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REPORT TO GOVERNANCE COMMITTEE MEETING OF WEDNESDAY, APRIL 03, 2024

SUBJECT **Board Code of Conduct Bylaw – Complaint Process Flowchart**

ISSUE SUMMARY

To review a one-page flowchart on the process for filing complaints under Bylaw No. 4605, “Capital Regional District Board Code of Conduct Bylaw No. 1, 2024”,

BACKGROUND

On December 13, 2023, the CRD Board endorsed the development of a Code of Conduct bylaw and provided staff with direction on the provisions to be included.

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

- *That staff be directed to include a separate one-page flowchart of the Board Code of Conduct for easy Board reference.*

On March 13, 2024, the CRD Board gave three readings and adopted Bylaw No. 4605, “Capital Regional District Board Code of Conduct Bylaw, No. 1, 2024” (Appendix A).

The purpose of this report is to bring forward the one-page flowchart outlining the CRD Board Code of Conduct Bylaw complaint process, attached as Appendix B.

ALTERNATIVES

Alternative 1

The Governance Committee recommends to the Capital Regional District Board:
That the CRD Board Code of Conduct Bylaw Complaint Process Flowchart attached as Appendix B be approved.

Alternative 2

That the CRD Board Code of Conduct Bylaw Complaint Process Flowchart be referred back to staff for additional information based on Governance Committee direction.

IMPLICATIONS

Complaint Process Flowchart

Part 2 of the Code of Conduct Bylaw sets out the process for resolving complaints, including investigation, adjudication, final decision, and post-decision release of reports. The flowchart is structured to illustrate the four distinct phases of the complaint process: preliminary assessment; informal resolution; formal resolution, and final determination. The goal is that most complaints will be dealt with in the first two stages and will rarely progress to a formal resolution. Where there

is an opportunity for early resolution identified in the bylaw, it is identified in the flowchart as a path to close the complaint. The flowchart also identifies relevant time periods that correlate to specific steps in the process.

The flowchart starts off in the Preliminary Steps section with the witness of a potential code breach. Once a potential code breach is observed, the Complainant should attempt to resolve the issue directly with the Respondent to which the complaint is either resolved or unresolved. If a complaint is unresolved at this stage, a written complaint may then be submitted to the Chief Administrative Officer (CAO) and CRD Board Chair. Upon receipt of the complaint, which must be received within 60 days of a breach, the CAO and CRD Board Chair will conduct an initial assessment to determine if the complaint progresses onto the next section. During the initial assessment, the CAO and CRD Board Chair will assess the complaint against a strict criterion and if one of those criteria is met then the complaint may be rejected, closed or sent back to the Complainant to address the missing criteria. If a complaint progresses through the initial assessment, it will be referred to the Informal Resolution stage.

The Informal Resolution section is the next section on the flowchart and starts with the determination of a complaint as to whether it is a prospect for Informal Resolution. This determination is made by a Solicitor at their discretion. If the Complainant and/or Respondent declines to participate in the Informal Resolution process at any point, the complaint will go directly to Formal Resolution, bypassing the Informal Resolution process entirely. On the other hand, if the Solicitor determines the complaint can proceed through the Informal Resolution process, the Solicitor can attempt to reach a resolution and has the option of enlisting the assistance of the CRD Board Chair, CRD Vice-Chair, a Mediator, or any staff who may be able to assist. If a complaint can be resolved during the Informal Resolution process, it will then be closed. However, if a complaint cannot be resolved by the Informal Resolution process, it will be referred to the Formal Resolution process.

The Formal Resolution section is the third section on the flowchart and begins with a Formal Resolution Investigation by a Third-Party Investigator. Next, the Investigator will investigate the complaint and provide a written report on the findings and remedy, if applicable. From the start of the Informal Resolution process to when the Investigator provides a written findings report there is a 90-day period for completion. The findings report will first be sent to the Respondent and then 48 hours later, to the CRD Board. After the Respondent and CRD Board have received the findings report, the complaint will progress into the Final Determination section.

The Final Determination section starts off with the CRD Board having 30 days to consider the findings report received in the Formal Resolution section. At this point, the Respondent has the opportunity to address the Board. Once the Board has considered the report and any submissions from the Respondent, it will render a decision and impose a remedy, if applicable. Within 30 days of the Board rendering a decision and imposing a remedy, if applicable, the Board must release a summary of the decision to the public. Once the report has been released, the complaint will then be closed.

The flowchart is meant to be a quick reference tool to supplement the long-form description of the process as set out in the bylaw. Directors should refer to the bylaw itself for a more comprehensive understanding of the complaint resolution process.

Communication Plan

Following Board approval of the Complaint Process Flowchart, it will be distributed along with the Board Code of Conduct Bylaw and the Member Statement of Commitment to all CRD elected officials who are subject to the requirements of the bylaw.

The Corporate Officer will collaborate with committee and commission staff on the best method for bringing forward the new bylaw and supporting materials to their elected members attention.

CONCLUSION

On March 13, 2024, the CRD Board adopted the Board Code of Conduct Bylaw No. 4605 and approved the Member Statement of Commitment. The Governance Committee requested the development of a one-page flowchart outlining the complaint process in the Code of Conduct Bylaw as a quick reference. The CRD Board Code of Conduct Complaint Process Flowchart attached as Appendix B to this report, will form part of the package that is distributed to all CRD elected officials who are subject to the requirements of the bylaw.

RECOMMENDATION

The Governance Committee recommends to the Capital Regional District Board:
That the CRD Board Code of Conduct Bylaw Complaint Process Flowchart 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: Board Code of Conduct – Complaint Process Flowchart