

FRASER VALLEY REGIONAL DISTRICT



INTERNAL AFFAIRS COMMITTEE

OPEN MEETING AGENDA

Tuesday, June 26, 2018

5:30 pm

FVRD Boardroom, 45950 Cheam Avenue, Chilliwack, BC

Pages

1. CALL TO ORDER

2. APPROVAL OF AGENDA, ADDENDA AND LATE ITEMS

MOTION FOR CONSIDERATION

THAT the Agenda, Addenda and Late Items for the Internal Affairs Committee Open Meeting of June 26, 2018 be approved;

AND THAT all reports, correspondence and other information set to the Agenda be received for information.

3. APPROVAL OF MINUTES /MATTERS ARISING

MOTION FOR CONSIDERATION

THAT the Minutes of the Internal Affairs Committee Open Meeting of February 27, 2018 be adopted.

3.1 Open Internal Affairs Committee Meeting Minutes - February 27, 2018

1 - 4

4. NEW BUSINESS

4.1 Responsible Conduct for Elected Officials - Draft Code of Conduct

5 - 96

- Corporate Report dated June 26, 2018 from Suzanne Gresham, Director of Corporate Initiatives
- Comparative Analysis of Sample Codes of Conduct
- Draft *FVRD Code of Responsible Conduct for Elected Officials*
- Editorial Comments for *FVRD Code of Responsible Conduct for Elected Officials*
- Reference Materials
 - Samples of Codes of Conduct

- FVRD Discrimination, Bullying and Harassment Prevention Policy
- Article dated March 2018 from Municipal World Magazine
- Next Steps, for discussion

MOTION FOR CONSIDERATION

THAT the Internal Affairs Committee consider the draft *Fraser Valley Regional District Code of Responsible Conduct of Elected Officials* and provide direction to staff in anticipation of submitting the draft to the Fraser Valley Regional District Board for further consideration at the July 24, 2018 Board meeting; and

FURTHER THAT the Internal Affairs Committee consider making recommendations to the Fraser Valley Regional District Board with respect to the draft *Model Code of Conduct* that was developed by the joint *Working Group on Responsible Conduct* as an outcome of the 2017 UBCM Convention in order that feedback, if any, can be provided to the Working Group during the consultation process.

4.2 2018 Workplan Update

97 - 98

- 2018 Internal Affairs Committee Workplan - Updated June 20, 2018

5. LATE ITEMS

6. CONFIRM NEXT MEETING DATE

7. ADJOURNMENT

MOTION FOR CONSIDERATION

THAT the Internal Affairs Committee Open Meeting of June 26, 2018 be adjourned.



FRASER VALLEY REGIONAL DISTRICT INTERNAL AFFAIRS COMMITTEE

Tuesday, February 27, 2018
Fraser Valley Regional District Kingston Meeting Room
45950 Cheam Avenue, Chilliwack, BC

OPEN MEETING MINUTES

Present:

Director Bill Dickey, Electoral Area D, Chair
Director Jason Lum, City of Chilliwack
Director Wilfried Vicktor, District of Hope

Regrets:

Director Kelly Chahal, City of Abbotsford

Staff Present:

Paul Gipps, Chief Administrative Officer
Suzanne Gresham, Director of Corporate Initiatives
Amanda Molloy, Executive Assistant to the CAO and Board of Directors

1. CALL TO ORDER

The meeting was called to order at 4:02pm.

2. APPROVAL OF AGENDA, ADDENDA AND LATE ITEMS

LUM/VICKTOR

THAT the Agenda, Addenda and Late Items for the Open Internal Affairs Committee Meeting of February 27, 2018 be approved;

AND THAT all reports, correspondence and other information set to the Agenda be received for information.

CARRIED

3. APPROVAL OF MINUTES/MATTERS ARISING

VICKTOR/LUM

THAT the Minutes of the Open Internal Affairs Committee Meeting of December 20, 2017 be adopted.

CARRIED

4. NEW BUSINESS

4.1 Internal Affairs Committee – 2018 Workplan

Paul Gipps, Chief Administrative Officer, reviewed the 2018 workplan for the Internal Affairs Committee. Mr. Gipps noted that upcoming goals include creating an FVRD Code of Conduct for elected officials, to be put in place before October 2018 local government elections. Discussion ensued regarding the initiatives of the UBCM Working Group on Responsible Conduct and the Province.

Mr. Gipps also noted that a revised Alternate Director remuneration policy and bylaw will be brought to the Committee in Spring 2018 for review and approval.

4.2 Draft Code of Conduct – Update

Mr. Gipps noted that Staff are currently reviewing various Code of Conduct policies and bylaws in use by both municipalities and regional districts across the province. Discussion ensued regarding the method FVRD staff will use to develop the policy and subsequent bylaw.

4.3 Pre-Election Conduct by FVRD Board Members

Discussion ensued regarding the new regulations that will be implemented by Elections BC with regard to campaign spending and financing, resulting in the following motion:

LUM/VICKTOR

THAT the Electoral Area Services Committee engage in a discussion around pre-election conduct of Electoral Area Directors in anticipation of the 2018 general local election and associated requirements under the Local Elections Campaign Financing Act.

CARRIED

5. LATE ITEMS

None.

6. CONFIRM NEXT MEETING DATE

The next meeting date was not scheduled at this time.

7. RESOLUTION TO CLOSE MEETING

LUM/VICKTOR

THAT the Meeting be closed to the public, except for Senior Staff and the Executive Assistant, for the purpose of receiving and adopting Closed Meeting Minutes convened in accordance to Section 90 of the Community Charter.

CARRIED

The open meeting recessed at 4:18pm.

The open meeting reconvened at 4:19pm.

8. RISE AND REPORT

None.

9. ADJOURNMENT

LUM/VICKTOR

THAT the Internal Affairs Committee Meeting of February 27, 2018 be adjourned.

CARRIED

The meeting adjourned at 4:19pm.

MINUTES CERTIFIED CORRECT:

.....
Director Bill Dickey, Chair

DRAFT



CORPORATE REPORT

To: Internal Affairs Committee

From: Suzanne Gresham, Director of Corporate Initiatives

Date: June 26, 2018

Re: **Draft *Fraser Valley Regional District Code of Responsible Conduct of Elected Officials***

File No: 0360-20/Code of Conduct

RECOMMENDATION

THAT the Internal Affairs Committee consider the draft *Fraser Valley Regional District Code of Responsible Conduct of Elected Officials* and provide direction to staff in anticipation of submitting the draft to the Fraser Valley Regional District Board for further consideration at the July 24, 2018 Board meeting; and

FURTHER THAT the Internal Affairs Committee consider making recommendations to the Fraser Valley Regional District Board with respect to the draft *Model Code of Conduct* that was developed by the joint *Working Group on Responsible Conduct* as an outcome of the 2017 UBCM Convention in order that feedback, if any, can be provided to the Working Group during the consultation process.

STRATEGIC AREA OF FOCUS

Provide Responsive and Effective Public Services

BACKGROUND

It appears to be generally agreed that local government elected officials in British Columbia effectively carry out their governance duties and responsibilities in an ethical and responsible manner; that they work well together; and that they work well with local government staff, citizens and other local government stakeholders. That said, over the course of the last few years, situations have occurred and concerns have been raised around whether there has been a diminishment of responsible conduct in British Columbia's local government system. This is an important concern because local government elected officials can be more effective in providing good governance to their communities if they engage in responsible conduct¹.

¹Working Group on Responsible Conduct – Policy Report dated August 2017

Some of the issues that have arisen which have had a negative impact on governance in some communities include:

- Disputes among elected officials
- Inappropriate behavior towards staff
- Questionable behavior at Council/Board meetings or in interactions with the public
- Conflict of interest contraventions
- Alleged procedural breaches during meetings
- Failure to respect confidentiality

As a result of these concerns and through the collaborative efforts of UBCM, the Local Government Management Association and the Ministry of Municipal Affairs and Housing, a staff level *Working Group on Responsible Conduct* was established in the Fall of 2016 for the purpose of exploring how British Columbia's responsible and ethical framework for elected officials could be further strengthened.

At the 2017 UBCM Conference, UBCM members endorsed the Working Group's August 2017 Policy Report which included recommendations [along with many others] that the Working Group: 1] as a first priority articulate the foundational principles of responsible conduct; and 2] develop a Model Code of Conduct for consideration by the membership.

Since the 2017 UBCM Convention, the Working Group has continued to work collaboratively and has articulated four foundational principles of responsible conduct [these are defined in the draft document set to the IAC agenda]:

- Integrity
- Respect
- Accountability
- Leadership and Collaboration

The Working Group has also now developed a draft *Model Code of Conduct* which embeds the four foundational principles of responsible conduct. The draft *Model Code of Conduct* is now out for consultation with local government stakeholders. The Working Group will collate the feedback they receive as an outcome of the consultation process in anticipation of submitting a [perhaps revised] draft *Model Code of Conduct* to the membership at the 2018 UBCM Convention.

It should be noted that initially the proposed *Model Code of Conduct* was intended to be voluntary while also allowing for a high degree of flexibility and customization. Concerns have since arisen, through consultation with local government stakeholders, that there could be too much variability between [respective] Codes of Conduct and that this variability would not provide elected officials with enough certainty around expectations with respect to responsible and ethical conduct.

There is clearly a school of thought that supports the notion that legislative reform is required and that Codes of Conduct should be mandated through legislation, along with requirements that certain provisions be included in a Code of Conduct, i.e. setting out the foundational principles of responsible

conduct along with provisions with respect to enforcement, sanctions and penalties. An overarching concern is that a Code of Conduct has to “have teeth” in order for it to be meaningful and this may require [and ultimately result in] a significant shift in culture in some organizations in order for responsible and ethical conduct to become the norm. A concern that has also been expressed is that if a Code of Conduct is voluntary, and if it does not have meaningful sanctions for inappropriate conduct, it will have marginal, if any, impact on how [some] elected officials may comport themselves. Some local government practitioners are of the view that without legislated consequences for irresponsible and unethical conduct, putting a Code of Conduct in place may be an exercise in futility.

DISCUSSION

The Working Group is encouraging Boards and Councils to consider not just the content of their respective Codes of Conduct, but to also seriously consider how to make a Code of Conduct meaningful and enforceable for both individual elected officials and the collective governing body. It is also suggested that Boards and Councils do not overlook the importance of the development and adoption process in order to ensure “buy-in”. Making a Code of Conduct relevant and meaningful will depend on how a Board or a Council will integrate its Code of Conduct into its governance practices – for example, will it only be referenced once during a Board Orientation or Strategic Planning Session, or will it become a living and evolutionary document that is referred to at every meeting and reviewed on a regular basis? It is also suggested that on-going training and education around responsible and ethical conduct is key to ensuring that a culture of responsible and ethical conduct is established and maintained over the longer term.

The draft *Fraser Valley Regional District Code of Responsible Conduct for Elected Officials* is currently modeled after the Working Group’s draft *Model Code of Conduct*. That said, the FVRD Board is certainly at liberty to customize and tailor its Code of Conduct to suit its political and organizational culture. Note that the draft attached to this agenda provides some further narrative and editorial comment.

Staff would encourage the Board to establish a meaningful Code of Conduct with imposes appropriate enforcement strategies in order to ensure that Board Members take the matter of responsible and ethical conduct seriously and in order to provide the best governance possible for its citizens. As well, Staff support the incorporation of the four foundational principles identified by the Working Group into the Board’s Code of Conduct [and the Board may well wish to identify and articulate other guiding principles or values that it wishes to subscribe to].

It is worth noting that FVRD Board Members are currently bound by the following, albeit the Board lacks a specific Code of Conduct which deals specifically with responsible and ethical conduct :

- Common Law
- Disqualification provisions in the LGA/CC
- Conflict of interest provisions in the LGA/CC
 - Disclosure of Conflict

- Restrictions on participation if in conflict
 - Restrictions on inside/outside influence and use of insider information
 - Restrictions on accepting gifts
 - Disclosure of contracts
- Legislative prescriptions
 - Human Rights Code
 - Worker's Compensation Act
 - Freedom of Information and Protection of Privacy Act
- FVRD Discrimination, Bullying and Harassment Prevention Policy and Procedures [attached]
- FVRD Board Procedures Bylaw
 - Speaks largely to procedural matters as required under the *Local Government Act*, but does address the duty to protect confidentiality; expulsion from meetings for improper conduct; rules of order; and conflict of interest

NEXT STEPS

In keeping with the Board's direction as reflected in the 2018 Internal Affairs Committee work plan, the following timelines and next steps are proposed with respect to bringing a draft Code of Conduct to the Board for consideration in anticipation of having a Code of Conduct in place prior to the 2018 general local election:

Timeframe	Action
June 26, 2018	<p>Consideration of the draft <i>FVRD Code of Responsible Conduct for Elected Officials</i> by the Internal Affairs Committee with direction to staff regarding changes that need to be incorporated prior to consideration by the Board</p> <p>Recommendations from the IAC Committee to the Board with respect to the <i>Model Code of Conduct</i> prepared by the joint Working Group on Responsible Conduct</p>
July 24, 2018	<p>Consideration of the draft <i>FVRD Code of Responsible Conduct for Elected Officials</i> by the FVRD Board with direction to staff regarding changes that need to be incorporated prior to further consideration by the Board</p> <p>Consideration by the Board of the IAC's recommendation with respect to the <i>Model Code of Conduct</i> prepared by the joint Working Group on Responsible Conduct</p> <p>Suggested that staff prepare a presentation which can be delivered either by staff or an IAC member with discussion with the Board facilitated by the IAC</p>
Late July/early August 2018	Submit feedback to the Working Group on Responsible Conduct regarding the <i>Model Code of Conduct</i>
August 2018	Staff make edits to the <i>FVRD Code of Responsible Conduct for Elected Officials</i> further to Board direction
Early September 2018	<p>IAC Meeting in preparation of September 25, 2018 Board Meeting</p> <p>Reference 2018 IAC Work Plan</p>
September 25, 2018	Board to consider adoption of <i>FVRD Code of Responsible Conduct for Elected Officials</i> + other policy work on the 2018 IAC Work Plan

CONCLUSION

Responsible and ethical conduct at all levels of a local government, and particularly elected officials, is perceived to be a keystone of providing good governance to citizens and communities that are served by local government.

A meaningful Code of Conduct will demonstrate the Board's commitment to act in a responsible and ethical manner at all times and in all their dealings as an elected official.

Staff recommends that the FVRD Board clearly define and articulate the foundational principles it subscribes to with respect to expectations around responsible and ethical conduct, and that clear and unambiguous language is set out in its *Code of Responsible Conduct for Elected Officials*. Staff furthermore recommends that provisions with respect to Enforcement, Sanctions and Penalties be included with due consideration by the Board in order to hold Board Members accountable for their conduct and behaviours.

COSTS

Costs to develop a Code of Conduct and for on-going Board education and training are minimal. However, in a worst case scenario, legal costs and damage to the FVRD's reputation could be significant for the failure of a Board Member or the collective governing body to act responsibly or ethically.

