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Council Policy

Council Code of Conduct

Approval Date: May 30, 2022

Resolution No.: R145/22/05/30

Rescinded: N/A

Contact Department: Corporate Services

Purpose

The purpose of this policy is to set the expectation that City of Grand Forks Municipal Council Members adhere to this code of conduct in carrying out their duties and functions.

Intent

Being a Member of Council, answerable to the public, comes with an obligation to provide residents a fair, ethical, and accountable level of governance. Standards of ethical behaviour may be different than the standards that may be found in one's other roles in the community. This Code of Conduct policy is a guide to assist Council in decisions faced in the course of carrying out Council duties and to support them in being proactive toward ethical dilemmas that may arise in the course of Council activities.

Scope

This policy applies to Grand Forks Council and Committee Members. This Code of Conduct applies to all interactions of Council and Committee Members in relation to City matters, whether in duly constituted meetings, interactions with Staff or the public, and during use of Social Media.

Statutory Provisions

The Code of Conduct policy supplements existing statutes, laws, and policies governing the conduct of Council and Committee Members including but not limited to:

- a) The British Columbia *Human Rights Code*
- b) The British Columbia *Community Charter*
- c) The British Columbia *Local Government Act*
- d) The British Columbia *Local Elections Campaign Finance Act*
- e) The *Worker's Compensation Act of British Columbia*
- f) The *Freedom of Information and Protection of Privacy Act*
- g) The City of Grand Forks' *Respectful Workplace Policy*
- h) The *Criminal Code of Canada*

Council and Committee Members must familiarize themselves with, and recognize that their behaviour is governed by, these statutes, laws, and policies.

Provincial legislation and other statutory obligations shall supercede any discrepancies within this Council policy.

Definitions

In this policy, the following meanings apply:

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| "Committee Member" | means a person appointed to a City committee, subcommittee, task force, commission, board, or other Council established body under the <i>Community Charter</i> or <i>Local Government Act</i> . |
| "Confidential Information" | means information or records that could reasonably harm the interests of individuals or organizations, including the City, if disclosed to persons who |

are not authorized to access the information, as well as information to which section 117 of the *Community Charter* applies. For clarity, this includes all information and records from closed meetings of Council until publicly released.

“Conflict of Interest”

means a situation when an individual is, or could be, influenced, by a personal interest, financial or otherwise, when carrying out their public duty. Personal interest can include direct or indirect financial interest, bias, pre-judgment, **closed-mindedness**, or undue influence.

“Council”

means the Mayor and Councillors, individually or as a group.

“Gifts and Personal Benefits”

means items or services of value that are received by Council and Committee Members for personal use. These would include, but are not limited to, cash, gift cards, tickets to events, items of clothing, jewelry, pens, food or beverages, discounts or rebates on purchases, free or subsidized drinks or meals, entertainment, and admission fees to social functions.

“Immediate Relative”

means a spouse (including common-law spouse), parent, parent-in-law, child, brother, sister, brother-in-law or sister-in-law, grandparent, grandparent-in-law, or grandchild.

“Municipal Officer”

means a member of *Staff* designated as an officer under section 146 of the *Community Charter*.

“Personal Information”

means the same as defined in the *Freedom of Information and Protection of Privacy Act*.

“Staff”

means an employee or contractor of the City. For the purposes of this policy, volunteers are also defined as Staff. Council are not Staff of the City.

Interpretation

In this policy, a reference to a person who holds an office includes a reference to the persons appointed as deputy or appointed to act for that person from time to time.

Policy Statements

The Union of BC Municipalities (UBCM) Working Group on Responsible Conduct identified four foundational principles which may be used to guide the conduct of local elected officials.

1. Foundational Principles

These foundational principles provide a basis for how *Council* and *Committee Members* fulfill their roles and responsibilities, including in their relationships with each other, *Staff*, and with the public.

1.1. **Integrity:** being honest and demonstrating strong ethical principles.

Council and Committee Members are expected to act with integrity by:

- a) Behaving in a manner that promotes public confidence in the City, including actively avoiding any perceptions of conflicts of interest, improper use of office, or unethical conduct.
- b) Being truthful, honest, and open in all dealings.
- c) Upholding the public interest and making decisions in the best interests of the community.
- d) Following through on commitments, engaging in positive communication with the community, and correcting errors in a timely and transparent manner.
- e) Acting lawfully and within the authority of the *Community Charter*, *Local Government Act*, *Workers Compensation Act of B.C.*, and *B.C. Human Rights Code*.

1.2. **Accountability:** an obligation and willingness to accept responsibility or to account for one's actions.

