

DISTRICT OF MACKENZIE

1.23 Council Code of Conduct

Established by Council on August 8, 2022 – Resolution No. 32581

The District of Mackenzie recognizes that it has a responsibility to assure public confidence in the integrity of the organization and its effective and fair operations. This policy is meant to clarify the District's mission, values and principles by linking them with standards of professional conduct and spelling out acceptable and responsible behaviour in a way that it is clear to all members of Council, staff, and residents of the District.

This Code of Conduct policy is a guide to assist Council 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 may face so it is important that actions are in harmony with the spirit and intent of this Code of Conduct.

PURPOSE:

This policy establishes shared standards and expectations to promote ethical decision making and behaviour among members of Council and to maintain respectful interactions among them to contribute to the achievement of the District's client service delivery and community goals.

SCOPE:

This policy applies to all members of the District of Mackenzie Council.

STATUTORY PROVISIONS:

The Code of Conduct policy is a supplement to the existing statutes, laws and policies governing the conduct of Council including but not limited to:

- *The British Columbia Human Rights Code;*
- *The British Columbia Community Charter;*
- *The British Columbia Local Government Act (LGA);*
- *The British Columbia Local Elections Campaign Finance Act;*
- *The Worker's Compensation Act of British Columbia;*
- *The Freedom of Information and Protection of Privacy Act (FIPPA);*
- *The District's Discrimination and Harassment Policy; and*
- *The Criminal Code of Canada.*

Council must familiarize themselves with, and recognize that their behaviour is governed by, these statutes, laws, and policies. Provincial legislation and other statutory obligations supersede this Council policy.

DEFINITIONS:

| | |
|------------------------------------|---|
| Confidential Information | Information or records that could reasonably harm the interests of individuals or organizations, including the District, if disclosed to persons who are not authorized to access the information, as further defined in the <i>Community Charter</i> . For clarity, this includes all information and records from closed meetings of Council until publicly released. |
| Conflict of Interest | A conflict of interest exists when an individual is, or could be, influenced, by a personal interest, financial or otherwise, when carrying out their public duty. Personal interest can include direct or indirect financial interest, bias, pre-judgment, or undue influence. |
| Council | Mayor and Council of the District of Mackenzie. |
| Gifts and Personal Benefits | Gifts and personal benefits are items or services of value that are received by Council for personal use. These would include, but are not limited to, cash, gift cards, tickets to events, items of clothing, jewelry, pens, food or beverages, discounts, or rebates on purchases, free or subsidized drinks or meals, entertainment, and admission fees to social functions. |
| Immediate Relative | A spouse (including common-law spouse), parent, parent-in-law, child, brother, sister, brother-in-law or sister-in-law, grandparent, grandparent-in-law, or grandchild. |
| Municipal Officer | A member of Staff designated as an officer under Section 146 of the <i>Community Charter</i> . |
| Personal Information | As defined in the <i>FIPPA</i> . |
| Staff | An employee or contractor of the District. For the purposes of this policy, volunteers are also defined as Staff. Council are not Staff of the District. |

INTERPRETATION:

In this policy, a reference to a person who holds office includes a reference to the persons appointed as deputy or appointed to act for that person from time to time.

The captions or headings appearing in this policy are inserted for convenience of reference only and shall not affect the interpretation of it.

COMMITMENT TO RESPONSIBLE CONDUCT:

1. Council Members recognize that responsible conduct is essential to providing good governance.
2. Council Members acknowledge that responsible conduct is based upon the following four foundational principles to which the District and Council members individually and collectively subscribe:



- a. **Integrity** - conduct and behaviour that respects and upholds the public interest and promotes public confidence in local government. Integrity is based on honesty and the active demonstration of the highest ethical standards and professionalism in all dealings.
 - b. **Respect** - to behave and conduct oneself with politeness, honour, and care shown towards someone or something by demonstrating due regard, deference and consideration for the perspectives, wishes, beliefs, traditions, values and rights of others.
 - c. **Accountability** - conduct and behaviour that exhibits the willingness to account for and accept responsibility for one's conduct, behaviours, words, actions and decisions.
 - d. **Leadership and Collaboration** - conduct and behaviour that demonstrates the ability to lead, guide, actively listen, mobilize and positively influence others, while encouraging people to come together to meet and work around a common goal or objective, or to resolve conflict through collective means and efforts.
3. These foundational principles provide a basis for how Council fulfills their roles and responsibilities, including in their relationships with each other, Staff and with the public. Council must adhere to the foundational principles and the provisions of this Code of Conduct policy.
4. Council is expected to act with **INTEGRITY** by:
- a. Behaving in a manner that promotes public confidence in the District, including actively avoiding any perceptions of Conflicts of interest, improper use of office or unethical conduct.
 - b. Being truthful, honest and open in all dealings.
 - c. Upholding the public interest and making decisions in the best interests of the community.
 - d. Following through on commitments, engaging in positive communication with the community and correcting errors in a timely and transparent manner.
 - e. Acting lawfully and within the authority of the *Community Charter, LGA, Workers Compensation Act of B.C. and B.C. Human Rights Code*.
5. Council is expected to act with **RESPECT** by:
- a. Treating every person, including other Council members, Staff, and the public with dignity.
 - b. Showing consideration for colleagues and Staff.
 - c. Creating an environment of trust, including displaying awareness and sensitivity around comments and language that may be perceived as derogatory.
 - d. Valuing the role of diverse perspectives and debate in decision making.

- e. Acting in a way that is respectful of the roles and responsibilities of the office of Mayor and Council.
 - f. Valuing the distinct roles and responsibilities of local government Staff and the community in local government considerations and operations, and committing to fostering a positive working relationship between Staff, the public and elected officials
6. Council is expected to act with **ACCOUNTABILITY** by:
- a. Being transparent in how they individually and collectively conduct business and carry out their duties.
 - b. Ensuring information is accessible, and that citizens can view the process and rationale behind each decision and action, while protecting confidentiality where appropriate or necessary.
 - c. Accepting and upholding that they are collectively accountable for local government decisions, and that individually elected officials are responsible and accountable for the decisions they make in fulfilling their roles.
 - d. Listening to and considering the opinions and needs of the community in all decision making and allowing for respectful discourse and feedback.
7. Council is expected to demonstrate **LEADERSHIP AND COLLABORATION** by:
- a. Demonstrating behaviour that builds and inspires public trust and confidence in local government.
 - b. Calmly facing challenges and providing considered direction of the issues of the day and enabling colleagues and Staff to do the same.
 - c. Creating space for open expression by others, taking responsibility for one's own actions and reactions and accepting the decisions of the majority.
 - d. Accepting that it is the equal responsibility of the Council individually and collectively to work together to achieve common goals.
 - e. Being an active participant in ensuring the foundational principles and the Code of Conduct are followed.

GENERAL CONDUCT

8. Council has an obligation to consider issues and exercise powers, duties and functions in an impartial manner that avoids arbitrary and unreasonable decisions.
9. Council must avoid behaviour that could constitute an act of disorder or misbehaviour. Specifically, Council must avoid conduct that contravenes this policy, contravenes the law including District bylaws, or is an abuse of power or otherwise amounts to improper discrimination, intimidation, harassment, or verbal abuse of others.

Roles and Responsibilities

10. Council is the governing body of the District. It has the responsibility to govern the District in accordance with the *Community Charter* and other applicable legislation.
11. The Mayor has a statutory responsibility to provide leadership to the Council and to provide general direction to Municipal Officers respecting District policies, programs and other directions of the Council as set out in the *Community Charter*.
12. Council shall respect and adhere to the Council-Chief Administrative Officer structure of municipal government as practised in the District. In this structure, the Council determines the policies of the District with the advice, information and analysis provided by Staff and Council committees. Council members therefore shall not interfere with the administrative functions of the District or with the professional duties of Staff, nor shall they impair the ability of Staff to implement Council policy decisions.

