ethical conduct expected for Board members, staff and advisory body members. They themselves have the primary responsibility to assure that these ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of the governance of the Regional District.

## 15. Impact on Board Decisions

- 15.1. A Violation of this Code of Conduct shall not be considered a basis for challenging the validity of a Regional District decision.

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Signature

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Date



# **CITY OF VANCOUVER BRITISH COLUMBIA**



## **CODE OF CONDUCT BY-LAW NO. 12886**

**This By-law is printed under and  
by authority of the Council of  
the City of Vancouver**

**(Consolidated for convenience only  
to February 9, 2021)**

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**BY-LAW NO. 12886**

**The Code of Conduct for Council Members and Advisory Board Members**

**[Consolidated for convenience only,  
amended to include By-law No. 12886  
effective February 9, 2021]**

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THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts the following:

**PART 1  
GENERAL**

**Name**

1.1 The name of this By-law, for citation is the "Code of Conduct By-Law".

**Definitions**

1.2 In this By-law:

"Advisory Board Member" means a person sitting on an advisory committee, task force, commission, board, or other Council-established body;

"city" means the City of Vancouver;

"complaint" means a formal allegation that a member has breached this By-law submitted to the Integrity Commissioner in accordance with the complaints procedure set out in Part 6 of this By-Law;

"complainant" means a person who has submitted a complaint to the Integrity Commissioner;

"confidential information" means information that is not publicly available and is treated as confidential by the city and includes information that may or must be considered by Council in a closed meeting pursuant to section 165.2 of the *Vancouver Charter* including:

- a) decisions, resolutions or report contents forming part of the agenda for or from a closed meeting of Council until a Council decision has been made for the information to become public or otherwise released;
- b) information about the acquisition, disposition or expropriation of land or improvements if disclosure could reasonably be expected to harm the interests of the city;

- c) negotiations and related discussions respecting the proposed provision of an activity, work or facility that are at their preliminary stages if disclosure could reasonably be expected to harm the interests of the city;
- d) advice that is subject to any privilege at law; and
- e) personal information that is prohibited from disclosure under the provisions of the *Freedom of Information and Protection of Privacy Act*;

“Council” means the Council of the city;

“Council Member” means a member of Council, including the Mayor;

“Integrity Commissioner” means the person appointed by Council to fulfill the duties and responsibilities assigned to that position as set out in this By-law;

“gift or personal benefit” means an item or service of value that is received by a member for their personal use including money, gift cards, tickets to events, clothing, jewelry, pens, food or beverages, discount/rebates on personal purchases, entertainment, participation in sport and recreation activities, and invitations to social functions;

“member” means a Council Member or an Advisory Board Member;

“personal information” means recorded information about an identifiable individual other than contact information as defined in Schedule 1 of the *Freedom of Information and Protection of Privacy Act*; and

“respondent” means a member whose conduct is the subject of a complaint.

## **Table of Contents**

1.3 The table of contents for this By-law is for convenient reference only, and is not for use in interpreting or enforcing this By-law.

## **Purpose**

1.4 This By-law sets out the rules members must follow in fulfilling their duties and responsibilities as elected or appointed officials, and the powers and procedures of the Integrity Commissioner in exercising oversight over members.

## **Application**

1.5 This By-law applies to Council Members and Advisory Board Members.

1.6 This By-law does not apply to city employees.

1.7 In the event of a conflict between this By-law and another city by-law or policy governing member conduct, this By-law prevails.

1.8 This By-law does not apply to conduct that may subject a member to disqualification under the *Vancouver Charter*, including sections 140(4), 143(4), and 145.3 to 145.911.

1.9 This By-law does not apply to a member's conduct in their personal life, except to the extent that such conduct reasonably undermines, or has the potential to reasonably undermine, public confidence in city governance.

### **Severability**

1.10 A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

## **PART 2 STANDARDS AND VALUES**

2. A member must uphold the following standards and values:
- a) competence: a member must act competently and diligently;
  - b) fairness: a member must consider all issues consistently and fairly, and in light of all relevant facts, opinions and analysis of which a member should be reasonably aware;
  - c) integrity: a member must avoid improper use of influence and avoid all conflicts of interest, both apparent and real;
  - d) leadership in the public interest: a member must act in the best interests of the city as a whole, and without regard to the member's personal interests;
  - e) respect: a member must treat members of the public, one another, and staff respectfully, without abuse, bullying or intimidation and ensure that the work environment is free from discrimination and harassment;
  - f) responsibility: a member must respect and comply with the Acts of the Parliament of Canada, the Legislature of British Columbia, including the *Vancouver Charter*, city by-laws, and applicable city policies, and avoid conduct that, reasonably, undermines, or has the potential to undermine, public confidence in city governance, except members may participate in peaceful civil disobedience; and
  - g) transparency: a member must to conduct their duties in an open and transparent manner, except where this conflicts with their duties to protect confidential information.

