

DATE

The following was adopted as Policy by **Resolution No. 2023-04-071** at the **Special Council Meeting** held on **April 11, 2023**.

This policy was amended as follows:

Amendment Date	Resolution No.	Summary of Amendment

PREAMBLE

Being a member of Council answerable to the public, comes with standards of ethical behaviour that are different than the standards that may be found in one’s other roles in the community. The standards set out in this Code of Conduct and Ethics Policy (the “Policy”) are a guide to assist Council Members in decisions faced in the course of carrying out Council duties and to support them in being proactive toward ethical dilemmas that may arise in the course of Council activities. This Policy does not cover every possible situation Council Members may face so it is important that actions are in harmony with the spirit and intent of this Policy.

PURPOSE

To set the expectation that District of Lake Country (“District”) Council, Committee or Commission Members adhere to the standards set out in this Policy while carrying out their duties and functions as members of the various bodies to which they have been elected or appointed, including in their interactions with other local governments, higher levels of government and First Nations.

SCOPE

This Policy applies to District Council, Committee, and Commission members. It applies to all interactions of Council, Committee or Commission members in relation to District matters whether in duly constituted meetings, interactions with staff, the press, or the public and during their use of social media. It is intended to govern and apply to relations and conduct between and among members of Council, Committees, Commissions, and staff.

For clarity, Conflict of Interest provisions contained within legislation and this Policy only apply to elected officials acting in their capacity as Committee or Commission Members.

‘Member’ means a Council Member or a Committee or Commission Member. A Committee or Commission member means a person sitting on an advisory committee, task force, commission, board, or other Council-established body. The Code of Conduct applies differently between Council Members and Committee and Commission members. For example Conduct of Members applies to both Council Members and Advisory Board Members, while specific expectations regarding Conflict of Interest applies only to Council Members.

Further, only members of Council, Committees, Commissions and staff shall have standing to file complaints under this Policy. Complaints from the public with respect to the conduct of elected officials can be filed under *Public Complaints Process Policy No. 07.83*.

APPLICATION OF THE CODE

Recognizing the District seeks to maintain and enhance the quality of life for all District residents through effective, responsive and responsible government, Council, Committee and Commission members will conduct their business with integrity and in a fair, honest and open manner. Further, this Policy is founded on the principles of Civility, Integrity, Respect, Accountability and Leadership and Collaboration. For clarity, these principles are defined as follows:

Civility means exhibiting polite, reasonable, and respectful behavior in both public and private interactions between and among the signatories to this policy as well as with the public. Conduct under this principle is demonstrated when disagreements are expressed respectfully without rancour or personal attacks, and when debate on these disagreements is centered on issues rather than on personal accusations or verbal attacks which seek to denigrate the character or call into question the motives of others.

Integrity means conducting oneself honestly and ethically. Conduct under this principle is demonstrated by being open and truthful in all local government dealings, protecting confidentiality where necessary, behaving in a manner that promotes public confidence, avoiding perceptions of conflicts of interest or unethical conduct, ensuring actions are consistent with Council's shared principles, values, policies and bylaws, demonstrating ethical principles during both open and closed meetings, and expressing sincerity when correcting or apologizing for any errors or mistakes made while carrying out official duties.

Respect means having due regard for others' perspectives, wishes and rights; it also means displaying deference to the offices of local government, including higher levels of government, and the role of local government in community decision making. Conduct under this principle is demonstrated when a Council, Committee or Commission 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.

Accountability means an obligation and willingness to accept responsibility or to account for one's actions. Conduct under this principle is demonstrated when Members, individually and collectively, accept responsibility for their actions and decisions.

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 encourages individuals to work together in pursuit of collective objectives by leading, listening to, and positively influencing others.

Complaints under this Policy must be rooted in demonstrable violations. Complaints that are deemed to have been filed frivolously, vexatiously, or out of a motivation to politically discredit or harm a respondent shall in and of themselves constitute a violation of this Policy.

