



## VILLAGE OF HARRISON HOT SPRINGS BYLAW NO. 1205

### **A bylaw to regulate the conduct for Council and Committee Members**

WHEREAS Council and Committee Members are keepers of the public trust and must uphold the highest standards of ethical behaviour in order to build and inspire the public's trust and confidence in local government;

AND WHEREAS Council and Committee Members are expected to:

- (a) make decisions that benefit the community;
- (b) act lawfully and within the authority granted by the *Community Charter, Local Government Act* and other applicable enactments; and
- (c) be free from undue influence and not act to gain actual or perceived financial or other benefits;

AND WHEREAS Council and Committee Members wish to conduct their business in a transparent, efficient, accountable and respectful fashion;

AND WHEREAS it is to the benefit of the community for Council and Committee Members to conduct their business in accordance with the guiding principles of integrity, accountability, respect, leadership and collaboration;

AND WHEREAS Council and Committee Members intend to demonstrate their leadership in ethical behaviour, while promoting the principles of transparency, accountability and civility through their decisions, actions and behaviour;

AND WHEREAS a Code of Conduct Bylaw expresses standards of conduct expected for members of the Village Council and Committees;

AND WHEREAS Council and Committee Members have primary responsibility for ensuring that the standards of conduct herein are understood and met, thereby fostering public confidence in the integrity of the government of the Village of Harrison Hot Springs.

THEREFORE BE IT RESOLVED that the Council of the Village of Harrison Hot Springs in open meeting assembled, hereby ENACTS AS FOLLOWS:

### **PART I – GENERAL**

#### 1.1 Title

This Bylaw may be cited as “Village of Harrison Hot Springs Code of Conduct Bylaw No. 1205, 2024”.

1.2 Definitions

In this bylaw:

“CAO”	Means the Chief Administrative Officer for the Village of Harrison Hot Springs, or Deputy CAO.
“Committee Member”	Means a person appointed to a committee, sub-committee, task force, commission, board, or other Council established body under the <i>Community Charter</i> – Part 5, Division 4 – Committees, Commissions and Other Bodies or the <i>Local Government Act</i> .
“Complaint”	Means an allegation, in accordance with the complaint procedure set out in Part 4 of this Bylaw, that a Member has breached this Bylaw.
“Complainant”	Means a person who has submitted a Complaint.
“Confidential Information”	Means information or records held in confidence by the Village, including but not limited to information or records to which Section 117 of the <i>Community Charter</i> applies. For certainty, this includes all information and records from closed meetings of Council until publicly released.
“Conflict of Interest”	Refers to pecuniary and non-pecuniary conflicts of interest governed by the <i>Community Charter</i> and the common law.
“Council Member”	Means the Mayor and Councillors for the Village of Harrison Hot Springs.
“Gifts and Personal Benefits”	Means an item or service of value that is received by a Member for personal use, benefit or enjoyment.
“Investigator”	Means an independent third party appointed to fulfill the duties and responsibilities assigned in Part 5 of this Bylaw.
“Member”	Means a Council Member or a Committee Member
“Municipal Officer”	Means a member of Staff designated as an officer under Section 146 of the <i>Community Charter</i> .
“Personal Information”	Has the same meaning as in the <i>Freedom of Information &amp; Protection of Privacy Act</i> .
“Respondent”	Means a Council or Committee Member whose conduct is the subject of a Complaint.
“Staff”	Means an employee or contractor of the Village.
“Volunteer”	Means a person serving the Village who is not a Council Member, Committee Member or Staff member.

### 1.3 Purpose and Interpretation:

1.3.1 This Bylaw sets out the rules Members must follow in fulfilling their duties and responsibilities as elected or appointed officials, and the powers and procedures of the Investigator in exercising oversight over Council Members.

1.3.2 The provisions of this Bylaw are to be interpreted broadly and in a manner that is consistent with the *Community Charter* S.B.C. 2003, c. 26.

### 1.4 Application:

(a) This Bylaw applies to Council Members and Committee Members.

(b) For clarity, the provisions of this Bylaw that reference Committee Members apply also to Council Members acting in their capacity as Committee Members.

(c) Unless otherwise provided for, this Bylaw does not apply to a Member's conduct in their personal life, except to the extent that such conduct reasonably undermines the principles and standards of conduct expected and/or public confidence in Village governance.

(d) This Bylaw does not apply to Staff.

(e) In the event of a conflict between this Bylaw and another Village bylaw or Council policy governing Member conduct, this Bylaw prevails.

(f) In this Bylaw, a reference to a person who holds an office includes a reference to the persons appointed or delegated to act for that person from time to time.