Council and Committee Members are expected to act with accountability by:

- a) Being transparent in how they individually and collectively conduct business and carry out their duties.
- b) Ensuring information is accessible, and that citizens can view the process and rationale behind each decision and action, while protecting confidentiality where appropriate or necessary.
- c) Accepting and upholding that they are collectively accountable for local government decisions, and that individually elected or appointed officials are responsible and accountable for the decisions they make in fulfilling their roles.
- d) Listening to and considering the opinions and needs of the community in all decision making, and allowing for respectful discourse and feedback.

1.3. **Respect:** having due regard for others' perspectives, wishes, and rights; displaying deference to the offices of local government, and the role of local government in community decision-making.

Council and Committee Members are expected to act with respect by:

- a) Treating every person, including other *Council or Committee Members*, *Staff*, and the public with dignity.
- b) Showing consideration for colleagues and *Staff*.
- c) Creating an environment of trust, including displaying awareness and sensitivity around comments and language that may be perceived as derogatory.
- d) Valuing the role of diverse perspectives and debate in decision making.
- e) Acting in a way that is respectful of the roles and responsibilities of the office of Mayor and Council.
- f) Valuing the distinct roles and responsibilities of local government *Staff* and the community in local government considerations and operations, and committing to fostering a positive working relationship between *Staff*, the public, and elected officials.

- 1.4. **Leadership and Collaboration:** an ability to lead, listen to, and positively influence others; coming together to create or meet a common goal through collective efforts.

Council and Committee Members are expected to demonstrate leadership and collaboration by:

- a) Demonstrating behaviour that builds and inspires public trust and confidence in local government.
- b) Calmly facing challenges and providing considered direction of the issues of the day, and enabling colleagues and *Staff* to do the same.
- c) Creating space for open expression by others, taking responsibility for one's own actions and reactions, and accepting the decisions of the majority.
- d) Accepting that it is the equal responsibility of the *Council* individually and collectively to work together to achieve common goals. *Committee Members* must also work together individually and collectively to achieve common goals.
- e) Being an active participant in ensuring these *Foundational Principles* and the Code of Conduct are followed.

2. General Conduct

- 2.1. *Council and Committee Members* shall follow the Foundational Principles and other provisions in this Code of Conduct Policy.
- 2.2. *Council and Committee Members* have an obligation to consider issues and exercise powers, duties, and functions in an impartial manner that avoids arbitrary or unreasonable decisions.
- 2.3. *Council and Committee Members* must avoid behaviour that could constitute an act of disorder or misbehaviour. Specifically, *Council and Committee Members* must avoid conduct that:
- a) Contravenes this policy;
 - b) Contravenes the law including City bylaws; or
 - c) Is an abuse of power or otherwise amounts to improper discrimination, intimidation, harassment, or verbal abuse of others.
- 2.4. Meetings shall be conducted in an orderly and respectful manner, as detailed in the *Council Procedure Bylaw*.

3. Roles and Responsibilities

- 3.1. *Council* is the governing body of the City. It has the responsibility to govern the City in accordance with the *Community Charter* and other applicable legislation.
- 3.2. The Mayor is the head and chief executive officer of the City and has a statutory responsibility to provide leadership to the *Council* and to provide general direction to *Municipal Officers* respecting City policies, programs, and other directions of the *Council* as set out in the *Community Charter*.

4. Collection and Handling of Information

- 4.1. *Council and Committee Members* must:
- a) Collect, use, and disclose *Personal Information* in accordance with the *Freedom of Information and Protection of Privacy Act* and the policies and guidelines as established by the City;
 - b) Protect and not disclose publicly *Confidential Information*;
 - c) Refrain from discussing or disclosing *Confidential Information* with *Staff*, or with persons outside the organization except as authorized;

- d) Take reasonable care to prevent the examination of *Confidential Information* by unauthorized individuals;
- e) Not use *Confidential Information* to cause harm to *Council*, the City, or any other person;
- f) Only access information held by the City needed for City business;
- g) Not disclose decisions, resolutions, or reports forming part of the *Council* agenda for or from a closed meeting of *Council* until a corporate decision has been made for the information to become public;
- h) Not disclose details on *Council's* closed meeting deliberations or specific detail on whether individual Councillors voted for or against an issue;
- i) Not alter City records unless expressly authorized to do so; and,
- j) Adhere to the requirements outlined in this Section when they are no longer a *Council* or *Committee Member*.

