



COUNCIL POLICY

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| Policy | COUNCIL CODE OF CONDUCT POLICY | Policy No. | 73 |
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PURPOSE

This policy establishes shared standards and expectations with respect to the conduct, decorum, and behaviour of Council members. This policy is supplemental to existing legislation governing responsibilities and conduct of Council, the Village’s Procedure Bylaw and Village policies.

PRIMARY GOALS AND OBJECTIVES

As a member of Council, responsible conduct is essential to providing good governance for the Village. The foundational principles of responsible conduct include integrity, accountability, respect, and leadership and collaboration.

DEFINITIONS

“**Complainant**” means the member(s) of Council submitting a complaint of a breach of this policy

“**Council**” means the elected officials of the municipal council of the Village of Anmore.

“**Third Party Investigator**” means an independent third party who has the necessary professional skills, knowledge and experience to investigate the complaint

“**Respondent**” means the member(s) of Council which are the subject of a complaint of a breach of this policy

“**Village**” means the Village of Anmore.

SCOPE

This policy applies to all members of Council for the Village.

POLICY

1. Principles

- a. Council members will respect the Village as an institution, comply with its bylaws, policies, and procedures and will encourage public respect for same.
- b. Council members must not encourage, permit or accept, disobedience of any bylaw, policy, or procedure of the Village in responding to a member of the public, as this undermines public confidence in the Village and in the rule of law.
- c. Council members have the legislated authority to make decisions that affect the daily lives of its residents, families, businesses and other community stakeholders.
- d. Council members have the authority to establish, or help establish, the long term vision for the communities they serve based upon community and citizen engagement, collaboration, and informed decision making.

Core values provide a basis for how Council members fulfill their roles and responsibilities, including their relationship with each other, staff, and with the public. It is the expectation that Council demonstrate the values of **integrity, respect, accountability, leadership, and collaboration** which includes, but is not limited to modelling the following associated behaviours.

- i. **Integrity** means being honest and demonstrating strong ethical principles.
Council members are expected to act with **integrity** by:
 - Being truthful, honest, professional, and open in all dealings;
 - Following through on their commitments, correcting errors in a timely and transparent manner, and engaging in positive communication;
 - Directing 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; and
 - Behaving in a manner that promotes public confidence in all of their dealings.
- ii. **Respect** means having due regard for others' perspectives, wishes and rights.
Council members are expected to act with **respect** by:
 - Treating every person with dignity, understanding, and respect;

- Showing consideration for every person's values, beliefs, experiences, and contributions to discussions;
 - Demonstrating awareness of their own conduct, and considering how their words or actions may be perceived, and
 - Not engaging in behaviour that is offensive, demeaning, indecent, insulting, or abusive. This behaviour includes verbal slurs such as racist remarks, unwanted physical contact, or other aggressive actions that are harmful, threatening, humiliating, intimidating or otherwise unbecoming a Council member and Village representative.
- iii. **Accountability** means an obligation and willingness to accept responsibility or to account for one's conduct, behaviour, words, actions, and decisions. Council members are expected to demonstrate **accountability** by:
- Taking responsibility for the decisions that they make and being accountable for their own actions and the actions of the collective Council;
 - Actively listening to and considering the opinions and needs of the community in all decision-making, and allowing for appropriate opportunities for respectful debate and feedback
 - Carrying 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 making certain decisions
 - Ensuring that information is accessible to the extent possible under law, while also protecting privacy and confidentiality where appropriate, necessary or in accordance with provincial privacy legislation, and the confidentiality provisions of the *Local Government Act* and *Community Charter* of British Columbia
- iv. **Leadership and Collaboration** means an ability to lead, listen, and positively influence others; it also means coming together to create or meet a common goal through collective efforts. Council members are expected to demonstrate **leadership and collaboration** by:
- Behaving in a manner that builds public trust and confidence in the Village, including considering the different interests of the people who make up the community;
 - Considering the issues before them and making decisions as a collective body in the best interest of the community as a whole. As such, members will

proactively 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;

- Recognizing that respectful debate is an essential part of the democratic process and encouraging constructive discourse while empowering other Council members and staff to provide their perspectives on relevant issues;
- As leaders, calmly facing challenges, and providing considered direction on issues they face as part of their roles and responsibilities while empowering their staff and Council colleagues to do the same;
- Recognizing, respecting, and valuing the distinct roles and responsibilities others play in providing good governance and commit to fostering a positive working relationship with and among other Council members, staff, and the public; and
- Recognizing the importance of the role of the chair of the meetings, and treating that person with respect at all times.

