Responsible Conduct Framework

September 2024

City of
Kelowna

Background

▶ Working Group on Responsible Conduct (UBCM, LGMA, Ministry of Municipal Affairs)

  ▶ History of UBCM resolutions

▶ Requirement for Council to consider establishing or to review an existing Code of Conduct

  ▶ Actually having a Code remains optional

▶ Kelowna Code of Conduct adopted Sept 11, 2023

Responsible Conduct Framework

▶ Foundational principles (integrity, accountability, respect, leadership and collaboration)

▶ Oath of office

▶ Codes of conduct

▶ Independent investigators

▶ Education

▶ Broader legislative context (e.g., conflict of interest, gifts, etc.)

▶ Resources on responsible conduct

Discussion Paper

▶ Working Group and focus groups with elected officials and staff

▶ Released by UBCM and LGMA in response to continued calls for more tools

　　▶ Lack of tools an inability to address extreme examples of poor conduct

　　▶ Reliance on staff involvement

　　▶ Lack of resources

　　▶ Potential to weaponize codes and sanctions

▶ Different models to administer and enforce codes of conduct to address gaps

Models for Administration & Enforcement

Responsibility	Model I: Local Determination	Model II: Centralized (Required)	Model III: Local (Required)
Establish Code of Conduct	Council - Optional	Council - Mandatory (standardized)	Council - Mandatory (with prescribed elements)
Administer (review complaints, investigate, present findings, make recommendations)	Third party	Provincial body	Third party
Enforce (apply sanctions)	Council	Council	Council
Educate and advise	Third party, other resources (e.g., UBCM, LGLA)	Provincial body	Third party

Assessment of Models

Factor	Model I: Local Determination	Model II: Centralized (Required)	Model III: Local (Required)
Scope of Sanctions	Broad Council's discretion	Broad Set by legislation	Broad Set by legislation
Closest Examples	Similar to BC's status quo	Quebec (key differences)	Manitoba, Ontario
Local Government Choice	High	Low	Limited
Oversight and Accountability	Council, third party investigator	Provincial body, Council	Council, provincial government, third party investigator
Standardization	Best practices	High	High
Control over costs	High	Low	Limited
Fairness	Variable	High	High
Effectiveness	Variable	Variable	High

Input

▶ UBCM invites a response on the following questions:

1. Should the Province be asked to develop legislation mandating codes of conduct modelled on established best practices for all local governments in BC?

2. Are legislated changes needed to support code of conduct administration and enforcement?

3. If so, what factors are most important to the success of a new approach to code administration and enforcement?

Next Steps

▶ Council input to UBCM

▶ Staff input to LGMA

▶ Staff are conducting a review of Kelowna's Code of Conduct and will report back to Council this fall

Questions?

For more information, visit **kelowna.ca**.