



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, APRIL 24, 2023

Please be advised that the HUB Online Network will record and broadcast or live stream today's Council meeting.

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 M/S

THAT, the Agenda for the COTW Meeting of Council for Monday, April 24, 2023 be adopted as presented.

3. MINUTES

All COTW Minutes are adopted at a Regular Meeting of Council.

4. DISCUSSION ITEMS

Table with 3 columns: Item ID, Description, and Page Range. Row 1: 5.1, CAO Report – Accessibility Advisory Committee – Terms of Reference, P. 1-6. Row 2: 5.2, CAO Report - Council Code of Conduct Policy No. C-01-2023, P. 7-15.

5. BYLAWS FOR DISCUSSION

Table with 3 columns: Item ID, Description, and Page Range. Row 1: NONE

6. STAFF REPORTS

Table with 3 columns: Item ID, Description, and Page Range. Row 1: NONE

7. TERMINATION

STAFF REPORT TO COUNCIL – COTW

DATE: April 24, 2023
FROM: Daniela Dyck, Chief Administrative Officer
SUBJECT: Accessibility Advisory Committee - Terms of Reference

Purpose

Provide Council with an opportunity to review and suggest edits for the attached draft Accessibility Advisory Committee Terms of Reference.

Background

At the March 13, 2023 Regular Meeting of Council, Council resolved the following:

“THAT, Council establishes a committee of which half of its members are persons with disabilities or are individuals that support, or are from organizations that support, persons with disabilities; at least one of the members is an Indigenous person and the remainder of the committee is comprised of two Council members and two staff members.”

In addition to the motion Council directed staff to develop a Terms of Reference for the provincially mandated Accessibility Advisory Committee prior to committee establishment.

Attached to this report are the draft terms of reference for Council review and discussion. Of note, administration would like Council to revisit the committee membership as noted above in the motion and consider reducing the membership from 9 to a minimum of 5 and a maximum of 7 members.

Recommendation

THAT, Council rise and report to the Regular Meeting of Council to be held at 6:00 pm on Monday April 24, 2023 for Council to consider adoption of the Accessibility Advisory Committee Terms of Reference and amend the membership from 9 members to a minimum of 5 and a maximum of 7 members.

Attachment Listing

Accessibility Advisory Committee Terms of Reference

Respectfully Submitted by:



Daniela Dyck,
Chief Administrative Officer

ACCESSIBILITY ADVISORY COMMITTEE

TERMS OF REFERENCE

1. PREAMBLE

The Province of BC recently enacted legislation which requires local governments to establish an accessibility committee, develop an accessibility plan, and implement a mechanism for obtaining feedback on accessibility. At the meeting on March 13, 2023, Council approved the development of the committee terms of reference prior to the establishment of the accessibility advisory committee.

The committee will be tasked with providing advice to Council on the development of an accessibility plan to identify, remove and prevent barriers to individuals who are interacting with or in the Village of Ashcroft. The principles of inclusion, adaptability, diversity, collaboration, self-determination, and universal design must be considered in conjunction with the development and review of the accessibility plan. The plan must be adopted by September 1, 2023.

2. PURPOSE

2.1 The purpose of the Accessibility Advisory Committee is to:

- (a) assist with identifying barriers to individuals in or interacting with the Village of Ashcroft in accordance with the *Accessible BC Act*;
- (b) provide advice on how to remove and prevent any identified barriers;
- (c) provide input on the development of an accessibility plan;
- (d) provide advice on mechanisms to receive public feedback on accessibility;
- (e) provide advice on any matters referred to the Committee by Council or Village staff.