COMMENT BY CHIEF ADMINISTRATIVE OFFICER

Reviewed and supported

RESPONSIBLE CONDUCT OF LOCAL GOVERNMENT ELECTED OFFICIALS

Sample Codes of Conduct – Comparative Analysis

Highlighted Sections are examples of other provisions that might be considered for inclusion in the *FVRD Code of Responsible Conduct for Elected Officials*
[not-exhaustive, rather representative themes of what other provisions could also be considered for inclusion or elaboration]

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Council Procedures Bylaw	Director Code of Conduct – Board Policy	Code of Conduct and Ethics for Council – Council Policy	Code of Conduct and Ethics – Board Policy	Code of Conduct – Board Policy [also applies to staff]	Code of Ethics – Board Policy	Council Leadership and Operating Principles Policy	Comox Valley Regional District Code of Conduct	Code of Conduct – Council Policy	Council/Administrati on Protocol	Code of Conduct for Committee Members
2018	2013	2011	Current	2016	2005	2005 Reviewed – 2015	2016	2016	2015	2015
<p>Bylaw speaks largely to procedural matters as required under the <i>Community Charter [CC]</i></p> <p>Bylaw also addresses how Council members will comport themselves during a Council Meeting:</p> <ul style="list-style-type: none"> -addressing the Chair and other Council Members -no interrupting a Council member who has the floor except to raise a point of order -calling a Council Member out of order 	<p>Policy builds upon provisions in the <i>Local Government Act</i> and CC with respect to ethical standards for elected officials.</p> <p>Establishes additional ethical standards for elected officials to ensure that Board Members aspire to the highest standards of public service integrity:</p> <ul style="list-style-type: none"> ✓ Conduct and decorum at meetings in keeping with Board's Procedural Bylaw ✓ Expectation 	<p>Purpose Statement</p> <p>Primary Focus Statement [no bias or preference to be shown to individuals or groups] – focus on serving the community as a whole</p> <p>Relationships between Council Members and Staff based upon respect</p> <p>Fair Treatment for those presenting to Council</p> <p>Role of the Meeting Chair in holding Council Members to account for inappropriate behavior</p>	<p>Preamble</p> <ul style="list-style-type: none"> ✓ Reflects Board's Mission Statement and Corporate Values ✓ Sets out and defines values and principles ✓ Promotes respectful workplace ✓ Holds Board Members out to highest ethical standards which is above reproach 	<p>Commitment Statement whereby the Board commits to performing their duties in accordance with the Code of Conduct</p> <p>Key Values set out</p> <ul style="list-style-type: none"> ✓ Integrity ✓ Accountability ✓ Leadership ✓ Responsibility ✓ Respect ✓ Openness <p>Detailed expectations around General Conduct</p> <p>Conduct at Meetings</p>	<p>Policy Statement tying Code of Ethics to Regional District's Principles and Core Values</p> <p>Purpose statement which sets out that Code of Ethics is to outline standards of conduct for all Regional District representatives</p> <p>Responsibilities and expectations around conduct of Board Members outlined</p> <p>Procedures section set out expectations around:</p> <ul style="list-style-type: none"> ✓ Acting in the public interest ✓ Complying with 	<p>Policy Statement which speaks to Council's framework for establishing positive working relationships based upon the core values of trust, respect and integrity</p> <p>Leadership by Council as a collective and collaborative decision making body</p> <p>Creating and Maintaining a creative and results-oriented environment – sets out how this goal will be achieved</p> <p>"Act with</p>	<p>This very short document generally speaks to what Board Members can expect of each other in terms of responsible conduct</p>	<p>Purpose Statement which states that the Code sets our minimum expectations for the behavior of Council in carrying out their functions</p> <p>Code of Conduct applies to the use of social media by Council Members</p> <p>Sets out Key Principles and how these are demonstrated</p> <ul style="list-style-type: none"> ✓ Integrity ✓ Accountability ✓ Leadership ✓ Respect ✓ Openness <p>General Conduct – sets out that conduct</p>	<p>Policy Statement provides that Council and Staff require clear understanding of respective roles and responsibilities as well as a comprehensive framework guiding their interactions with each other</p> <p>Purpose Statement articulates objectives of policy</p> <p>Scope of the Policy speaks to who the policy applies to [all staff and Council]</p> <p>Governance Framework and Roles and Responsibilities sections speaks to roles and</p>	<p>This document is specific to conduct for Committee Members</p> <p>Sets out how Committee Members will conduct themselves and speaks to responsible conduct and provides examples</p> <p>Sets out that Council members are entitled to express their opinions regarding matters before Committee or Council as long as such comments clearly state that they are putting forward their personal views and not the views of Council – inappropriate to make derogatory</p>

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<p>-requirement to adhere to rules of procedure and decisions of Chair and Council with respect to procedural rules and points of order</p> <p>-ability of the Chair to order a Council Member to leave their seat for failure to adhere to procedural rules</p> <p>-expulsion of a Council Member from the meeting for failure to leave the meeting when ordered to do so by the Chair; Chair may cause Council Member to be removed by peace officer</p> <p>-allowance for Council Member to apologize to Council for failure to abide by procedural rules; and gives Council discretion to allow expelled Council Member to retake</p>	<p>that Board members are respectful and courteous to delegations, fellow Board Members and staff</p> <p>✓ Expectation that Board Members are not distracted from the business of Regional District Board meetings curing presentations and when other Board Members have the floor</p> <p>✓ No use of Regional District facilities, service or property for campaign purposes</p>	<p>Council acts as a collective body and individual Councilors are not allowed to guide or influence members of the administration</p> <p>Tasking staff and directing requests for information through the CAO unless otherwise delegated to another staff member</p> <p>Conflict of Interest</p> <p>Council Spokesperson</p> <p>Making Public Statements and Statements to the Media</p> <p>Acceptance of Gifts</p> <p>Bribery</p> <p>Family Bias</p> <p>Treatment of</p>	<p>Public Interest and needs of citizens is Board’s primary interest</p> <p>Compliance with Law</p> <p>Conduct of Directors – provides examples of what type of conduct is unacceptable</p> <p>Respect for Process</p> <p>Meeting decorum</p> <p>✓ Coming prepared</p> <p>✓ Focused on the business at hand</p> <p>✓ Cell phones or devices turned off or on silent</p> <p>✓ Diligent participation in Board</p>	<p>Communication and Media Relations</p> <p>Conflict of Interest and examples</p> <p>Gifts and Personal Benefits and what may and may not be accepted; how they are to be reported; and how relinquished are to be managed and disposed of</p> <p>Board and Staff Relations and Requests for information by Board Members [Protocols]</p> <p>Use of Public Resources</p> <p>Advocacy by Board Members where views not representative of the Board</p> <p>No Reprisals or retaliation against other Board Members or staff</p>	<p>law</p> <p>✓ Conduct of Members</p> <p>✓ Respect for Process</p> <p>✓ Conduct at Public Meetings</p> <p>✓ Decisions based on merit</p> <p>✓ Communication</p> <p>✓ Conflict of Interest</p> <p>✓ Gifts/Favours</p> <p>✓ Confidential Information</p> <p>✓ Use of Public Resources</p>	<p>Courage” segment speaks to some elements of responsible conduct]</p> <p>Responding to the expectations and demands of the Community and how this goal will be achieved [this segment speaks to some elements with regard to responsible conduct]</p> <p>Articulates Council’s core values and principles and how they are demonstrated through responsible conduct</p>	<p>must be in accordance with key principles and that behaviors must be in accordance with law</p> <p>✓ LGA/CC</p> <p>✓ Human Rights Code</p> <p>✓ Bylaws</p> <p>Collection and Handling of Information</p> <p>✓ Speaks to the duty to protect confidential information and the protection of privacy and personal information and compliance with FIPPA</p> <p>Conflict of Interest</p> <p>Interactions between Council Members and Staff and Advisory Body Members</p> <p>Use of Social Media by Council Officials</p>	<p>responsibilities of Mayor, Council and the CAO</p> <p>General Protocol Section states that Council and Staff will treat each other with respect and integrity [not defined]</p> <p>General Protocol Section speaks to how performance issues will be treated</p> <p>Communications Protocol Section speaks generally to how information should flow between Council and staff</p> <p>Organization Tools section identifies tools available to contribute to a successful working relationship between Council and Staff none of which speak to directly to responsible conduct</p>	<p>comments about any other person in this context</p> <p>Sets out a very general procedure for how to treat a complaint about a Council Member’s conduct</p> <p>Sanctions – provides that Council has the authority to remove a member appointment to a Committee where there has been a contravention of the Code of Conduct</p> <p>High level statement around inspiring public trust and confidence in local government</p>	

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<p>their seat</p> <p>-prohibition against engaging in bullying or harassing behavior [by anyone] towards another Council Member, Government Official or City employee, including, but not limited to specific behaviours:</p> <ul style="list-style-type: none"> ✓ expressing a negative opinion about a person or the character of a person ✓ speaking disrespectfully ✓ speaking or acting aggressively ✓ using offensive gestures or signs ✓ questioning motives of City officials 	<ul style="list-style-type: none"> ✓ No use of Regional District staff for campaign purposes during hours in which an employee is in the paid employment of the Regional District <p>Conduct respecting elected and staff relations</p> <p>Conduct while representing the Regional District</p> <p>Confidentiality of Information</p> <ul style="list-style-type: none"> ✓ Speaks to when information may be disclosed and when it must be protected from disclosure 	<p>Others and Accountability of all Council Members to ensure all persons are treated fairly</p> <p>Confidentiality</p> <ul style="list-style-type: none"> ✓ Clearly sets out that confidential matters not to be disclosed until such time as Council passes a resolution bringing the matter into the public domain <p>Partisan Politics</p> <ul style="list-style-type: none"> ✓ Entitlement to run or provincial or federal office ✓ Disallows Council members to allow party affiliation or duties with duties as a Council 	<p>activities</p> <ul style="list-style-type: none"> ✓ Respectful treatment at meetings <p>Decision making based on merit and consideration of relevant information</p> <p>Respect for Board's decisions even if in disagreement – communications in this regard</p> <p>Conflict of Interest</p> <p>Gifts, Meals and Favours as an incident of protocol, social obligation, business hospitality only in the course of duties and responsibilities</p> <p>Improper Use of Influence</p>	<p>No Obstruction during investigation</p> <p>No specific compliance or enforcement provisions other than a broad statement of accountability for understanding and abiding by the Code of Conduct – Implementation intending to be self-policing</p>	<ul style="list-style-type: none"> ✓ Advocacy ✓ Role of Board Members as Policy Makers as distinguished from administrative role of staff ✓ Maintaining a positive work place environment through respectful conduct <p>Implementation and sign-off</p> <p>Compliance and Enforcement</p> <ul style="list-style-type: none"> ✓ Sanctions may be imposed on Board Members whose conduct does not comply with the Code of Ethics + assurances of procedural due process 			<p>Public and Media Interactions [Communications]</p> <p>Gifts and Personal Benefits [defined, what may and may not be accepted and how they are to be reported and procedure for dealing with relinquished gifts]</p> <p>Enforcement – Breaches, Complaint Handling and Disciplinary Action</p> <ul style="list-style-type: none"> ✓ Sets out procedures ✓ Third Party Investigation ✓ Legal Costs incurred and recovery of costs 		

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<ul style="list-style-type: none"> ✓ using rude or offensive language or conduct ✓ disrupting or delaying Council proceedings ✓ speaking into electronic communication devices during Council proceedings except in exigent circumstances <p>Expulsion from Council Meetings – schedule to the Bylaw which mirrors S. 133 of the CC</p> <ul style="list-style-type: none"> ✓ Chair may expel a person from a Council Meeting for acting improperly ✓ Peace Officer may enforce the Chair’s order to 		<p>member</p> <ul style="list-style-type: none"> ✓ Disallows Council Members to engage in other political activities at City Hall ✓ Disallows Councilors to use their office to comment on other politicians <p>Adherence to Code of Conduct, Charter, LGA and Procedures</p>	<ul style="list-style-type: none"> ✓ Respect for the Procurement Process <p>Treatment of Confidential Information</p> <p>Access to Information</p> <ul style="list-style-type: none"> ✓ Distinguishes information available to Directors as a Board Member from information that should be requested formally through an FOI Request ✓ Sets out protocol for informal requests for information [through the CAO and not line staff] unless the request is strictly a technical 							

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2018	2013	2011	Current	2016	2005	2005 Reviewed – 2015	2016	2016	2015	2015
<p>expel a person</p> <p>✓ Also allows individual expelled to offer an apology to Council but gives Chair authority to order the person expelled if apology inadequate</p> <p>✓ Provides that Council may adopt a resolution authorizing legal counsel to pursue legal remedies against a person who repeatedly contravenes the General Rules of Conduct set out in the bylaw</p>			<p>clarification</p> <p>Use of Public Resources</p> <p>Advocacy of Personal Opinions that are not representative of the Board</p> <p>Election Campaign Work</p> <p>✓ Disallows the undertaking of campaign related activities on regional district property and the use of regional district resources</p> <p>Roles of Board and Staff</p> <p>✓ Distinguishes the Board's role in terms of setting policy from staff's role in</p>							

City of Abbotsford Council Procedures Bylaw 2018	Powell River Regional District Director Code of Conduct – Board Policy 2013	District of North Saanich Code of Conduct and Ethics for Council – Council Policy 2011	Cariboo Regional District Code of Conduct and Ethics – Board Policy Current administering and implementing Board policy ✓ Tasking staff ✓ No interference with staff's administrative duties – concerns to be raised with the CAO Positive and supportive Workplace free from harassment, bullying or discrimination Staff Relations ✓ Recognition that staff are professionals and that Board Member should have an expectation that staff will provide	Regional District of Central Okanagan Code of Conduct – Board Policy [also applies to staff] 2016	Regional District of Okanagan Similkameen Code of Ethics – Board Policy 2005	District of Hope Council Leadership and Operating Principles Policy 2005 Reviewed – 2015	Strathcona Regional District Comox Valley Regional District Code of Conduct 2016	District of Saanich Code of Conduct – Council Policy 2016	City of Pitt Meadows Council/Administrati on Protocol 2015	City of White Rock Code of Conduct for Committee Members 2015
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City of Abbotsford	Powell River Regional District	District of North Saanich	Cariboo Regional District	Regional District of Central Okanagan	Regional District of Okanagan Similkameen	District of Hope	Strathcona Regional District	District of Saanich	City of Pitt Meadows	City of White Rock
Council Procedures Bylaw	Director Code of Conduct – Board Policy	Code of Conduct and Ethics for Council – Council Policy	Code of Conduct and Ethics – Board Policy	Code of Conduct – Board Policy [also applies to staff]	Code of Ethics – Board Policy	Council Leadership and Operating Principles Policy	Comox Valley Regional District Code of Conduct	Code of Conduct – Council Policy	Council/Administrati on Protocol	Code of Conduct for Committee Members
2018	2013	2011	Current	2016	2005	2005 Reviewed – 2015	2016	2016	2015	2015
			<p>professional and objective advice</p> <p>✓ Board members refrained from criticizing staff in public or in any manner that casts staff in a false light or which impacts their professional credibility</p> <p>No reprisals or retaliation or threats thereof against Board Members or staff</p> <p>Violation of the Code of Conduct to obstruct an investigation into a matter</p> <p>Implementation of the Code of Conduct</p> <p>✓ Sign off required by Board</p>							

City of Abbotsford	Powell River Regional District	District of North Saanich	Cariboo Regional District	Regional District of Central Okanagan	Regional District of Okanagan Similkameen	District of Hope	Strathcona Regional District	District of Saanich	City of Pitt Meadows	City of White Rock
Council Procedures Bylaw	Director Code of Conduct – Board Policy	Code of Conduct and Ethics for Council – Council Policy	Code of Conduct and Ethics – Board Policy	Code of Conduct – Board Policy [also applies to staff]	Code of Ethics – Board Policy	Council Leadership and Operating Principles Policy	Comox Valley Regional District Code of Conduct	Code of Conduct – Council Policy	Council/Administrati on Protocol	Code of Conduct for Committee Members
2018	2013	2011	Current	2016	2005	2005 Reviewed – 2015	2016	2016	2015	2015
			Members Enforcement and Compliance ✓ Complaint Procedures fully detailed ✓ Sanctions set out ✓ Violation of the Code is not considered as a basis for challenging the validity of a Board decision							



CODE OF RESPONSIBLE CONDUCT FOR ELECTED OFFICIALS

1 PREAMBLE

- 1.0 A Code of Conduct is a written document developed for the purpose of promoting responsible and ethical conduct of local government elected officials.
- 1.1 A Code of Conduct establishes shared standards and expectations with respect to the conduct, comportment, decorum and behavior of individual elected officials and the collective governing body.

