



City of Langford

www.cityoflangford.ca

<p>Policy Name: Council Code of Conduct Policy</p> <p><input checked="" type="checkbox"/> New <input type="checkbox"/> Amendment</p>	<p>DEPARTMENT: Administration</p> <p>SP Governance/Corporate Policy and Planning/Policies and Procedures</p> <p>POLICY NO: POL-0169-ADMIN</p>
<p>Purpose</p> <ol style="list-style-type: none"> 1. The Council Code of Conduct Policy (the Policy) establishes a minimum set of standards and expectations with respect to the conduct, decorum, and behaviour of Council members. <p>Application</p> <ol style="list-style-type: none"> 2. The Policy applies to all Council members. <p>Statutory provisions</p> <ol style="list-style-type: none"> 3. Council members shall act and comport themselves in accordance with the law including, but not limited to: <ol style="list-style-type: none"> a. <i>Local Government Act;</i> b. <i>Community Charter;</i> c. <i>Freedom of Information and Protection of Privacy Act; and</i> d. <i>Human Rights Code of British Columbia;</i> <p>Guiding principles</p> <ol style="list-style-type: none"> 4. Council members must carry out their duties with integrity, demonstrating honesty and high ethical standards that promotes public confidence in local government. 5. Council members must be accountable, accepting responsibility for their behaviours, words, actions, and decisions. 6. Council members must be respectful of others, conducting themselves with politeness and care shown toward others by demonstrating due regard, deference, and consideration for different perspectives. 7. Council members must demonstrate leadership and collaboration by actively listening and encouraging people to come together to meet and work around a common goal or objective, or to resolve conflict through collective means and efforts. 8. Council members must strive to represent all City businesses and residents equally and without bias, acting in the best interest of the City. <p>General conduct</p> <ol style="list-style-type: none"> 9. Council members shall not contravene any City bylaw or policy. 10. Council members shall not deliberately mislead staff, other Council members, or the public about any issue of City concern. <p>Conduct at meetings</p> <ol style="list-style-type: none"> 11. Council members must act with decorum at Council and Committee meetings and in accordance with the Council Procedure Bylaw. 12. Council members shall not interrupt other speakers or disturb the conduct of a meeting, except to make a point of order. 	

Conflict of interest

13. Council members shall comply with the conflict of interest provisions as set out in the *Community Charter*.
14. Council members must 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.

Gifts

15. Council members must comply with the provisions regarding gifts as set out in the *Community Charter*.
16. Council members must not accept a fee, gift, or personal benefit that is connected with the performance of the duties of office, unless of they are of nominal values, are received as a matter of protocol or common business hospitality, or otherwise authorized by law.

Information management

17. Council members must collect, use, and disclose information acquired in the course of their duties, in accordance with the *Freedom of Information and Protection of Privacy Act*.
18. Council members must keep the following confidential:
 - a. Third-party personal information;
 - b. Information that constitutes the proprietary information of a third party, individual, or group;
 - c. Information that might reasonably be regarded as having been disclosed to a Council member in confidence; and
 - d. Information from in-camera Council or Committee meetings, including specific detail on whether an individual voted for or against an issue, unless Council has authorized the release of such information.
19. Council members shall not send emails or messages pertaining to City businesses from personal accounts or devices.

Use of public resources

20. Council members must not make unauthorized use of City resources.
21. Council members must not use City resources for election campaign purposes.
22. Council members must ensure that any City property in their care is properly secured and protected at all times.

Communication with the public

23. When interacting with the public, Council members shall accurately communicate Council decisions, even if they disagree with the majority decision, and by so doing, affirm the respect for and integrity in Council decision-making process.
24. Council members who disagreed with the majority decision shall refrain from making disparaging comments about other Council members or about Council's decisions.
25. When presenting their individual opinions and positions, members shall make it clear that they do not represent Council or the City.

Interactions with staff

26. Council members shall direct questions to the Chief Administrative Officer (CAO) or the Director of the appropriate department and refrain from directing staff.
27. Council members shall not instruct the City's contractors or service providers regarding City business.
28. Council members must treat staff professionally and with respect and must not publicly attack or disparage staff.
29. Comments about staff performance shall be made to the CAO through private correspondence or conversation.

30. Council members shall not attempt to influence human resources decisions regarding the decision to hire, transfer, promote, demote, discipline, or terminate staff.

Informal complaint procedure

31. Council members are encouraged to follow the informal complaint procedure under section 32 as the first means of remedying conduct that is believed to violate this Policy; however, Council members are not required to complete the informal complaint procedure prior to pursuing the formal complaint procedures.
32. A Council member who reasonably believes, in good faith, that another Council member's conduct is in violation of this Policy may:
- a. Advise the Council member that the conduct violates this Policy and encourage the Council member to stop;
 - b. Request the Mayor (or Acting Mayor if the issue pertains to the Mayor) to assist in informal discussion with the Council member to resolve the issue.