5. Conflict of Interest

- 5.1. *Conflict of Interest* is dealt with under sections 100, 101 and 104 of the Community Charter. Ultimately, the interpretation of these sections is a matter for the courts. This Code of Conduct policy is intended to provide additional guidance to *Council* and *Committee Members*.
- 5.2. *Council* and *Committee Members* are expected to make decisions that benefit the community. They are to be free from undue influence and not act, or appear to act, in order to gain financial or other benefits for themselves, family, friends, or business interests.
- 5.3. *Council* and *Committee Members* must attempt to resolve any conflict or incompatibility between their personal interests and the impartial performance of their duties. *Council Members* must ensure they are observing the statutory requirements of the *Community Charter*.
- 5.4. *Council* and *Committee Members* are expected to be aware of appearances and strive to conduct themselves in a manner that upholds or increases the public trust by taking steps to reduce or eliminate the possible appearance of a *Conflict of Interest*.
- 5.5. *Council* and *Committee Members* should not seek or accept the Chair of a Committee or sub-committee whose business is related to an interest of the *Council* or *Committee Member* or with an *Immediate Relative*.

6. Interactions with Staff

- 6.1. The City operates under the "One Employee of Council" model (Council Policy 115). *Council* and *Committee Members* shall direct all inquiries regarding departmental issues or questions to the City's Chief Administrative Officer.
- 6.2. *Council* and *Committee Members* are not to issue instructions to any of the City's contractors, tenderers, consultants, or other service providers unless expressly authorized to do so.
- 6.3. *Council* and *Committee Members* must not publicly publish or report information or make statements attacking or reflecting negatively on *Staff*, *Council*, or *Committee Members*. Any complaint should

be brought to the attention of the Chief Administrative Officer for follow up. Discussion may be conducted in-camera subject to Section 90(1)(a) or 90(1)(c) of the *Community Charter*.

- 6.4. Information obtained by any Member of *Council*, which is likely to be used in a *Council* or political debate, should be provided to all other *Council Members*, and to the Chief Administrative Officer as soon as possible.
- 6.5. *Council* and *Committee Members* must treat members of the public, *Council*, *Committee Members*, and *Staff* with respect and without bullying, abuse, or intimidation.

7. Use of Social Media

- 7.1. *Council* or *Committee Members* must not purport to speak on behalf of the City or *Council* unless expressly authorized to do so.
- 7.2. *Council* and *Committee Members* will use caution in reporting *Council* decision-making by way of their social media profiles and websites before the City has released any formal communication.
- 7.3. When speaking for themselves as individual Councillors or *Committee Members* on social media or to the press, a Councillor or *Committee Member* will include "in my opinion" or use a similar disclaimer to ensure it is expressly clear they are speaking for themselves and not the City or *Council* as a whole.
- 7.4. *Council* and *Committee Members* will refrain from using or permitting the use of their social media accounts for purposes that include:
- a) defamatory remarks, obscenities, profane language, or sexual content;
 - b) negative statements disparaging *Staff* or calling into question the professional capabilities of *Staff*;
 - c) content that endorses, promotes, or perpetuates discrimination or mistreatment on the basis of race, religion or belief, age, gender, marital status, national origin, physical or mental disability, or sexual orientation;
 - d) statements that indicate a **closed mind** in relation to a matter that is to be the subject of a statutory or other public hearing; or,
 - e) promotion of illegal activity.
- 7.5. *Council* and *Committee Members* must regularly monitor their social media accounts and immediately take measures to deal with the publication of messages or postings by others that violate the terms of this Code of Conduct.

8. Interactions with the Public and Media

- 8.1. The Mayor is the official spokesperson of *Council* and the City. Where the Mayor is unavailable, the Acting Mayor or designate shall represent the City to the media.
- 8.2. In an effort to promote respect and integrity for *Council* decision-making, *Council* and *Committee Members* will communicate accurately the decisions of the *Council*, even if they disagree with the majority decision of the *Council* or *Committee*.

- 8.3. When discussing publicly whether a *Councillor* or *Committee Member* did not support a decision, or voted against the decision, or that another *Council* or *Committee Member* did not support a decision or voted against a decision, a *Council* or *Committee Member* will refrain from making disparaging comments about other *Council* or *Committee Members*.

9. Gifts and Personal Benefits

- 9.1. For *Council*, the receipt and reporting of *Gifts and Personal Benefits* is dealt with under sections 105 and 106 of the *Community Charter*. Ultimately, the interpretation of those sections is a matter for the courts. This Code of Conduct policy is intended to provide additional guidance to *Council* and *Committee Members*.
- 9.2. *Council* and *Committee Members* must not accept a gift or personal benefit that could reasonably be expected to result in a real or perceived *Conflict of Interest*, and to assist in avoiding that situation, *Council* and *Committee Members* will not accept gifts or personal benefits from business or commercial enterprises having a value that exceeds \$50.00 or, where the total value of such gifts and benefits, received directly or indirectly from one source in any twelve (12) month period, would exceed \$250.00.
- 9.3. For clarity, the following are not considered gifts or personal benefits:
- a) Compensation authorized under section 105(2)(b) of the *Community Charter*;
 - b) Reimbursement for **out-of-pocket** costs incurred for authorized travel, living, and accommodation expenses associated with attendance at an event or in connection with authorized travel;
 - c) A lawful contribution made to a *Council Member* who is a candidate for election conducted under the *Local Government Act*; and
 - d) A random draw prize at an event attended by a *Council* or *Committee Member*.
- 9.4. *Council* and *Committee Members* must disclose to the Corporate Officer any gifts or personal benefits accepted in compliance with Section 9.2 of this policy.
- 9.5. The content of the disclosure must comply with section 106(2) of the *Community Charter* and the Corporate Officer must be notified "as soon as reasonably practicable".
- 9.6. For the purposes of this Code of Conduct, the value of each gift or personal benefit shall be determined by its replacement cost, i.e. how much would it cost to replace the item?

