



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).