

Request for Decision



To: Committee of the Whole
From: **Corporate Services**
Date: May 9, 2022
Subject: Update of Council Code of Conduct
Recommendation: **THAT the Committee-of-the-Whole refer the attached Code of Conduct to the May 30, 2022 Regular Meeting.**

Purpose

To provide an update to the Council Code of Conduct policy. Best-practice recommendation from the Province (Ministry of Municipal Affairs), Local Government Management Association (LGMA) and Union of BC Municipalities (UBCM) is to review the Code of Conduct periodically, at least once per Council term.

Background

As part of ongoing review and update of policies and bylaws, Council approved an updated Council Procedure Bylaw on April 11, 2022. The Procedure Bylaw references the Code of Conduct and includes an updated Oath of Office which also references the Code of Conduct.

The current Code of Conduct policy, #308, has been in effect since June 2016.

In 2017, the Ministry of Municipal Affairs, LGMA, and UBCM formed a working group on responsible conduct (the "Working Group"). In August 2018, the group released a model Code of Conduct which provided a template and best-practices for establishing an updated policy. The model report was updated in April 2021 as was the overall guidance report "Forging the Path to Responsible Conduct in Your Local Government" (attached to this report).

Responsible Conduct refers to the way local government elected officials conduct themselves in their interactions with elected colleagues, staff, and the public. In "Forging the Path...", the working group defined four foundational principles on how Council Members fulfill their roles and responsibilities.

Foundational Principles

Integrity – means being honest and demonstrating strong ethical principles. Conduct under this principle upholds the public interest, is truthful and honourable.

Integrity is demonstrated by the following conduct:

- Members will be truthful, honest, and open in all dealings, including those with other members, staff, and the public.

- Members will ensure that their actions are consistent with the shared principles and values collectively agreed to by the council or board.
- Members will follow through on their commitments, correct errors in a timely and transparent manner, and engage in positive communication with the community.
- Members will direct their minds to the merits of the decisions before them, ensuring that they act based on relevant information and principles and in consideration of the consequences of those decisions.
- Members will behave in a manner that promotes public confidence in all of their dealings.

Respect – means having due regard for others’ perspectives, wishes and rights; it also means displaying deference to the offices of local government, and the role of local government in community decision making. Conduct under this principle is demonstrated when a member fosters an environment of trust by demonstrating due regard for the perspectives, wishes and rights of others and an understanding of the role of the local government.

Respect is demonstrated through the following conduct:

- Members will treat every person with dignity, understanding, and respect.
- Members will show consideration for every person’s values, beliefs, experiences and contributions to discussions.
- Members will demonstrate awareness of their own conduct, and consider how their words or actions may be, or may be perceived as, offensive or demeaning.
- Members will not engage in behaviour that is indecent, insulting, or abusive. This behaviour includes verbal slurs such as racist remarks, unwanted physical contact, or other aggressive actions that are harmful or threatening.

Accountability – means an obligation and willingness to accept responsibility or to account for one’s actions. Conduct under this principle is demonstrated when council or board members, individually and collectively, accept responsibility for their actions and decisions.

Accountability is demonstrated through the following conduct:

- Members will be responsible for the decisions that they make and be accountable for their own actions and the actions of the collective council or board.
- Members will listen to and consider the opinions and needs of the community in all decision-making and allow for appropriate opportunities for discourse and feedback.
- Members will carry out their duties in an open and transparent manner so that the public can understand the process and rationale used to reach decisions and the reasons for taking certain actions.

Leadership and Collaboration – means an ability to lead, listen to, and positively influence others; it also means coming together to create or meet a common goal through collective efforts. Conduct under this principle is demonstrated when a council or board member encourages individuals to work together in pursuit of collective objectives by leading, listening to, and positively influencing others.