3. STRUCTURE/OPERATIONS

3.1 The Accessibility Advisory Committee will consist of 9 members (consider decreasing to: minimum of 5 members to a maximum of 7 members members), who will be appointed by Council based on their experience and credentials, and to the extent possible, include representation as follows:

- (a) at least half of members to be persons with disabilities, or individuals whosupport, or are from organizations that support, persons with disabilities;
- (b) members that reflect the diversity of persons with disabilities in British Columbia;
- (c) at least one Indigenous Person;
- (d) members that reflect the diversity of persons in British Columbia; and
- (e) two members of Council; and (Consider reducing to 1)

(f) two staff members. (Consider reducing to 1)

- 3.2 A Chair and Alternate Chair will be elected from amongst Committee members on an annual basis.
- 3.3 A majority of the members will constitute a quorum.
- 3.4 A Committee meeting will be convened upon the appointment of members. The purpose of the inaugural meeting will be to review the Terms of Reference, establish a meeting schedule and establish preliminary requirements.
- 3.5 The Committee will operate on a consensus basis. Where consensus cannot be reached, decisions will be made according to the Council Procedures Bylaw and Roberts' Rules of Order.
- 3.6 Committee members serve without remuneration but may be eligible to have reasonable expenses reimbursed with prior written approval of the Chief Administrative Officer.
- 3.7 All meetings will be open to the public unless otherwise permitted in accordance with the *Community Charter*.
- 3.8 Members will be appointed for a two-year term but serve at the pleasure of Council.

4. STAFF SUPPORT

- 4.1 Village staff will assist the Chair in booking meeting space and coordinating the preparation and distribution of agendas.
- 4.2 Village staff will attend meetings to record key decisions and discussion points. Minutes will be provided to the Chair for distribution to members.
- 4.3 Village staff will assist with formatting Committee reports to Council.
- 4.4 Village staff may provide professional or technical advice.

5. DELIVERABLES

- 5.1 The Committee will provide advice to Council on the development of an Accessibility Plan to identify, remove and prevent barriers to individuals in, or interacting with the Village of Ashcroft. The Plan must be adopted by September 1, 2023.

- 5.2 The principles of inclusion, adaptability, diversity, collaboration, self-determination, and universal design must be considered in conjunction with the development and review of the Accessibility Plan.

6. REFERENCE DOCUMENTS

- 6.1 Council Procedure Bylaw No. 834, 2020.
- 6.2 Community Charter
- 6.3 Accessible British Columbia Act

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STAFF REPORT TO COUNCIL – COTW

DATE: April 24, 2023
FROM: Daniela Dyck, Chief Administrative Officer
SUBJECT: Council Code of Conduct

Purpose

Bring back Policy #C-01-2023 Council Code of Conduct to Council for further review and discussion.

Background

At the February 27, 2023 Committee of the Whole Meeting, Council discussed Division 8, Section 113.1 of the Community Charter which 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.

Council determined to move forward with establishing a Code of Conduct and reviewed the draft Code of Conduct Policy presented at that time.

Upon review and discussion of the draft Code of Conduct policy Council directed staff to include a section in the policy relating to sanctions. Specifically directing staff to insert the sanctions portion from the City of Salmon Arm's Council Code of Conduct Policy.

The revised draft Code of Conduct is before Council for further review and discussion prior to Council consideration and adoption at a future Regular Council meeting.

Recommendation

THAT, Council rise and report to the Regular Meeting of Council to be held at 6:00 pm on Monday April 24, 2023 for Council to consider adoption of Policy #C-01-2023.

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-01-2023
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 member of Council, staff, and the public.

1. Application and Interpretation:

- 1.1 This Code of Conduct policy applies to the Members of Council of the Village of Ashcroft. It is each member of Council’s individual responsibility to uphold both the letter and the spirit of this Code of Conduct in their dealings with other 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 members of Council 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 members of Council individually or as a collective Council.
- 1.3 Annually, members of Council 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 a member of Council, individually and collectively, accepts 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 member of Council 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. Members of Council will be truthful, honest, and open in all dealings, including those with other members of Council, staff and the public.
- ii. Members of Council will ensure their actions are consistent with the shared principles and values collectively agreed to by Council under this policy.
- iii. Members of Council will follow through on their commitments, correct errors in a timely and transparent manner, and engage in positive communication with the community.
- iv. Members of Council 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. Members of Council will behave in a manner that promotes public confidence in all of their dealings.