(g) Nothing in this Bylaw is intended to preclude Members, prior to the filing of a Complaint, from speaking to each other in order to resolve matters which may otherwise be captured by this Bylaw.

### 1.5 Severability:

If any definition, section, subsection, paragraph, subparagraph, clause or phrase in this Bylaw is held invalid by a Court of competent jurisdiction, the invalid definition, section, subsection, paragraph, subparagraph, clause or phrase must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed definition, section, subsection, paragraph, subparagraph, clause or phrase.

## **PART 2 – STANDARDS AND VALUES**

### 2.1 Foundational Principles

The key statements of principle that underline this Code of Conduct are as follows:

- (a) Members shall serve and be seen to serve the best interests of all their constituents in a conscientious and diligent manner;
- (b) Members shall be committed to performing their duties and functions with integrity and avoiding improper use or influence of their office, and conflicts of interest;
- (c) Members are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny; and
- (d) Members shall seek to serve the public interest by upholding both the letter and spirit of the laws of the Federal Parliament and British Columbia Legislature, and the laws and policies adopted by the Village Council.

### 2.2 Interpretation

The foundational principles above are to inform the interpretation of the substantive provisions of this Bylaw and are not stand-alone bases for Complaints.

### 2.3 Roles and Responsibilities

- (a) Council is the governing body of the Village. It has the responsibility to govern the Village in accordance with Part 5 of the *Community Charter* and other applicable legislation.
- (b) Council Members have, among other things, a statutory responsibility to consider the well-being and interests of the municipality and its community, and to participate in meetings and carry out the duties assigned by Council and applicable legislation.
- (c) The Mayor has, among other things, a statutory responsibility to provide leadership to the Council and to provide general direction to Municipal Officers respecting Village policies, programs and other directions of the Council as set out in Part 5 of the *Community Charter*.
- (d) Staff provide professional advice to the Council and carry out decisions in an effective, efficient and non-partisan manner.

### **PART 3 – CONDUCT OF ELECTED OFFICIALS**

#### 3.1 General Conduct

3.1.1 A Member shall not:

- (a) contravene this Bylaw, as amended or replaced from time to time;
- (b) contravene any other Village bylaw or policy, as amended or replaced;
- (c) contravene a law of British Columbia or Canada, including but not limited to the British Columbia *Human Rights Code* or the *Freedom of Information and Protection of Privacy Act*; or
- (d) defame, either verbally or in writing, another Council Member, Staff, or a Volunteer.

3.1.2 A Member shall treat other Council Members, Committee Members, Staff, and Volunteers with respect and dignity.

3.1.2 A Council Member shall not:

- (a) breach their oath sworn upon taking office as a Council Member; or
- (b) abuse their office.

#### 3.2 Interactions with Staff, Volunteers and Committee Members

3.2.1 A Member must direct inquiries regarding administrative issues or questions to the CAO or Deputy CAO and refrain from contacting Staff directly unless the communication is minor and for the purpose of seeking administrative clarity.

3.2.2 A Member must not interfere with, hinder or obstruct Staff, Volunteers or other Committee Members in the exercise of performance of their roles, responsibilities, powers, duties or functions, nor shall they impair the ability of Municipal Officers and Staff to implement Council resolutions in accordance with Section 153 of the *Community Charter*.

3.2.3 A Member must not request or require Staff to undertake personal or private work on behalf of a Member.

3.2.4 A Member must not compel Staff to engage in partisan political activities or subject them to reprisal of any kind for refusing to engage in such activities.

3.2.5 A Member must not make any comments, in writing or verbally, in public, on social media or otherwise that a reasonable person would conclude are disparaging or defamatory in nature, factually incorrect or inaccurate about Members, Staff, or Volunteers.

3.2.6 A Member must not directly or indirectly request, induce, encourage, aid, or permit Staff to do something which, if done by the Member, would be a breach of this Code of Conduct.

### 3.3 Interactions with the Public and Media

- 3.3.1 A Member must not communicate on behalf of the Village unless authorized to do so:
- (a) pursuant to Policies 1.14 Media Communications and 1.32 Social Media Communications;
  - (b) by Council resolution; or
  - (c) by virtue of a position or role the Member has been authorized to undertake by Council.
- 3.3.2 Without limiting the ability of the Council Member to hold a position on an issue and respectfully express an opinion, a Council Member must ensure that:
- (a) their communications relating to Council business are factual, accurate and correct and they must not issue any communication that the Member knows, or ought to have known, to be false, incorrect, or inaccurate; and
  - (b) all communications by, and on behalf of a Member, including communications made via social media, are respectful and do not discriminate against, harass, disparage or defame any Member, Staff, or Volunteer.
- 3.3.3 A Member shall not issue instructions to any of the Village's contractors, tenderers, consultants or other service providers unless expressly authorized by Council or a committee to do so.
- 3.3.4 Outside of a Council or committee meeting, a Member shall not communicate with a tenderer or proponent regarding the subject matter of the procurement.