POLICY

1. COMPLY WITH THE LAW

- 1.1 This Code of Conduct and Ethics Policy is intended to be developed, interpreted, and applied in a manner that is consistent with all applicable Federal and Provincial Law, as well as the bylaws and policies of the District, the

common law, and any other legal obligations which apply to Council Members individually or as a collective Council.

- 1.2 Additionally, Members agree to refrain from any conduct that is discriminatory on the basis of race, religion or belief, age, gender, marital status, national origin, physical or mental disability or sexual orientation or identity.

2. CONDUCT OF MEMBERS

The conduct of Council, Committee and Commission members in the performance of their duties and responsibilities with the District must align with the five “principles” identified under “Application of the Code”. The following are meant to inform the interpretation of the Policy. Items listed in this section may not form the basis of individual complaints:

2.1 **Civility** is demonstrated by the following conduct:

- (a) Members will listen respectfully to the opinions of others, including opinions with which they disagree.
- (b) When engaging in debate, Members will remain focused on substance of the matters under debate without casting aspersions on the motivations, character, or personalities of those with whom they may disagree.
- (c) When a matter has been decided, Members who voted in the minority will maintain a public posture that is respectful of the majority when discussing the vote, whether that be in community or via media interviews or on social media.

2.2 **Integrity** is demonstrated by the following conduct:

- (a) Members will be truthful, honest, and open in all dealings, including those with other Members, staff and the public.
- (b) Members will ensure that their actions are consistent with the shared principles and values collectively agreed to by the Council or board.
- (c) Members will follow through on their commitments, correct errors in a timely and transparent manner, and engage in positive communication with the community.
- (d) Members will direct their minds to the merits of the decisions before them, ensuring that they act on the basis of relevant information and principles and in consideration of the consequences of those decisions.
- (e) Members will behave in a manner that promotes public confidence in all of their dealings.

2.3 **Respect** is demonstrated through the following conduct:

- (a) Members will treat every person with dignity, understanding, and respect.
- (b) Members will show consideration for every person’s values, beliefs, experiences and contributions to discussions.
- (c) 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.
- (d) 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.

2.4 **Accountability** is demonstrated through the following conduct:

- (a) Members will be responsible for the decisions that they make and be accountable for their own actions and the actions of the collective council or board.
- (b) 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.
- (c) 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.

- 2.5 **Leadership and Collaboration** is demonstrated through the following conduct:
- (a) 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.
 - (b) Members will consider the issues before them and make decisions as a collective body. As such, Members will actively participate in debate about the merits of a decision, but once a decision has been made, all Members will recognize the democratic majority, ideally acknowledging its rationale, when articulating their opinions on a decision.
 - (c) Members will recognize that debate is an essential part of the democratic process and encourage constructive discourse while empowering other Members and staff to provide their perspectives on relevant issues.
 - (d) As leaders of their communities, Members will do their best to 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.
 - (e) 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 Members, staff, and the public.
 - (f) Members will recognize the importance of the role of the chair of meetings and treat that person with respect at all times.

3. RESPECT FOR PROCESS

- 3.1 Members shall perform their duties in accordance with the policies, procedures, and rules of order governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Council by District staff. Members of Committees and Commissions shall be aware of the mandate(s) and terms of reference of the bodies upon which they have agreed to serve and act in accordance with them.

4. CONDUCT OF PUBLIC MEETINGS

- 4.1 Members shall prepare themselves for meetings; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall not interrupt other speakers; make personal comments not germane to the business of the body; or otherwise disturb a meeting.

5. DECISIONS BASED ON MERIT

- 5.1 For Council Members in the context of Statutory or other Public Hearings, Council members shall keep an open mind on the matters being discussed and refrain from expressing their opinions on the merits of the matter under consideration until the Hearing has concluded and Council is considering/debating the matter that was the subject of the Hearing.

