

**City of Kelowna**  
**Regular Council Meeting**  
**AGENDA**



Monday, February 26, 2024  
9:00 am  
Council Chamber  
City Hall, 1435 Water Street

**Pages**

1. **Call to Order**
2. **Confirmation of Minutes** 2 - 3  
Regular AM Meeting - February 12, 2024
3. **Reports**
  - 3.1 **Code of Conduct Implementation Overview** 45 m 4 - 13  
To receive an update on Code of Conduct procedures and implementation.
4. **Resolution Closing the Meeting to the Public**

THAT this meeting be closed to the public pursuant to Section 90(1) (a) (b) (d) and Section 90(2) (b) of the Community Charter for Council to deal with matters relating to the following:

  - Position Appointments
  - Municipal Award
  - Property of the Municipality
  - Confidential Information from the Province
5. **Adjourn to Closed Session**
6. **Reconvene to Open Session**
7. **Termination**



**City of Kelowna  
Regular Council Meeting  
Minutes**

Date: Monday, February 12, 2024  
 Location: Council Chamber  
 City Hall, 1435 Water Street

Members Present Mayor Tom Dyas, Councillors Maxine DeHart and Luke Stack

Members Participating Remotely Councillors Ron Cannan, Gord Lovegrove and Rick Webber

Members Absent Councillors Charlie Hodge, Mohini Singh and Loyal Wooldridge

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming

(\* Denotes partial attendance)

**1. Call to Order**

Mayor Dyas called the meeting to order at 9:00 a.m.

**2. Confirmation of Minutes**

Moved By Councillor Webber/Seconded By Councillor Stack

THAT the Minutes of the Regular AM Meeting of February 5, 2024 be confirmed as circulated.

Carried

**3. Resolution Closing the Meeting to the Public**

Moved By Councillor Stack/Seconded By Councillor Lovegrove

THAT this meeting be closed to the public pursuant to Section 90(1) (b) (d) (e) and Section 90(2) (b) of the Community Charter for Council to deal with matters relating to the following:

- Municipal Award
- Property of the Municipality
- Acquisition of Land
- Confidential Information from the Province

Carried

4. **Adjourn to Closed Session**

The meeting adjourned to a closed session at 9:02 a.m.

5. **Reconvene to Open Session**

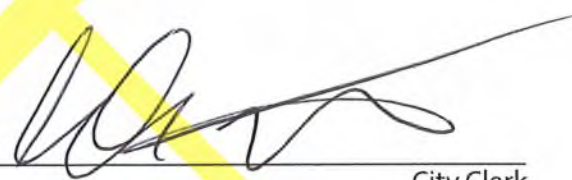
The meeting reconvened to an open session at 11:38 a.m.

6. **Termination**

The meeting was declared terminated at 11:38 a.m.

\_\_\_\_\_  
Mayor Dyas

sf/acm



\_\_\_\_\_  
City Clerk

DRAFT

# Report to Council



**Date:** February 26, 2024  
**To:** Council  
**From:** City Manager  
**Subject:** Code of Conduct Implementation Overview  
**Department:** Office of the City Clerk

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**Recommendation:**

THAT Council receives, for information, the report from the Office of the City Clerk, dated February 26, 2024, with respect to an overview of implementing the Code of Conduct.

**Purpose:**

To receive an update on Code of Conduct procedures and implementation.

**Background:**

[Council Policy No. 388 – Code of Conduct](#) was endorsed on September 11, 2023. Since then, staff have responded to several questions about the Code, its application, and potential breaches.

Staff will provide an annual summary of complaints and how they were addressed. In 2023, one complaint was received. Following the preliminary assessment outlined in section 29 of the Code, the complaint was closed without proceeding to investigation and the complainant and respondent Council member were informed.

Through the enquiries and process of assessing a complaint, staff have had the opportunity to clarify certain procedures associated with the Code of Conduct. These include considering the content and characteristics of a complaint, determining whether a complaint should be closed or proceed to investigation, and providing notice to affected parties. The accompanying PowerPoint presentation provides an overview of these procedures and a refresher on key components of the Code.

**Considerations applicable to this report:**

**Existing Policy:** [Council Policy No. 388 – Code of Conduct](#)

**Considerations not applicable to this report:**

- Legal/Statutory Authority:**
- Legal/Statutory Procedural Requirements:**
- Financial/Budgetary Considerations:**

***Consultation and Engagement:  
Communications Comments:***

Submitted by:

L. Bentley, Deputy City Clerk

**Approved for inclusion:** S. Fleming, City Clerk



City of  
**Kelowna**

# Code of Conduct Implementation Overview

February 2024

# Overview

- ▶ Established September 11, 2023
- ▶ Staff have responded to several questions
- ▶ Annual summary to be made public
- ▶ Received 1 complaint in 2023
  - ▶ Assessed and closed under s. 29
  - ▶ No investigation

# Submitting a Complaint (s. 25)

- ▶ Council member, staff, or resident
- ▶ In writing
- ▶ Submitted within 30 days of the alleged breach
- ▶ Complainant name
- ▶ Respondent Council member name(s)
- ▶ Conduct that breached the Code
- ▶ Date of alleged conduct
- ▶ Part(s) of the Code that were breached
- ▶ How the complainant knows of the conduct
- ▶ If submitted by a Council member, whether they attempted informal resolution



# Complaint Characteristics

- ▶ Complaint needs to meet certain characteristics
- ▶ Examples:
  - ▶ “Council should do something about XYZ” is too general
  - ▶ “I think this breaches the Code” is too general
- ▶ Must be able to clearly make connection between complaint and sections of the Code
  - ▶ Doesn’t need to name specific section number
- ▶ Need enough detail to assess the complaint based on s. 25

# Assessing a Complaint (s. 29)

- ▶ City Clerk and City Manager assess if s. 25 requirements are met
- ▶ May request clarification from the complainant
- ▶ Bring in the City Solicitor on more challenging assessments
- ▶ Determine how to proceed
  - ▶ Close the complaint for reasons under s. 29, or
  - ▶ Refer to a third-party investigator (separate from City Solicitor)

# Notifying Affected Parties

Step	Complainant	Respondent Council Member	All of Council
Confirmation of receipt of complaint	✓	X	X
Completion of preliminary assessment (close or refer to investigator)	✓	✓	X
Beginning of investigation	○	✓	X
Investigation report – no violation	✓	✓	✓
Investigation report – violation	✓ Report public after Council decision	✓	✓ 48 hrs after respondent Council member

✓ = mandatory    ○ = optional    X = not notified

# Observations

- ▶ Code isn't the most appropriate mechanism to address all conduct or complaints (s. 29.c)
  - ▶ Examples: Office of the Human Rights Commissioner, Criminal Code, Civil Resolution Tribunal
- ▶ Code is intended to set expectations around professional, responsible, and ethical conduct without limiting freedom of expression (Guiding Principle)
- ▶ Include a disclosure statement on anything you're publishing (s. 10)
- ▶ Remain neutral on potential code violations because of role as decision-maker (s. 42)



*Questions?*

For more information, visit [kelowna.ca](http://kelowna.ca).