2 FRAMEWORK

- 2.1 Regional Districts are recognized under the *Local Government Act* of British Columbia as an independent, responsible and accountable order of government within their jurisdiction for the purpose of:
- providing good government for its community;
 - providing the services and other things that the board considers are necessary or desirable for all or part of its community;
 - providing for stewardship of the public assets of its community, and
 - fostering the current and future economic, social and environmental well-being of its community.
- 2.2 As a Local Government Elected Official, Regional District Board Members have the legislated authority to make decisions that affect the daily lives of citizens, families, businesses and other community stakeholders. Regional District Board Members also have the authority to establish the long-term vision for the communities they serve based upon community and citizen engagement, collaboration and informed decision making.
- 2.3 Responsible conduct refers to how Regional District Board Members, in their role as Local Government Elected Officials, conduct and comport themselves, individually and collectively, through their interactions with elected colleagues, staff, citizens, other local government stakeholders, the media, and through social media as they exercise their vested authorities.
- 2.4 Responsible conduct is founded on 4 key principles:
- Integrity
 - Respect
 - Accountability
 - Leadership and Collaboration

- 2.5 Fraser Valley Regional District Board Members, in their role as Local Government Elected Officials *must* also conduct and comport themselves in accordance with the law, including but not limited to the common law and the *Local Government Act, Community Charter, Workers' Compensation Act, Freedom of Information and Protection of Privacy Act, and Human Rights Code* of British Columbia and applicable federal legislation.

3 COMMITMENT TO RESPONSIBLE CONDUCT

- 3.1 As Local Government Elected Officials, the Fraser Valley Regional District Board of Directors recognizes that responsible conduct is essential to providing good governance to the communities that we serve.
- 3.2 The Fraser Valley Regional District Board of Directors furthermore acknowledge that responsible conduct is based upon four foundational principles: **Integrity, Respect, Accountability, and Leadership and Collaboration** to which we individually and collectively subscribe.
- 3.3 Fraser Valley Regional District Board Members are individually and collectively committed to conducting themselves in a responsible and ethical manner, and are furthermore committed to upholding the law.
- 3.4 As set out in this *Code of Responsible Conduct for Elected Officials*, Fraser Valley Regional District Board Members commit to holding themselves up to the highest ethical standards individually and as a governing body as they exercise their authority, fulfill their obligations, discharge their duties, and in all of their dealings, with every person, including their elected colleagues, staff, citizens and other local government stakeholders.

4 APPLICATION AND INTERPRETATION

- 4.1 This *Code of Responsible Conduct for Elected Officials* applies to every elected official of the Fraser Valley Regional District, including Alternate Directors.
- 4.2 It is the express responsibility and obligation of each Fraser Valley Regional District Board Member, or Alternate Director, to uphold both the letter and spirit of this *Code of Responsible Conduct for Elected Officials* in their dealings with each other, staff, citizens, and other local government stakeholders.
- 4.3 This *Code of Responsible Conduct for Elected Officials* is intended to be interpreted and applied by Fraser Valley Regional District Board Members in a manner that is consistent with the common law, all applicable Federal and Provincial Laws, as well as the bylaws and policies of the Fraser Valley Regional District, and along with any other legal obligations which apply to Fraser Valley Regional District Board Members individually and as a collective governing body.

5 FOUNDATIONAL PRINCIPLES OF RESPONSIBLE CONDUCT

- 5.1 The Fraser Valley Regional District Board of Directors expressly acknowledges that the foundational principles of responsible conduct, as defined below, are intended to provide Fraser

Valley Regional District Board Members with a shared understanding of what responsible conduct is.

- 5.2 The Fraser Valley Regional District Board of Directors furthermore acknowledges that these foundational principles, as purposefully defined below, will set out expectations of how Fraser Valley Regional District Board Members, both individually and collectively, will conduct and comport themselves as Elected Officials.

Integrity

Integrity is conduct and behavior that upholds the public interest and promotes public confidence in local government. Integrity is based on honesty and the active demonstration of the highest ethical standards in all dealings by Fraser Valley Regional District Board Members.

Respect

Respect is conduct and behavior that creates an environment of trust by demonstrating due regard, deference and consideration for the perspectives, wishes, beliefs, traditions, values and rights of others.

Accountability

Accountability is conduct and behavior that demonstrates the willingness to accept responsibility for one's conduct, behaviours, actions and decisions.

Leadership and Collaboration

Leadership and Collaboration is conduct and behavior that demonstrates the ability to lead, guide, actively listen, mobilize and positively influence others, while encouraging people to come together to meet around a common goal or objective, or to resolve conflict through collective means and efforts.

6 VALUE STATEMENTS

- 6.1 Reference Editorial Comments attached

7 STANDARDS OF RESPONSIBLE CONDUCT

- 7.1 The Fraser Valley Regional District Board of Directors expects that all Board Members and Alternates will demonstrate and abide by the standards of responsible conduct set out below and as reflected in the stated foundational principles of responsible conduct set out in Section 5.

Integrity

Integrity is demonstrated by the following conduct and behavior:

- Board Members will be truthful, honest, and open in all matters and in all dealings with their elected colleagues, staff, citizens, other local government stakeholders, the media, and through social media in their role as an elected official
- Board Members will ensure that their actions are consistent with the shared principles and values collectively agreed to by the Fraser Valley Regional District Board of Directors
- Board Members will follow through on their commitments in a timely manner
- Board Members will correct errors in a timely, transparent and reasonable manner
- Board Members will engage in respectful communication, dialogue and debate in all matters and in all dealings at all times
- Board Members will make informed and well-reasoned decisions by directing their minds to the merits of the matter before them for consideration, ensuring that they act on the basis of relevant information, legal implications, and in consideration of the consequences of their decisions
- Board Members will conduct and comport themselves in a manner that promotes and inspires public confidence and trust in local government and in all of their dealings as a local government official
- Board Members will conduct and comport themselves in a manner which avoids any perception of conflict of interest, improper use of office, or other unethical or illegal conduct
- Board Members will conduct and comport themselves in a manner which upholds the public interest by diligently serving citizens and communities within their sphere of influence in a manner which best serves the communities' interest and not their own, or the interests of a select few
- Board Members will conduct and comport themselves in a manner that is consistent, fair, non-prejudicial, non-discriminatory and unbiased in all their dealings as a local government official

Respect

Respect is demonstrated by the following conduct and behavior:

- Board Members will treat every person with dignity, understanding, courtesy, politeness, civility and respect irrespective of differences of opinion, perspectives, beliefs, traditions or values
- Board Members will respect the role of the Chair or Presiding Official and will conduct and comport themselves accordingly during meetings, and will furthermore abide by the rules of procedure adopted by the Fraser Valley Regional District Board of Directors

- Board Members will respect the distinct roles and responsibilities of local government staff and is committed to fostering a positive working relationship between the Board, staff, citizens, and other local government stakeholders.
- Board Members will call for, and expect that respect be shown to elected officials, staff, and members of the public by other citizens, community members and other local government stakeholders.
- Board Members will value the role of diverse perspectives and will show due consideration for every person's contributions by listening actively and respectfully to another person's perspective or point of view during discussion, debate, collaboration and decision making
- Board Members will demonstrate awareness of their own conduct and behavior and manage and adjust their conduct and behavior as circumstances warrant
- Board Members will create an environment of trust and will consider and be sensitive to how their words, language, conduct and behavior can be perceived by others as offensive, rude, derogatory, disrespectful, discriminatory, aggressive or combative, insulting, inflammatory or otherwise hurtful
- Board Members will not engage in conduct or behaviors that are deemed to be indecent, obscene, insulting, abusive or otherwise unbecoming to a local government elected official. This conduct or behavior includes, but is not limited to, unwanted physical or sexual contact or comments, and/or any form of aggressive or threatening conduct or behavior that may cause harm to any person, or which makes a person feel threatened or intimidated

Accountability

Accountability is demonstrated by the following conduct and behavior:

- Board Members will be responsible for, and will accept responsibility for decisions they make as an elected official
- Board Members will be accountable for their individual actions, and for the actions of the collective Board
- Board Members will be listen to and consider the opinions, viewpoints and needs of the community in all decision-making and will allow for meaningful and appropriate opportunities for citizen and community input, discourse and feedback
- Board Members will carry out their business, duties and responsibilities in an open and transparent manner ensuring that the public understands the process and rationale used to reach informed decisions and the reasons and justifications for taking certain actions
- Board Members will ensure that information is accessible to the extent possible under law, while also protecting privacy and confidentiality where appropriate or necessary

Leadership and Collaboration

Leadership and Collaboration is demonstrated by the following conduct and behavior:

- Board Members will proactively and routinely monitor and measure the Board's performance in order to ensure that the foundational principles with respect to responsible conduct are being followed by all Board Members and the collective governing body
- Board Members will behave in a manner that instills and builds public trust and confidence in local government
- Board Members will recognize that vigorous discourse and debate on a matter is integral to the democratic process and will encourage healthy, respectful and constructive debate around the Board table on all matters before the Board prior to taking a decision.
- Board Members will consider the issues before them and will make decisions as a collective governing body. As such, Board Members are expected to actively participate in debate about the merits of the matter before them, and to accept, respect and uphold the decision of the majority as part of the democratic process.
- Board Members will, as leaders of their communities, face challenges, obstacles, controversy and adversity calmly, respectfully, diplomatically, and with due consideration while endeavoring to find effective and appropriate solutions and provide direction to staff. Board Members will empower each other, and staff to face challenges, obstacles, controversy and adversity in the same manner.
- Board Members will recognize and value the distinct roles and responsibilities that others play in providing good governance and will commit to fostering a positive working relationship between Board Members, staff, citizens and other local government stakeholders.
- Board Members will recognize and respect the importance of the role of the Chair or Presiding Official at a meeting, and will treat that person with respect and deference at all times

8 OTHER PROVISIONS

- 8.1 Reference Editorial Comments attached

9 POLICY PROVISIONS

- 9.1 Reference Editorial Comments attached

10 ENFORCEMENT, SANCTIONS AND PENALTIES

- 10.1 Reference Editorial Comments attached

11. ACKNOWLEDGEMENT AND SIGN OFF

- 11.1 Fraser Valley Regional District Board Members will be required to demonstrate their commitment to responsible and ethical conduct by signing an Oath of Office, set out as Schedule 1, which incorporates this *Code of Responsible Conduct for Elected Officials*.

DRAFT

Schedule 1

OATH OF OFFICE

Note: The existing Oath of Office will need to be revisited and revised for purposes of incorporating the FVRD Code of Responsible Conduct for Elected Officials.

DRAFT

DRAFT FVRD CODE OF RESPONSIBLE CONDUCT FOR ELECTED OFFICIALS

Editorial Comments

6 VALUE STATEMENTS [OPTIONAL]

Aside from the section above which addresses Foundational Principles of Responsible Conduct, the Fraser Valley Regional District Board may wish to include a section articulating its core values, albeit these have **yet to be defined by the Board**.

This section would include “high-level” statements which speak to the Board’s core values.

In this context core values are typically guiding principles or ideals that the Board deems to be intrinsically desirable or valuable in the context of governance or responsible and ethical conduct.

Examples of Core Values include – these would need to be defined:

- Authenticity
- Diversity
- Transparency
- Engagement
- Value for money
- Innovation
- Fairness
- Customer Service
- Accessibility
- Trustworthy

8 OTHER PROVISIONS [OPTIONAL]

The Board may wish to further customize and expand upon the general rules of conduct outlined above which are based upon the four foundational principles, e.g. the Board could add examples of specific behaviours that are deemed to be unacceptable, or include additional principles or standards of conduct that the Board feels should be incorporated into its Code of Conduct.

The Board may wish to “cherry-pick” provisions from other Codes of Conduct [please reference comparative analysis of sample Codes of Conduct which is set to the agenda]. The Board may also choose to consider what comes out of the 2018 UBCM Convention with respect to responsible conduct and the *Model Code of Conduct* that will be under discussion there further to the 2017 UBCM Convention.

9 POLICY PROVISIONS [OPTIONAL]

The draft Model Code of Conduct developed by the tri-partite *Working Group on Responsible Conduct* allows for flexibility, adaptation and customization. Individual jurisdictions have the discretion to tailor their respective Code of Conduct to suit their unique circumstances and organizational culture. Some

jurisdictions for example may favour a “one stop” Code of Conduct which addresses all matters pertaining to the conduct, comportment and behavior of elected officials, while others may wish to deal with policy matters outside the scope of the Code of Conduct and restrict content to matters pertaining to the 4 foundational principles with respect to responsible and ethical content and have stand-alone policies on other [albeit related] matters.

The question yet to be fully addressed however is whether there will be future legislative changes mandating that Regional Boards and Councils adopt a Code of Conduct; and whether mandatory provisions with respect to responsible and ethical conduct will be imposed through legislation.

