

Report to Council



Date: June 5, 2023
To: Council
From: City Manager
Subject: Council Code of Conduct Options
Department: Office of the City Clerk

Recommendation:

THAT Council receives, for information, the report from the Office of the City Clerk dated June 5, 2023 with respect to Council Code of Conduct options;

AND THAT Council directs staff to prepare a Code of Conduct Bylaw in accordance with the recommendations as outlined in the report from the Office of the City Clerk dated June 5, 2023.

Purpose:

To provide direction on options for a 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.

Council considered whether to have a Code of Conduct earlier this year, and directed staff to bring forward a Code for Council’s consideration.

Previous Council Resolution

Resolution	Date
THAT Council direct staff to prepare a code of Conduct and associated policies for Council’s consideration.	March 13, 2023

Discussion:

A Code of Conduct must speak to the foundational principles of responsible conduct, being integrity, accountability, respect, and leadership and collaboration. A draft Code of Conduct Bylaw is attached for discussion purposes. The draft Bylaw includes the following provisions:

Scope and applicability

- Applies to Council members only. Council Committee members serve at the “pleasure of Council” and may be removed by Council resolution, should a situation arise that warrants such an action. Staff conduct falls under the City’s Principles of Conduct.

Principles

- General conduct and procedures
- Interactions with staff, public and the media
- Advocacy and representing Council
- Conduct of meetings and communications during Council meetings
- Handling of confidential information
- Conflict of interest considerations and procedures
- Gifts and disclosure of gifts
- Use of public resources, including for personal or election-related purposes

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. The Code is intended to be self-enforcing. 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 remedies are outlined in the draft Bylaw and are a decision of Council based on the investigation report for formal complaints.

The draft Bylaw establishes fair and impartial complaint and enforcement processes, 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.

The draft Bylaw includes the following provisions around investigations, compliance, and resolution:

- Informal resolution process for Council members and staff
- Formal complaint process for Council members, staff, and residents
- Preliminary assessment and notice
- Referral to third party investigator for investigation, reporting and notice
- Council decision and remedies

Conclusion:

The draft Code of Conduct Bylaw is presented for Council’s consideration. The Code is intended to establish common expectations for how Council conducts themselves in meetings and when performing other duties and responsibilities as elected officials. Staff will bring forward a Bylaw for readings following the direction of Council.

Considerations applicable to this report:

Legal/Statutory Authority:

Community Charter s. 113.1 Requirement to consider code of conduct

Legal/Statutory Procedural Requirements:

Community Charter s. 113.1 Requirement to consider code of conduct

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

Existing Policy:

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

Financial/Budgetary Considerations:

Budget will be provided for preliminary assessments conducted by the City Solicitor and investigations conducted by a third party investigator.

Considerations not applicable to this report:

External Agency/Public Comments:

Communications Comments:

Submitted by:

L. Bentley, Deputy City Clerk

Approved for inclusion: S. Fleming, City Clerk