

Report to Council



Date: March 13, 2023
To: Council
From: City Manager
Subject: Council Code of Conduct
Department: Office of the City Clerk

Recommendation:

THAT Council receives, for information, the report from the Office of the City Clerk dated March 13, 2023 with respect to a Council Code of Conduct.

Purpose:

To consider establishing a Council Code of Conduct.

Background:

A Code of Conduct establishes shared expectations for how Council members should conduct themselves while carrying out their duties and responsibilities. It applies to interactions with each other, City staff, the public, and other organizations, including during Council meetings and when performing other duties as a member of Council. Responsible conduct is part of providing good governance and includes promoting behaviour that is accountable, transparent, ethical, respectful, effective, and efficient.

A provincial Working Group on Responsible Conduct was formed to better understand concerns related to conduct among local government elected officials and identify ways to strengthen BC's responsible conduct framework. With representation from the Union of BC Municipalities, Ministry of Municipal Affairs, and the Local Government Management Association, the Working Group has published several resources to support elected officials in fostering responsible conduct, maintaining good governance, and resolving conduct issues. Links to these resources are available at the end of this report.

Discussion:

Legislative Framework

Councils are now required under the *Community Charter* to consider whether to establish a Code of Conduct or whether to review an existing Code of Conduct within six months of its first regular meeting after a general local election. Council does not currently have a Code of Conduct and must consider

establishing one by May 14, 2023. In deciding whether to establish a Code of Conduct, Council must consider the following principles, as established by the Province:

- Council members must carry out their duties with integrity;
- Council members are accountable for the decisions they make, and the actions they take, in the course of their duties;
- Council members must be respectful of others; and
- Council members must demonstrate leadership and collaboration.

Contents

A Code of Conduct must speak to the foundational principles of responsible conduct, being integrity, accountability, respect, and leadership and collaboration. It should also clearly establish who the Code of Conduct applies to and under what circumstances, and how conduct will be monitored and the policies enforced. Other policies that relate to responsible conduct may be included. Proposed contents and structure for a Code of Conduct are:

- Scope and applicability
 - Whether to include persons appointed to Council committees and task forces
- Foundational principles
- Additional principles
 - Use of social media as an elected official, including during Council meetings
 - Council gifts
 - Council member meetings with developers
 - Lobbyist Registry
 - Security of corporate assets, including digital
 - Election activities (municipal, provincial, federal)
 - Confidential information and protection of third party privacy
- Standards of conduct for each principle
- Addressing conduct issues

Complaint & Resolution Procedures

Establishing a complaint and resolution process within a Code of Conduct sets a common understanding of options and procedures if conduct issues come up. Informal resolution of issues is encouraged and is generally found to be more effective, faster, collaborative, and less complex than formal enforcement mechanisms. Options for formal sanctions are limited within local government and are expensive when lawyers or other third parties are involved. These should be considered after efforts for informal resolution are made or to address more serious conduct matters. Complaint and resolution procedures should outline:

- Process for submitting complaints
- Process for reviewing complaints
- Informal and formal resolution options
 - Motion of censure
 - Remuneration deductions
 - Restricted access to City buildings

- Removal from committee appointments

Complaint and enforcement processes should be fair and impartial, ensuring affected parties have access to relevant information, including notice of decisions and the reasons for them, and an opportunity to be heard. Strict rules of procedural fairness must be followed when Council considers a formal complaint against a Council member.

Conclusion:

Responsible conduct supports good governance by promoting accountability, transparency, respect, and effective and efficient decision-making. A Code of Conduct establishes expectations for how Council conducts themselves following the principles of integrity, accountability, respect, and leadership and collaboration, among other related principles and policies. Should Council choose to establish a Code of Conduct, the recommendation to move forward is:

THAT Council direct staff to prepare a Code of Conduct and associated policies for Council's consideration.

Considerations applicable to this report:

Legal/Statutory Authority:

Community Charter s. 113.1 Requirement to consider code of conduct

- (1) Within 6 months after its first regular council meeting following a general local election, a council must decide
 - (a) whether to establish a code of conduct for council members, or
 - (b) if a code of conduct for council members has already been established, whether it should be reviewed.

Legal/Statutory Procedural Requirements:

Community Charter s. 113.1 Requirement to consider code of conduct

- (2) Before making a decision under subsection (1), the council must
 - (a) consider the prescribed principles for codes of conduct,
 - (b) consider the other prescribed matters, if any, and
 - (c) comply with the prescribed requirements, if any, including requirements respecting public notice or consultation.
- (3) If the council decides, under subsection (1), not to establish a code of conduct or review an existing code of conduct, it must make available to the public, on request, a statement respecting the reasons for its decision.

Principles for Codes of Conduct Regulation B.C. Reg. 136/2022

Definition

- 1 In this regulation, "Act" means the *Community Charter*.

Principles for codes of conduct

- 2 The following principles are prescribed for the purposes of sections 113.1 (2) (a) [*requirement to consider code of conduct*] and 113.2 (2) (a) [*reconsideration of decision respecting code of conduct*] of the Act as principles that a council must consider before making a decision under section 113.1 (1) or in a reconsideration under section 113.2 (1):
 - (a) council members must carry out their duties with integrity;

- (b) council members are accountable for the decisions that they make, and the actions that they take, in the course of their duties;
- (c) council members must be respectful of others;
- (d) council members must demonstrate leadership and collaboration.

Existing Policy:

[Council Policy No. 313 Conflict of Interest](#)

Financial/Budgetary Considerations:

There may be costs associated with complaint and resolution processes. Should Council proceed with establishing a Code of Conduct, budget would be identified.

Considerations not applicable to this report:

External Agency/Public Comments:

Communications Comments:

Submitted by:

Stephen Fleming, City Clerk

cc:

L. Bentley, Deputy City Clerk

Attachments:

[Forging the Path to Responsible Conduct](#)

[Foundational Principles of Responsible Conduct](#)

[Model Code of Conduct](#)

[Model Code of Conduct Companion Guide](#)

[District of Squamish Code of Conduct Bylaw No. 2919](#)