The Fraser Valley Regional District Board of Directors will need to take a deliberate and considered decision around the scope of the proposed *Code of Responsible Conduct for Elected Officials*. Should the Board determine that it would like to have a more inclusive document, the following list of policies [not exhaustive] could be considered for inclusion but tailored to address these subjects in the context of Board Member conduct:

➤ **Policies with respect to communication**

- Use of Social Media
- Media Relations

➤ **Policies with respect to Personal Interaction**

- Interactions between Board Members, staff, citizens, other governments or agencies, other local government stakeholders
- Roles and responsibilities of elected officials and staff
- Discrimination and Harassment

➤ **Policies with respect to information management**

- Freedom of Information and Protection of Privacy
- Confidentiality and Protected Information
- Records management - Custody and Control, Retention and Destruction of Records
- Use of personal and corporate devices for FVRD business
- Use of personal email for FVRD business
- Publicly available information

➤ **Policies with respect to Other Matters**

- Intellectual Property of the Fraser Valley Regional District
- Receipt of Gifts and Personal Benefits by Board Members
- Conflict of Interest
- Use of Insider Information
- Board Remuneration
- Travel and Expenses
- Personal Use of Fraser Valley Regional District resources and staff
- Protocols for utilizing staff resources

10 ENFORCEMENT, SANCTIONS AND PENALTIES
FOR DISCUSSION AND DIRECTION TO STAFF – NOT OPTIONAL

It is recommended that the FVRD Internal Affairs Committee discuss [and recommend to the Board] how the proposed FVRD *Code of Responsible Conduct for Elected Officials* could best be enforced, and what sanctions and penalties should be imposed for contraventions of the FVRD Code. Staff are recommending that at a minimum, the following provisions be included in order to govern the misconduct of Board Members while also allowing for procedural fairness and due process:

- ✓ Sign-off provisions and incorporation into Oath of Office
- ✓ Third Party investigatory protocols and procedures
- ✓ Opportunities for apologies
- ✓ Censure Motions [Motion of non-confidence]
- ✓ Financial sanctions and penalties
- ✓ Expulsion from meetings for a period of time
- ✓ Legal action

The tripartite Working Group on Responsible Conduct is currently seeking feedback on the Draft Model Code of Conduct that has been circulated to stakeholders in anticipation of further discussion around responsible conduct of elected officials at the upcoming 2018 UBCM Convention.

The current Model Draft Code of Conduct does not yet address enforcement, sanctions or penalties with respect to how Board Members will be held to account for contravening their jurisdiction's respective Code of Conduct. This remains a "gray area" and there is considerable debate around

whether sanctions should be legislated in order for elected officials, individually, and as a collective governing body, to take responsible and ethical conduct seriously. The concern is that without legislated consequences for irresponsible and unethical conduct, elected officials may not voluntarily act responsibly and ethically in accordance with the four foundational principles.

It should be noted that there are current tools available to address [some] issues with respect to irresponsible and unethical conduct, but there is debate around the effectiveness of some of these existing tools. There is fairly strong sentiment amongst local government practitioners and some elected officials calling for legislative reform with the objective that sanctions and penalties be legislated, particularly for more egregious conduct:

Existing tools include:

- ✓ Education and training
 - UBCM's Local Government Leadership Academy and Newly Elected Workshops
 - Board/Council Orientations for elected officials
 - UBCM and UBCM Chapter conventions and meetings
- ✓ Disqualification provisions in the LGA/CC
- ✓ Conflict of interest provisions in the LGA/CC
 - Disclosure of Conflict
 - Restrictions on participation if in conflict
 - Restrictions on inside/outside influence and use of insider information
 - Restrictions on accepting gifts
 - Disclosure of contracts
- ✓ Legislative prescriptions
 - Human Rights Code
 - Worker's Compensation Act
 - Freedom of Information and Protection of Privacy Act
- ✓ Policies and bylaws of a respective jurisdiction with respect conduct
- ✓ Legislated offices
 - Ombudsperson
 - Auditor General for Local Government
 - Inspector of Municipalities
 - Office of the Information and Privacy Commissioner
- ✓ The Courts
- ✓ "Self-policing" by Boards/Councils
- ✓ The Court of Public Opinion

The following enforcement options/themes are currently under discussion further to stakeholder consultation that is on-going by the tripartite *Working Group on Responsible Conduct* – again the

question becomes what is the most effective and meaningful deterrence to irresponsible and unethical conduct by elected officials:

- ✓ Investigation protocols where irresponsible or unethical conduct is alleged
 - Independent third party investigation recommended
- ✓ Censure Motions [Motion of non-confidence and disapproval of an elected official's conduct]
- ✓ Question of whether a Local Government *Integrity Commissioner* should be appointed and given oversight
- ✓ Question of whether there should be more Ministry oversight
- ✓ Legislative Reform - Mandated Codes of Conduct with prescribed [legislated] provisions pertaining to foundational principles, enforcement, sanctions and penalties [while also allowing for some tailoring and flexibility as to other provisions to suit the respective political/organizational culture]
- ✓ Financial Penalties
- ✓ Expulsion from Meetings for a designated period of time

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SCHEDULE "D" (continued)

12. CONDUCT AND DEBATE

- (a) A Council Member may speak to a question or Motion at a Council meeting only if that Member first addresses the Chair.
- (b) Members must address the Chair by that person's title of "Mayor", "Deputy Mayor", "Acting Mayor", or "Councillor".
- (c) Members must address other non-Chairs by the title "Councillor".
- (d) A Member must not interrupt a Member who is speaking except to raise a point of order.
- (e) A Member must not engage in bullying or harassing behaviour in respect of a Council Member, Government Official or a City employee, which includes, but is not limited to:
 - (i) expressing a negative opinion about the personality or character of a Council Member, Government Official or City employee;
 - (ii) speaking disrespectfully about a Council Member, a Government Official or a City employee;
 - (iii) speaking or acting aggressively towards a Council Member, a Government Official or a City employee;
 - (iv) using offensive gestures or signs;
 - (v) questioning the motives of a Council Member, Government Official or City employee;
 - (vi) using rude or offensive language or engaging in rude or offensive conduct;
 - (vii) disrupting or unnecessarily delaying the conduct of business at the Council Meeting; or
 - (viii) speaking on electronic communication devices when a person or Council Member is speaking, except in the case of emergencies.
- (f) If more than one (1) Member speaks at the same time, the Chair must call on the Member who, in the Chair's opinion, first spoke.
- (g) Members who are called to order by the Chair:
 - (i) must immediately stop speaking;
 - (ii) may explain their position on the point of order; and

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SCHEDULE "D" (continued)

- (iii) may appeal to Council for its decision on the point of order.
- (h) Members speaking at a Council meeting:
 - (i) must speak only in connection with the matter being debated;
 - (ii) may speak about a vote of Council only for the purpose of making a Motion that the vote is rescinded; and
 - (iii) must adhere to the rules of procedure established under this Bylaw and to the decisions of the Chair and Council in connection with the rules and points of order.
- (i) If a Member does not adhere to Subsection (h), the Chair may order the Member to leave the Member's seat and in the event the Member:
 - (i) refuses to leave, the Chair may cause the Member to be removed by a peace officer from the Member's seat; or
 - (ii) apologizes to the Council, Council may, by resolution, allow the Member to retake the Member's seat.
- (j) A Member may require the question being debated at a Council meeting to be read at any time during the debate if that does not interrupt another Member who is speaking.
- (k) The following rules apply to limit speech on matters being considered at a Council meeting:
 - (i) a Member may speak no more than twice for a maximum of five (5) minutes total in connection with the same questions, unless:
 - (1) the Chair permits the Member to speak more than twice, or
 - (2) if the Member is explaining a material part of a previous speech without introducing a new matter;
 - (ii) a Member who has made a substantive Motion to the Council may reply to the debate;
 - (iii) a Member who moved a Motion under consideration may open and close debate on the matter; and
 - (iv) a Member who has moved an amendment, the previous question, or an instruction to a Committee may not reply to the debate.



POLICY STATEMENT

DIRECTOR CODE OF CONDUCT POLICY

Purpose

The *Local Government Act* and *Community Charter* sets out the powers given to local government. The *Community Charter* also establishes ethical standards for elected officials, including issues related to conflict of interest.

Building on the provisions of the *Community Charter*, this Code of Conduct establishes further standards for the Chair and Directors of the Regional District Board and is designed to ensure that Board members aspire to the highest standards of public service integrity.

A. Conduct at Meetings

At all meetings directors shall conduct themselves with decorum in accordance with the provisions of the Peace River Regional District Board's Procedural Bylaw. Respect for delegations, fellow members and staff requires that all members show courtesy and not distract from the business of the Regional District during presentations and when other members have the floor.

B. Conduct of a Political Nature

No director shall use Regional District facilities, services or property for his / her election or re-election campaign. No member shall use the services of Regional District employees for his / her election or re-election campaign, during hours in which the employees are in the paid employment of the Regional District.

C. Conduct Respecting Directors

Directors shall be respectful to fellow directors during discussion and debate at meetings. Directors shall acknowledge that with twelve minds, there are twelve opinions, each equal at the Board table. At the conclusion of discussion and debate, the Board opinion shall be with the majority.

D. Conduct Respecting Staff

Directors shall be respectful of the fact that, with the exception of the Chair's duties as the CEO under the *Local Government Act*, staff work for the Regional District as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual director or group of directors. Directors shall be respectful of the fact that staff carry out directions of the Board and administer the policies of the Regional District, and are required to do so without any undue influence from any individual director or group of directors. Accordingly, no director shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all directors shall show respect for the professional capacities of the staff of the Peace River Regional District.

DISTRICT OF NORTH SAANICH

SECTION NO.	SECTION NAME:	POLICY NO.
1000	LEGISLATIVE	1002.12

SUBJECT: CODE OF ETHICS AND CONDUCT FOR COUNCIL

The purpose of the Code of Ethics and Conduct is as follows:

- 1) To provide guidance to Council so as to ensure that each are accorded reasonable and fair treatment;
- 2) To assist Council members in avoiding problems relating to role problems;
- 3) To preserve the integrity of the Council and administration;
- 4) To protect the individual rights of Council and administration as normal citizens.

These guidelines are additional to any requirements at law and do not excuse any member from complying with any common law or statute law. (235/04)

1.0 Primary Focus

Both Council and its administration recognize that their allegiance and loyalties are to the community as a whole and not to any individual(s) or group(s).

2.0 Relationship between Members of Council and its Administration

Each Council member shall ensure that their behaviour towards other members of Council and the administration is based on the following principles:

- 1) Respect for the right of others to offer their opinion;
- 2) Tolerance for viewpoints which may be at odds with those of others;
- 3) Respect for views and opinions which may well be in the minority;
- 4) Respect for the role of the CAO as the key employee of Council and its chief policy advisor.
- 5) Respect for the right of the administration to present reports and advice which may not be that which is acceptable to Council.

3.0 Fair Treatment for Those Presenting to Council

Each person presenting to Council will be afforded fair treatment by all members of Council who will seek to ensure that:

- 1) Presenters are treated fairly regardless of race, gender, religion, age, disability or occupation;

- 2) Presenters are dealt with in good faith;
- 3) Presenters are given an adequate time in which to present their views;
- 4) Presenters are treated without bias and are accorded respect for their time and views.

4.0 Chairman of Meetings

The Mayor (or chair of meeting) will not tolerate:

- 1) Discourtesy by one member to another member;
- 2) Rudeness to members of staff or to the public;
- 3) Disruptive behaviour.

The Mayor (or chair of the meeting) should personally speak to any member guilty of such behaviour requesting that they desist from such remarks or behaviour. If necessary, the chair shall call a brief recess and speak in private to the offending parties.

5.0 Authority and Powers

Each member of Council will respect the legislation which accords to Council as a whole the authority to make decisions which guide the actions of the administration. This authority is vested in Council when it is convened as a body at a duly constituted meeting. Council members will therefore refrain from attempting to guide or influence individual members of the administration.

6.0 Requests for Information

Council members will direct their requests for information or action to the office of the CAO (unless otherwise delegated to a member of staff by the CAO). If the matter is subject to a current Council policy, the administration will respond as quickly as possible in filling the request. If the request is not covered by a current policy, it will be forwarded to the CAO who will place the matter before Council to receive its direction.

7.0 Conflict of Interest

Neither Council members nor members of the administration will act in such a way as to constitute a conflict of interest. All residents will be treated equally. Decisions on matters of pecuniary interest (either direct or indirect) which impact family members in a way not consistent with the population as a whole will be deferred pending the advice of the municipality's solicitor. In this, as in all matters, the legislation will prevail.

8.0 Council Spokesperson

The official decisions of Council will be conveyed to the public and all others by way of Council resolutions, bylaws and policies. These decisions will be conveyed by the Mayor (or his designate) to the media as directed by the official

Council decision. Any other comments on Council positions by any other member of Council which are not consistent with the official positions should be prefaced as personal opinion only.

9.0 Public Statements

A member is not restricted in any public statement they choose to make, but as a member of the Council they are expected to:

- 1) Support the role of the Council; and
- 2) Support the current policies, bylaws and resolutions of the District of North Saanich.

Any requests by the media to the administration for comment or information on matters pertaining to a matter within the jurisdiction of the Council and not yet subject to an approved policy should be immediately referred to the CAO and through him to the Mayor.

10.0 Acceptance of Gifts

Pursuant to Section 105 & 106 of the Community Charter a member is expected to avoid any actual or reasonable apprehension of bias in the acceptance of gifts and shall:

- 1) Accept only those gifts of protocol or social obligation that occur in normal business relationships; and,
- 2) Not accept a fee, gift or other benefit that is connected directly or indirectly with the performance of the member's office.

11.0 Bribery

A member is to be alert to any attempt of bribery and shall:

- 1) Reject bribery in any form;
- 2) Report any attempt or perceived attempt to bribe a member to the CAO; and
- 3) Report any bullying or intimidation intended on influencing a member.

12.0 Family Bias

A member is expected to avoid any actual or reasonable apprehension of bias in the dealings with relatives not defined as family and shall avoid any actual or reasonable apprehension of bias when acting as a member of Council.

13.0 Treatment of Others

Each member shall ensure that their behaviour towards other Council members, the CAO and members of the administration, consultants, lawyers, the public and/or their agents is at all times:

- 1) Courteous, professional, fair and unbiased;

- 2) Contributes to the preservation of orderly decorum;
- 3) Avoids sarcasm, derogatory comments, or questions or comments designed to embarrass;
- 4) Respectful of the rulings and direction of the Chair; and,
- 5) Where a member is the Chair, they shall be responsible to immediately rule such behaviour out of order and require the offending member to offer an apology to all present at the hearing.

Each member has a responsibility to ensure that all persons appearing before or otherwise having dealings with Council are:

- 1) Treated fairly regardless of race, gender, religion, age, disability or occupation;
- 2) Dealt with in good faith;
- 3) Dealt with without bias and in a judicial temper; and,
- 4) Given an adequate opportunity to state their case.

14.0 Confidentiality

Each member shall retain in confidence any matters presented to the Council in camera until such time as that matter has been determined by Council resolution to be a public matter.

15.0 Partisan Politics

Council members are entitled to serve as members of provincial or federal parties.

Council members will not allow their party affiliation or responsibilities to interfere with the requirements and responsibilities of serving this District as a member of Council.

Council members will not engage in political activities in the District Hall or at any event sponsored by the District or by one of its commissions or committees.

Council members are not to use their office to comment on other politicians.

16.0 Adherence to Code, Charter, Act and Procedures

Each member shall:

- 1) Adhere to all aspects of this code of ethics;
- 2) Adhere to the requirements of the Municipal Act and/or the Community Charter;
- 3) Adhere to the provincial guidelines provided for by the Council's approved Procedural Bylaw; and,
- 4) Adhere to the requirements of Council policies and procedures.

CARIBOO REGIONAL DISTRICT

CODE OF CONDUCT AND ETHICS

This Code of Conduct establishes guidelines for the conduct of Board members and assists in providing for the good governance of the Cariboo Regional District.