**PART 3  
COMMUNICATIONS AND CONFIDENTIALITY**

**Public Communications by a Council Member**

3.1 A Council Member must not communicate on behalf of the city unless authorized to do so by Council resolution or by virtue of a position or role the member has been authorized to undertake by Council.

3.2 A statement or communication made by a Council Member is presumed to be made on the Council Member's own behalf, not the city's behalf.

3.3 Where a Council Member is authorized to communicate on behalf of the city, the Council Member must take reasonable efforts to ensure that the communication is fair and accurate.

3.4 Without limiting the ability of a Council Member to hold a position on an issue and respectfully express their opinions, a Council Member must:

- a) ensure that their communications accurately reflect the facts of Council decisions;
- b) ensure that all communications relating to Council business are accurate and not issue any communication that the member knows, or ought to have known, to be false; and
- c) ensure that all communications by, and on behalf of a member, including communications made via social media, are respectful and do not discriminate, harass, or defame any person, recognizing that free and open debate is guaranteed under the *Charter of Rights and Freedoms*.

**Confidential Information**

3.5 A member must:

- a) not disclose or release any confidential information acquired by virtue of their office, except as authorized by Council, or required by law;
- b) not use confidential information with the intention to cause harm or detriment to Council, the city or any other person or body;
- c) protect confidential information from inadvertent disclosure;
- d) use confidential information only for the purpose for which it is intended to be used;
- e) take reasonable care to prevent the examination of confidential information by unauthorized individuals; and
- f) not take advantage of, or obtain private benefit from, confidential information acquired by virtue of their office.

3.6 A member must access and use city information only in the normal course of their duties.

3.7 A member must retain records and other information in accordance with the procedures, standards, and guidelines established by the city, including the Records Management By-law No. 9067, as amended, and must assist the city in good faith in responding to all requests for information made pursuant to the *Freedom of Information and Protection of Privacy Act*.

3.8 A member must comply with the *Freedom of Information and Protection of Privacy Act* when dealing with personal information and take all reasonable and necessary measures to ensure that personal information is protected.

## **PART 4 CONFLICTS OF INTEREST**

### **Conflicts of Interest**

4.1 A Council Member must comply with the conflict of interest requirements set out in sections 145.2 to 145.911 of the *Vancouver Charter*.

### **Use of Municipal Assets and Services**

4.2 A member may not direct the work of city employees, other than city employees assigned to assist a member, and should follow the processes established by the City Manager when communicating with city employees.

4.3 A member must respect that it is the role of city employees to provide neutral and objective information without undue influence and interference.

4.4 A member must not request or require city employees to undertake personal or private work on behalf of a member, or accept an offer to perform such work from a city employee.

4.5 A member must not use, or permit the use of, city land, facilities, equipment, supplies, services, employees or other resources for activities other than the business of the city, except in accordance with city policies permitting reasonable personal use.

4.6 A member must not instruct, or direct any of the city's contractors, tenders, consultants or other service providers regarding city business.

### **Use of Influence**

4.7 A member must only use the influence of their office for the exercise of their duties.

4.8 A member must be independent and impartial, and must not provide preferential treatment to any person or organization except as warranted by the ordinary and lawful discharge of their duties.



4.9 A member must not use the prospect of future employment by a person or entity, or other future economic opportunities, to detrimentally affect the performance of their duties.

4.10 A member must not use, or attempt to use, their office for the purpose of intimidating, improperly influencing, threatening, or coercing city employees.

#### **Election Activities**

4.11 A member must not use, or permit the use of, city land, facilities, equipment, supplies, services, employees or other resources for any election campaign or campaign-related activities, unless those resources are similarly available to all candidates and any associated fees have been paid for with election campaign funds.

4.12 A member must not compel city employees to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.

#### **Gift or Personal Benefit**

4.13 A member must not accept a gift or personal benefit that is connected directly or indirectly with the performance of their duties unless permitted by the exceptions listed in sections 4.14 and 4.15.

