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REPORT TO CAPITAL REGIONAL DISTRICT BOARD MEETING OF WEDNESDAY, MARCH 13, 2024

SUBJECT **Bylaw No. 4605: Board Code of Conduct Bylaw No. 1, 2024**

ISSUE SUMMARY

To adopt Bylaw No. 4605, “Capital Regional District Board Code of Conduct Bylaw No. 1, 2024”, and approve the Member Statement of Commitment.

BACKGROUND

On February 14, 2024, the CRD Board endorsed finalization of a draft Board Code of Conduct Bylaw presented at that meeting, and directed it be brought back for adoption at the March Board meeting. The Board further endorsed the following motions arising that were raised at the Governance Committee:

- *Direct staff to modify bylaw Section 18 to reference Board Chair and CAO as the parties to whom a Board Member may submit a complaint.*
- *That staff bring forward a document for Directors to sign to show their acceptance and support for the Code of Conduct following adoption of the bylaw.*
- *That staff develop a reporting out mechanism for the committee to review and conduct a review of this bylaw after the first year and report back to the Governance Committee.*
- *That staff be directed to include a separate one-page flowchart of the Board Code of Conduct for easy Board reference.*

Attached at Appendix A is Bylaw No. 4605, “Capital Regional District Board Code of Conduct Bylaw, No. 1, 2024”, that incorporates the Board’s direction regarding amending section 18 prior to adoption. Attached at Appendix B is a Statement of Commitment for endorsement by the Board.

ALTERNATIVES

Alternative 1

1. That Bylaw No. 4605, “Capital Regional District Board Code of Conduct Bylaw No. 1, 2024”, be introduced and read a first, second and third time;
2. That Bylaw No. 4605 be adopted;
3. That the Member Statement of Commitment attached as Appendix B be approved.

Alternative 2

That staff amend the draft Code of Conduct Bylaw and/or the Member Statement of Commitment as directed and return to Governance Committee with an amended draft bylaw for review.

IMPLICATIONS

The Board Code of Conduct Bylaw attached at Appendix A is the product of several rounds of consideration by the Governance Committee and Regional Board. Staff have incorporated the most recent direction provided at the February 14, 2024 Board meeting, to incorporate a role for the Board Chair in receipt of complaints under section 18 and, as a result of this change, conducting a preliminary assessment under section 19. Other than the changes that were directed, only minor housekeeping and formatting changes have been made to the draft bylaw that was reviewed by the Board in February.

The Board Code of Conduct Bylaw will come into effect on adoption by the Board. The provisions of the bylaw will apply on a go-forward basis and do not apply to any conduct that occurred prior to the date of adoption.

Member Statement of Commitment

As requested by the Board, staff have drafted a Member Statement of Commitment (the “Statement”) to be signed after adoption of the bylaw. The Statement will be provided to all CRD elected officials to which the Code of Conduct Bylaw applies, including Directors, Alternate Directors, Municipal Elected Officials appointed to a CRD committee or commission, and Local Community Commissioners on Salt Spring Island. Signing the Statement is optional, not mandatory. It has been drafted to reflect the provisions of the Board Code of Conduct Bylaw and is not intended to create any new obligations or legally enforceable commitments. Rather, it is a symbolic commitment that Board Members may choose to sign to demonstrate that they have read and understood the Board Code of Conduct Bylaw and agree to abide by its provisions. Note that the provisions of the Bylaw apply to all Board Members, as defined in the Bylaw, regardless of whether they have signed the Statement or not.

Implementation of the Code

While the Board has had the opportunity to review and develop the Board Code of Conduct Bylaw, staff acknowledge that Board Alternates and elected officials on other CRD bodies who are subject to the Code may not be fully aware of its provisions. Staff will ensure that the Board Code of Conduct Bylaw and background explanatory materials are provided to all elected officials subject to the Code to educate them on the new provisions once the bylaw is adopted.

Staff are continuing to work on the one-page flow chart requested by the Board to accompany the Code and anticipate bringing it forward for receipt to the Governance Committee meeting in April.

CONCLUSION

Attached at Appendix A is Bylaw No. 4605, “Capital Regional District Code of Conduct Bylaw No. 1, 2024”, developed in accordance with the Board’s previous direction. Appendix B is the Member Statement of Commitment, drafted to reflect the spirit and intent of the Board Code of Conduct. Board Members may choose to sign the Member Statement of Commitment as a symbolic demonstration of their commitment to uphold the Code provisions.

RECOMMENDATION

1. That Bylaw No. 4605, “Capital Regional District Board Code of Conduct Bylaw No. 1, 2024”, be introduced and read a first, second and third time;
2. That Bylaw No. 4605 be adopted;
3. That the Member Statement of Commitment attached as Appendix B be approved.

Submitted by:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Bylaw No. 4605

Appendix B: Member Statement of Commitment