PREAMBLE

In keeping with the Cariboo Regional District's *Mission Statement and Corporate Values*, the Regional District seeks to maintain and enhance the quality of life for all Regional District residents through effective, responsible and responsive government. To help achieve this goal, members of the Board of Directors (Directors) have committed to strive to ensure that:

- They conscientiously represent the electoral area or municipality they serve while seeking to advance the common good of the region as a whole;
- public business is conducted with integrity in a fair, honest and open manner;
- they perform the functions of office truly, faithfully and impartially to the best of their knowledge and ability exhibiting the personal values of *integrity* – giving the region's interests priority over private individual interests; *honesty* – being truthful and open; *objectivity* – making decisions based on a careful and fair analysis of the facts; *accountability* – being accountable to each other and to the public for decisions taken; and *leadership* – confronting challenges and providing direction on the issues of the day;
- they treat one another, the public and staff and recognize the unique role and contribution each person has in making the Regional District a better place to work and live;
- their conduct in the performance of their duties and responsibilities with the Regional District is above reproach;
- as elected leaders, they hold themselves and their fellow Directors to the highest standard of behavior and conduct;
- decision-making processes are accessible, participatory, understandable, timely, and just, in addition to satisfying the requirements of applicable legislation; and .
- they uphold this Code as a means of promoting the standards of behavior expected of Board members to enhance the credibility and integrity of the Cariboo Regional District throughout the region.
- they promote respectful workplaces that are collaborative and inclusive, that encourage diversity, and that encourage open and robust communication at all times.

APPLICATION OF THE CODE:

1. Public Interest

Directors recognize that they are agents of the public whose primary objective is to address the needs of the citizens.

All members of the Board shall faithfully work toward developing programs to address the needs of the citizens in the course of their duties. Each shall strive to perform at a level that is expected of those who work in the public's interest.

2. Comply with the Law

Directors shall comply with all applicable federal, provincial, and local laws in the performance of their public duties. These laws include, but are not limited to: *the Constitution Act, the Provincial Human Rights Code, the Criminal Code, the Community Charter and the Local Government Act*; laws pertaining to financial disclosures and employer responsibilities; and relevant Regional District bylaws and policies.

3. Conduct of Directors

As public servants, Board members shall observe a high standard of morality in the conduct of their official duties and faithfully fulfill the responsibilities of their offices, regardless of their personal or financial interests.

The conduct of Directors in the performance of their duties and responsibilities with the Regional District must be fair, open and honest.

All Directors will treat one another, Regional District staff and the public with dignity and respect. Directors shall refrain from abusive conduct, intimidating or demeaning behaviour, personal charges or verbal attacks upon the character or motives of other Directors, Regional District staff or the public.

4. Respect for Process

Directors shall perform their duties in accordance with the policies and procedures and rules of order established by the Regional District governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Board by Regional District staff.

All Directors will respect the decisions of the Board, even if they disagree with such decisions.

5. Meetings

Directors shall prepare themselves for meetings, listen courteously and attentively to all discussions before the body, and focus on the business at hand. Cell phones and blackberries should be turned off during meetings, however, if an urgent matter necessitates that a Director take a call or respond to an email during the meeting, the cell phone or blackberry

shall be kept on silent or vibrate and the Director shall immediately leave the meeting to respond to the call or email.

Directors shall make every effort to participate diligently in the activities of the Board and any other committees, agencies or organizations to which they have been appointed by the Board or by virtue of holding the office of an elected official.

Directors shall treat with respect the Chair, colleagues, staff and members of the public present during Board meetings or other Regional District proceedings. They 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.

6. Decisions Based on Merit

Directors shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated circumstances.

Directors shall share with the Board all substantive information that is relevant to a matter under consideration by them which they may have received from sources outside of the public decision-making process. Where a Director may have a concern about information received, the Director may first discuss the information with the Chief Administrative Officer.

7. Communication and Media Relations

Directors will accurately communicate the decisions of the Board, even if they disagree with the majority decision of the Board. The 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 and by doing so will affirm the respect for and integrity in the decision making process of the Board.

8. Conflict of Interest

Directors shall be aware of their responsibilities under Section 787.1 of the *Local Government Act* and Division 6 of Part 4 of the *Community Charter* and shall fulfill the requirements of the legislation to ensure the decision making process is not compromised by a conflict of interest. .

9. Gifts and Favours

Directors shall not accept gifts or favours of any kind whether received in the present or in the future, from a person having, or seeking to have dealings with the Regional District, save appropriate refreshments or meals, except where such a gift or favour is authorized by law, or where such gifts or favours are received as an incident of the protocol, social obligation or common business hospitality that accompany the duties and responsibilities of the Director.

A Director may participate in Regional District programs open to the public and may purchase Regional District property or goods offered for public sale.

10. Improper Use of Influence

No Director shall use the influence of his or her office for any purpose other than for the exercise of his/her official duties.

A Director must not attempt to influence a decision, recommendation or other action:

- at a meeting or other activity where the Director has a conflict of interest;
- in the preparation of staff reports or recommendations;
- in the execution of work delegated to staff, other Directors, or Committees by the Board;
- or
- of other persons or bodies where the Director may have a pecuniary interest in a matter under consideration.

Directors will respect the integrity of the procurement processes and will not show favoritism or bias toward any vendor, contractor or to others doing business with the Region.

11. Confidential Information

Directors shall be aware of their responsibilities under Section 787.1 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.

No Director shall disclose or release to any member of the public, 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.

No Director shall disclose the substance of deliberations of an in-camera meeting until the Board discusses the information at a meeting that is open to the public or releases the information to the public.

They shall neither disclose confidential information without proper authorization, nor use such information to advance their personal, financial or other private interests.

Confidential information includes discussion regarding the property, personnel or legal affairs of the Region and information provided by a third party on a confidential basis. Confidential information also includes, but is not limited to information:

- Disclosed or discussed at an In-Camera Meeting of the Board;
- That is circulated to Directors and marked “confidential”; or
- That is given verbally in confidence in preparation for or following an in-camera meeting.

12. Access to Information

Directors have the same access rights to Regional District information as any other resident of the Region, unless the information relates specifically to a matter before the Board.

Informal requests for access to information should be referred through the CAO for distribution to appropriate staff unless the request is strictly a technical clarification of information in which case a Director may approach other department heads directly.

When Directors 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.

Where a Director requests information that would not normally be readily available to the public except through the provisions of FIPPA, Directors have the right to utilize the provisions of the *Freedom of Information and Protection of Privacy Act (FIPPA)*.

13. Use of Public Resources

Directors shall not use Regional District resources which are not available to the public in general, such as staff time, equipment, supplies, websites, facilities or other property, other than for purposes connected with the discharge of Regional District duties and in no case for personal convenience or profit, except where such privileges are granted to the general public.

14. Advocacy

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 may oppose a decision of the Board that does not reflect the values or wishes of his/her particular electoral area or municipality. 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.

To that end, Directors shall represent the official policies or positions of the Regional District to the best of their ability when designated as delegates for this purpose. Directors shall observe a high standard of professionalism when representing the Regional District and in their dealings with members of the broader community.

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 (i.e. Letter to the Editor).

15. Election Campaign Work

No Directors shall undertake campaign related activities on Regional District property during regular working hours unless specifically organized by the Regional District (ie candidate procedures, all candidate orientation, etc.).

Directors shall not use any Regional District property for campaign work including Regional District photocopiers, computers, email lists, etc.

16. Policy Role

Directors shall respect and adhere to the corporate structure of local government as practiced in the Cariboo Regional District. In this structure, the Regional District Board makes policy decisions while the Regional District staff provide advice and recommendations to the Board and implement the policy decisions of the Board.

In practical terms, there are distinct and specialized roles carried out by the Board as a whole and by individual Directors when performing their other roles. These roles include dealing with constituents and the general public, and participating on various committees, commissions or other agencies to which the Director may be appointed.

Similarly, 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.

The Board as a whole, and not individual Directors, gives direction to staff through Board decisions. The Chief Administrative Officer directs administrative staff and oversees the implementation of Board decisions. 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.

Directors shall not interfere with the administrative functions of the Regional District or with the professional duties of Regional District staff; nor shall they impair the ability of staff to implement Board policy decisions. Any concerns Directors may have regarding the implementation of Board policy decisions shall be directed to the Chief Administrative Officer.

17. Positive Environment

Directors shall treat other Board members, the public and Regional District staff with respect and shall be supportive of the personal dignity, self-esteem and well being of those with whom they come in contact during the course of their professional duties.

Directors have a duty to treat members of the public, one another, and staff appropriately and without abuse, bullying or intimidation, and to ensure that the Regional District environment is free from discrimination and harassment.

18. Relations with Staff

Directors shall acknowledge and respect the fact that staff work for the Regional District as a corporate body and are responsible for making recommendations that reflect their professional expertise and corporate objectives. Directors should expect a high quality of

advice from staff based on political neutrality and objectivity irrespective of party politics or their personal opinions and without undue influence from any individual Director or faction of the Board.

Directors shall refrain from publicly criticizing individual members of staff in a way that casts aspersions on their professional competence and credibility.

No Director shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all Directors shall show respect for the professional capacities of staff.

No Director shall compel staff to engage in political activities or be subjected to threats or discrimination for refusing to engage in such activities. Nor shall any Director use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member in a manner that interferes with that person's duties, including the duty to disclose improper activity.

19. Reprisals and Obstruction

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.

Any reprisal or threat of reprisal against a complainant or anyone for providing relevant information in an investigation is, therefore, prohibited.

It is a violation of the Code of Conduct to obstruct an investigation.

20. Implementation

The Regional District's Code of Conduct and Ethics 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 and Ethics 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 and Ethics. The Code of Conduct and Ethics will be reviewed in detail at orientation sessions for new and returning directors following each election or by-election.

21. Compliance and Enforcement

The Regional District's Code of Conduct and Ethics expresses standards of ethical conduct expected for Directors. Directors 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.

Part A - Informal Complaint Procedure

Individuals (ie Directors, Regional District employees, or members of the public) or organizations who identify or witness behavior or an activity by a Director that they believe is in contravention of the Code of Conduct for Cariboo Regional District Directors, may wish to address the prohibited behavior or activity themselves as follows:

- (1) Advise the Director that the behavior or activity contravenes the Code of Conduct;
- (2) Encourage the Director to stop the prohibited behavior or activity;
- (3) If unresolved, keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information; and
- (4) In the case of staff or members of the public, advise the Chief Administrative Officer and in the case of Directors, advise the Chair of the Board, about the concern, the comments made to the Director, and the response from the Director; and
- (5) Consider the need to pursue the matter in accordance with the formal complaint procedure outlined in Part B.

Individuals and organizations are encouraged to initially pursue the informal complaint procedure as a means of stopping and remedying a behavior or activity that is prohibited by the Code of Conduct, however, it is not a prerequisite to pursuing a formal complaint.

Part B – Formal Complaint Procedure

(1) Complaint and Review Request:

- a. A Director, Regional District employee, or member of the public who has reasonable and probable grounds to believe that a Director has contravened the Code of Conduct may request that the matter be formally reviewed.
- b. Formal complaints shall be signed by the complainant and submitted in writing to the Chief Administrative Officer (CAO).
- c. The complaint shall set out the grounds for the belief and the alleged contravention.
- d. Any Code of Conduct complaint against a Director received after September 1 in a general election year shall be held in abeyance until the new Board has been sworn in unless a second complaint is received during the interim in which case the normal investigation will proceed.

(2) Initial Review:

- a. The Chair and the CAO will then conduct an initial review of the matter with the complainant and the respondent.
- b. When the Chair and CAO determine that meeting with the complainant and/or respondent is required, they shall provide reasonable notice of such meetings and shall make reasonable efforts to schedule such meetings at a time that is convenient to the complainant and/or respondent. The complainant and/or respondent shall be permitted to bring a third party. Reference to a third party in this instance specifically excludes legal counsel.
- c. The following are some of the potential reasons why a matter may not be pursued:
 - i. the allegations are not within jurisdiction of the policy;
 - ii. a reasonable alternate remedy is available;

- iii. there is insufficient evidence or information;
- iv. an extensive delay or unreasonable delay (i.e. more than six months) has occurred;
- v. the complaint was made anonymously
- vi. the parties have resolved the complaint.

(3) Complaints Involving Executive Committee Member(s) or CAO:

- a. In the event that a member of the Executive Committee or the CAO is a direct party to a complaint under this policy, they shall remove themselves from any role other than that of complainant or responder. In cases involving the CAO, all references to CAO contained within this policy shall be deemed to be the Deputy CAO. In the case of a complaint against the Chair, all references to Chair contained within this policy shall be deemed to be the Vice-Chair. In the case of a complaint against any other member of the Executive, the member shall remove themselves from deliberations of the Executive Committee. If more than one member of the Executive Committee is named in a complaint, the role of the Executive Committee shall be carried out by the full Board.

(4) Mediation:

- a. Where it has been determined to be feasible and where both parties concur, a mediated solution to the dispute will be attempted. A person who has mediation skills and is acceptable to the complainant and the respondent will mediate the dispute. Both parties will have the right to have another person accompany them to the mediation.
- b. Mediation may be attempted at any point in the process of dealing with a complaint where it is considered to be appropriate and have a reasonable chance of resolving the complaint.

(5) Formal Investigation:

- a. When it is not possible to resolve the complaint through discussion or mediation, a full-scale investigation will be conducted.
- b. The CAO and Chair may speak to the complainant, the Director whose conduct is in question, and any other persons relevant to the complaint for the purposes of a complete investigation. Written statements may be requested.
- c. Upon completion of the investigation, the CAO will report to the Executive Committee of the Board with recommendations for any corrective action or settlement of the complaint or shall advise the Committee that no contravention of the Code of Conduct occurred or that such contravention was trivial or inadvertent or an error in judgment made in good faith and recommend that no further action be undertaken.
- d. The Executive Committee shall determine whether the matter has been satisfactorily resolved or whether the matter needs to be referred to the Board for imposition of a formal penalty and may make recommendations as to the penalty that should be considered.
- e. Any corrective action recommended must be permitted in law and shall be designed to ensure that the inappropriate behavior or activity does not continue.
- f. Where the Executive Committee deems the matter satisfactorily resolved, the Executive Committee shall follow up with the parties after a period of three (3)

months to ensure continued satisfaction with the outcome and/or continued progress on any agreed to courses of action and, if necessary, shall continue to monitor progress until such time as the agreed to actions are satisfactorily completed.

- g. Following discussion with the Executive Committee, the CAO shall prepare a final report which shall be provided to the complainant and to the Director whose conduct is concerned advising that either the matter is concluded or that the matter has been referred to the Board for formal consideration.
- h. The Executive Committee may graduate any complaint to the full Board at any stage of the investigation at its discretion.

(6) Frivolous or Vexatious Complaints:

- a. If the CAO is of the opinion that the nature of the complaint is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an inquiry, the CAO may refuse to conduct an inquiry and shall state the reason for not doing so in the report to the Executive Committee.
- b. If the complaint is found to be frivolous or vexatious or not made in good faith as a result of the investigation, the CAO shall so state in the report to the Executive Committee.
- c. Complaints under the Code of Conduct are taken very seriously. As such, where a complaint is found to be frivolous, vindictive or vexatious in accordance with subsections (a) and (b) of this section or where false information has been provided, the complainant or witness providing false information shall be subject to disciplinary measures as follows:
 - i. In the case of an employee, the CAO shall undertake take appropriate disciplinary measures in accordance with the terms of the Collective Agreement.
 - ii. In the case of a Director, the Board shall undertake appropriate punitive actions in accordance with the following section.

