

AGENDA ITEM NO: 7.7.

MEETING DATE: June 21, 2022

STAFF REPORT – COVER SHEET

SUBJECT: Code of Conduct Policy DATE: June 10, 2022
DEPARTMENT: Corporate Services PREPARED BY: J Hahn

1. SUMMARY OF ISSUE:

In November 2021, Bill 26 received Royal Assent, which will require all local governments in BC to publicly consider whether to establish a new code of conduct, or revise an existing one within six months of a general local election. This new requirement will come into effect once a regulation is passed, which has not yet happened.

A working group on responsible conduct, as a joint initiative of UBCM, the Ministry of Municipal Affairs, and LGMA, was formed prior to the legislative changes, to help develop a framework for codes of conduct. The working group identified and defined four foundational principles – integrity, accountability, respect, and leadership and collaboration – that can be used to guide the conduct of individual elected officials and collective councils or boards. These four principles have been included in the Code of Conduct Policy, along with the legislated requirements of Council members as described in the *Community Charter*.

Although Council is not required to establish a code of conduct at this time, staff anticipate that when provincial regulation is passed, Council will be required to consider whether to establish one within six months of the upcoming election.

2. RECOMMENDATION:

That “Policy A-20 – Council Code of Conduct” be approved.



Jennifer Hahn,
Director of Corporate Services

**3. CHIEF ADMINISTRATIVE OFFICER'S
RECOMMENDATION/COMMENTS:**

Supports recommendation.



Peter Monteith, CAO

POLICY DIRECTIVE NO. A-20

SUBJECT: COUNCIL CODE OF CONDUCT

APPROVAL DATE: _____ LAST REVIEW DATE: _____

REFERENCE: _____

A. INTRODUCTION:

This code of conduct applies to the elected Mayor and Council Members of the City of Chilliwack (the “City”) and recognizes that responsible conduct by local elected representatives is essential to providing good governance for the City. It is each elected representative’s responsibility to uphold this Code of Conduct in their dealings with other elected representatives, City staff, and the public.

B. FOUNDATIONAL PRINCIPLES:

1. Integrity means being honest and demonstrating strong ethical principles. Conduct under this principle upholds the public interest, is truthful and honourable.
2. 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.
3. Accountability means an obligation and willingness to accept responsibility or to account for ones’ actions. Conduct under this principle is demonstrated when council or board members, individually and collectively, accept responsibility for their actions and decisions.
4. 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 council or board member encourages individuals to work together in pursuit of collective objectives by leading, listening to, and positively influencing others.

C. PROVISIONS:

1. If a Council Member attending a meeting considers that they are not entitled to participate in the discussion of a matter, or to vote on a question in respect of a matter, because the Council Member has:
 - (a) A direct or indirect pecuniary interest in the matter, or
 - (b) Another interest in the matter that constitutes a conflict of interest,

the member must declare this and state in general terms the reason why the member considers this to be the case.

C. PROVISIONS: (continued)

2. If a Council Member has a direct or indirect pecuniary interest in a matter, the Council Member must not
 - (a) Remain or attend at any part of a meeting during which the matter is under consideration,
 - (b) Participate in any discussion of the matter at such a meeting,
 - (c) Vote on a question in respect of the matter at such a meeting, or
 - (d) Attempt in any way, whether before, during or after such a meeting, to influence the voting on any question in respect of the matter.
3. A Council Member must not use their office to attempt to influence in any way a decision, recommendation or other action to be made or taken
 - (a) At a Council or committee meeting,
 - (b) By an officer or an employee of the municipality, or
 - (c) By a delegate under Section 154 of the *Community Charter*,if the Council Member has a direct or indirect pecuniary interest in the matter to which the decision, recommendation or other action relates.
4. A Council Member must not use their office to attempt to influence in any way a decision, recommendation or action to be made or taken by any other person or body, if the Council Member has a direct or indirect pecuniary interest in the matter to which the decision, recommendation or other action relates.
5. A Council Member must not, directly or indirectly, accept a fee, gift or personal benefit that is connected with the member's performance of the duties of office. This section does not apply to
 - (a) A gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office,
 - (b) Compensation authorized by law, or
 - (c) A lawful contribution made to a member who is a candidate for election to a local government.
6. If a Council Member receives a gift or personal benefit permitted under Section 5 that exceeds \$250.00 in value, or the total value of such gifts and benefits, received directly or indirectly from one source in any 12-month period, exceeds \$250.00, the Council Member must file with the Corporate Officer, as soon as reasonably practicable, a disclosure statement indicating
 - (a) The nature of the gift or benefit,

C. PROVISIONS: (continued)

- (b) Its source, including, if it is from a corporation, the full names and address of at least two individuals who are directors of the corporation,
 - (c) When it was received, and
 - (d) The circumstances under which it was given and accepted.
7. If a municipality enters into a contract in which a council member, or a person who was a council member at any time during the previous six months, has a direct or indirect pecuniary interest, this must be reported as soon as reasonably practicable at a Council Meeting that is open to the public.

In addition to the obligation under Section 1 (disclosure of conflict), a Council Member or former Council Member must advise the Corporate Officer, as soon as reasonably practicable, of any contracts that must be reported in relation to that person.

8. A Council Member or former Council Member must not use information or a record that
- (a) Was obtained in the performance of the Council Member's office, and
 - (b) Is not available to the general public,
- for the purpose of gaining or furthering a direct or indirect pecuniary interest of the Council Member or former Council Member.
9. Council Members will adhere to Council Remuneration and Expense Bylaw and the Procedural Bylaw, as amended from time to time.

Chief Administrative Officer