



THE CORPORATION OF THE VILLAGE OF ASHCROFT

COMMITTEE OF THE WHOLE

AGENDA

FOR THE MEETING OF COUNCIL TO BE HELD IN THE COUNCIL CHAMBERS OF THE VILLAGE OFFICE AT 5:00 PM ON MONDAY, FEBRUARY 27, 2023

1. **CALL TO ORDER**

“Mayor and Council wish to acknowledge that the meeting today is held within the traditional territory of the Nlaka’pamux people.”

2. **ADOPTION OF THE AGENDA**

Motion to adopt the Agenda as presented or as amended

3. **MINUTES**

All COTW Minutes are adopted at a Regular Meeting of Council

4. **DELEGATIONS**

4.1	NONE	
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5. **DISCUSSION ITEMS**

5.1	CAO Report – Addendum to the Draft Council Code of Conduct Policy No. C-01-2023	P. 2-3
5.2	Draft Council Code of Conduct Policy No. C-01-2023	P. 4-10

6. **BYLAWS FOR DISCUSSION**

	NONE	
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7. **STAFF REPORTS**

	NONE	
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8. **CLOSED MEETING**

Motion to move to a closed meeting to discuss an item under the Community Charter Section 90.1

	NONE	
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9. **TERMINATION**

STAFF REPORT TO COUNCIL – COTW

DATE: February 27, 2023
FROM: Daniela Dyck, Chief Administrative Officer
SUBJECT: Council Code of Conduct

Purpose

Opportunity to discuss the draft Code of Conduct Policy

BACKGROUND

Division 8, Section 113.1 of the Community Charter –Requires Council to consider a Code of Conduct within 6 months after its first regular Council meeting following a general local election.

A Council must decide:

- (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.

In addition to the draft policy presented to Council at the February 13, 2023 Regular Meeting, Council may also wish to consider the addition of sanctions for behaviour unbecoming and outside of the policy. Below are examples of sanctions noted in the Forging the Path to Responsible Conduct guide from the Province of BC website.

Specific sanctions included in a sampling of B.C. codes of conduct are:

- Request letter of apology
- Mandatory education, training, coaching or counselling
- Suspension/removal from some or all committees or other bodies
- Public censure
- Letter of reprimand or formal warning
- Publication of reprimand or request for apology and member’s response
- Suspension or removal as deputy/acting mayor/chair
- Restrictions on representing the local government or attending events or conferences
- Limits on travel/expenses beyond those in corporate policies
- Limiting access to certain local government facilities
- Requirement to return local government property provided for convenience
- Restrictions on how documents are provided to the member
- Reduction in compensation (in accordance with remuneration bylaw)
- Written pledge promising to comply

Current Practice for Sanctions: (also from the guide)

Codes of conduct that provide details of an enforcement process also typically set out a range of sanctions that the Council or Board could impose for contraventions. Sanctions are stated specifically, generally, or as a combination of these. For example, some codes say that the Council/Board “may impose sanctions” and follow this with a few examples, while others provide a specific list of sanctions, sometimes followed with a general provision for “any other sanction considered appropriate” by the investigator in some cases and the Council/Board in others. Some codes also provide overarching statements that sanctions may only be imposed if they do not prevent the member from fulfilling their legislated duties of elected office.

If Council moves forward with the inclusion of sanctions in the Code of Conduct a process must be included that determines what triggers the process, who investigates the complaint, fair process, confidentiality, transparency and timeline. As with other elements of a code of conduct enforcement process, legal advice is recommended as sanctions are being designed and when they are imposed.

Attachment Listing

Draft Council Code of Conduct Policy

Respectfully Submitted by:



Daniela Dyck,
Chief Administrative Officer



ADMINISTRATION POLICY

TITLE: Council Code of Conduct		POLICY #: C-1-2023
Authority: Council	Effective Date: Review Date: Annually	
Issued By: Issued Date:	Approved By: Council Approved Date: Updated: Resolution #:	

PURPOSE: To establish a Code of Conduct for the Council of the Village of Ashcroft as required by legislation.