(7) Duty of the Board:

- a. The Director shall be advised of the date of the in-camera meetings where the Board will consider the complaint and will hear the Director's response. Where the Director advises the Board that he/she is unable to attend one of the scheduled meetings, the Board shall make all reasonable efforts to consider the matter at a meeting where the Director is present. A Director will not be permitted to unnecessarily delay the process by continued unavailability.
- b. The Board shall, at the in-camera meeting of the Board (first meeting), review the report of the CAO together with copies of the complaint (and any subsequent reports from the complainant) and the statement of the Director whose conduct is being considered, as well as any recommendations from the Executive Committee.
- c. The Board shall provide the Director whose conduct is being considered with an opportunity to address the Board at the next in-camera meeting of the Board immediately following the meeting at which the complaint is first received or as soon as practical thereafter (second meeting).
- d. At the second meeting, the Board shall hear the Director's response (if any) to the allegations and shall consider what, if any, remedial action and/or penalty may be appropriate to impose.

- e. Where it is deemed appropriate to impose a penalty, the Board shall first consider whether or not the breach of this Code breaches the provisions of the *Local Government Act* or the *Community Charter* to the extent that the Director is disqualified from holding office.
- f. Where disqualification is not applicable, the Board may impose one or more of the following penalties on a Director found to be in breach of the Code of Conduct:
 - Censure;
 - Rescission of committee and other appointments; and/or
 - Suspension of the monthly remuneration paid to the Director in respect of his or her duties as a member of the Board for a period of up to 90 days.
- g. Following deliberation by the Board, the CAO shall prepare a final report which shall be provided to the complainant and to the Director whose conduct is concerned advising of the final disposition of the matter.

(8) Confidentiality:

- a. Complaints under the Code of Conduct shall be treated in confidence throughout the complaint, investigation process, Executive Committee deliberation, and initial deliberation by the Board.
- b. If the Board imposes a penalty under subsection 3(d) above, the penalty imposed shall be released to the public at the next scheduled Board meeting.

(9) Reports:

The CAO shall report annually to an open Board meeting within 90 days of the end of the calendar year on complaints received under the Code of Conduct and the disposition of such complaints. Names of complainants or directors who have been complained against but where no penalties have been assessed shall not be included in the report.

22. Impact on Board Decisions

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

Signature of Elected Official

Date

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.

Signature

Date

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
BOARD POLICY**

POLICY: Code of Ethics

AUTHORITY: Board Resolution No. B24/05 dated January 21, 2005.
Administrative Review April 15, 2015

POLICY STATEMENT

The citizens of the Regional District of Okanagan-Similkameen are entitled to have fair, honest and open local government that has earned the public's full confidence for integrity. In keeping with the Regional District's Principles and Corporate Values, the Regional District seeks to maintain and enhance the quality of life for all Regional District residents through effective, responsible and responsive government.

PURPOSE

To outline standards of conduct expected of all Regional District representatives.

DEFINITIONS (IF REQUIRED)

Member means an elected or appointed Director of the Regional District, an appointee to a board, committee, commission, panel, task force or other body of the Regional District.

RESPONSIBILITIES

Members commit to ensure that:

- public business is conducted with integrity, in a fair, honest and open manner;
- they respect one another, the public and staff and recognize the unique role and contribution each person has in making the Regional District a better place to work and live;
- their conduct in the performance of their duties and responsibilities with the Regional District be above reproach; and
- the decision-making processes be accessible, participatory, understandable, timely, and just, in addition to satisfying the requirements of applicable enactments.

PROCEDURES

1. Act in the Public Interest

Recognizing that the Regional District seeks to maintain and enhance the quality of life for all Regional District residents through effective, responsive and responsible government, Members will conduct their business with integrity, in a fair, honest and open manner.

2. Comply with the Law

Members shall comply with all applicable federal, provincial, and local laws in the performance of their public duties. These laws include, but are not limited to: *the Constitution Act, the Provincial Human Rights Code, the Criminal Code, the Community Charter and the Local Government Act*; laws pertaining to financial disclosures and employer responsibilities; and relevant Regional District bylaws and policies.

3. Conduct of Members

The conduct of Members in the performance of their duties and responsibilities with the Regional District must be fair, open and honest. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members, Regional District staff or the public.

4. Respect for Process

Members shall perform their duties in accordance with the policies and procedures and rules of order established by the Regional District governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Regional District by Regional District staff. Members of committees shall be aware of the mandate of their respective committee and act in accordance with it.

5. Conduct of Public Meetings

Members 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.

6. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated circumstances.

7. Communication

Subject to paragraph 10, Members shall share with the body of which they are a member all substantive information that is relevant to a matter under consideration by them which they may have received from sources outside of the public decision-making process. Prior to doing so, Members shall discuss the information with the Chief Administrative Officer so as to ensure that the appropriate procedure is followed in the decision-making process.

8. Conflict of Interest

All Regional District directors shall be aware of their responsibilities under the *Local Government Act* and shall fulfil the requirements of section 787.1(1) of that Act and Division 6 of Part 4 of the *Community Charter*. All other Members shall act in accordance with the Regional District's *Conflict of Interest Policy*.

9. Gifts and Favours

All Regional District directors shall be aware of their responsibilities under the *Local Government Act* and shall fulfil the requirements of section 787.1(1) of that Act and sections 105 and 106 of the *Community Charter*. All other Members shall not accept any money, property, position or favour of any kind whether to be received at the present or in the future, from a person having, or seeking to have dealings with the Regional District, save appropriate refreshments or meals, except where such a gift or favour is authorized by law, or where such gifts or favours are received as an incident of the protocol, social obligation or common business hospitality that accompany the duties and responsibilities of the member. A member may participate in Regional District programs open to the public and may purchase Regional District property or goods offered for public sale.

10. Confidential Information

Members shall respect the confidentiality of information concerning property, personnel or legal affairs of the Regional District and of information provided by a third party to the Regional District on a confidential basis. They shall neither disclose confidential information without proper authorization, nor use such information to advance their personal, financial or other private interests.

11. Use of Public Resources

Members shall not use Regional District resources not available to the public in general, such as staff time, equipment, supplies or facilities, for private gain or personal purposes.

12. Advocacy

Members shall represent the official policies or positions of the Regional District to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Members shall expressly state the views are their own and do not represent the views of the Regional District. Members shall not use Regional District letterhead for personal matters.

13. Policy Role Members

Members shall respect and adhere to the Regional District Management staff structure of government as practiced in the Regional District of Okanagan-Similkameen. In this structure, the Regional District Board makes policy decisions and the Regional District Management staff implements those with appropriate advice, information and analysis.

Members, therefore, shall not interfere with the administrative functions of the Regional District or with the professional duties of the Regional District staff; nor shall they impair the ability of staff to implement Regional District policy decisions.

14. Positive Work Place Environment

Members shall treat other members, the public and Regional District staff with respect and shall be supportive of the personal dignity, self-esteem and well-being of those with whom they come in contact with during the course of their professional duties.

15. Implementation

The Regional District's Code of Ethics is intended to be self-enforcing. Members 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 are thoroughly familiar with the Code and embrace its provisions.

For this reason, the Code of Ethics will be provided to candidates for Regional District Directorship and applicants to committees. Persons elected to Regional District Directorship or appointed to a body by the Regional District will be requested to sign the Member Statement affirming they have read and understand the Regional District's Code of Ethics.

16. Compliance and Enforcement

The Regional District's Code of Ethics expresses standards of ethical conduct expected for Members. Members 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.

The Regional District may impose sanctions on Members whose conduct does not comply with the Regional District's standards, such as motions of censure and rescission of committee and other appointments.

To ensure procedural and administrative fairness, Members who are accused of violating any provision of the Code of Ethics shall have a minimum of one week, or the time between two consecutive meetings, whichever is greater, to prepare his or her case to respond to the allegations. Before considering a sanction, the Regional District must ensure that the member has;

1. received a written copy of the case against him or her;
2. a minimum of one week, or the time between two consecutive meetings, whichever is greater, to prepare a defence against the allegations; and
3. an opportunity to be heard.

A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Regional District decision.

DISTRICT OF HOPE

POLICY MANUAL

DEPARTMENT: All	POLICY NUMBER: 102-05
POLICY TITLE: COUNCIL LEADERSHIP AND OPERATING PRINCIPLES POLICY	
Authority: Legislative: X (Council) Administrative:	Effective Date: March 1, 2005 Date for Review:
Council Resolution Number: 069RC/05/02/28	Approval Date: February 28, 2005

A. POLICY STATEMENT

The District of Hope wishes to establish a policy whereby Council:

- (a) can effectively work together, as a council and staff, to define and successfully achieve the strategic direction and priorities of the community;
- (b) establishes a framework to improve internal working relationships, as well as with staff, to the overall benefit of the organization, building on the core values of trust, respect and integrity.

B. DEFINITIONS

1. 'COUNCIL' means the duly elected municipal council of the District of Hope.
2. 'DISTRICT OF HOPE' means the municipal corporation of the District of Hope.
3. 'STAFF' means all employees of the District of Hope.

C. LEADERSHIP

1. Leadership by Council will be collaborative and interpersonal in order to achieve the results Council and the organization require. Information sharing and communication are integral components of collaborative action. As Council is a collective decision-making body, and not merely a collection of individuals, Council will initiate organizational action solely by majority Council decisions through bylaws, policies or resolutions.

2. Council will work towards creating and maintaining an environment where people are ready, willing and able to take initiative, be creative and get results. To achieve this goal effectively Council will do the following:
 - (a) Set Direction: Ensure that the activities of the organization focus on longer-term vision and objectives, while working with others to build a shared commitment to the future direction. Focus on actions that advance the stated direction and objectives.
 - (b) Mobilize Action: Provide clearly defined accountabilities and performance expectations. Reward and celebrate risk-taking and success, while dealing with gaps in performance. Use a disciplined approach to lead and manage change initiatives. Capitalize on the diverse opinions and collective experience and knowledge within the organization to build optimal solutions.
 - (c) Build Capacity: Strive to be a leader in the delivery of municipal services and to become an employer of choice by investing sufficient time, effort and resources to the organization. Develop mechanisms for developing and retaining high potentials, while ensuring that there are also mechanisms for assisting and dealing with under-performers. Hold accountability for collaborative work between the various programs and units of the organization.
 - (d) Act With Courage: To achieve the desired work environment and to create trust in dealing with all others, Council will act with personal integrity, express themselves openly and honestly, challenge prevailing organizational wisdom through non-threatening conduct, take informed risks, expect the best of others, and celebrate successes.
3. Council will effectively respond to the expectations and demands of the community by capitalizing on the individual and collective strengths of the organization while minimizing its weaknesses. To achieve this goal effectively Council will act in a manner that enables it to answer the following questions with "yes":
 - (a) Does the behaviour of Council engender the trust and ongoing support of staff?
 - (b) Does Council typically act in the best interests of the overall community first, and not tend to focus on the needs and expectations of a particular interest group(s)?
 - (c) Is Council prepared to accept risks and take chances, while also providing unfailing support to staff that do?
 - (d) Does Council have an effective mechanism for dealing with issues and conflicts?
 - (e) Does Council reward and celebrate risk-taking, innovation and/or success?

D. VALUES & OPERATING PRINCIPLES

1. Core Values of relationships between all parties of the organization:
 - (a) Trust: When a promise is made to take a certain course of action, others are able to place full reliance on that promise. When criticism is expressed, regardless of the audience, all parties should be able to anticipate a supportive response.
 - (b) Respect: Respect each other's intelligence and professionalism, respect for challenges each individual faces, respect that we are all trying to serve the best interests of our community and our citizens. Respect that council and administrative roles differ and recognize that staff make poor politicians and elected representatives are not elected to manage.
 - (c) Integrity: All individuals are expected to act in an honest, truthful and straightforward manner, putting the good of the organization ahead of subgroup interests, even at their own risk.
2. The following principles operate from the basis that the core values of trust, respect, and integrity are non-negotiable foundations of behaviour within the organization:
 - (a) Be respectful and courteous to fellow councillors and staff, whether it is in council meetings, other public forums or in private settings. Internal disagreements are to be dealt with internally, as the public is less interested in dirty laundry than seeing the job accomplished.
 - (b) Appreciate and understand that people have different styles and approaches – focus on the content, not the delivery.
 - (c) Give the 'benefit of the doubt' to your fellow councillors as they try to represent the best interests of both their constituents and the municipality.
 - (d) Listen first, and then respond.
 - (e) Do not make assumptions about future council behaviour based on the decisions and behaviours of previous councils.
 - (f) Act and make decisions based on the good of the community as a whole, while recognizing and respecting localized needs and requirements.
 - (g) Use council time and staff time effectively – focus on making decisions and taking action.

- (h) Once making a decision, 'leave the baggage behind' and move on, this includes publicly supporting the decision, even though it may not have been your preferred action.
- (i) Use time outside of formal council meetings to foster understanding and better communications, which includes dealing directly with your fellow councillors regarding any issues or concerns.
- (j) Respect and adhere to the 'chain of command' within the administration. All issues, discussions and actions with and regarding staff are initiated through or with the Chief Administrative Officer and are not subjected to the public or other arenas.
- (k) The 'no surprise theory' will be followed. Issues and concerns will be shared in a suitable setting to further encourage full disclosure and the ability to develop appropriate responses.

E. END OF POLICY

Code of Conduct

What Directors can expect of each other:

- Discussions at the Board and committee meetings will be focused on the issues and the facts;
- The diverse perspectives of each director, as they reflect the in communities, will be respected;
- Strong disagreements and conflicts will be seen as a natural committee work;
- Directors can expect courteous behaviour from each other;
- No director will speak publicly in a way that denigrates the Regional District, other Directors or staff;
- Assumptions will not be made about what a particular director means when they speak. Each director has a responsibility to ask for clarification;
- Disagreements will not be taken personally, nor made personal;
- Directors have the right and responsibility to speak publicly, and explain their position, and agreement or disagreement with the overall Board decision; and
- Directors, when speaking at Board and committee meetings, and publicly, will avoid inflammatory language. They are expected to speak in an objective manner.

 SHARE

Strathcona Regional District Board Meetings - 2018

Strathcona Regional District Board meeting held at 301-990 Cedar Street, Campbell River, BC commencing at 12:30 p.m.

The meeting is open to the public.

COUNCIL POLICY

NAME:	CODE OF CONDUCT	
ISSUED:	November 28, 2016	INDEX REFERENCE:
AMENDED:		COUNCIL REFERENCE: 16/CNCL

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 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 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 policies 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 members 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 members, 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 prior to official communication by the District.
- 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.
- 6.3. Council officials will refrain from using or permitting use of their social media accounts for purposes that include:
 - defamatory remarks, obscenities, profane language or sexual content;
 - 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 deal with the publication of 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 member 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 with value that exceeds \$50 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, when the gift is provided by a corporation, if available), 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. Council officials are to abide by the requirements of the *Community Charter* and this Code of Conduct, and shall endeavour to resolve disputes in good faith, recognizing that interpersonal rancour does not facilitate good governance.