Decisions Based on Merit

13. Members shall base their decisions on the relevant merits and substance of the matter at hand, including input received from Staff and the public.

Advocacy

14. Council members shall represent the official policies or positions of the District Council to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent Council or the District, nor shall they allow the inference that they do.

Conduct of Meetings

15. Council shall prepare themselves for meetings, listen courteously and attentively to all discussions before the body, and focus on the business at hand.
16. Council shall not interrupt other speakers, make personal comments not relevant to the business of the body, or otherwise interfere with the orderly conduct of a meeting.

Interactions with the Public and Media

17. In an effort to promote respect and integrity for Council decision-making, Council will communicate accurately the decisions of the Council, even if they disagree with the majority decision of the Council.
18. When discussing publicly whether a member of Council did not support a decision, or voted against the decision, or that another Council member did not support a decision

or voted against a decision, a Council member will refrain from making disparaging comments about other Council members.

Interactions with Staff

19. Council is to direct inquiries regarding departmental issues or questions to the District's Chief Administrative Officer and refrain from contacting Staff directly.
20. Advice to Council from Staff will be vetted and approved by the Chief Administrative Officer.
21. Council is not to issue instructions to any of the District's contractors, tenderers, consultants, or other service providers unless expressly authorized to do so.
22. Council must not publish or report information or make statements attacking or reflecting negatively on Staff or Council. Any complaint should be brought to the attention of the Chief Administrative Officer for follow up.
23. Information obtained by any member of Council, which is likely to be used in a Council or political debate, should be provided to all other Council members, and to the Chief Administrative Officer as soon as possible.
24. Council must treat members of the public, Council, and Staff with respect and without bullying, abuse, or intimidation.
25. Council shall treat other members of Council, the public, and 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. Comments about District staff performance shall only be made to the Chief Administrative Officer through private correspondence or conversation.

Reporting, Recording, and Retaining Information

26. Council must:
 - a. Collect, use, and disclose personal information in accordance with the *Freedom of Information and Protection of Privacy Act* and the policies and guidelines as established by the District;
 - b. Protect and not disclose publicly Confidential Information;
 - c. Refrain from discussing or disclosing Confidential Information with Staff, or with persons outside the organization except as authorized;
 - d. Council members shall respect the confidentiality of information concerning the property, personnel, legal affairs, or other information of the District distributed for the purposes of, or considered in, a closed Council meeting;

- e. Take reasonable care to prevent the examination of Confidential Information by unauthorized individuals;
 - f. Not use Confidential Information to cause harm to Council, the District, or any other person;
 - g. Only access information held by the District needed for District business;
 - h. Not disclose decisions, resolutions or reports forming part of the Council agenda for or from a closed meeting of Council until a corporate decision has been made for the information to become public;
 - i. Not disclose details on Council's closed meeting deliberations or specific detail on whether individual members of Council voted for or against an issue;
 - j. Not use Confidential Information to advance their own or anyone's personal, financial or other private interests;
 - k. Not alter District records unless expressly authorized to do so; and,
 - l. Adhere to the requirements outlined in this Section when they are no longer a member of Council.
27. If a Council member believes that someone may have misunderstood them, they must promptly correct the misunderstanding. Reporting inaccurate or incomplete information or reporting information in a way that is intended to mislead or misinform those who receive it, is strictly prohibited, and could lead to serious consequences including disciplinary action.
- Examples of dishonest reporting include, but are not limited to the following:
- submitting an expense account for reimbursement of business expenses not actually incurred, or misrepresenting the nature or amount of expenses claimed;
 - providing inaccurate or incomplete information to Staff during an internal investigation, audit, or other review, or to organizations and people outside the District, such as external auditors;
 - making false or misleading statements in any reports or other documents submitted to or maintained for government agencies;
 - failing to provide and/or destroying relevant records when requested to provide such records in order for the District to respond to a request for records made under the *Freedom of Information and Protection of Privacy Act*; and
 - providing or communicating false or misleading information.
28. All Council Members will work in accordance with both the District controls established to prevent fraudulent misconduct and all applicable laws, regulations, and government guidelines.
29. All incidents of fraud or theft committed against the District will be taken seriously and may be viewed as acts of criminal activity and treated accordingly.

