



The Corporation of the City of Courtenay

Staff Report

To: Council
From: Director of Corporate Services
Subject: Council Code of Conduct Bylaw

File No.: 0530
Date: July 17th 2024

PURPOSE:

To present a Council Code of Conduct bylaw for Council consideration.

BACKGROUND:

Newly mandated by Bill 26 amendments to the Community Charter in 2022, local governments are required to consider amending an existing code of conduct or developing a code of conduct in the absence of one within six months of a general election. To help guide the development of comprehensive and effective codes of conduct, the new regulation was accompanied by prescribed principles as outlined in the “Principles for Codes of Conduct Regulation” as follows:

- 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.

Although compliant with the legislation, Council’s existing Code of Conduct dates back to the 2014-2018 Council term. Since then, municipal codes of conduct have become more established in BC, and 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.

DISCUSSION:

At its April 26, 2023 meeting, Council directed that staff initiate a Code of Conduct review with Reece Harding, a specialized local government lawyer and former City of Surrey Integrity Commissioner. Council held two in camera Committee of the Whole meetings in 2023 to discuss preferences for the Council Code of Conduct, and directed that staff work with Reece Harding to draft a Code of Conduct Bylaw based on the following:

- Code applies to Council;
- Complaints may be made by members of Council and City staff;
- Legislated provisions, non-legislated provisions and interpersonal matters included;
- 60-day limitation period for making a complaint;
- 90-day limitation period for investigating a complaint (investigator empowered to extend);
- Possible sanctions to include:
 - Letter of reprimand or apology letter, either public or private;
 - Limitations on access to certain City facilities;

- Suspension or removal from City Committees and Acting Mayor schedule;
 - Prohibition from representing the City at events and/or attending seminars or conferences;
 - Request for an apology;
 - Recommendation to attend training, coaching or counselling;
 - Recommendation to complete volunteer hours or make a charitable donation;
 - Reduction in remuneration;
 - Directions to the City Manager regarding the method of providing confidential information;
 - Public censure;
 - Any other recommendations from the third-party investigator;
- Initial intake of complaints by City Manager, Corporate Officer or third-party investigator
 - Investigations conducted by third-party investigator
 - Investigator will have summary dismissal powers
 - Moratorium on code of conduct complaints and investigations from the start of the local government election nomination period up to the inaugural meeting of Council;
 - Consideration of code of conduct complaints and reporting of findings to be presented in an Open meeting of Council whenever possible, in accordance with Sections 89 and 90 of the *Community Charter* and privacy legislation;
 - Preference for informal resolution of complaints when appropriate;
 - Council members indemnified up to \$10,000 if no breach is found.

The draft bylaw is now complete and ready for Council's consideration.

POLICY ANALYSIS:

Among other changes, Bill 26 amended the *Community Charter* 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.

The City of Courtenay is in compliance with newly established legislative requirements regarding the consideration of the development of or amendment to a Council Code of Conduct.

FINANCIAL IMPLICATIONS:

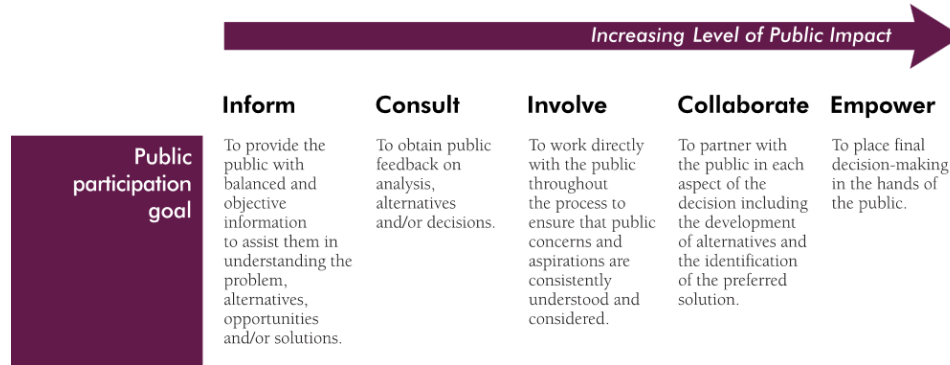
There is \$40,000 in Financial Plan for 2024 to complete the Code of Conduct bylaw and for the cost of administering the new Code, i.e. conducting investigations.

ADMINISTRATIVE IMPLICATIONS:

Review of the Code of Conduct is part of core duties for Corporate Services. Administrative implications of the application of the updated Code of Conduct will be determined by the number and complexity of complaints received. Once the Code is adopted, staff will conduct intake and administration for complaints/investigations, but investigations themselves will be conducted by a third-party investigator.

PUBLIC ENGAGEMENT:

The Code of Conduct applies to Council only, and complaints may be made by Council and members of City staff. Staff would inform the public as part of the public agenda process, based on the IAP2 Spectrum of Public Participation:



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OPTIONS:

1. THAT Council give first, second and third readings to “Council Code of Conduct Bylaw No. 3150, 2024”;
AND THAT Council repeal the existing Council Code of Conduct Policy, effective upon adoption of Council Code of Conduct Bylaw No. 3150.
2. THAT Council provide alternative direction to staff.

ATTACHMENTS:

1. Council Code of Conduct Bylaw No. 3150, 2024

Prepared by: Kate O’Connell, MPP, Director of Corporate Services (Corporate Officer)
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