4.14 A Council Member may accept a gift or personal benefit if it is:

- a) received as an incident of the protocol of social obligations that normally accompany the responsibilities of office;
- b) compensation authorized by law; or
- c) a lawful contribution made to a member who is a candidate for election conducted under the Vancouver Charter or Part 3 of the *Local Government Act*.

4.15 An Advisory Board Member may accept a gift or personal benefit if it:

- a) has a value under \$50; and
- b) is received as an incident of protocol or as a city representative for an activity reasonably related to their role with the city.

4.16 If a Council Member accepts a gift or personal benefit pursuant to section 4.14(a), and if the total value of the gift or personal benefit exceeds \$50, or the total value of the gift or personal benefit received from one source during the calendar year exceeds \$100, the Council Member must within 30 days of receipt of the gift or personal benefit, or reaching the annual limit, file a disclosure statement with the City Clerk. The disclosure statement must set out:

- a) the name of the Council Member;

- b) the nature of the gift or personal benefit, by description, photograph, or both;
- c) the date the gift or personal benefit was received;
- d) the estimated value of the gift or personal benefit;
- e) the source of the gift or personal benefit, including, if it is from a corporation, the full names and addresses of at least 2 individuals who are directors of the corporation;
- f) the circumstances under which the gift or personal benefit was given; and
- g) the final disposition of the gift or personal benefit.

4.17 If a member is unable, or elects not, to accept a gift or personal benefit, a member must as soon as practicable, either:

- a) return the gift or personal benefit to the donor along with an explanation as to why the gift or personal benefit cannot, or will not, be accepted; or
- b) turn the gift or personal benefit over to the City Clerk for disposition.

4.18 A gift or personal benefit turned over to the City Clerk is deemed property of the City. At the City Clerk's discretion, a gift or personal benefit may be disposed of as follows:

- a) returned to the donor;
- b) displayed in individual offices, general offices, or in the public areas of City Hall; or
- c) disposed of by donation, sale or auction, with any proceeds credited to the city's general revenues or to the direct or indirect support of a charitable organization.

4.19 A gift or personal benefit provided to a member's spouse, child or parent, or the member's staff, that to the member's knowledge, is connected directly or indirectly to the performance of the member's duties is deemed to be a gift or personal benefit to that member.

## **PART 5 APPOINTMENT OF INTEGRITY COMMISSIONER**

### **Appointment of an Integrity Commissioner**

5.1 Council must appoint an Integrity Commissioner to undertake the duties and responsibilities set out in this By-law.

5.2 The appointment of an Integrity Commissioner must be for a set period of two (2) years. An Integrity Commissioner may be appointed for more than one term.

5.3 At the request of the Integrity Commissioner, Council may suspend the appointment for a mutually agreed period of time.

5.4 Council will not terminate an Integrity Commissioner except for cause.

5.5 The appointment of an Integrity Commissioner may only be made, suspended, or terminated by a 2/3 vote of all Council Members.

#### **Interim of Ad Hoc Appointment**

5.6 The City Manager may appoint an ad hoc Integrity Commissioner in the following circumstances:

- a) if the City has not yet entered into a contract for the appointment of an Integrity Commissioner;
- b) in the interim period between the expiry of the appointment of one Integrity Commissioner and the appointment of a new Integrity Commissioner; or
- c) if the appointed Integrity Commissioner is unable or unwilling to act.

#### **Duties and Responsibilities**

5.7 The duties and responsibilities of the Integrity Commissioner are as follows:

- a) provide advice and recommendations to a member on questions of compliance with this By-law where requested to do so by that member;
- b) provide advice and recommendations to a Council Member, regarding their compliance or disclosure obligations under a provincial statute, such as the *Financial Disclosure Act*, or other such statute that imposes an express compliance or disclosure obligation on the Council Member due to their position as an elected official, where requested to do so by a Council Member;
- c) prepare written materials and content for the city's website for distribution to, and use by, the public, to aid in their understanding of the role of the Integrity Commissioner and the ethical obligations and responsibilities of members under this By-law;
- d) deliver educational programs regarding the role of the Integrity Commissioner and the ethical obligations and responsibilities of members under this By-law;
- e) assist with informal resolution of confidential requests and complaints;
- f) receive and assess all complaints to determine if the complaint must be rejected, closed, resolved or investigated;
- g) investigate and conduct inquiries as to violation of this By-law;

- h) report to Council as to whether a member has breached this By-law;
- i) make recommendations on an appropriate remedy if a member has breached this By-law;
- j) submit an annual budget for approval by Council; and
- k) publish an annual report that includes a summary of the work of the Integrity Commissioner and any advice or recommendations that the Integrity Commissioner has to improve the text or operation of this By-law.

