

# Request for Decision



To: Regular Meeting  
From: **Corporate Services**  
Date: March 27, 2023  
Subject: Code of Conduct Review  
Recommendation: **THAT Council acknowledges the consideration requirements of Community Charter s.113.1(2), determines that the intent of the existing Code of Conduct, as adopted last year, meets legislated requirements and the best practices recommended by the Working Group on Responsible Conduct, and directs Staff to update the active policy with the housekeeping amendments as attached to the report.**

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## Purpose

For Council to consider continuing with the Code of Conduct that was previously adopted by Council in 2022 which was developed with resources from a multi-jurisdictional working group.

## Background

### Updated Information:

At the March 6, 2023, Committee of the Whole meeting, Staff presented the legislated requirement to review the existing Code of Conduct policy. Discussion at that meeting determined that proposed changes to the intent of the policy should be brought forward at that time for deliberation, while identified grammatical or other housekeeping issues with the document should be sent to the CAO prior to the next agenda deadline so that staff could be directed to fix these minor corrections.

At the agenda deadline, no housekeeping updates had been received from members of Council. Staff, however, undertook a review of the existing policy and identified a few typographical corrections:

- As noted at the March 6 meeting, there was a reference to a "Third-Party Inspector" instead of "Third-Party Investigator".
- A few missing hyphens: out-of-pocket, multiple instances of "Third Party" instead of "Third-Party".
- An extra hyphen "closed-mind" instead of "closed mind".
- A spelling error "close-mindedness" instead of "closed-mindedness"
- Several cases of a missing "Oxford comma" in lists of words.

These changes have been captured in the attached policy revision, with changes indicated in yellow highlight. None of the identified corrections, when implemented, change the intent of the original policy.

### **Previously Submitted to the Committee of the Whole, March 6, 2023:**

In 2021, the Provincial Government passed Bill 26, the *Municipal Affairs Statutes Amendment Act (No. 2)*. The bill added a new division to Part 4 of the *Community Charter* which requires a new Council to consider establishing or reviewing a Code of Conduct.

#### Division 8 – Code of Conduct Requirement to consider code of conduct

- 113.1 (1) Within 6 months after its first regular council meeting following a general local election, a council must decide
- (a) whether to establish a code of conduct for council members, or
  - (b) if a code of conduct for council members has already been established, whether it should be reviewed.
- (2) Before making a decision under subsection (1), the council must
- (a) consider the prescribed principles for codes of conduct,
  - (b) consider the other prescribed matters, if any, and
  - (c) comply with the prescribed requirements, if any, including requirements respecting public notice or consultation.
- (3) If the council decides, under subsection (1), not to establish a code of conduct or review an existing code of conduct, it must make available to the public, on request, a statement respecting the reasons for its decision.

### **Existing Policy**

The City of Grand Forks has an active and current Council Code of Conduct Policy (#308). The most recent revision of the policy was adopted by Council on May 30, 2022, replacing an earlier version established on June 27, 2016. The current policy is attached to this report.

Given the existence of an active Code of Conduct Policy, Council is required by the provisions of the *Community Charter*, per section 113.1(1)(b), to decide within the first six months of the new term whether the Code of Conduct should be reviewed.

The existing Policy is less than a year old and was established by the previous Council after carefully considering updated Provincial guidelines. This Council should determine whether the Policy meets their priorities and, if necessary, provide direction to Staff on any amendments needed.

The foundational principles of the existing policy (Integrity, Accountability, Respect, and Leadership and Collaboration) are based on the work of the *Working Group on Responsible Conduct*, which was a collaboration between UBCM, LGMA, and the Ministry of Municipal Affairs. Their document, *Forging the Path to Responsible Conduct*, which was used to help guide the preparation of the Policy adopted in 2022, is attached to this report.