INTRODUCTION:

Council recognizes that responsible conduct is essential to providing good governance for the Village of Ashcroft, and that responsible conduct is based on the foundational principles of integrity, accountability, respect, leadership, and collaboration.

Council requires each elected official to conduct themselves to the highest ethical standards by being an active participant in ensuring these foundational principles, and the standards of conduct set out in this policy are followed in all interactions with every person, including with other Council members of Council, staff, and the public.

1. Application and Interpretation:

- 1.1 This Code of Conduct policy applies to the Council members of the Village of Ashcroft. It is each Council member's individual responsibility to uphold both the letter and the spirit of this Code of Conduct in their dealings with other Council members of Council, staff, and the public.
- 1.2 Elected officials must conduct themselves in accordance with the law. This Code of Conduct is intended to be developed, interpreted and applied by Council members in a manner that is consistent with all applicable Federal and Provincial Laws, as well as the bylaws and policies of the Village of Ashcroft, the common law and any other legal obligations which apply to Council members individually or as a collective Council.
- 1.3 Annually, Council members are to sign the statement (attached as Appendix A) affirming they have read and understood this policy. In addition, Council will review the Code of Conduct policy annually, consider recommendations, and update the policy as necessary.

2. Foundational Principles:

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



- b) 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.
- c) Accountability – means an obligation and willingness to accept responsibility or to account for one’s actions. Conduct under this principle is demonstrated when Council members, individually and collectively, accept responsibility for their actions and decisions.
- d) 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 member encourages individuals to work together in pursuit of collective objectives by leading, listening to, and positively influencing others.

3. Standards of Conduct:

a) Integrity: Integrity is demonstrated by the following conduct:

- i. Council members will be truthful, honest, and open in all dealings, including those with other Council members, staff and the public.
- ii. Council members will ensure their actions are consistent with the shared principles and values collectively agreed to by Council under this policy.
- iii. Council members will follow through on their commitments, correct errors in a timely and transparent manner, and engage in positive communication with the community.
- iv. Council members will direct their minds to the merits of the decisions before them, ensuring they act on the basis of relevant information and principles and in consideration of the consequences of those decisions.
- v. Council members will behave in a manner that promotes public confidence in all of their dealings.

b) Respect: Respect is demonstrated through the following conduct:

- i. Council members will treat every person with dignity, understanding, and respect.
- ii. Council members will show consideration for every person’s values, beliefs, experiences and contributions to discussions.
- iii. Council 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.
- iv. Council members will not engage in behaviour that is indecent, insulting or abusive. This behaviour includes verbal slurs such as racist remarks, unwanted physical contact, or other aggressive actions that are harmful or threatening.



- c) Accountability:** Accountability is demonstrated through the following conduct:
- i. Council members will be responsible for the decisions that they make and be accountable for their own actions and the actions of the collective Council.
 - ii. 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.
 - iii. Council 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.
- d) Leadership and Collaboration:** Leadership and collaboration is demonstrated through the following conduct:
- i. Council 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.
 - ii. Council members will consider the issues before them and make decisions as a collective body. As such, Council members will actively participate in debate about the merits of a decision, but once a decision has been made, all Council members will recognize the democratic majority, ideally acknowledging its rationale, when articulating their opinions on a decision.
 - iii. Council members will recognize that debate is an essential part of the democratic process and encourage constructive discourse while empowering other Council members and staff to provide their perspectives on relevant issues.
 - iv. As leaders of their community, Council 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 staff to do the same.
 - v. Council 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 and among other Council members, staff, and the public.
 - vi. Council members will recognize the importance of the role of the Chair of meetings and treat that person with respect at all times.