5.8 The Integrity Commissioner must perform the duties and responsibilities of their office in an independent manner.

## **PART 6 COMPLAINT AND RESOLUTION PROCEDURES**

### **Confidential Requests**

6.1 If a person believes that they have been subject to conduct by a member in breach of this By-law, that person may approach the Integrity Commissioner on a confidential basis, without the need to file a complaint, to request that the Integrity Commissioner inform the member of the alleged breach. Upon receipt of the confidential request, the Integrity Commissioner may attempt to address the conduct with the member.

6.2 The Integrity Commissioner must protect the confidentiality of a person making a request under section 6.1, unless the person making the request consents to disclosure.

### **Complaint Procedure**

6.3 Any person may submit a complaint to the Integrity Commissioner.

6.4 A complaint must be in writing and describe with sufficient detail:

- a) the name of the complainant;
- b) the name of the respondent;
- c) the conduct that the complainant alleges to have breached this By-law;
- d) the date of the alleged conduct;
- e) the part or parts of this By-law that the complainant alleges has or have been breached; and
- f) the basis for the complainant's knowledge about the conduct.

6.5 A complainant may specify in the complaint if they are willing to participate in an informal resolution of the complaint.

6.6 The Integrity Commissioner may prescribe a form for submitting a complaint.

6.7 Provided that a complaint has been submitted, the Integrity Commissioner may accept a complaint, notwithstanding that the form of the complaint does not comply with all of the requirements set out in section 6.4 if, in the Integrity Commissioner's opinion, the circumstances warrant.

6.8 The Integrity Commissioner must not accept multiple complaints concerning the same matter. In the event that the Integrity Commissioner receives multiple complaints concerning the same matter, the Commissioner must proceed with the first complaint accepted, but may expand the complaint and/or add complainants for the purpose of conducting the investigation and preparing the investigation report.

6.9 The Integrity Commissioner must reject a complaint received more than 180 days after the complainant knew or reasonably ought to have known of the alleged breach of this By-law.

6.10 The Integrity Commissioner must reject a complaint received regarding a Council member seeking re-election in the period from the last day of the nomination period to the general voting day.

6.11 In the period 90 days prior to general voting day, the Integrity Commissioner may suspend any investigation underway until the day after the general voting day.

#### **Complaint Outside of Jurisdiction**

6.12 The Integrity Commissioner has the authority to investigate a complaint alleging that a member is in breach of this By-law.

6.13 If a complaint is submitted that, on its face, is not made with respect to a breach of this By-law, or if a complaint would be more appropriately addressed through another process, including if the complaint is:

- a) an allegation of a criminal nature consistent with the Criminal Code;
- b) with respect to non-compliance with the *Freedom of Information and Protection of Privacy Act*;
- c) with respect to conduct that may subject a member to disqualification pursuant to sections 140(4), 143(4) and 145.3 to 145.911 of the *Vancouver Charter*;
- d) with respect to non-compliance with a more specific Council policy or by-law with a separate complaint procedure; or
- e) with respect to a matter that is subject to another outstanding process, such as a court proceeding or a Human Rights complaint,

the Integrity Commissioner must reject the complaint, or part of the complaint, and must notify the complainant in writing that the complaint is not within the jurisdiction of this By-law, or that the complaint would be more appropriately addressed

through another process, as the case may be, and set out any additional reasons and referrals the Integrity Commissioner considers appropriate.

6.14 Where a complaint is made against a Council Member and the complaint procedure overlaps with a municipal election and the Council Member is not re-elected in that election, the Integrity Commissioner must notify the complainant and the Council Member in writing that the Integrity Commissioner is closing the complaint on this basis and close the complaint.

### **Preliminary Assessment**

6.15 On receipt of a complaint, the Integrity Commissioner must conduct a preliminary assessment and if at that time, or any time thereafter, the Integrity Commissioner of the opinion that:

- a) the statement is not with respect to a breach of this By-law;
- b) the complaint is frivolous, vexatious, or not made in good faith;
- c) an investigation of the complaint would not be in the public interest;
- d) the investigation is, or might be, hampered, or the member might be prejudiced by the complainant's failure to provide a complaint in compliance with section 6.4, or otherwise cooperate with the investigation;
- e) the complainant wishes to withdraw the complaint, and it would be appropriate in the circumstances to allow the withdrawal; or
- f) there are no grounds or insufficient grounds for concluding that a violation of this By-law has occurred,

the Integrity Commissioner must notify the complainant and the respondent in writing that the Integrity Commissioner is closing the complaint, set out the reasons therefore, and close the complaint.

