



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council
From: Manager of Legislative Services
Subject: Council Code of Conduct

File No.: 0530
Date: April 26, 2023

PURPOSE: To request that Council consider whether to review its Code of Conduct, as required by s. 113.1 of the *Community Charter*.

BACKGROUND:

Council has an existing Code of Conduct that dates back to the 2014-2018 Council term. Since then, municipal codes of conduct have become more established in BC. The current Council Code of Conduct does not include some sections that are now considered to be common, including procedures for handling complaints, and remedies for breaches of the Code. The Code is currently a policy and not a bylaw. Staff are recommending that Council review its Code of Conduct.

DISCUSSION:

Reece Harding of Young Anderson Barristers and Solicitors is available to work with Council on its review. In addition to his legal expertise, he is uniquely qualified to advise Council on this topic due to his practical experience in implementing and investigating breaches of conduct, as former Ethics Commissioner for the City of Surrey.

The process for reviewing Council's Code of Conduct:

- Young Anderson have drafted a questionnaire for Council's consideration on 16 decision points
- Staff have scheduled a Committee of the Whole meeting for June 1 for a Council Code of Conduct workshop with Reece Harding
- Following the workshop, Young Anderson will draft or amend the existing Code of Conduct
- The Code will return to Council for consideration, likely as a bylaw
- Depending on the options preferred by Council, bylaw amendments may be required for existing bylaws e.g. Council Remuneration bylaw, Council Procedure Bylaw

POLICY ANALYSIS:

Among other changes, Bill 26 amended the *Community Charter* in November 2021 to require that Council consider whether to have a Code of Conduct, and if one exists, whether to review the existing Code of Conduct. This must be done within six months after its first regular Council meeting following the election. Council's inaugural meeting was November 7, 2022, so it must consider its Code of Conduct by May 7, 2023. Any resulting amendment may occur after the deadline for consideration.

As part of this deliberation, Council must consider the prescribed principles for codes of conduct, contained in the "Principles for Codes of Conduct Regulation":

- Council members must carry out their duties with integrity;
- Council members are accountable for the decisions that they make, and the actions that they take, in the course of their duties;

- Council members must be respectful of others;
- Council members must demonstrate leadership and collaboration.

FINANCIAL IMPLICATIONS:

The cost to review the Code of Conduct with a consultant has been included in the 2023 budget.

The exact cost of the review and administration of the new Code of Conduct will depend on what Council would like in the Code. For example, the following questions will have budget implications:

- Who does the Code apply to?
- Who can make complaints through the Code?
- Who will be responsible for conducting investigations?

There will be an opportunity to consider these questions and financial implications during the review process.

ADMINISTRATIVE IMPLICATIONS:

Review of the Code of Conduct is part of core duties for Corporate Services. Adoption of a new Code of Conduct may have administrative implications that will be discussed as it is developed or amended and brought back to Council.

PUBLIC ENGAGEMENT:

Staff are not proposing any public engagement on the review of the Code of Conduct. There will be another opportunity to consider public engagement once any amendments are drafted.

OPTIONS:

1. THAT Council direct staff to initiate a Code of Conduct review with Reece Harding.
2. THAT Council provide alternative direction to staff.

ATTACHMENTS:

1. Council Code of Conduct

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