4. Collection and Handling of Information:

4.1 Council members must:

- i. Collect, use and disclose personal information in accordance with the British Columbia *Freedom of Information and Protection of Privacy Act* and the policies and guidelines as established by the Village;
- ii. Protect information that is specifically marked confidential, that is personal information, and any other material identified or understood to be confidential in nature;



- iii. Refrain from discussing or disclosing confidential information with staff, or with persons outside the organization, except as authorized;
- iv. Refrain from discussing or disclosing any personal information with or to other Council members, staff, or with persons outside the organization except in a manner consistent with the duty to protect personal information under the British Columbia *Freedom of Information and Protection of Privacy Act*.
- v. Take reasonable care to prevent the examination of confidential material or access to personal information by unauthorized individuals;
- vi. Not use confidential information except for the purpose for which it is intended to be used;
- vii. Only access information held by the Village as required for Village business;
- viii. 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;
- ix. Not disclose details on Council's Closed meeting deliberations or specific detail on whether individual Council members voted for or against an issue;
- x. Not alter Village records unless expressly authorized to do so; and,
- xi. Adhere to the requirements outlined in this Section when they are no longer a Council member.

5. Conflict of Interest:

- 5.1 Conflict of Interest is dealt with under sections 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 members.
- 5.2 Council 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 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*.

6. Interactions with Staff:

- 6.1 Council members are only to contact staff, including Municipal Officers, according to the procedures authorized by Council and the Village's Chief Administrative Officer regarding the interaction of Council members and staff.



- 6.2 Council members are to direct inquiries regarding departmental issues or questions to the Village's Chief Administrative Officer who may direct the Council member to the appropriate department head and refrain from contacting staff directly unless the communication is minor and of a day-to-day operational nature.
- 6.3 Advice to Council members from staff will be vetted and approved by the Chief Administrative Officer.
- 6.4 Council members are not to issue instructions to any of the Village's contractors, tenderers, consultants or other service providers unless expressly authorized to do so.
- 6.5 Council members must not publish or report information or make statements attacking or reflecting negatively on staff or Council members. Any complaint should be brought to the attention of the Chief Administrative Officer for follow up.
- 6.6 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.
- 6.7 Council members must treat Council members of the public, Council, and staff with respect and without bullying, abuse or intimidation.

7. Use of Social Media:

- 7.1 Council members must not purport to speak on behalf of the Village or Council unless expressly authorized to do so.
- 7.2 It is not the role of individual Council members to report directly on Village related business. Council members will use caution in reporting decision-making by way of their social media profiles and websites before the Village has released any formal communication.
- 7.3 When speaking for themselves as individual Council or Committee Council members on social media or to the press, Council members will include "in my opinion" or use a similar disclaimer to ensure it is expressly clear they are speaking for themselves and not the Village or Council as a whole.
- 7.4 Council 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 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 Council members will communicate accurately the decisions of the Council, even if they disagree with the majority decision made, and by so doing affirm the respect for and integrity in the decision-making processes of Council.
- 8.2 When discussing publicly whether a Council member did not support a decision, or voted against the decision, or that another Council member did not support a decision or voted against a decision, a Council member will refrain from making disparaging comments about other Council members or about Council's processes and decisions.

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APPENDIX "A"
COUNCIL ATTESTATION

Council of the Village of Ashcroft and Council Appointees to Boards, Committees, Commissions and Working Groups

As a member of Council of the Village of Ashcroft, I agree to:

- uphold the Code of Conduct policy that has been adopted by Council, and conduct myself in accordance with the foundational principles of integrity, accountability, respect, leadership, and collaboration.
- Protect confidential information, personal information, and other information that has been made available to me by virtue of my role as a member of Council, in accordance with legislation and the provisions outlined in the Code of Conduct Policy.
- avoid any real or perceived conflict of interest and declare at the earliest opportunity any interest that is or may be in conflict with the business of the body of the Village of Ashcroft in which I am participating;
- ensure all my interactions with staff, the public, the media, and my use of social media is respectful and in accordance with the provisions of the Code of Conduct policy.

I affirm that I have read and understood the Village of Ashcroft Code of Conduct Policy.

Signature: _____

Date: _____

Name: _____
(Please print)

Office: _____
(Mayor / Councillor)