6.16 Notwithstanding section 6.15, the Integrity Commissioner may request further information from the complainant before determining whether or not there are sufficient grounds for believing that a breach of this By-law may have occurred.

### **Informal Resolution**

6.17 When the Integrity Commissioner has decided to proceed with a complaint, the Integrity Commissioner must determine whether the complaint requires a formal investigation, or whether the complaint may be resolved informally. In the latter case, the Integrity Commissioner may, at their discretion, either attempt to resolve the complaint directly, or refer the complaint to:

- a) the Mayor, if the complaint is made by a member, unless the complaint is against the Mayor, in which case the complaint will be referred to the Deputy Mayor; or

- b) the City Manager, if the complaint is made by a City employee or the public.

6.18 When determining whether the complaint may be resolved informally, the Integrity Commissioner may consider culturally appropriate, or transformative or restorative justice approaches, and may engage a third party to assist the Integrity Commissioner for this purpose.

6.19 Where the Integrity Commissioner refers the complaint in accordance with section 6.17, the Mayor, the Deputy Mayor, or the City Manager, as the case may be, may agree to assist in resolving the complaint directly, or may appoint a third party to assist in resolving the complaint at their discretion.

6.20 The person assisting in the informal resolution of a complaint will assess the suitability of the complaint for settlement or resolution on an ongoing basis and may decline to assist at any point.

6.21 The complainant, or the respondent, can decline to participate in an informal resolution at any time.

6.22 If a complaint is resolved informally, the person assisting in resolving the complaint must notify the Integrity Commissioner in writing of the terms of the resolution, upon receipt of which, the Integrity Commissioner must close the complaint.

6.23 If a complaint cannot be resolved informally, the person assisting in resolving the complaint must refer the complaint back to the Integrity Commissioner for a formal investigation.

### **Formal Resolution**

6.24 If a complaint is not rejected, closed, or resolved informally, the Integrity Commissioner must proceed with a formal investigation.

6.25 The Integrity Commissioner must serve the complaint on the respondent with a request that the respondent provide a written response to the complaint together with any submissions the respondent chooses to make within 10 days, subject to the Integrity Commissioner's discretion to extend the timeline.

6.26 The Integrity Commissioner may serve the complainant with the respondent's written response together with any submissions, on a strictly confidential basis, and request a reply in writing within 10 days, subject to the Integrity Commissioner's discretion to extend the timeline.

6.27 The Integrity Commissioner may:

- a) speak to anyone relevant to the complaint;
- b) request disclosure of documents relevant to the complaint; or
- c) access any record in the possession or control of the city, except a record that is subject to privilege.

**6.28** The Integrity Commissioner must ensure that the formal investigation complies with the rules of procedural fairness and natural justice required in the circumstances.

### **Adjudication and Reporting**

**6.29** The Integrity Commissioner must make a decision within 90 days of making a decision to proceed with a formal investigation, unless section 6.11 applies, or the Integrity Commissioner determines that doing so is not practicable, in which case the Integrity Commissioner must notify the complainant and respondent of the delay and provide a revised decision date. The revised decision date may be extended by periods of up to 30 days on provision of written notice to the complainant and the respondent.

**6.30** A notification issued pursuant to sections 6.13, 6.14, 6.15 or 6.29 is confidential and must not be disclosed except in the following circumstances:

- a) the Integrity Commissioner may use information in the notice in an annual report in the form of context and statistics;
- b) the Integrity Commissioner may prepare an anonymized bulletin based on the notice if the Integrity Commissioner believes that doing so would be of public benefit;
- c) to Council for the purpose of considering a resolution for reimbursement of legal fees pursuant to section 6.44; and
- d) the respondent may disclose the fact that the complaint has been closed, or that a finding has been made that the respondent did not breach this By-law.

