



THE CORPORATION OF THE CITY OF VERNON

MEMORANDUM

TO: Patti Bridal, Chief Administrative Officer **FILE:** 0530-13
PC: Kevin Poole, Director, Community Safety, Lands and Administration **DATE:** April 17, 2023
FROM: Janice Nicol, Manager, Legislative Services
SUBJECT: COUNCIL CODE OF RESPONSIBLE CONDUCT POLICY - AMENDMENTS

At the April 11, 2023 Committee of the Whole Meeting, Council passed the following resolutions:

'THAT Council receive for information the memorandum titled "Draft Council Code of Conduct Policy" dated March 20, 2023 and respectfully submitted by Manager, Legislative Services;

AND FURTHER, that Council adopt the Council Code of Responsible Conduct Policy, as presented at the April 11, 2023 Committee of the Whole meeting.

CARRIED'

'THAT Council direct Administration to bring forward potential amendments to the Council Code of Responsible Conduct Policy, as requested at the April 11, 2023 Council Workshop, for the May 8, 2023 Committee of the Whole meeting.

CARRIED'

Although Administration has tried to capture the requested changes into the 'Council Code of Responsible Conduct Policy' (Attachment 1), there may be further wordsmithing required by Council.

RECOMMENDATION:

THAT Council receive for information the memorandum titled "Council Code of Conduct Policy - Amendments" dated April 17, 2023 and respectfully submitted by Manager, Legislative Services;

AND FURTHER, that Council adopt the amended Council Code of Responsible Conduct Policy, as presented at the May 8, 2023 Regular meeting.

ALTERNATIVE RECOMMENDATION:

THAT Council receive for information the memorandum titled "Council Code of Conduct Policy - Amendments" dated April 17, 2023 and respectfully submitted by Manager, Legislative Services;

AND FURTHER, that Council direct Administration to amend the 'Council Code of Conduct Policy' as follows: *(to be cited by Council)*.

Respectfully submitted:



Janice Nicol
Manager, Legislative Services

Attachment 1 - Council Code of Responsible Conduct Policy Amendments

Approved for the Agenda by the CAO





THE CORPORATION OF THE CITY OF VERNON

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Corporate Policy Manual

Section:	Community Safety, Lands and Administration	
Sub-Section:	Legislative Services	
Title:	Council Code of Responsible Conduct	

RELATED POLICIES

Number	Title

APPROVALS

POLICY APPROVED BY:	AMENDMENT APPROVAL:	SECTION AMENDED
Approved by: Mayor: Victor I. Cumming Date: April 11, 2023		
	Amendment Approved by: Mayor: Date:	

POLICY

This Policy establishes shared standards and expectations with respect to the conduct, decorum and behaviour of Council Members. As local elected representative ('Members'), we recognize that responsible conduct is essential to providing good governance for the City of Vernon.

We further recognize that responsible conduct is based on the foundational principles of integrity, accountability, respect, leadership and collaboration.

In order to fulfill our obligations and discharge our duties, we are required to conduct ourselves to the highest ethical standards by being active participants in ensuring that these foundational principles, and the standards of conduct set out below, are followed in all of our dealings with every person, including those with other Members, Administration and the public.

STATUTORY PROVISIONS

This Council Code of Responsible Conduct (CCoRC) applies to Members of the City of Vernon Council. While it does not cover every possible situation, each Member is individually responsible for upholding both the intent and the spirit of this policy in their dealings with other Members, Administration and the public.

Elected officials must conduct themselves in accordance with the law. This Policy is intended to be developed, interpreted and applied by Members in a manner that is consistent with all applicable Federal and Provincial Laws, as well as the bylaws and policies of the local government, the common law and any other legal obligations that apply to Members individually or as a collective Council. The CCoRC is supplementary to the following statutes, laws and policies governing the conduct of local elected officials:

- *The British Columbia Human Rights Code;*
 - *The British Columbia Community Charter;*
 - *The British Columbia Local Government Act;*
 - *The British Columbia Local Elections Campaign Financing Act;*
 - *The Workers Compensation Act of British Columbia;*
 - *The Freedom of Information and Protection of Privacy Act;*
 - *The City of Vernon's Bullying and Harassment Policy; and*
 - *The Criminal Code of Canada.*
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FOUNDATIONAL PRINCIPLES OF RESPONSIBLE CONDUCT

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

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.

Accountability- means an obligation and willingness to accept responsibility or to account for ones' actions. Conduct under this principle is demonstrated when Members, individually and collectively, accept responsibility for their actions and decisions.

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 Member encourages individuals to work together in pursuit of collective objectives by leading, listening to and positively influencing others.