2. Confidentiality

Council members must:

- a. Not use or disclose any confidential information acquired in the course of their duties with the Village, unless to do so is in accordance with the *Freedom of Information and Protection of Privacy Act*. Examples include:
 - i. Personal information
 - ii. Proprietary information of a third party, individual or group
 - iii. Information reasonably regarded as having been disclosed to the Council member in confidence;
- b. Only access information needed for Village business and as it relates to work as a member of Council;
- c. Only use confidential information for the purpose for which it is intended to be collected or used;
- d. Refrain from discussing or disclosing confidential information with or to other Council members, staff, or with persons outside the organization, except as authorized;
- e. Not disclose any detail on Council's closed (in camera) deliberations or specific detail on whether an individual member of Council voted for or against an issue; and

- f. Treat any information regarding complaints as outlined in this policy including but not limited to the Complainant(s), Respondent(s), and any witness(es) as in confidence at all times

3. Breaches, Complaint Handling and Disciplinary Action

Council 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.

4. Informal Complaint Process

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

5. Formal Complaint Process

- a. An alleged breach of this policy may be submitted by a Council member to the Mayor and Chief Administrative Officer (CAO) (or their designate) within six (6) months of the last alleged breach. The Mayor and CAO are authorized to extend this six (6) month deadline if circumstances warrant an extension.
- b. In the event the Mayor is the subject of, or is implicated in the complaint, the complaint shall be addressed to the current Acting Mayor and CAO (or their designate) unless that individual is the subject of, or is implicated in the complaint.
- c. Upon receipt of a complaint, the Mayor, or Acting Mayor, and the CAO shall, if they are not able to resolve the matter informally, within thirty (30) days, retain

- an independent third party who has the necessary professional skills, knowledge and experience to investigate the complaint (the "Third Party Investigator").
- d. The Third Party Investigator must conduct a preliminary assessment of the complaint, at the conclusion of which the investigator may determine whether to continue the investigation or make a written recommendation that the complaint be dismissed as unfounded, beyond jurisdiction of this policy or unlikely to succeed.
 - e. If the Third Party Investigator determines to continue the investigation, the Third Party Investigator shall:
 - i. 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;
 - ii. Provide an investigation update within ninety (90) days of their appointment to the Mayor or Acting Mayor and the CAO (or their designate), as applicable;
 - iii. Provide 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 Mayor or Acting Mayor and the CAO (or their designate), as applicable, and to the Complainant(s) and the Respondent(s); and,
 - iv. Provide recommendations in the Report as to the appropriate resolution of the complaint. Recommendations may include:
 - dismissal of the complaint;
 - censure, which may include:
 - removal from committee membership;
 - prohibition from representing the Village at events and/or attending conferences or seminars;
 - a letter of reprimand be addressed to the Council member
 - a recommendation that a letter of apology be issued by the Council member
 - publication of a letter of reprimand or request for apology and the Council members response;
 - restricting how documents are provided to the Council member;
 - counselling and/or coaching; or,
 - such other recommendations as are deemed appropriate in the judgment of the Third Party Investigator.
 - f. The CAO (or their designate) shall provide the Report or a summary of the Report to Council for Council's consideration, including the respondent Council member who is the subject of the complaint.

- g. A Council member who is the subject of a complaint and investigation under this policy shall be afforded procedural fairness, including an opportunity to respond to the conclusions of the investigation report before Council deliberates and makes any decision on culpability or any censure or sanction is considered and imposed.
- h. If a Report or a summary of a Report is presented to Council, Council will decide whether the recommendations in the Report, whether in whole or part, will be accepted and implemented.
- i. Where a Council member alleges a breach of this policy by another Council member all of Council shall refrain from commenting on such allegations at open meetings of Council pending the conclusion of the Report and any decision of Council to report out to the public on the outcome.

Related Bylaws and Policies

1. Anmore Procedure Bylaw No. 541-2016
2. Policy No. 70 Communications and Community Engagement