

Code of Conduct

City of Prince George

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Council Code of Conduct Overview

- Clear Application and Foundational Principles
- Third Party Investigator Model
- Robust Informal Resolution Procedures
- Broad Complaint Process Open to Council, Staff & Committee Members
- Appropriate Transparency and Public Disclosure
- Formal Complaint Process with Timelines and Guardrails
- Safeguards re Vexatious Complaints, Obstruction and Improper Forum
- Election Moratorium Process

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■ Interpretation

3. (1) This Bylaw is to be interpreted broadly and in a manner that is consistent with the *Community Charter*.
- (2) The intention of Council in enacting this Code of Conduct is not to stifle Council Members or to limit their ability to fully perform the governmental and advocacy functions that their position entails, with all the vigour, flair and freedom that is typical of a well-functioning democratic institution, but instead to guide Council Members to undertake those functions in a manner that accords with sound ethical principles.
- (3) The foundational principles in section 4 are to inform the interpretation of the substantive provisions of this Bylaw and shall not form stand-alone bases for complaints.
- (4) Nothing in this Bylaw is intended to preclude Council Members, prior to the filing of a complaint, from speaking to each other in order to resolve matters which may otherwise be captured by this Bylaw.

■ Foundational Principles

4. Responsible conduct is based on the foundational principles of integrity, accountability, leadership, respect, openness and collaboration:

■ Application

5.
 - (1) This Bylaw applies to all Council Members, inclusive of their actions in their capacity as members of various boards, committees, and other discretionary appointments.
 - (2) Unless otherwise provided, this Bylaw does not apply to a Council Member's conduct in their personal life, except to the extent that such conduct reasonably undermines public confidence in local governance.
 - (3) The provisions of this Bylaw apply without limitation to a Council Member's use of personal and professional social media accounts.

■ Interactions with Staff

9. Council Members shall not:

- (a) contact Staff directly, unless the communication is minor and for the purpose of seeking administrative clarity, and shall instead direct questions and inquiries regarding departmental issues to the City Manager; *or to the director of the department or Corporate Officer with a copy to the City Manager.
- (b) interfere with, hinder, or obstruct Staff in the exercise or performance of their roles, responsibilities, powers, duties, or functions;
- (c) impair the ability of municipal officers or Staff to implement Council policy decisions in accordance with section 153 of the *Community Charter*;
- (d) request or require that Staff undertake personal or private work for or on behalf of a Council Member; or
- (e) request or require that Staff engage in political activities, or subject them to reprisal of any kind for refusing to engage in such activities.

■ *Note re Council-Staff Communications Policy*

■ Interactions with the Public and Media

10. (1) Council Members shall not:
 - (a) publicly misrepresent a decision of Council, even if they disagree with that decision;
or
 - (b) make any disparaging comments about other Council Members.
- (2) When presenting their individual opinions and positions, Council Members shall explicitly state that it is their own personal view and that they do not represent Council or the City in those views.

*For a social media account, this may be accomplished through a statement on the Council Member's profile.

■ Preliminary Steps

17. If a Council Member believes that they have observed another Council Member engaging in conduct that would breach this Bylaw, they must attempt to resolve the complaint directly with the other Council Member, if possible, prior to submitting a complaint under section 18.

■ Complaint Procedure

18. (1) Subject to section 17, a Council Member, Committee Member or Staff member may submit a complaint to the City Manager or, if the complaint involves the City Manager, to the Corporate Officer.
- (2) A complaint must be in writing, must be submitted within 60 days of the alleged breach, and must include, with sufficient detail:
 - (5) In an election year, a complaint submitted within 90 days of the general voting day must be accepted and held in abeyance until after the new Council has taken office, at which time the complaint shall only proceed if they relate to a Council Member who was re-elected in that election year.
 - (6) For certainty, if the Council Member who is the subject of a complaint held in abeyance pursuant to subsection (5) is not re-elected, the complaint must be rejected.

■ Informal Resolution

- (2) When determining whether the complaint may be resolved informally, the City's Solicitor may consider culturally appropriate or transformative or restorative justice approaches, and may engage a third-party mediator or facilitator to assist for this purpose.

■ Referral to Third Party Investigator

23.
 - (1) If the City's Solicitor determines that the complaint requires a formal investigation under section 19(4), or in the event that informal resolution is unsuccessful, they shall refer the complaint to a neutral and independent third-party Investigator of their choosing to conduct an investigation and notify the complainant and respondent Council Member of the referral.
 - (2) The Investigator shall, at all times during an investigation, have power to dismiss a complaint on a preliminary basis as set out in section 19.
 - (3) The Investigator, once retained, may only be dismissed for cause.

■ Final Determination by Investigator

28. (1) The Investigator must conclude the investigation and make a determination regarding the alleged breach within 90 days of referral under section 23(1), unless the Investigator determines that doing so is not practicable, in which case the Investigator must notify the complainant and respondent Council Member of the delay and provide a revised decision date, which may be extended by periods of up to 30 days at a time on provision of written notice to the complainant and respondent Council Member.

■ Final Determination by Council

29. (1) Council must, within 30 days of the Investigator's delivery of the investigation report, decide on the appropriate measures, if any, that are warranted by a breach of this Bylaw.
- (2) Prior to making any decision regarding the findings and recommendations set out in the investigation report, the respondent Council Member must be provided with an opportunity, in person and in writing, to comment to Council on the Investigator's determinations and recommendations.

■ Remedies

30. (1) Council may impose the following remedies for a violation of this Bylaw:

(e) a recommendation that the respondent Council Member:

(i) attend specific training or counselling;

(ii) complete a specified number of volunteer hours; or

(iii) make a charitable donation of a specified or unspecified amount to a particular charity;

(2) Council must consider the following factors when determining whether to impose a sanction on a Council Member:

(a) the degree and nature of the conduct;

(b) whether the contravention was a single or repeated act;

(c) whether the Council Member knowingly contravened this Bylaw;

(d) whether the Council Member took steps to mitigate or remedy the contravention;

(e) the Council Member's history of other contraventions; and

(f) if applicable, the Investigator's finding that the respondent Council Member took all reasonable steps to avoid the breach, or that the breach was trivial or done inadvertently or because of an error in judgment.

***(3) When Council imposes a remedy pursuant to subsection (1), it may include secondary remedies to take effect on a date set by Council in the event that the Council member fails to comply.**

■ Remuneration

31. (1) Where the Investigator finds that a Council Member:
- (a) breached this Bylaw; or
 - (b) submitted a complaint that was frivolous, vexatious, or made in bad faith,
- the remuneration to which that Council Member would otherwise have been entitled shall be reduced in accordance with the *City of Prince George Council Remuneration Bylaw No. 8414, 2012*, as amended or replaced from time to time.
- (2) Notwithstanding subsection (1), the remuneration of a Council Member shall not be reduced if the Investigator makes a finding that:
- (a) the Council Member took all reasonable steps to prevent the breach;
 - (b) the breach was trivial or inadvertent; or
 - (c) the breach was because of an error in judgment made in good faith.

Questions/Comments