Leadership and collaboration are demonstrated through the following conduct:

- Members will behave in a manner that builds public trust and confidence in the local government, including considering the different interests of the people who make up the community.
- Members will consider the issues before them and make decisions as a collective body. As such, members will actively participate in debate about the merits of a decision, but once a decision has been made, all members will recognize the democratic majority, ideally acknowledging its rationale, when articulating their opinions on a decision.
- Members will recognize that debate is an essential part of the democratic process and encourage constructive discourse while empowering other members and staff to provide their perspectives on relevant issues.
- As leaders of their communities, members will calmly face challenges, and provide considered direction on issues they face as part of their roles and responsibilities while empowering their colleagues and staff to do the same.
- Members will recognize, respect and value the distinct roles and responsibilities others play in providing good governance and commit to fostering a positive working relationship with and among other members, staff, and the public.
- Members will recognize the importance of the role of the chair of meetings and treat that person with respect at all times.

The “Forging the Path...” report offers suggestions of things to include in a Code of Conduct, including an enforcement process to address alleged contraventions, although prevention and informal resolution are worth the effort first.

Some of the questions “Forging the Path...” asks, which have helped guide the draft Code of Conduct update attached to this report, include:

- How well prepared are we to deal with conduct issues if they begin to emerge?
- Does our code include a process to address alleged contraventions? If not, why?
- What issues are emerging that aren’t dealt with under our code? Do other policies deal with them (ie: social media policy)? Can we strengthen compliance by referring to these policies in our code?

The Procedure Bylaw includes expectations for conduct during a meeting, including references to *Roberts’ Rules of Order*, and provisions within the *Local Government Act* and the *Community Charter*.

Incidents or complaints regarding workplace bullying and harassment must be dealt with in accordance with the *Workers Compensation Act* and policies established by WorkSafeBC.

While it is ultimately Council’s decision on what to include or exclude from a Code of Conduct policy, Staff have researched several policies which have been enacted in other municipalities since the Working Group’s report was released. Staff has based the update on policies which have been reviewed before enactment at other municipalities

and used language consistent with those documents in preparing the draft policy as attached.

The City's existing policy is fully captured in the new draft, with additions for clarification and adjustments to overall format of the document.

Key Changes

Definitions section added. Language consistent with legislation (ie: *Community Charter*) used.

The Working Group's four "foundational principles" along with examples of those principles at work have been added to the revised policy.

The overall format is guided by UBCM's Model Code of Conduct document which includes policy topics including social media and how (confidential) information is handled.

The existing City policy includes a section called "Compliance and Enforcement", however the policy limits it's description of enforcement to "...Council may impose sanctions on a Member... including but not limited to a motion of censure."

The revised policy provides a list of possible sanctions which may be recommended by the outcome of an investigation. This list is derived from the Working Group's "Forging the Path" report (p.38). Possible sanctions can range from requesting a written or verbal apology to removal from committee membership or reduction in compensation. The proposed Council Remuneration Bylaw includes language (section 7) which ties into the Code of Conduct sanctions as presented.

The proposed policy also expands significantly on Communications (both traditional and social media) and public interactions. Most of the information in these sections has evolved into current use by Council but may not have been written into the existing policy. The Mayor is the official spokesperson for Council. Councillors shall communicate accurately the decision of Council as a whole, even if they disagree with the majority decision, and must be clear when offering a personal opinion that does not represent Council as a whole.

Benefits or Impacts

General

Review of the Code of Conduct policy is recommended at least once each term of Council. The next municipal election is six months away.

Risk Assessment

Compliance: Best practices as recommended by MMA, UBCM, LGMA Working Group, proposed Draft Remuneration Bylaw

Risk Impact: Low

Internal Control Process: Review by staff based on policies approved elsewhere

Next Steps / Communication

The draft revision is presented at the Committee-of-the-Whole to allow for open discussion on the proposed changes. With direction from Council, the policy could be presented at the May 30, 2022 Regular Meeting for consideration.

Attachments

- Proposed Council Code of Conduct Policy #308
- Existing Council Code of Conduct Policy #308
- Working Group Model Code of Conduct
- *Forging the Path to Responsible Conduct In Your Local Gov't*
– UBCM/LGMA/Ministry of Municipal Affairs

Recommendation

THAT the Committee-of-the-Whole refer the attached Code of Conduct to the May 30, 2022 Regular Meeting.

Options

1. The Committee of the Whole recommends amendments to the draft Code of Conduct.