Issue Introduction

A staff report from Theresa Lenardon, Manager of Corporate Administration/Corporate Officer regarding a responsible conduct guiding principles policy for elected and appointed officials.

History/Background Factors

At meetings held in March and May 2018, staff presented information from the Working Group on Responsible Conduct. The Working Group is comprised of the Ministry of Municipal Affairs and Housing (MAH), Local Government Management Association (LGMA), and UBCM.

At the May 9th meeting, the Committee was presented with a draft Code of Conduct Policy. After review and discussion, the Committee referred the overall matter back to staff with direction to draft a policy with 4-5 guiding principles for responsible behaviour that includes a sample code of conduct as a background document to the policy (rather than a standalone Code of Conduct Policy).

"Responsible conduct is based on honesty and integrity in a manner that furthers a local government's ability to provide good governance to their communities" (the Working Group). The Working Group’s standards for good governance include being:

- transparent,
- ethical,
- accountable,
- respectful of the rule of law,
- collaborative,
- effective and
- efficient.

To guide the behaviour of BC's local government elected officials, the Working Group has drafted "Foundational Principles of Responsible Conduct", which are the basis for the attached Responsible Conduct Guiding Principles Policy. The principles are intended to provide some substance for how local government elected officials fulfill their roles and responsibilities including their relationships with
each other, staff and the public. The principles should be interpreted in accordance with BC local government legislation, common law and the policies and bylaws of the local government itself.

Presently, if an elected or appointed official refuses to behave responsibly the legal tools in B.C. include removal from the meeting (Section 133 of the Community Charter), censure or sanction, third party investigations and disqualification proceedings (Section 110 of the Community Charter). Best practices that have been discussed by the Working Group, legal firms and BC local governments include enhanced censure motions, mandatory codes of conduct, third party investigations (e.g. "Integrity Commissioner"), legislative sanctions and Ministry oversight.

With the Committees' instruction to include a code of conduct as a "background" document to the guiding principles, staff has revised and reduced the code of conduct policy that was presented in May and has included it as the "procedure" to the Guiding Principles Policy. The original and revised codes of conduct that have been presented to the Committee have been created using codes of conduct policies from the Regional Districts of Okanagan Similkameen, Central Coast and Central Okanagan as well as the District of Saanich and which have formed a somewhat generic code of conduct "template" used by many BC local governments.

Staff is looking for the following direction:
1. Does the Committee wish the revised code of conduct, as attached and presented to the P&P Committee on June 13th, to form the 'background document' as the Guiding Principles Policy Procedure?
2. Alternatively, does the Committee wish the bullet points in the Guiding Principles Policy written under the key principles of integrity, accountability, respect and leadership and collaboration to form the "background" document rather than the code of conduct?
3. Should there be compliance and enforcement sections in either of the documents?
4. Should there be a requirement for RDKB elected and appointed officials to sign-off on the policy procedure (e.g. the code of conduct) should the code of conduct remain as the Guiding Principles Policy procedure (e.g. as presented on June 13th)?

Implications
1. There are no financial or human resource implications to adopting, implementing and enforcing a code of conduct.
2. At this time, codes of conduct are not legislated, therefore it is not mandatory for the RDKB to adopt and implement it.
3. The Province and UBCM continue to receive pressure to legislate local government codes of conduct, therefore should the draft guiding principles policy together with the code of conduct as the policy procedure be adopted; the RDKB will be in a good position to ensure compliance when the time comes.

Advancement of Strategic Planning Goals
Adopting a Responsible Conduct Guiding Principles Policy with a code of conduct as the procedure advances the RDKB’s Strategic Goal to:
   - continue to focus on good management and governance

This initiative also aligns with the following RDKB Strategic Values:
   - efficient, respectful, transparent, professional and ethical.
Background Information Provided

1. Responsible Conduct Guiding Principles Policy (for Elected and Appointed Officials)
2. Responsible Conduct Guiding Principles Policy Procedure - Application of a Code of Conduct
3. Memo dated March 12, 2018 and presented to the P&P Committee at the March 14 meeting
4. Staff report dated May 3, 2018 and presented at the May 9 meeting
5. "Draft" Getting Started on a Code of Conduct for your Board or Council-(Working Group on Responsible Conduct)
7. Example Code of Conduct - Central Okanagan Regional District

Alternatives

1. Receive Report (take no action)
2. Refer back to staff for further revisions

Recommendation(s)

That the draft Responsible Conduct Guiding Principles Policy and draft Policy Procedure-application of the Code of Conduct, be referred back to staff for revisions as per the direction given at the Policy and Personnel Committee meeting held June 13, 2018.