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

- i. Members of Council will treat every person with dignity, understanding, and respect.
- ii. Members of Council will show consideration for every person’s values, beliefs, experiences and contributions to discussions.
- iii. Members of Council 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. Members of Council 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. Members of Council will be responsible for the decisions that they make and be accountable for their own actions and the actions of the collective Council.
 - ii. Members of Council 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. Members of Council 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. Members of Council 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. Members of Council will consider the issues before them and make decisions as a collective body. As such, members of Council will actively participate in debate about the merits of a decision, but once a decision has been made, all members of Council will recognize the democratic majority, ideally acknowledging its rationale, when articulating their opinions on a decision.
 - iii. Members of Council will recognize that debate is an essential part of the democratic process and encourage constructive discourse while empowering other members of Council and staff to provide their perspectives on relevant issues.
 - iv. As leaders of their community, members of Council 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. Members of Council 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 members of Council, staff, and the public.
 - vi. Members of Council 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 Members of Council 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 members of Council, 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 Member of Councils voted for or against an issue;
- x. Adhere to the requirements outlined in this Section when they are no longer a Member of Council.

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 members of Council.
- 5.2 Members of Council 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 Members of Councils must attempt to resolve any conflict or incompatibility between their personal interests and the impartial performance of their duties. Members of Council must ensure they are observing the statutory requirements of the *Community Charter*.

6. Interactions with Staff:

- 6.1 Members of Council are only to contact staff, including Municipal Officers, through the Chief Administrative Office.
- 6.2 Members of Council are to direct inquiries regarding departmental issues or questions to the Village's Chief Administrative Officer. The Chief Administrative Officer may direct the member of Council 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 members of Council from staff will be vetted and approved by the Chief Administrative Officer.
- 6.4 Members of Council 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 Members of Council must not publish or report information or make statements attacking or reflecting negatively on staff or other members of Council. 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 members of Council, and to the Chief Administrative Officer as soon as possible.
- 6.7 Members of Council must treat other members of Council, the public, and staff with respect and without bullying, abuse or intimidation.

7. Use of Social Media:

- 7.1 Members of Council 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 members of Council to report directly on Village related business. Members of Council 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 Members of Council should qualify any subjective content shared on social media with statements such as "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 Members of Council 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 Members of Council 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 Members of Council 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 member of Council did not support a decision, or voted against the decision, or that another member of Council did not support a decision or voted against a decision, a member of Council will refrain from making disparaging comments about other members of Council or about Council's processes and decisions.

9. Breaches, Complaint Handling and Disciplinary Action

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

Members of Council are encouraged to pursue the informal complaint procedure as the first means of remedying conduct that they believe violates the Code of Conduct; however, it is not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure outlined below.

9.2 Informal Complaint Handling

Any member of Council 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 to assist in informal discussion of the alleged complaint with the other member in a mediated 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 Deputy Mayor.

9.3 Formal Complaint Handling

If attempts to resolve issues are not successful, potential breaches under the Code of Conduct may be submitted, in writing, by a member of Council to both the Mayor and CAO. Complaints shall be submitted in writing to the Mayor and CAO within six (6) months of the last alleged breach. The Mayor and 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, then the complaint will be addressed to the current Deputy 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 Deputy) and CAO (or Deputy) will attempt to resolve the matter informally. If the matter has not been resolved after 30 days then an independent third party 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 complainant(s) and respondent(s).



If the parties are unable to agree on an investigator then the Village'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 grounds that it is either unfounded, beyond the jurisdiction of the Code of Conduct 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 Manager of Human Resources who will retain a copy. The Mayor or Deputy 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 Village at events and/ or attending conferences or seminars;
- e) reduction in compensation in accordance with the Council Remuneration Bylaw;
- f) a recommendation that an apology be given;
- g) counselling and/or coaching; or,
- h) such other recommendations as are deemed appropriate in the judgment of the Third Party Investigator.



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)