Council Officials

- 9.2. Alleged breaches of this Code of Conduct by Council Officials shall be submitted in a written complaint 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, 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.
- 9.3. Upon receipt of a complaint under section 9.2, the Mayor, or Acting Mayor, and the Chief Administrative Officer shall, if they are not able to resolve the matter informally, within thirty (30) 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.

9.4. The Third Party Investigator:

- 9.4.1. 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:

- 9.4.2. 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;
- 9.4.3. Provide an investigation updated within ninety (90) days of his or her appointment to the Mayor or Acting Mayor, as applicable, and to the Complainant and the Respondent;
- 9.4.4. 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 or Acting Mayor, as applicable, and to the Complainant and the Respondent; and
- 9.4.5. 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;
 - 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.

9.5. The Mayor or Acting Mayor shall consider whether the Report should be presented to Council.

9.6. The Corporate Officer will receive and retain all reports prepared under section 9.4.3 and 9.4.4.

- 9.7. 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.
- 9.8. 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*.

Council/Administration Protocol

Effective Date: February 17, 2015

1. Policy Statement

Council and Administration must have a clear understanding of their respective roles and responsibilities as well as a comprehensive framework that guides their interaction with one another, to ensure effective governance, management and operation of the City of Pitt Meadows.

2. Purpose

This policy will:

- a) Establish a framework to clarify the roles of Council and Administration;
- b) Set out communication standards between Council and Administration;
- c) Establish a protocol regime for guiding relations and communication between Council and Administration;
- d) Promote sound working relationships between Council and Administration; and,
- e) Guide both administrative and operational interaction between Council and Administration.

3. Scope

This policy applies to all staff and Council.

4. Policy

Definitions

City means the City of Pitt Meadows.

Chief Administrative Officer means the individual appointed by Council to the position of Chief Administrative Officer (or his/her designate), as the head of Administration.



Council means the duly elected officials of the City, those being the Mayor and Councillors.

Councillor means any member of Council except the Mayor.

Department Head(s) means those City employees that are charged with overseeing a particular operational or departmental area and/or their designates.

Mayor means the chief executive officer of the City.

Protocol means both written and unwritten conventions, ethics, and/or rules of interaction and communication between Council and Administration.

Governance Framework

- a) The Mayor and Councillors are the political and governance body of the City, while Administration is the administrative and operational arm of the City.
- b) The legal responsibilities, functions and powers of Council and Administration are both inter-dependent and inter-related. The statutory powers of Council and Administration are set out in the *Community Charter*.
- c) Council is led by the Mayor as the chief executive officer of the City. The Mayor has responsibilities as stated in section 116 of the *Community Charter*.
- d) Administration is led by the Chief Administrative Officer, who has responsibilities as stated in section 147 of the *Community Charter*.

Roles and Responsibilities

- a) The Mayor coordinates Council decisions, acts as a Council spokesperson, facilitates the Council/Administrative interface, and performs the duties of the chief executive officer as set out in section 116 of the *Community Charter*.
- b) Council provides direction, makes strategic policy decisions, represents the public interest, and performs the duties/responsibilities of a Council member as set out in section 115 of the *Community Charter*.
- c) The Mayor is responsible for overseeing the Chief Administrative Officer. Council has one employee, that being the Chief Administrative Officer.
- d) The Chief Administrative Officer coordinates the City's systems, manages organizational resources and operations, and facilitates the Administrative/Council interface.



- e) The Chief Administrative Officer oversees and is responsible for all City employees.
- f) Administration implements Council's policies/direction and the corporate business plan, provides decision-making advice, and communicates customer needs, under the direction of the Chief Administrative Officer.
- g) Administration is bound by decisions of Council and shall not be requested to take action contrary to such a decision.
- h) Council and Administration will adhere to formal channels of communication between each other as established by this policy.

Council/Administration General Protocol

- a) Council and Administration will treat each other with respect and integrity.
- b) The Mayor will advise Council when a Councillor's activities are affecting Administration's performance.
- c) Council will deal with Administration performance concerns by communicating them to the Chief Administrative Officer.

Council/Administration Communication Protocol

- a) Council will channel formal communication to Administration with regard to municipal matters generally through the Chief Administrative Officer.
- b) The Mayor will refer a matter requiring administrative action to the Chief Administrative Officer.
- c) Administration will generally channel communication to Council through the Chief Administrative Officer.
- d) Council will provide direction to Administration, including report requests, through clear resolution of Council.
- e) In instances where Councillors need access to information to assist them in making informed decisions, Council may make a direct information request of Administration with the following understanding:



- i) Routine information, facts, and documents which are readily available to the public can be requested from a Department Head directly. The information provided shall be shared with all of Council.
 - ii) Requests for non-routine information or information which is not readily available, is sensitive, or requires interpretation of City policies or procedures should be directed to the Chief Administrative Officer.
- f) Where in the opinion of the Administration, the preparation of the information requested by a member of Council will create a significant impact on performance/workload, the Chief Administrative Officer will advise the member of Council that a motion from all of Council to action the request is required.

Organizational Tools

The following organizational tools contribute to a successful working relationship between Council and Administration:

- a) Regular reports to Council regarding Administration's activities provided by the Chief Administrative Officer.
- b) Clear and concise Council reports, from Administration signed off by the Chief Administrative Officer, that provide the necessary information required for decision-making or that keep Council informed of pertinent issues.
- c) Clear and concise direction to Administration through resolutions made at Council meetings.
- d) Updates from the Mayor and Councillors at Regular Council meetings.
- e) A clear understanding of Administration's role, activities, and capacity.
- f) A Council Procedure Bylaw which provides the framework for parliamentary procedure, current legislation, and the specific governance preferences of Council.
- g) A corporate business planning and budgeting process which implements the strategic direction set by Council.

THE CORPORATION OF THE
CITY OF WHITE ROCK
15322 BUENA VISTA AVENUE, WHITE ROCK, B.C. V4B 1Y6



POLICY TITLE: CODE OF CONDUCT FOR COMMITTEE MEMBERS

POLICY NUMBER: COUNCIL - 120

<i>Date of Council Adoption:</i> November 15, 2010	<i>Date of Last Amendment:</i> June 15, 2015
<i>Council Resolution Number:</i> 2010-501, 2013-082, 2015-214	<i>Historical Changes (Amends, Repeals or Replaces):</i> Housekeeping amendments
<i>Originating Department:</i> Administration	<i>Date last reviewed by the Governance and Legislation Committee:</i> May 25, 2015

Policy:

Committee Member (Members) means an individual that has been appointed by Council to serve on a City Committee.

- a) Members shall conduct themselves at all times with behaviour respectful of their duties and mindful always of the long term results achieved for the benefit and protection of City of White Rock citizens.
- b) Conduct of members in the performance of their duties shall be fair, open, honest and in a professional manner.
- c) Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other Committee members, staff, members of the public, members of Council and guests at the meeting
- d) Committee members are entitled to make comments expressing their opinions regarding matters before the committee or Council as long as such statements clearly state they are putting forward personal views and not those of the committee or Council. Committee members should not criticize the conduct of the committee or members of Council, who are often assigned as representatives to the City's committees. It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other committee members, staff, members of the public, members of Council, the City of White Rock in general and guests at the meeting with regards to their opinions or actions.

When concern has been raised that a member is not adhering to the above, the Chief Administrative Officer will meet with the committee member and if there is not an expected improvement in behaviour, information will be brought before Council by the Chief Administrative Officer or City Clerk, in a closed meeting, and considered.

Council has the authority to remove a member appointment when they determine actions have contravened this policy.

Rationale:

A common goal of members of Council, staff, and members of City committees is to inspire public confidence and trust in local government. Members are ambassadors for the City of White Rock. Due to their affiliation with the City it is important they demonstrate their respect for the City, its residents, those elected to run the city and its staff.



FRASER VALLEY REGIONAL DISTRICT POLICIES AND PROCEDURES

POLICY: DISCRIMINATION, BULLYING AND HARASSMENT PREVENTION POLICY STATEMENT

Date Issued: March 26, 2002

Date Amended: October 2013

POLICY STATEMENT

Discrimination bullying and harassment violate the fundamental rights, dignity and integrity of the individual. The Fraser Valley Regional District (FVRD), its elected officials, and management in cooperation with the union, are committed to the prevention of discrimination, bullying, and harassment and to provide a work environment that is free from discrimination, bullying and harassment where all workers are treated in a fair and respectful manner with dignity and respect.

Application:

This policy applies to all employees working for the FVRD, Board Members and any persons accessing FVRD facilities to conduct business, including the public.

Protection from discrimination, bullying and harassment extends to incidents occurring at or away from the workplace, during or outside working hours, provided the acts are committed within the course of the employment relationship. It applies to interpersonal and electronic communications, such as email.

An essential principle of human rights law is that the most important concern is the effect, or consequences, of actions of others. Sometimes a person is not aware that his or her actions are discriminatory. There may have been no intention to discriminate. However, the intention of the person contravening the Code is not relevant to determining whether a person has been a victim of discrimination.

Where discrimination, bullying or harassment is found to have occurred, the Employer will implement remedial action appropriate to the situation, and may take disciplinary action up to and including dismissal.

Workers who bring forward a complaint in good faith under this policy will not be subject to reprisal. Where it is determined that a complaint was made in bad faith, or was frivolous, vindictive, or vexatious, the Employer will take the appropriate action, which could include disciplinary action up to and including termination.

Definitions:

Employees have the right to employment without discrimination, bullying or harassment based on any of the prohibited grounds of discrimination set out in the *B.C. Human Rights Code*, and based on the B.C. Workers Compensation Act. The prohibited grounds of discrimination under the B.C. Human Rights Code are race, colour, ancestry, place of origin, political belief, religion, sex, sexual orientation, age,

record of conviction for an offence unrelated to the individual's employment, marital status, physical disability, mental disability, and family status.

Discrimination occurs if a distinction is made on one of the above grounds that impose burdens, obligations or disadvantages that are not imposed on others.

Bullying and harassment includes:

(a) any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated, but

(b) excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.

Harassment, including sexual harassment, is one form of discrimination. It is defined as any conduct, comment, gesture or contact based on one of the prohibited grounds of discrimination set out above that is unwelcome, and ought to reasonably be known to be unwelcome. It is any behaviour that demeans, humiliates or embarrasses a person and which detrimentally affects the work environment or leads to adverse job-related consequences for the person who is being harassed.

Some examples of bullying and harassment might include:

- unwelcome remarks, jokes, innuendos, slurs, taunts or suggestions about a person's body, clothing, race, national or ethnic origin, colour, religion, age, sex, marital status, family status, physical or mental disability, sexual orientation, pardoned conviction or other personal characteristics
- unwelcome sexual remarks, invitations, or requests (including persistent unwanted contact)
- threatening behaviour or intimidation
- written or verbal aggression or insults, abuse or threats
- calling someone derogatory names, harmful hazing or initiation practices
- patronizing or condescending behaviour including vandalizing personal belongings, and spreading malicious rumours
- displaying offensive or derogatory pictures, graffiti, cartoons or computer material of a sexual nature
- practical jokes that embarrass or insult someone
- unwelcome physical contact, including touching, patting, hitting, pinching or hugging
- offensive gestures of a sexual nature that include actions that make others feel uncomfortable
- persistent unwelcome invitations or requests, whether direct or indirect
- conduct or comments of a sexual nature which have the effect of creating an intimidating, hostile, or offensive environment
- physical or sexual assault
- in a reprisal or threat of reprisal against any participant complaint of harassment under this policy

The victim of bullying and harassment may be male or female. The person who engages in the bullying and harassment may be of the same or the opposite sex as the victim. Bullying and harassment can occur between individuals of the same or different employment status (manager, supervisor, and co-worker) or between an employee and another individual such as a supplier or a member of the public

with whom the employee comes into contact within the course of employment. It can involve individuals or groups and it can occur with one incident or a series of incidents.

Bullying and harassment which is prohibited by this policy can occur at the workplace, at other locations where employees are in attendance for work related reasons, at FVRD sponsored or employment related social functions, or in other situations where there is a subsequent impact on the work relationship, environment or performance of a worker.

Conduct may be unwelcome or offensive to the victim of bullying and harassment even if the bully or harasser did not intend to offend. Bullying and harassment may be directed at an individual or may be an undirected part of the work environment, such as an inadvertently overheard comment.

ROLES AND RESPONSIBILITIES:

FVRD Board of Directors:

It is the Board of Directors' responsibility to ensure compliance with the *Human Rights Act* and the B.C. Workers' Compensation Act.

Management:

The FVRD shall discourage and use its best efforts to prevent bullying and harassment in the workplace. These efforts will include developing awareness, training and communication programs in support of this policy and regarding the consequences of inappropriate behaviour.

The FVRD encourages workers who feel they have been bullied or harassed in contravention of this policy, as a first step, to make a direct request to the alleged bully or harasser that the offensive behaviour stop.

The FVRD will develop procedures for reporting that empowers employees to bring forward complaints, and procedures for hearing complaints in a fair and confidential manner.

The FVRD shall promptly investigate any complaint and if bullying and harassment in contravention of this policy is determined to have taken place, appropriate action will be taken.

The FVRD will review this policy statement every year. All workers will be provided with a copy.

Workers:

Workers must apply and comply with this policy and procedures on discrimination, bullying and harassment and contribute to a positive work environment where they treat each other with dignity and respect, and not engage in the bullying and harassment of other workers.

Employees, who are experiencing bullying and harassing behaviour, knowing their rights and privacy are protected, should report if bullying and harassment is observed or experienced without delay.



FRASER VALLEY REGIONAL DISTRICT POLICIES AND PROCEDURES

POLICY: DISCRIMINATION, BULLYING AND HARASSMENT PREVENTION PROCEDURES

Date Issued: March 26, 2002

Date Amended: October 2013

PURPOSE

To establish the process to be used to hear and resolve complaints of Discrimination, Bullying and Harassment in the Fraser Valley Regional District in accordance with the Discrimination, Bullying and Harassment Prevention Policy.

PROCEDURE

REPORTING:

The following defines the procedures to be used when allegations of bullying and harassment occur, and is applicable to Union and Exempt Employees, Board Members and anyone conducting business with the Fraser Valley Regional District.

1. Anyone who believes they are being bullied and harassed is encouraged to advise the alleged offender that the behaviour is unwelcome and request that the offensive behaviour cease.
2. If the worker is uncomfortable doing so or if the unwelcome conduct continues, the worker ("the Complainant") can report the incident or complaint verbally or in writing as soon as possible with the Human Resources Department who can, at the request of the Complainant, discuss the conduct with the alleged offender (the "Respondent") in an attempt to effect an informal resolution. The Complainant also has the option of reporting the complaint formally to the Director of Corporate Services*. Incidents or complaints should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated and addressed promptly.
3. If the employer, the complainant's supervisor, or the reporting contact named in Step 2 is the person engaging in bullying and harassing behaviour, contact the Chief Administrative Officer.
4. Where the Complainant and the Respondent are able to informally resolve the complaint, the terms of that resolution will be recorded in writing and kept in a confidential file in the office of the Human Resources Department.
5. The formal complaint must be in writing and must provide full details of the alleged bullying and harassment including:
 - (a) the names of the parties involved;

- (b) a description of the event(s) or circumstances which form the basis of the complaint;
- (c) the location, date and time of the incident(s)
- (d) names of any witnesses;
- (e) attach any supporting documents, such as emails, handwritten notes, or photographs; physical evidence, such as vandalized personal belongings, can also be submitted.
- (f) details of any prior attempts to resolve the issue; and
- (g) nature of the remedy sought.