Conflict of Interest

30. Conflict of interest is dealt with under Part 4 Division 6 of the *Community Charter*. Ultimately, the interpretation of these sections is a matter for the courts. This Code of Conduct policy is intended to provide additional guidance to Council members.
31. Council is expected to make decisions that benefit the community. They are to 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 interests.
32. Council must attempt to resolve any conflict or incompatibility between their personal interests and the impartial performance of their duties. Council must ensure they are observing the statutory requirements of the *Community Charter*.
33. Council is 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.
34. Council should not seek or accept the Chair of a Committee or sub-committee whose business is related to an interest of the Council member or with an Immediate Relative.

Use of Public Resources

35. Council members shall not use District public resources such as staff time, equipment, supplies or facilities, for private gain or personal purposes.

For example, Council members shall not undertake municipal election campaign related activities at the District Office or on other premises owned by the District during regular working hours, unless such activities are organized by the District. Members shall not use District-owned equipment, technology or other property for municipal election campaign work (e.g., photocopiers, computers, etc.).

Use of Social Media

36. Council members must not appear to claim to speak on behalf of the District or Council unless expressly authorized to do so.
37. Council 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.
38. When speaking for themselves as individual Councillors on social media or to the press, a Councillor will include "in my opinion" or use a similar disclaimer to ensure it is

expressly clear they are speaking for themselves and not the District or Council as a whole.

39. Council 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 other Council members or Staff or calling into question their professional capabilities;
 - 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;
 - 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.
40. 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 Code of Conduct.

Gifts and Personal Benefits

41. For Council, the receipt and reporting of gifts and personal benefits is dealt with under Part 4 Division 6 of the *Community Charter*. Ultimately, the interpretation of those sections is a matter for the courts. This Code of Conduct policy is intended to provide additional guidance to Council.
42. Council must not accept a gift or personal benefit that could reasonably be expected to result in a real or perceived conflict of interest.
43. For clarity, the following are not considered gifts or personal benefits:
 - a. Compensation authorized under section 105(2)(b) of the *Community Charter*;
 - b. Reimbursement for out-of-pocket costs incurred for authorized travel, living and accommodation expenses associated with attendance at an event or in connection with authorized travel;
 - c. A gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office;
 - d. A lawful contribution made to a member of Council who is a candidate for election conducted under the *Local Government Act*; and
 - e. A random draw prize at an event attended by a Council member.
44. Council must disclose to the Corporate Officer gifts or personal benefits accepted. If the total value of a gift, or multiple gifts from the same source, exceeds \$250 over any 12-

month period, a disclosure statement must be filed with the Corporate Officer as soon as reasonably practicable in a format prescribed by the *Community Charter*.

45. For the purposes of this Code of Conduct, the value of each gift or personal benefit shall be determined by its replacement cost, i.e., how much would it cost to replace the item.
46. Where a gift or personal benefit is relinquished to the District, the Corporate Officer will record the receipt of the item, nature of the gift or personal benefit, source (including the addresses of at least two individuals who are directors, in the case of a corporation), when the gift was received, and the circumstances under which it was given and accepted.

Implementation

47. As an expression of the Code of Conduct for members expected by the District, this Code is intended to be self-enforcing. This Code therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions. For this reason, this Code shall be provided as information to candidates for Council.
48. Members elected to Council shall be requested to sign a member statement affirming they have read and understand this Code, and that they agree to conduct themselves in accordance with it.