The existing Code of Conduct Policy offers guidance on how Council handles personal information in compliance with the *Freedom of Information and Protection of Privacy Act* and the proposed *Privacy Policy No. 118*. It also addressed conflict of interest per the *Community*

*Charter*, use of social media and interactions with the public and media, as well as options for handling breaches of the Policy.

### Future Review Requirements

There is a further opportunity for review per section 113.2 of the *Community Charter*:

- 113.2 (1) If a council decides, under section 113.1, not to establish a code of conduct or review an existing code of conduct, the council must reconsider that decision before January 1 of the year of the next general local election.
- (2) In a reconsideration under subsection (1), the council must
- (a) consider the prescribed principles for codes of conduct,
  - (b) consider the other prescribed matters, if any, and
  - (c) comply with the prescribed requirements, if any, including requirements respecting public notice or consultation.
- (3) If the council confirms the decision that is the subject of the reconsideration, the council must make available to the public, on request, a statement respecting its reasons for confirming the decision.

If the Code of Conduct is left as-is for the time being, Council is required by section 113.2(1) to revisit the decision prior to January 1 of the next election year, which means reviewing the Policy again sometime in Fall of 2025. This provision does not require a change to the Policy at the next review either – just that the Policy must be given consideration again before the end of Council’s term, and if applicable at that time, Council could implement additional Provincial or UBCM recommendations that emerge in the next few years.

### Summary

The existing Policy follows best practices as recommended by the UBCM/LGMA/MMA working group. The working group’s report is less than two years old, and the currently adopted City Policy was based on their recommendations last year. At this time, the existing policy meets all recommended standards and therefore the technical recommendation from Staff is to keep the existing Policy in effect as there have been no modifications to either legislation or regulations which would require an amendment to the Policy.

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## **Benefits or Impacts**

**General** Governance review of the Council Code of Conduct.

### **Risk Assessment**

Compliance: Community Charter Division 8 (s.113)

Risk Impact: Medium – failure to consider the Code of Conduct would put the City non-compliant with the *Community Charter* if not completed within the next 2 months.

Internal Control Process: Policy to be reviewed against the requirements of the *Charter*.

By accepting the recommendation at the March 27, 2023 meeting, Council would indicate that Council believes that they have fulfilled the requirements of the *Community Charter* for the consideration of review of the Policy and that the current Code of Conduct meets the guidelines and requirements recommended by the *Working Group on Responsible Conduct*.

## Next Steps / Communication

Compliant with the *Charter* section 113, this report shall be made available in response to any inquiries about the status of the policy review.

Council also indicated that they would like to participate in a Code of Conduct training session. UBCM offers an online course to support responsible conduct by elected officials. Please contact Staff to provide the link and access code.

## Attachments

Policy 308 – Council Code of Conduct Policy with housekeeping changes identified in yellow.

Policy 308 – Council Code of Conduct Policy – version as currently adopted.

*Forging the Path to Responsible Conduct*, UBCM (Working Group on Responsible Conduct)

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## Recommendation

**THAT Council acknowledges the consideration requirements of Community Charter s.113.1(2), determines that the intent of the existing Code of Conduct, as adopted last year, meets legislated requirements and the best practices recommended by the Working Group on Responsible Conduct, and directs Staff to update the active policy with the housekeeping amendments as attached to the report.**

## Options

1. Council has the option to amend the Policy. To ensure that legislated requirements and industry best practices are followed, Staff recommend that *Forging the Path to Responsible Conduct* be used as a guideline to evaluate any proposed changes. The current Policy already implements the recommendations contained in that report.

## Report Approval Details

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|----------------------|---|
| Document Title:      | 230327-RFD-CodeOfConductReview.docx   |
| Attachments:         | - 308 - Council Code of Conduct - 2023 Review.pdf<br>- 308 - Council Code of Conduct - 2022 Final.pdf<br>- Forging the Path to Responsible Conduct_web2.pdf |
| Final Approval Date: | Mar 20, 2023  |

This report and all of its attachments were approved and signed as outlined below:

Daniel Drexler

Duncan Redfearn