*Where the offender has been a member of the public, the employee should immediately report the incident to the Director of Corporate Services who will take appropriate action.

INVESTIGATION:

1. The Director of Corporate Services is responsible for ensuring workplace investigations procedures are followed.
2. A confidential investigation of the complaint will then be undertaken. The Director of Corporate Services will, in consultation with the Chief Administrative Officer, decide whether the Human Resources Officer, the Director of Corporate Services, or an external investigator will conduct the investigation (the "Investigator").
3. Investigators will:
 - promptly and diligently, and be as thorough as necessary, given the circumstances;
 - be fair and impartial, providing both the complainant and respondent equal treatment in evaluating the allegations;
 - be sensitive to the interests of all parties involved, and maintain confidentiality;
 - be focused on finding facts and evidence, including interviews of the complainant, respondent, and any witnesses;
 - incorporate, where appropriate, any need or request from the complainant or respondent for assistance during the investigation process.
4. Workers are expected to cooperate with investigators and provide any details of incidents they have experienced or witnessed.
5. The investigator will include interviews with the alleged target, the alleged bully, and any witnesses. If the alleged target and the alleged bully agree on what happened, then the FVRD will not investigate any further, and will determine what corrective action to take, if necessary.
6. The investigators will also review any evidence, such as emails, handwritten notes, photographs, or physical evidence like vandalized objects.

7. The investigator will carry out the investigation and provide a confidential report to the Chief Administrative Officer setting out findings of fact and a conclusion as to whether those findings of fact constitute a breach of this policy.
8. In all circumstances, the Respondent is to be given the opportunity to explain him or herself and to have those explanations properly considered.
9. The name of the Complainant, the Respondent, or the circumstances of the complaint will not be disclosed to any person except where disclosure is necessary for the purpose of investigating the complaint or as required by law.
10. The Chief Administrative Officer, in consultation with the appropriate personnel, which may include the Director of Corporate Services and the Human Resources Officer, will determine the future action to be taken, including appropriate disciplinary action.
11. If a complaint is found to be valid, an appropriate resolution will be provided for the Complainant and, the Respondent may be disciplined up to and including termination of employment. If the Respondent is a member of the Board, the Chief Administrative Officer will seek an audience with the Executive Committee to determine the recourse.
12. The complainant and the Respondent will be advised of the outcome of the investigation by the Human Resources Department.
13. The investigation report will be retained by Human Resources in a confidential bullying and harassment file.
14. No documentation of unsubstantiated bullying, sexual harassment or discrimination will be maintained in individual personnel files.
15. Proven allegations of bullying and harassment including disciplinary action taken shall be documented and form part of the Respondent's permanent record.
16. Following an investigation the Human Resources Department will review and revise workplace procedures to prevent any future bullying and harassment incidents in the workplace. Appropriate corrective actions will be taken within a reasonable time frame.
17. In appropriate circumstances, workers may be referred to the Employee Assistance Program or be encouraged to seek medical advice.

These procedures will be reviewed annually. All workers will be provided with a copy as soon as they are hired, and copies will be available on the FVRD Intranet.



You're out of order, councillor

Is there an epidemic of municipal councillors behaving inappropriately?



Lauren Bernardi and Natasha Savoline are lawyers and HR advisors with Bernardi Human Resource Law LLP. The firm's advisory, investigation, and training services help employers direct their human resources in a strategically sound and legally appropriate manner. Lauren and Natasha are both highly experienced lawyers and harassment investigators with considerable experience in the municipal sector. Bernardi may be reached at 905-486-1991 or lbernardi@hrlawyers.ca, and Savoline may be reached at 905-486-1995 or nsavoline@hrlawyers.ca.

In recent years, news stories have told increasing tales of offside behaviour by councillors and heads of council toward municipal staff, fellow councillors, and the public. Offences range from yelling and disrespectful conduct, to demeaning language and sexual harassment.

During a recent series of lunch meetings with the Ontario Municipal Administrators' Association, attendees were polled regarding the extent of the problem. The numbers tell the tale of a problem that has escalated to a critical level: 77 percent of respondents reported harassment and bullying by elected officials, with 76 percent stating that they had personally been at the receiving end of harassment by a member of council. These startling statistics show just how big the issue has become.

Legal Remedies for Harassment by a Council Member

Most, if not all, municipalities have a policy that addresses harassment for its employees. But, what do you do if the offending conduct is at the hands of a member of municipal council?

One question that frequently arises is whether councillors can or should be held accountable in the same way as a municipal employee – perhaps being held to an even higher standard, given the principles of integrity and accountability that underlie their elected positions. However, councillors fall outside the employer-employee relationship, which has created difficulties when a councillor's conduct offends municipal harassment policies. Although many of these policies stipulate that they also apply to councillors, municipalities have, historically, been unable to impose sanctions on councillors for their misconduct.

MUNICIPAL ENGINEERING



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In Ontario, recent amendments to the *Municipal Act, 2001* require municipalities to establish a code of conduct for members of council, as well as a policy for staff/council relations. Municipalities are also empowered, at their discretion (but required in the case of the City of Toronto), to appoint an integrity commissioner to provide advice to council in respect of adherence to the code of conduct and to undertake inquiries into complaints regarding any breaches by members of council of the principles set out in the code.

Many municipalities have already put these mechanisms in place, implementing comprehensive codes of conduct for council members and appointing an integrity commissioner. Many of these codes of conduct address standards and express expectations of councillors' respectful behaviour. The problem lies not with creating policies or identifying problem behaviour but in addressing it when it arises.

If the integrity commissioner determines that a member of council has breached the code of conduct, the Act provides that the municipality can impose:

- a reprimand; or
- a suspension of pay for up to 90 days.

Typically, these penalties are not effective at addressing or stopping the behaviour. As such, some municipalities have imposed other remedies, such as:

- harassment training for either council as a whole or one-on-one sensitivity training for the councillor whose behaviour is at issue (note: they cannot be forced to attend so sometimes all-council training is used);
- restricting the councillor's access to certain premises;
- requiring that the councillor's correspondence and inquiries to municipal staff be conducted through the Chief Administrative Officer (CAO);
- barring the councillor from meeting with a staff member that they have harassed (unless arranged through the CAO's office);
- removal of the councillor's contribution to the municipality's newsletter or other communications;
- removal of the councillor's appointment on a committee or board;
- a public declaration that the councillor breached the code of conduct; or
- a request by a majority of council that the councillor resign.

Many of the above measures are creative and effective means of addressing harassment by members of council. However, they cannot be proposed through the integrity commissioner process, as the remedies under the *Municipal Act, 2001* are limited to the ones noted earlier: namely, a reprimand and/or suspension of pay. As an alternative, therefore, consideration should be given to having the investigation conducted by an external third party as a breach of the harassment provisions in the *Occupational Health and Safety Act* and/or the *Ontario Human Rights Code*.

Best Practices for Preventing and Responding to Harassment

Here are a few tips for preventing bad behaviour:

Establish a detailed code of conduct – Implement a comprehensive code of conduct for members of council that addresses standards of behaviour, including expectations regarding respect and harassment. The more specific the code is in regarding expectations and examples of inappropriate behaviour, the easier it is to enforce. The code should outline complaint procedures and potential avenues for resolution, as well as the role and process that will be followed by the integrity commissioner (or his or her delegate if one has been appointed).

Incorporate the municipal harassment policy into the code of conduct – Incorporate the municipality's harassment policy into the code of conduct by specifically stating that it forms part of the code and that members of council are required to abide by the policy. Any other applicable workplace policies should also be mentioned, such as policies that address violence in the workplace and harassment via social media, given the popularity of individual blogs maintained by council members.

Training – Council should be properly trained and familiarized with the code of conduct, both as part of the initial orientation and on a regular basis thereafter (ideally annually). An initial interactive training session is much more effective than a mere review and recitation of the code and/or policy. This helps drive appropriate behaviour and increases an understanding of harassment and its impact.

COUNCILLOR, cont'd on p. 40

In a fire, common practice is to clear the building. But, in an ammonia leak, it may be safer to stay inside, because emergency procedures may involve releasing the ammonia in the system to the outside atmosphere. Understanding what to do in the event of an emergency is crucial when time is of the essence. It is important to identify potential emergency scenarios and properly plan to respond to these different levels of emergency – including notifying the surrounding community if needed.

If a plume could involve the full inventory of ammonia in the facility's system, risk management planning should determine what populations would be within reach. Such worst-case situations need to be considered along with other credible release scenarios. Computer-based modeling using likely wind directions and speeds, and other local environmental factors can then calculate the size and location of the emergency planning zone, and how long emergency services have for notifying nearby residents. The message might be to stay indoors, close windows, and turn off ventilation systems until the cloud passes. There might also be a need for an evacuation of the area around the arena, as was the case in Fernie, where residents stayed out of their homes for several days while investigators searched for the cause of the ammonia leak.

Developing Robust Risk Management Plans

Experience has found that the best risk management plans come from a variety of perspectives brought together in one room.

Representatives from operations and maintenance can provide knowledge of the facility and how it works, while emergency services contribute their advice on how to respond to an emergency. Based on what they have seen work elsewhere, external engineering and environmental firms can complete the risk assessments and advise on possible improvements to the system. They can also carry out atmospheric dispersion modeling to see how an ammonia leak might impact the community.

Working together, municipal leaders, staff, and external advisors can find ways to protect the community from the risks of ammonia, allowing residents to stay fit, healthy, and safe. **MW**

Given the indeterminate number of sources of greenhouse gases in the world, the impossibility of attributing certain climatic events to climate change (e.g., forest fires, storms), and the impossibility of attributing climatic events easily tied to climate change to specific emissions (e.g., sea level rise), proving that fossil fuel companies are culpable for the harms being experienced by local governments presents a significant hurdle to successful litigation. While there is American precedent for a successful claim in a circumstance like this on the basis of public nuisance,⁹ a Canadian lawsuit would need to make a novel argument – the chances of success of which are hard to predict.

And, setting aside for the moment the challenges with causation, a local government or class of local governments would also likely face other legal hurdles that would add to the cost and complexity of litigation. These include: the justiciability of the claim; counterclaims for contributory negligence; fossil fuel companies citing a defence of statutory authority under a claim for public nuisance; proving the connection between fossil fuel companies' greenhouse gas emissions, climate change, and the environmental change preceding the harm being experienced; and justifying the selection of certain defendants.

Possible ... but Challenging

Ultimately, successful municipal climate change litigation in Canada is not impossible, but it's not easy. Nevertheless, the costs local governments will face over the next century as they adapt to the effects of climate change are significant and inevitable, making this an avenue many municipalities may wish to consider – even in light of the challenge and upfront costs.

Consequently, those municipalities interested in exploring this legal avenue in the near future are advised to consult their legal counsel to obtain a context-specific legal opinion, including on the option for a class action. Regardless, all municipalities will want to keep an eye on the direction taken in the California and New York City litigations. **MW**

⁹ *Woodyear v. Schaefer*, 57 Md 1 [1881] pp 9-10.

Encourage bystander interventions – The greatest power to remedy bad behaviour is bystander interventions. This means the remaining members of council should take a strong, united stand against bad behaviour and demonstrate what respect means for their municipality.

Provide guidelines – Inform council of their respective obligations by providing them with an easy-to-digest guideline and fact sheet on respect and harassment.

Use an investigator with appropriate expertise – A lack of appropriate knowledge and expertise about the law and psychology of harassment creates a significant risk of a flawed investigation. This could ultimately result in a flawed finding. To avoid this, ensure that the individual conducting the inquiry and investigating the complaint – for example, the integrity commissioner, his or her delegate, or an external investigator – has specific expertise in dealing with harassment and is proficient in investigating harassment complaints.

Ask the integrity commissioner to delegate where appropriate – The Act permits the integrity commissioner to delegate to another person, other than a member of council. If the integrity commissioner does not have the necessary expertise and experience to properly investigate a harassment complaint, municipalities should consider including a mandate that the integrity commissioner must delegate to an individual who does. The consequence of coming to the wrong conclusion in an investigation not only creates a risk of legal liability, but also an outcome that will be harshly and thoroughly highlighted by the media for scrutiny in the public eye.

Impose effective remedies – Giving those who breach a harassment policy a proverbial “slap on the wrist” is ineffective at curbing the behaviour. In any situation of wrongdoing, it is critical that the remedy be fair, proportional to the misconduct, and effective at preventing the individual from repeating the behaviour.

Although there are limitations, a municipality's hands are not completely tied. There are creative and practical solutions to effectively resolve these thorny and increasingly common situations. **MW**



2018 INTERNAL AFFAIRS COMMITTEE WORKPLAN
[As at June 20, 2018]

INITIATIVE	STATUS	TARGET TIMELINES
Develop <i>Draft Code of Responsible and Ethical Conduct for FVRD Board Members</i>	<p>Staff compiling existing Codes of Conduct from BC local governments with the objective of undertaking a side by side analysis</p> <p>Staff to prepare <i>Draft Code of Responsible and Ethical Conduct for FVRD Board Members</i> for consideration by IAC</p> <p>Staff to monitor UBCM's development of conduct guidance materials and Model Code of Conduct further to outcome of 2017 UBCM Convention</p>	<p>Staff to submit Draft to IAC for consideration in 2nd Quarter 2018</p> <p>Staff to incorporate IAC's feedback into Draft</p> <p>IAC to recommend to the FVRD Board by end of 2nd Quarter/early third quarter 2018</p> <p>ON TARGET</p>
Develop Draft Board Policy which addresses the requirement for all Board Directors and Alternate Directors to be assigned a corporate email address for purposes of conducting FVRD business	Staff to prepare Draft Board Policy for IAC's consideration	<p>Staff to submit Draft Board Policy to IAC not later than August 2018 in anticipation of 2018 general local election</p> <p>IAC to recommend to the FVRD Board not later than September 2018 Board Meeting</p> <p>ON TARGET</p>

INITIATIVE	STATUS	TARGET TIMELINES
Develop Draft Board Policy which addresses: 1] Alternate Electoral Area Director Remuneration where an Alternate Electoral Area Directors acts on behalf of an Electoral Area Director for an extended period of time; and 2] per meeting stipend of Alternate Municipal or Electoral Area Directors	Staff to prepare Draft Board Policy for IAC's consideration	Staff to submit Draft Board Policy to IAC by early third quarter IAC to recommend Draft Board Policy to Board at September 2018 Board Meeting REVISED TARGETS
Develop Draft Board Policy which addresses: 1] the provision of Closed Meeting Agendas and Minutes to Alternate Directors; and 2] attendance at Closed meetings when not acting on behalf of a Board member	Staff to prepare Draft Board Policy for IAC's consideration	Staff to submit Draft Board Policy to IAC by early 3 rd Quarter IAC to recommend Draft Board Policy to Board at September 2018 Board Meeting REVISED TARGETS
New Directors' On-Boarding and Orientation	Reference December 20, 2017 IAC Closed Meeting Minutes, Item 4.6	Completed unless the IAC wishes to provide further input