Formal complaint procedure

33. A Council member who reasonably believes, in good faith, that another Council member's conduct is in violation of this Policy may submit a written complaint to the Mayor and CAO within six months of the alleged breach, or in the event that the Mayor or the CAO is implicated in the complaint, the Acting Mayor or the Director of Corporate Services, respectively.
34. Upon receipt of a complaint under section 33, the Mayor (or Acting Mayor) and the CAO (or Director of Corporate Services) may attempt to facilitate and seek a mutually beneficial resolution between the parties.
35. Upon receipt of a complaint under section 33 and if a resolution has not been achieved pursuant to section 34, the Mayor (or Acting Mayor) and the CAO (or Director of Corporate Services) shall identify multiple independent third-party investigators.
36. The complainant(s) and respondent(s) shall review the skills, background, and qualifications of the independent third-party investigators under section 35 and agree to appoint an investigator.
37. If the complainant(s) and respondent(s) cannot agree on the choice of an investigator, the complainants(s) and respondent(s) shall agree on a nominee who will appoint an investigator.
38. If the complainant(s) or respondent(s) refuses to participate in a formal complaint process, the process may continue without that individual's participation.
39. Council members shall not comment on the allegations until Council resolve to make information on the investigation public.

Third-party investigator

40. The third-party investigator appointed under sections 36 or 37 shall conduct an independent and impartial investigation of the complaint in a manner that is fair, timely, confidential, and accords with the principles of due process and natural justice.
41. The third-party investigator shall provide an initial update of the investigation within 30 days of his or her appointment to the Mayor (or Acting Mayor) and the CAO (or Director of Corporate Services) and to the complainant(s) and respondent(s).
42. Within 90 days of the appointment and as expeditiously as possible, the third-party investigator shall conclude the investigation and provide a written, confidential report of the findings of the investigation to the CAO (or Director of Corporate Services), including findings as to whether there has been a breach of this Policy.
43. The confidential report under section 42 shall include recommendations on the appropriate resolution of the complaint, which may include dismissal of the complaint or remedies under section 48.

44. Within 30 days after the conclusion of the investigation process, the third-party investigator shall destroy all notes that were taken or documents that were provided throughout the process of the investigation.

Council deliberation

45. The CAO (or Director of Corporate Services) shall include the report received under section 42 to an agenda of the earliest closed Council meeting that can be practicably scheduled and shall not discuss the contents of the report with any Council members prior to the closed Council meeting.
46. After receiving the confidential report, Council members must not discuss the contents of the confidential report with anyone, except for their legal counsel, prior to the closed Council meeting at which the confidential report will be discussed.
47. Council members who are subject to the complaint and investigation must be afforded procedural fairness, including an opportunity to respond to the conclusions of the investigation before Council makes the decision on culpability or remedies.

Remedies

48. Upon a finding by a third-party investigator that a Council member has breached this Policy, Council may resolve to:
- a. Issue a letter of reprimand addressed to the Council member;
 - b. Issue a motion of censure;
 - c. Request that the Council member issue a letter of apology to the affected individuals or that the letter of apology be made public;
 - d. Require the Council member to attend remedial education and training;
 - e. Rescind the Council member's appointment as the Acting Mayor;
 - f. Remove the Council member from internal and external Council committees and bodies to which Council has the right to appoint Council members;
 - g. Refer the issue to a prosecutor or police; and
 - h. Impose any other sanction Council deems reasonable and appropriate, provided that the sanction does not prevent the Council member from fulfilling the legislated duties of a Council member and the sanction is not contrary to legislation.
49. Council shall rise and report on the resolution made under section 48 at the next available Council meeting.

Legal counsel


50. Throughout the complaint process under the Policy, the complainant(s) and respondent(s) may have legal counsel present to assist.
51. Council shall reimburse reasonable legal fees of the respondent(s) where there is a finding that there has not been a breach of the Policy.

No reprisal or retaliation

52. Council members shall not retaliate against any complainant, witness, respondent, or employee responsible for implementing and carrying out the objectives or requirements of this Policy.
53. Any Council members who are found to have engaged in any reprisal or retaliation in violation of this Policy will be subject to appropriate disciplinary action, which may include remedies under section 48.

Adopted by Council
Meeting Date: February 6, 2023

CERTIFIED CORRECT



Administrator

Date: February 6, 2023

Marie Watmough
Corporate Officer