10. Breaches, Complaint Handling and Disciplinary Action

- 10.1. *Council* and *Committee Members* must abide by the requirements of the Code of Conduct policy and shall endeavour to resolve disputes in good faith, recognizing that interpersonal rancour does not facilitate good governance.
- 10.2. An alleged breach of this Code of Conduct policy may be submitted by a *Council* or *Committee Member* or *Staff*. Complaints shall be submitted simultaneously in writing to the Mayor and the Chief Administrative Officer within thirty (30) days of the last alleged breach. The Mayor and Chief

Administrative Officer are authorized to extend this **thirty- (30-) day** deadline if circumstances warrant an extension.

- 10.3. In the event that the Mayor is the subject of, or is implicated in, the complaint, the complaint shall be addressed to the current Acting Mayor and Chief Administrative Officer unless that individual is the subject of, or implicated in, the complaint.
- 10.4. Upon receipt of a complaint under section 10.2, the Mayor, or Acting Mayor, and the Chief Administrative Officer shall, if they are not able to resolve the matter informally, within thirty (30) days, appoint an independent third party identified and agreed between the Complainant(s) and Respondent(s) who has the necessary professional skills, knowledge and experience to investigate the complaint (the "**Third-Party** Investigator").
- 10.5. If the parties cannot agree on the choice of investigator, a single nominee of the Complainant(s) and the Respondent(s) shall jointly select a suitable Third-Party Investigator. If this nominee cannot select the **Third-Party Investigator**, the City's solicitor will select this person.
- 10.6. The **Third-Party** Investigator must conduct a preliminary assessment of the complaint, at the conclusion of which the investigator may determine whether to continue the investigation or make a written recommendation that the complaint be dismissed as unfounded, beyond the jurisdiction of the Code of Conduct policy, or unlikely to succeed.
- 10.7. If the **Third-Party** Investigator determines to continue the investigation, the **Third-Party** Investigator shall:
 - a) Conduct an independent and impartial investigation of the complaint in a manner that is fair, timely, confidential, and otherwise accords with the principles of due process and natural justice;
 - b) Provide an investigation update, within ninety (90) days of their appointment, to the Mayor or Acting Mayor, as applicable, and to the Complainant and the Respondent;
 - c) Provide a written, confidential report (the "Report") of the findings of the investigation, including findings as to whether there has been a breach of this Code of Conduct, to the Mayor or Acting Mayor, as applicable, and to the Complainant and the Respondent; and,
 - d) Provide recommendations in the Report as to the appropriate resolution of the complaint. Recommendations may include:
 - i. dismissal of the complaint;
 - ii. censure;
 - iii. removal from committee membership;
 - iv. prohibition from representing the City at events and/or attending conferences or seminars;
 - v. reduction in compensation in accordance with the *Council Remuneration Bylaw*;
 - vi. a recommendation that an apology be given;
 - vii. counselling and/or coaching; or,
 - viii. such other recommendations as are deemed appropriate in the judgment of the **Third-Party** Investigator.
- 10.8. The Mayor or Acting Mayor shall provide the Report or a summary of the Report to Council.

- 10.9. If a Report or a summary of a Report is presented to Council, Council will decide whether the recommendations in the Report, whether in whole or part, will be imposed. If the Report is delivered under Section 90 of the *Community Charter*, a summary of the outcome shall be released publicly when practical to do so.
- 10.10. The Corporate Officer will receive and retain all Reports.
- 10.11. Where a *Council* or *Committee Member* alleges a breach of this Code of Conduct by another *Council* or *Committee Member* all *Council* and *Committee Members* shall refrain from commenting on such allegations at open meetings of *Council*, or *Committees*, pending the conclusion of the Report and any decision of *Council* on the Report.
- 10.12. A violation of this Code of Conduct shall not be considered a basis for challenging the validity of a *Council* decision.

Resolutions and Amendments

May 30, 2022 – Council replaced the old Council Code of Conduct Policy 308 with a new version.