



City of
Kelowna

Review of Council Policy No. 388 Code of Conduct

November 18, 2024

Background

- ▶ Code of Conduct adopted September 11, 2023
- ▶ Sets standards of responsible conduct for Council members
- ▶ Establishes processes for submitting and reviewing complaints, conducting investigations, and enforcing the Code
- ▶ Review based on observations and experience with the current Code of Conduct

Code of Conduct Use & Implementation

Complaint	Section Cited	Result	Reason
1	s. 10 (Interactions with the Public and Advocacy)	<u>Closed</u>	No possible grounds on which to conclude that a violation of the Policy occurred.
2	s. 2 (General Conduct), s. 10 (Interactions with the Public and Advocacy)	<u>Closed</u>	Complaint more appropriately addressed through another process; no possible grounds on which to conclude that a violation of the Policy occurred.
3	s. 10 (Interactions with the Public and Advocacy)	<u>Closed</u>	Complaint more appropriately addressed through another process; no possible grounds on which to conclude that a violation of the Policy occurred.
4	s. 9, 10 (Interactions with the Public and Advocacy), s. 16 (Use of Public Resources)	<u>Not accepted</u>	Submitted outside the time limits set out in s. 25 and an extension was not found to be warranted.

Part 1 - Conduct

- ▶ Experience in interpreting and applying the Policy since September 2023
- ▶ Areas where the Policy can be strengthened and clarified

Recommended Amendments

Section #	Current Text	Proposed Change	Rationale
3	Council Members will not use their office to attempt to gain personal benefits for themselves, their family members or their friends.	Add general examples of conduct that may be a breach.	Provide clarity about the types of conduct.
4	Council Members will direct questions and inquiries regarding departmental issues in accordance with protocols established by the City Manager and will only contact Staff directly to seek administrative clarity.	Add that only senior staff should be contacted directly.	Clarify that administrative clarity should only be sought directly with senior staff members.

Recommended Amendments

Section #	Current Text	Proposed Change	Rationale
10	<p>The Mayor is the designated spokesperson for the City on Council matters. Council Members will represent the official policies or positions of Council to the best of their ability when designated as a delegate of Council. When presenting their individual opinions and positions, Council Members will explicitly state that it is their own personal view and that they do not represent Council or the City in those views.</p>	<p>Add that a single statement on a social media account covers all posts.</p>	<p>Clarify that one statement, viewable on a profile, addresses this Code requirement.</p>

Recommended Amendments

Section #	Current Text	Proposed Change	Rationale
Section 12	Council Members will not interact or communicate with members of the public during open or closed Council meetings about matters being considered at that meeting via email, text or other social media applications.	Limit use of technology during Council meetings to only a City-issued device stationed at each Council member's space to access the Council agenda.	Individual Council members receiving information from members of the public during a meeting undermines Council governance and procedural fairness. A stationary device provides access to the agenda while meeting the intent of this provision.

Recommended Amendments

Section #	Current Text	Proposed Change	Rationale
Section 16	Council Members will not undertake federal, provincial or municipal election campaign related activities at City Hall or on other premises owned by the City.	Limit to prohibiting at City facilities where the main function is employee workspaces (e.g., City Hall, Public Works Yard).	A blanket prohibition on all City property creates an advantage for candidates who are not Council members.
Various	N/A	Minor text improvements and clarifications.	Various minor amendments will improve the clarity and consistency of the Policy throughout.

Part 2 – Investigation, Compliance & Enforcement

- ▶ Series of sanctions available within Council's authority with criteria to determine appropriate options
- ▶ Council feedback about sanction limitations shared with UBCM
- ▶ Amendments to Council Remuneration and Expense Bylaw
 - ▶ Strengthen possible remedy of temporary reduction in pay
 - ▶ Administrative bylaw updates

Conclusion

- ▶ Modest amendments to Policy
 - ▶ Greater clarity to Council, staff, and the public
- ▶ Next Steps
 - ▶ Revised Policy
 - ▶ Amendments to Council Remuneration and Expense Bylaw



Questions?

For more information, visit kelowna.ca.