STANDARDS OF CONDUCT

Integrity:

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, **aligning with the Council's Strategic**.
- Members will ensure that their actions are consistent with the shared principles and values collectively agreed to by council, **ensuring public interests over personal interests**.
- Members will follow through on their commitments, correct errors in a timely and transparent manner, and engage in **positive respectful** communication with the community.
- Members will direct their minds to the merits of the decisions before them, ensuring that they act on the basis of relevant information and principles and in consideration of the consequence of those decisions.

- Members will behave in a manner that promotes public confidence in all of their dealings.

Respect:

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 discussion.
- 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 behavior that is indecent, insulting or abusive. This behavior includes verbal slurs such as racist remarks, unwanted physical contact or other aggressive actions that are harmful or threatening.

Accountability:

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.
- 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:

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 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 Administration to provide 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 Administration 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 other Members, Administration 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.

ROLES AND RESPONSIBILITIES

Council is the governing body of the City of Vernon and is responsible for governing the City in accordance with the *Community Charter* and *Local Government Act* (in addition to other applicable legislation).

The Mayor is the head of Council and is statutorily responsible for providing leadership to Council and direction to the Chief Administrative Officer (CAO).

INTERACTIONS WITH STAFF

Members are to follow the procedures authorized by Council and the CAO regarding how to contact staff.

Inquiries should be directed to the CAO unless otherwise agreed upon. Members should not ~~contact other staff directly unless it is related to the business of a Council Committee that a staff Member is involved with or for routine assistance (i.e. Senior Executive Assistant)~~ use their position to influence staff or hinder or obstruct staff in the exercise of performance of their roles, responsibilities, powers, duties or functions or use their position to influence.

Any advice provided by staff to Council ~~or Committees~~ will be ~~vetted~~ reviewed by the CAO.

Members are not to issue instructions to any of the City's contractors, tenderers, consultants or service providers unless expressly authorized to do so.

Members must respect the professional capacities of City staff and the recommendations and advice they provide, which are based on political neutrality and objectivity. Members must not make statements that may be considered abusive, intimidating or derogatory toward staff, ~~or that reflect negatively on staff~~. Any concerns or complaints regarding staff conduct should be addressed with the CAO.

COLLECTION AND HANDLING OF INFORMATION

Members agree to:

- a) Collect, use and disclose personal information in accordance with the *Freedom and Information and Protection of Privacy Act* and the policies and guidelines established by the City. If a Member is uncertain about interpreting the Act, the City's Freedom of Information and Protection of Privacy Head will provide assistance;
- b) Not publicly disclose any confidential information;
- c) Not disclose or discuss confidential information with family, friends or staff that are not privy to this information in the course of their work;
- d) Take care to protect confidential information that is in the Member's custody from being accessed;
- e) Not use confidential information to damage Council, another Member, staff or the public;
- f) Only attempt to access information that is required in the discharge of duties;
- g) Not disclose details from a closed meeting, including information about deliberations or how Members voted. Once a corporate decision has been made to release the information to the public, resolutions may be shared;
- h) Not alter City records unless expressly authorized to do so; and
- i) Continue to adhere to the requirement of this section even after they cease to be a Member.

CONFLICT OF INTEREST

The *Community Charter* addresses Conflict of Interest in sections 100, 101 and 104. The interpretation of these sections is a matter for the Courts, however, this document provides additional guidance.

A Member shall not participate in a discussion of a matter, or vote on a question in respect of that matter, in which the Member has a Conflict of Interest.

In respect of each matter before Council, a Council Member shall:

- a) assess whether they have a Conflict of Interest; and
- b) determine whether it is necessary to seek independent legal advice, at their own cost except where the CAO approves the cost, with respect to any situation which may result in a Conflict of Interest.

If a Member believes they have a Conflict of Interest in respect of a matter in a Council or Committee meeting, the Member shall:

- a) notify the Mayor or Chair of the meeting that the Member has a Conflict of Interest prior to the matter being considered, and restate the Conflict of Interest each time the matter arises before Council; and
- b) refrain from discussing the matter with any other Member publicly or privately; and
- c) leave any meeting if the matter is discussed and not return until the discussion has ended or voting on the matter has been concluded.

PUBLIC COMMUNICATION

Public communication includes formal statements made in an official capacity, interactions with public and media, and personal and professional use of social media.

The Mayor is the official spokesperson on matters related to *policy* of the Corporation of the City of Vernon and decisions made by *resolution of Council*. Members must refrain from speaking on behalf of the City or Council unless expressly authorized to do so.

If a Member is asked by a news reporter to speak on behalf of the City or Council, the Member is to direct the reporter to the Manager, Communications and Grants to follow the appropriate media relations protocols as set out in the City of Vernon Corporate Communication Strategy.

Members should qualify any subjective content shared in a public forum (whether in person or online) with statements such as 'in my opinion' to ensure there is no confusion that they are speaking on their own behalf, and not on behalf of the City or Council.