**6.31** If after reviewing all material information, the Integrity Commissioner determines that the respondent did not violate this By-law, then:

- a) Integrity Commissioner must prepare a written investigation report providing reasons for their determination that the member did not breach the By-Law;
- b) the Integrity Commissioner must deliver a copy of the investigation report to the complainant, respondent and Council; and
- c) the Integrity Commissioner must make the investigation report available to public forty eight (48) hours after delivery of the investigation report to the complaint, respondent and Council.

**6.32** If after reviewing all material information the Integrity Commissioner determines that a member did violate this By-law then:

- a) the Integrity Commissioner must prepare a written investigation report providing reasons for their determination that the member breached this By-law;



- b) the investigation report will make recommendations as to the appropriate sanction for the breach;
- c) if the Integrity Commissioner determines that a member did breach this By-law, but that the member took all reasonable steps to prevent it, or that it was trivial or done inadvertently or because of an error in judgment made in good faith, the Integrity Commissioner will so state in the investigation report and may recommend that no sanction be imposed;
- d) the Integrity Commissioner must deliver, on a strictly confidential basis, a copy of the investigation report to the respondent; and
- e) the Integrity Commissioner must deliver a copy of the investigation report to the complainant and Council forty eight (48) hours after delivery of the investigation report to the respondent; and
- f) the Integrity Commissioner must make the investigation report available to public after delivery of the investigation report to the complainant and Council.

6.33 The Integrity Commissioner must ensure that the investigation report as drafted complies with the city's obligations regarding disclosure of personal information set out in the *Freedom of Information and Protection of Privacy Act*, or ensure that appropriate redactions are applied prior to release to the public.

#### **Final Determination by Council**

6.34 Council must, within 30 days of delivery of the investigation report pursuant to section 6.32 (e), or a longer period if approved by a vote of Council, decide on the appropriate measures, if any, that are warranted by the breach of this By-law, and will take such actions as Council considers appropriate in the circumstances.

6.35 Prior to Council making any decision regarding the findings and recommendations set out in the investigative report, the respondent must be provided with an opportunity, either in person or in writing, to comment on the decision and any recommended censure, sanctions or corrective actions.

6.36 While an investigation report provided to Council may be considered in a closed meeting for the purpose of receiving legal advice, or other valid reason, when Council deliberates and votes on the investigation report, it will do so in a public meeting and the investigation report must be made available to the public in a form that complies with section 6.33.

#### **Remedies**

6.37 Sanctions that may be imposed for violating this By-law include the following:

- a) a letter of reprimand from Council addressed to the member;
- b) a request from Council that the member issue a letter of apology;

- c) the publication of a letter of reprimand and a request for apology by the Integrity Commissioner, and the member's written response;
- d) a recommendation that the member attend specific training or counselling;
- e) suspension or removal of the appointment of a Council Member as the Deputy Mayor;
- f) suspension or removal of the Council Member from some or all Council committees and bodies to which the Council Member was appointed by Council;
- g) termination of the Advisory Board Member's appointment from the advisory committee, task force, commission, board, or other Council-established body to which the Advisory Board Member was appointed by Council; and
- h) public censure of a member.

### **Confidentiality of the Investigation**

6.38 The Integrity Commissioner must make all reasonable efforts to investigate complaints in confidence.

6.39 The Integrity Commissioner and every person acting under the Integrity Commissioner's instructions must preserve confidentiality with respect to all matters that come into the Integrity Commissioner's knowledge in the course of any investigation or complaint except as required by law.

6.40 An investigation report must only disclose such matters as in the Integrity Commissioner's opinion are necessary for the purpose of the investigation report.

### **Reprisals and Obstruction**

6.41 No member or City employee will obstruct the Integrity Commissioner in the carrying out of the Integrity Commissioner's duties or responsibilities.

6.42 No member or City employee will threaten or undertake any active reprisal against a complainant or against a person who provides information to the Integrity Commissioner in the context of an investigation.

6.43 No member or City employee will tamper with or destroy documents or electronic records related to any matter under investigation under this By-law or refuse to respond to the Integrity Commissioner when questioned regarding an investigation.

**Reimbursement of Costs**

6.44 If appropriate after considering all circumstances, Council may resolve to reimburse legal fees reasonably incurred by a Council Member in relation to a complaint in accordance with the provisions of the *Vancouver Charter*.

**PART 7  
ENACTMENT**

**Force and effect**

7. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 9<sup>th</sup> day of February, 2021

Signed \_\_\_\_\_ "Kennedy Stewart"  
Mayor

Signed \_\_\_\_\_ "Rosemary Hagiwara"  
Acting City Clerk