

STAFF REPORT TO COUNCIL

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DATE: March 17, 2023

TO: MAYOR AND COUNCIL

NAME AND TITLE: Walter Babicz, City Manager

SUBJECT: Council Code of Conduct

ATTACHMENTS: Council Code of Conduct Policy and Background Materials
“Forging the Path to Responsible Conduct in Your Local Government” Publication

RECOMMENDATION:

That Council, after considering the prescribed principles for codes of conduct set out in the Principles for Codes of Conduct Regulation 136/2022, DIRECTS Administration to undertake a review of the existing Council Code of Conduct Policy, as attached to the report dated March 17, 2023 from the City Manager, titled “Council Code of Conduct” and to report back to Council with recommendations.

PURPOSE:

The purpose of this report is for Council to consider their current Code of Conduct Policy in accordance with the *Community Charter*. In a recent amendment to the *Community Charter*, a new section 113.1 was created that requires Council to decide within six months after its first regular Council meeting following a general local election:

- 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.

BACKGROUND:

Codes of conduct are designed to supplement legislative requirements regarding topics such as confidentiality, conflict of interest and related requirements that may be set out in policy. Although, not a mandatory requirement, the City was a leader in establishing its Council Code of Conduct Policy (the “Code of Conduct Policy”) in late 2013. The Code of Conduct Policy establishes guidelines for the ethical and interpersonal conduct of all members of Council. It and other code of conduct information is provided to all members of council when elected and each council member is requested to sign a member statement affirming they have read and understand the Code of Conduct Policy, and that they agree to conduct themselves in accordance with it.

With the changes to the legislation in June of 2022 Council must consider whether to review its Code of Conduct Policy. If Council decides to review its Code of Conduct Policy, it needs to consider and comply with the prescribed principles set out in the [Principles for Codes of Conduct Regulation \(B.C. Reg. 136/2022\)](#). That regulation requires Council to consider the following four principles when making its decision on whether to review its current Code of Conduct Policy:

- (a) council members must carry out their duties with integrity;
- (b) council members are accountable for the decisions that they make, and the actions that they take, in the course of their duties;
- (c) council members must be respectful of others;
- (d) council members must demonstrate leadership and collaboration.

If Council decides not to review its existing Code of Conduct Policy it must make available to the public on request, a statement with respect to the reasons for its decision.

The Code of Conduct Policy in its current form is generally consistent with the model guidelines for Codes of Conduct. Sections that speak to the foundational principles of responsible conduct include acting in the public interest, complying with the laws, respect for process, conduct of members and of meetings, sharing substantive information, conflict of interest, gifts, confidential information, use of public resources, advocacy, policy role of members, workplace environment, member questions/inquiries to City staff, implementation and compliance and enforcement. The Code of Conduct Policy is intended to be self-enforcing and therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

After considering the above prescribed principles for codes of conduct set out in the Principles for Codes of Conduct Regulation 136/2022, Council may either confirm its satisfaction with the existing Code of Conduct Policy, as attached to this report and provide reasoning for this, or alternatively may direct staff to undertake a review of the existing Code of Conduct Policy. Given that the Code of Conduct Policy has been in place for a decade and there have been no amendments since its approval, Administration recommends undertaking a substantive review and would return a report to Council at a future open meeting setting out recommendations for enhancements/improvements to the Code of Conduct Policy.

It should be noted that the *Community Charter* requires that should Council not wish to proceed with a review of their existing Code of Conduct, the council must reconsider that decision before January 1 of the year of the next general local election (2026).

As further background information on this topic, the “Forging the Path to Responsible Conduct in Your Local Government” publication is also attached for reference. It was prepared by the Working Group on Responsible Conduct, which was a joint initiative by the Ministry of Municipal Affairs, Union of BC Municipalities, and the Local Government Management Association. The attached publication includes best practices that would provide guidance in conducting the review and inform any recommendations from staff.

STRATEGIC PRIORITIES:

This initiative supports Council’s [2023 - 2026 Strategic Plan](#) and the Strategic Pillar of *City Government and Infrastructure*. It further advances the priority of *Continuing to improve processes and practices for effective and efficient service delivery*, through effective governance.

SUMMARY AND CONCLUSION:

Local government legislation sets out the roles and responsibilities of locally elected officials. How elected officials conduct themselves as individuals, and collectively as part of a decision-making body, is key to carrying out those responsibilities and providing good governance to their communities. In accordance with the *Community Charter*, Council is required to consider whether it wishes to review its Code of Conduct Policy which was established in 2013. If approved by Council, the details on a policy review and recommended changes would follow in a subsequent report to Council.

PREPARED BY: Maureen Connelly, Corporate Officer/Manager, Legislative Services

RESPECTFULLY SUBMITTED:

Walter Babicz, City Manager

Meeting Date: 2023-04-12