Public commentary, statements or online posts should not be used for purposes that include the distribution of:

- disparaging statements about staff or commentary that questions the capabilities or professionalism of staff;
- discriminatory material that promotes or perpetuates mistreatment of persons on the basis of their race, religion or belief, age, gender, marital status, national origin, physical or mental ability, or sexual orientation;
- opinions that suggest a closed mind in relation to a matter that is to be the subject of a statutory or other public hearing; or

- disclosure of confidential information.

Members are responsible for the integrity of their public comments. Regardless of whether Members agree with a decision of Council, they will act respectfully and communicate accurately when discussing the decision with the public and / or media, **regardless of how they personally voted.**

GIFTS OF PERSONAL BENEFITS

Section 105 and 106 of the *Community Charter* address the receipt and reporting of gifts and personal benefits for Members and the consequences for contravention.

BREACHES, COMPLAINT HANDLING AND DISCIPLINARY ACTION

Members agree to abide by the CCoRC and endeavor to resolve disputes in good faith before they require intervention. A healthy workplace supports sound decision-making.

Members are encouraged to pursue the informal complaint procedure as the first mean of remedying conduct that they believe violates the CCoRC; however, a Member is not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure outlined below.

Informal Complaint Handling

Any Member who has identified or witnessed conduct by another Member that they reasonably believe, in good faith, is in contravention of this Policy may address the prohibited conduct by:

- a) advising the other Member the conduct violates this Policy and encouraging the other Member to stop; ~~or~~
- b) requesting the Mayor, in informal discussion of the alleged complaint with the other Member, mediate in an attempt to resolve the issue. In the event the Mayor is the subject of, or is implicated in a complaint, the Member may request the assistance of the Acting Mayor*, **as assigned annually by Council resolution.**

**Acting Mayor at the time of the complaint will continue with the investigation until completion.*

Formal Complaint Handling

If attempts to resolve the issue are not successful, potential breaches under the CCoRC may be submitted, in writing, by a Member of Council to both the Mayor and the CAO. Complaints shall be submitted in writing to the Mayor and the CAO within six (6) months

of the last alleged breach. The Mayor and the CAO are authorized to extend this six (6) month deadline if circumstances warrant an extension.

In the event that the Mayor is the subject of an allegation or is implicated in the complaint, the complaint will be address to the current Acting Mayor and the CAO. If the CAO is implicated, then the complaint will be addressed to the Deputy CAO.

Within 30 days of receipt of a complaint, the Mayor (or Acting Mayor) and CAO (or Deputy CAO) will attempt to resolve the matter informally. If the matter has not been resolved after 30 days then independent third party, as determined by the Human Resources Department, shall be appointed. The third party will possess the necessary professional skills, knowledge and experience to investigate the complaint and be acceptable to both the claimant(s) and respondent(s).

If the parties are unable to agree to an investigator the City's legal council will select a suitable candidate.

The investigator will conduct a preliminary assessment of the complaint and determine whether to continue investigating or make written recommendation regarding the dismissal of the complaint on the ground that is either unfounded, beyond the jurisdiction of the CCoRC, or unlikely to succeed under provincial legislation, statutory obligations or this Policy.

If the investigation continues, the following will apply:

- A fair, timely, confidential, independent and impartial investigation will be completed in accordance with the principles of due process and natural justice;
- Investigation updates will be provided to all involved parties every 30 days, at minimum;
- A written report of the findings will be provided to all involved parties, as well as the Director, Human Resources, who will retain a copy. The Mayor or Acting Mayor will provide a summary to Council, in-camera;
- Any recommendations arising from the report and any actions taken in response will remain confidential unless it is determined to be a public matter. Members will not comment in open meetings regarding any allegations.

Recommendations may include:

- a) dismissal of the complaint;
- b) censure;
- c) removal from committee Membership;
- d) prohibition from representing the City at events and/or attending conferences or seminars;
- e) reduction in compensation in accordance with the Council Remuneration Policy;
- f) a recommendation that an apology be given;

- g) counselling and/or coaching;
- h) such other recommendations as are deemed appropriate in the judgement of the Third Party Investigator.

Council will decide whether the recommendations in the Report, in whole or part, will be imposed.

APPENDIX A – Resources

- [*The British Columbia Human Rights Code;*](#)
- [*The British Columbia Community Charter;*](#)
- [*The British Columbia Local Government Act;*](#)
- [*The British Columbia Local Elections Campaign Financing Act;*](#)
- [*The Workers Compensation Act of British Columbia;*](#)
- [*The Freedom of Information and Protection of Privacy Act;*](#)
- *The City of Vernon's Bullying and Harassment Policy; and*
- [*The Criminal Code of Canada.*](#)

APPENDIX B - Attestation