

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