6. TRANSPARENCY AND INFORMATION SHARING

- 6.1 Except where situations are governed by Public Hearing or other legislation prohibiting members of Council to not consider certain or additional information, Members, where possible, will share, in as timely a manner as possible, any substantive information which they may have received from sources outside of the public decision-making process if that information is relevant to a matter that is under consideration by Council, a Committee, or a Commission.

7. COMMUNICATIONS – SOCIAL MEDIA

- 7.1 Members acknowledge that the Mayor is the primary spokesperson for the District. As such, Council, Committee or Commission Members must not purport to speak on behalf of the District or Council unless expressly authorized to do so.
- 7.2 Members will use caution in reporting Council decision-making by way of their social media profiles and websites before the District has released any formal communication.
- 7.3 When speaking for themselves as individual Councillors or Committee or Commission Members on social media or to the press, a Member will include “in my opinion” or use a similar disclaimer to ensure it is expressly clear they are speaking only for themselves and not for the District, Council, or their Committee or Commission as a whole.
- 7.4 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 or identity;
 - (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 policy.

8. COMMUNICATIONS – INTERACTIONS WITH THE PUBLIC AND MEDIA

- 8.1 In an effort to promote respect and integrity for Council decision-making, Members will communicate accurately the decisions of the Council, Committee, or Commission, even if they disagree with the majority decision.
- 8.2 When discussing publicly whether a Member did not support a decision or voted against the decision, Members will refrain from making disparaging comments about other Members.

9. CONFLICT OF INTEREST

- 9.1 Council members shall be aware of and act in accordance with the provisions of Part 4, Division 6 of the *Community Charter, Conflict of Interest*:
- (a) 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 a manner that would result in financial gain or other benefits for themselves, family, friends or business interests;
 - (b) Council members are expected to be aware of appearances and strive to conduct themselves in a manner that upholds or increases the public trust by taking steps to reduce or eliminate the possible appearance of a conflict of interest;
 - (c) A conflict exists when an individual is influenced by a personal interest, financial (pecuniary) or otherwise, when carrying out their public duty. Personal interest can include direct or indirect pecuniary interest, bias, pre-judgement, close-mindedness or undue influence.
 - (d) When considering whether or not a conflict of interest exists, it is important to consider whether there are any grounds for a reasonable person to think that a conflict exists;
 - (e) Council members must ensure they are observing the statutory requirements of the *Community Charter*. In the event that a matter is due to be debated at Council or in any other deliberative setting where that matter would result in a conflict of interest for a Council member, that Council member will inform the

presiding member (chair) of the meeting of their conflict in advance of the meeting and recuse themselves from that portion of the meeting where the matter is being discussed, with a public explanation of the reason for their departure from the meeting;

- (f) Council members will not attempt, whether before, during or after a meeting, to influence the voting on any question in respect of the matter in which they have declared a conflict of interest;
- (g) Council members must not expect or request preferential treatment for themselves or their family because of their position. They must also avoid any action that could lead members of the public to believe that they are seeking preferential treatment.

9.2 For further clarity, conflicts of interest may only exist where a matter is before Council although for additional information, following are examples of (un)ethical behaviour.:

- (a) Obligation to others: Council Members must not place themselves in a situation where they may be under obligation to someone who has business dealings with the District and who would benefit from special consideration or treatment;
- (b) Special advantage/disadvantage: when Council members can gain special advantage because of their position or when the District is disadvantaged as a result of the other interests of Council members;
- (c) Discounts/Rebates: Council members may not take advantage of discounts/rebates on personal purchases from suppliers having an existing business relationship with the District unless those suppliers offer the same discount/rebates to the general public.

10. GIFTS AND FAVOURS

10.1 For Council, the receipt and reporting of gifts and personal benefits is dealt with under sections 105 and 106 of the *Community Charter*. Ultimately, the interpretation of those sections is a matter for the courts. However, this Policy is intended to provide additional guidance to Council Members.