Compliance and Enforcement

49. Council members themselves have the primary responsibility to assure that these ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of the governance of the District.
50. Council may impose sanctions on members whose conduct does not comply with this policy, including but not limited to a motion of censure.
51. The District will not retaliate against members of Council or Staff who, in good faith, report a known or suspected violation of this Code.
52. No reprisals or threat of reprisals shall be made against such a complainant, or against anyone for providing relevant information in connection with a suspected violation of this policy. Council members shall respect the integrity of this policy and the enforcement of it.

Complaints General

53. Incidents or complaints must be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated and addressed promptly.
54. All complaints must be made in writing and must be dated and signed by the member of Council or Staff making the complaint.
55. The complaint must set out a detailed description of the facts as they are known giving rise to the allegation that the respondent member of Council has contravened this policy. The description may include the names of people involved, witnesses, where and when the incidents occurred and what behaviour led to the complaint.
56. Supporting documents such as, but not limited to, emails, handwritten notes, or photographs must be attached. If possible, include the impact of the behaviour complained of on the complainant and/or others, as well as any steps that may already have been taken under the informal complaint procedure and the outcome of those steps.

Informal Complaints Procedure

57. Any member of Council who has identified or witnessed conduct by another member of Council that they reasonably believe, in good faith, is in contravention of this policy, may address the prohibited conduct by:
 - a. advising the member of Council, the conduct violates this policy and encouraging the member of Council to stop; or
 - b. requesting the Mayor to assist in informal discussion of the alleged complaint with the member of Council in an attempt to resolve the issue.
 - i. In the event the Mayor is the subject of, or is implicated in a complaint, the member of Council may request the assistance of the Deputy Mayor.
 - ii. In the event the Mayor and Deputy Mayor are the subject of, or are implicated in a complaint, the member of Council may request the assistance of the Chief Administrative Officer.
58. Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying conduct that they believe violates this policy; however, a member of Council is not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure outlined below.

Formal Complaints Procedure

59. Complaints of alleged breaches of this Code of Conduct by members of Council shall be submitted, in writing, addressed to the Mayor and/or the Chief Administrative Officer within six (6) months of the last alleged breach.
 - a. If the Mayor is the subject of, or is implicated in a complaint, the complaint shall be addressed to the Deputy Mayor.
 - b. If the Mayor and the Deputy Mayor are the subject of, or are implicated in a complaint, the complaint shall be addressed to the Chief Administrative Officer.
60. Upon receipt of a written complaint, the Mayor or Deputy Mayor shall, within thirty (30) days, appoint an independent third party identified and agreed between the complainant(s) and respondent(s) as having the necessary professional skills, knowledge, and experience to investigate the complaint (the "Third-Party Investigator").

Investigations into Allegations/Complaints

61. The Third-Party Investigator may conduct a preliminary assessment of the complaint, at the conclusion of which the Third-Party Investigator may determine to continue the investigation or make a written recommendation that the complaint be dismissed as unfounded, beyond jurisdiction or unlikely to succeed.
62. If the Third-Party Investigator determines to continue with the complaint, 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 ninety (90) days of their appointment to the Mayor, Deputy Mayor, or Chief Administrative Officer, as applicable, and to the complainant and the respondent;
 - c. Provide a written, confidential report(s) of the findings of the investigation, including findings as to whether there has been a breach of this Code, to the Mayor, Deputy Mayor, or Chief Administrative Officer, as applicable, and to the complainant and the respondent; and
 - d. Provide recommendations in the confidential report as to the appropriate resolution of the complaint, which recommendations may include:
 - i. Dismissal of the complaint; or

- ii. Public censure of the member(s) of Council for misbehaviour or a breach of this Code;
- iii. A requirement that the member(s) of Council apologize to any person adversely affected by a breach of this Code of Conduct;
- iv. Counseling of the member(s) of Council, and/or
- v. Such other recommendations as are deemed appropriate in the professional judgment of the Third-Party Investigator.

63. The District's Corporate Officer will receive and retain all confidential reports prepared under Sections 65 (c).

64. Where a member of Council alleges a breach of this Code of Conduct by a fellow member of Council, all members of Council shall refrain from commenting on such allegations at meetings of Council.