10.2 Council members must not accept a gift or personal benefit that could reasonably be expected to result in a real or perceived conflict of interest. To assist in avoiding that situation, Council members will not accept gifts or personal benefits from business or commercial enterprises having a value that exceeds the amounts prescribed in section 106 of the *Community Charter*.

10.3 In the event that gifts as described in Section 10.1 are received, a Council member must, per Section 106 (2) of the *Community Charter*, file with the Corporate Officer, as soon as reasonably practicable, a disclosure statement indicating the nature of the gift or benefit.

10.4 For clarity, the following are not considered gifts or personal benefits:

- (a) Compensation authorized under section 105(2)(b) of the *Community Charter*;
- (b) A lawful contribution made to a Council Member who is a candidate for election conducted under the *Local Government Act*; and
- (c) A random draw prize at an event attended by a Council Member with a large number of community members (e.g. 1000) although a randomized draw at an event in which only the Council of the District was in attendance with, for example, a developer, very likely would be a gift.

10.5 For the purposes of this Policy, the value of each gift or personal benefit shall be determined by its replacement cost, i.e., how much it would cost to replace the item.

11. CONFIDENTIAL INFORMATION

11.1 Members shall respect the confidentiality of information concerning the property, personnel or legal affairs of the District. Information that is discussed in meetings that are closed to the public under Section 90 of the

Community Charter is to be kept confidential and shall not be publicly disclosed nor publicly discussed in any manner without authorization from Council. Members further agree that this confidential information will not be used to advance their personal, financial or other private interests.

12. USE OF PUBLIC RESOURCES

12.1 Members shall not use resources not available to the public in general, such as staff time, equipment, supplies or facilities, for private gain or personal purposes.

13. ADVOCACY

13.1 Members shall represent the official policies or positions of the District Council, Committee or Commission to the best of their ability when designated as delegates for this purpose, whether that be during formal meetings with other levels of government, other local governments, or First Nations. When presenting their individual opinions and positions, Members shall explicitly state they do not represent Council, their Committee or Commission, or the District, nor will they allow the inference that they do.

14. POLICY ROLE OF MEMBERS

14.1 Members shall respect and adhere to the Council-Chief Administrative Officer (“CAO”) structure of government as outlined in the District’s *CAO-One Employee of Council Policy No. 14.139* and as practiced in the District. In this structure, the Council determines the policies of the District with advice, information and analysis provided by Committees, Commissions, District staff, and the public.

14.2 Members, therefore, shall not interfere with the administrative functions of the District or with the professional duties of District staff; nor shall they impair the ability of staff to implement Council policy decisions.

15. POSITIVE WORKPLACE ENVIRONMENT

15.1 Members shall treat other Members, the public and District staff with respect and shall be supportive of the personal dignity, self-esteem and well-being of those with whom they come in contact with during the course of their professional duties. Members shall be aware of and act in accordance with the District’s *Workplace Respect Policy No. 13.129*.

15.2 In furtherance of a positive workplace environment for Members and in the interest of transparency for the public, Members agree that all substantive discussion or debate on policy matters will be conducted at duly constituted meetings of Council, Committees, or Commissions. Members will refrain from “caucusing” or otherwise predetermining their positions or votes on policy matters in informal meetings, by email, or through any other means of communication outside of debate in duly constituted meetings.

16. BREACHES, COMPLAINT HANDLING AND DISCIPLINARY ACTION

16.1 Members must abide by the requirements of this Policy and shall endeavour to resolve disputes in good faith, recognizing that interpersonal rancour does not facilitate good governance.

16.2 An alleged breach of this Policy may be submitted by a Member or by staff. Complaints shall be submitted in writing to the CAO or Corporate Officer and Respondent(s) within six (6) months of the last alleged breach. The CAO is authorized to extend this six (6) month deadline if circumstances warrant an extension.

- 16.3 The filing of a complaint which is found to be vexatious, frivolous, or filed with the intent of politically discrediting or harming a respondent shall constitute a violation of this Policy.
- 16.4 In keeping with the requirement for transparency, matters will be considered in open meetings to the greatest extent possible while taking into account privacy concerns and the Freedom of Information and Protection of Privacy Act. Investigation reports or summaries thereof and Council decisions pursuant to those reports, are to be disclosed publicly wherever possible. Complaints involving the disclosure of confidential information, can and should be considered in closed meetings. Where portions of the investigation are to remain confidential, Council shall vote on any sanctions in a public meeting where possible.
- 16.5 The CAO may determine if the complaint should be forwarded to the District Solicitor.
- 16.6 The CAO and Corporate Officer shall put forward every effort to have the parties resolve their differences informally through discussions between the Complainant(s) and the Respondent(s). If an informal resolution is not achieved within thirty (30) days of receipt of the complaint, an independent third party identified and agreed upon between the Complainant(s) and Respondent(s) who has the necessary professional skills, knowledge and experience to investigate the complaint (the "Third Party Investigator") shall be appointed.
- 16.7 Both the Complainant(s) and Respondent(s) shall each have the right to recommend three (3) names as a Third-Party Investigator, from which lists a Third-Party Investigator may be mutually agreed upon by both parties. If the parties cannot agree on the choice of investigator, a single nominee of the Complainant(s) and the Respondent(s) shall jointly select a suitable Third-Party Investigator. If this nominee cannot select the Third-Party Inspector, the District's Solicitor will appoint this person.
- 16.8 The Third-Party Investigator must conduct a preliminary assessment of the complaint. Within (30) days of their appointment, the Investigator will determine whether to continue the investigation or make a written recommendation that the complaint be dismissed as unfounded, beyond the jurisdiction of the Policy, would be better addressed in another forum, or unlikely to succeed. The Third-Party Investigator shall also have the power to find that a complaint is vexatious or frivolous, and per Section 16.3 such a finding will itself constitute a breach of this Policy on the part of the Complainant(s).
- 16.9 If the Third-Party Investigator determines to continue the investigation, the Third-Party Investigator shall:
- (a) Conduct an independent and impartial investigation of the complaint in a manner that is fair, timely, confidential and otherwise accords with the principles of due process and natural justice;
 - (b) Provide an investigation update within sixty (60) days of their appointment to the CAO, Corporate Officer, the Complainant(s) and the Respondent(s);
 - (c) Provide, within ninety (90) days of their appointment, a written, confidential report (the "Report") of the findings of the investigation, including findings as to whether there has been a breach of this Policy, to the CAO and Corporate Officer and the Complainant(s) and Respondent(s); and,
 - (d) Provide recommendations in the Report as to the appropriate resolution of the complaint.
Recommendations may include:
 - (i) dismissal of the complaint;
 - (ii) censure;
 - (iii) removal from Committee or Commission membership;
 - (iv) prohibition from representing the District at events and/or attending conferences or seminars at municipal expense;
 - (v) a limiting of the respondent's access only to certain members of staff;
 - (vi) a recommendation that an apology be given;
 - (vii) counselling and/or coaching; or,
 - (viii) a letter of reprimand addressed to the Council Member;
 - (ix) a request that the Council Member issue a letter of apology to the affected individual(s);

- (x) the publication of a letter of reprimand or letter of apology and the Council Member's response;
 - (xi) a requirement to attend remedial education and training;
 - (xii) re-orientation to this Policy and its purpose;
 - (xiii) suspension or removal of the appointment of a Council Member as the Deputy Mayor;
 - (xiv) suspension or removal from some or all internal and external Council committees and bodies to which Council has the right to appoint members;
 - (xv) restricting the Council Member from attending events as a representative of Council;
 - (xvi) imposing further limits related to travel or expenses beyond those set out in the City's corporate policies;
 - (xvii) requiring the return of City property provided for convenience;
 - (xviii) limiting access to certain City facilities;
 - (xix) restricting how documents are provided to the Council Member; and
 - (xx) any other sanction Council deems reasonable and appropriate in the circumstances, provided that the sanction does not prevent a Council Member from fulfilling the legislated duties of a Council Member and the sanction is not contrary to provincial legislation.
- 16.10 The Investigator may also determine to dismiss the complaint and further find it to have been filed vexatiously and frivolously and, such a finding shall constitute a breach of this Policy on the part of the Complainant(s).
- 16.11 The Investigator may decline jurisdiction over the complaint if the matter would be better addressed in another forum such as through a police investigation, Human Rights Tribunal, WorkSafeBC or the Ombudsman.
- 16.12 A respondent will be given: (1) full notice of the allegations and an opportunity to respond to them – either in writing or orally – during the investigation; (2) adequate notice of the meeting at which the investigation report will be considered and a chance to make submissions at that meeting; and (3) an opportunity to be heard by Council if sanctions are ultimately being considered.
- 16.13 The CAO or Corporate Officer shall provide the Report or a summary of the Report to Council.
- 16.14 When the Report or a summary of the Report is presented to Council, Council will determine whether the recommendations of the Third-Party Investigator, whether in whole or part, will be imposed.
- 16.15 To ensure the remedy ultimately decided on by Council is reasonable and proportionate to the wrongdoing of the Councillor, Council may consider the following when considering sanctions to be imposed:
- (a) the degree and nature of the conduct;
 - (b) whether the contravention was a single or repeated act;
 - (c) nature of the work relationship between complainant and respondent;
 - (d) the Council Members acknowledgement of wrongdoing; and
 - (e) the Council Member's history of other contraventions.
- 16.16 Where a Council member has been found by the Third-Party Investigator to have breached the Policy, and irrespective of any other recommendations in the Investigator's Report, the remuneration to which that Council member would otherwise be entitled shall be impacted as follows:
- (a) where the Council member has been found to have breached the Policy for a first time, the remuneration to which the Council member would otherwise be entitled to under the *Council Remuneration and Expenses Policy No. 164* shall be reduced by 10%, for a period of 12 months from the date of the breach;
 - (b) where the Council member has been found to have breached the Policy for a second time, the remuneration to which the Council member would otherwise be entitled to under the *Council Remuneration and Expenses Policy No. 164* shall be reduced by 15%, for a period of 12 months from the date of the second breach;

- (c) where the Council member has been found to have breached the Policy for a third or subsequent time, the remuneration to which the Council member would otherwise be entitled to under the *Council Remuneration and Expenses Policy No. 164* shall be reduced by 25%, for a period of 12 months from the date of the third or subsequent breach;
- (d) for certainty, where a Council member has been found to have breached the Policy more than once in a 12-month period, the reductions in the remuneration to which the Council member would otherwise be entitled to under the *Council Remuneration and Expenses Policy No. 164* shall be cumulative for any period of overlap in the duration of each reduction (e.g., if a Council member is found to have first breached the Policy on January 1 of a calendar year, and is subsequently found to have breached the Policy again on July 1 of that year, the remuneration to which the Council member would otherwise be entitled shall be reduced by 10% from January 1 to June 30 of that year, by 25% from July 1 to December 31 of that year, by 15% from January 1 to June 30 of the following year, and thereafter be fully reinstated.)

16.17 The District will retain all Reports.

16.18 Where a Member alleges a breach of this Policy by another Member, all Members shall refrain from commenting on such allegations at open meetings, or generally make any public comment on such a complaint pending the conclusion of the Report and any decision of Council on the Report.

Original signed by Blair Ireland
Mayor

Original signed by Reyna Seabrook
Corporate Officer

COMMITMENT

As a Member of the District of Lake Country Council or a Member of a District of Lake Country Committee or Commission, I attest I have read and understood Code of Conduct and Ethics Policy 203, 2022 and agree to uphold and adhere to the standards and policies contained herein.

Name

Signature

Date