### 3.4 Public Meetings

A Member must act with decorum at Council and committee meetings and in accordance with Village of Harrison Hot Springs Council Procedure Bylaw No. 1164, 2021, as amended or replaced from time to time.

### 3.5 Collection and Handling of Information

- 3.5.1 A Member must:
- (a) comply with the provisions of the *Freedom of Information and Protection of Privacy Act* and the policies and guidelines as established by the Village;
  - (b) comply with section 117 of the *Community Charter*, including by protecting, and not disclosing publicly, confidential information;
  - (c) only access information held by the Village for Village business, and not for personal purposes; and
  - (d) not alter or destroy Village records unless expressly authorized to do so.

### 3.6 Use of Social Media

- 3.6.1 The provisions of this Bylaw apply, without limitation, to the use of a Member's personal and public official social media accounts.
- 3.6.2 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 provisions of this Bylaw.
- 3.6.3 For clarity, section 3.6 applies only to social media accounts in respect of which a Member has primary moderation control.

### 3.7 Conflict of Interest

- 3.7.1 A Member shall not participate in a discussion of a matter, or vote on a question in respect of that matter, in respect of which the Member has a Conflict of Interest.
- 3.7.2 In respect of each matter before Council, a Council Member shall:
  - (a) assess whether they have a Conflict of Interest; and
  - (b) determine whether it is necessary to seek independent legal advice, at their own cost except where the CAO or Council approves the cost, with respect to any situation which may result in a Conflict of Interest.
- 3.7.3 If a Member believes they have a Conflict of Interest in respect of a matter in a Council or Committee meeting, the Member must:
  - (a) notify the Mayor or the Chair of the meeting that the Member has a Conflict of Interest prior to the matter being considered and in general terms state the reason for the conflict as per section 100(2) of the *Community Charter*, and the Member shall restate the Conflict of Interest each time the matter arises before Council;
  - (b) refrain from discussing the matter with any other Member, Staff or Volunteer either publicly or privately; and
  - (c) leave any meeting if the matter is discussed and not return until the discussion has ended or voting on the matter has concluded.

### 3.8 Use of Influence

- 3.8.1 A Member must not attempt to influence a decision of the Council, a Committee, a Municipal Officer, or Staff if the Member has a pecuniary or non-pecuniary Conflict of Interest in relation to that decision.
- 3.8.2 A Member must not use their office to provide preferential treatment to any person or organization.
- 3.8.3 A Member must not intimidate, improperly influence, threaten, or coerce Staff, or Volunteers.

### 3.9 Gifts and Personal Benefits

- 3.9.1 A Council Member must not accept a Gift or Personal Benefit, unless accepted in accordance with section 105 of the *Community Charter*.
- 3.9.2 A Council Member must disclose a Gift or Personal Benefit, received in accordance with section 105 of the *Community Charter*, as per section 106 of the *Community Charter*.
- 3.9.3 Committee Members must comply with 3.9.1 and 3.9.2 as though they were Council Members.

### 3.10 Campaign Activities

- 3.10.1 A Council Member shall not use Village facilities, equipment, supplies, services, or other resources of the Village for any election-related activities.
- 3.10.2 A Member must not use the services of Staff for election-related purposes during the hours in which those Staff members are in the paid employment of the Village or paid by the use of Village resources.
- 3.10.2 A Council Member shall comply with all applicable election legislation including, but without limitation, the *Local Government Act* and *Local Elections Campaign Financing Act*.

### 3.11 Business Relations

A Council Member who engages in another profession, business, or occupation concurrently while holding elected office shall not allow such activity to materially affect the Council Member's integrity, independence, attendance or competence.



## **PART 4 – COMPLAINT AND RESOLUTION PROCEDURES**

### 4.1 Complaint Resolution Procedures and Directives

#### 4.1.1 Confidential Requests

- (a) If a Council Member, Committee Member, Staff or Volunteer believes that they have been subjected to conduct by a Council Member in breach of this Bylaw, that person may approach the CAO (or Deputy CAO) on a confidential basis, without the need to file a Complaint, to request that the CAO (or Deputy CAO) inform the Council Member of the alleged breach. Upon receipt of the confidential request, the CAO (or Deputy CAO) may attempt to address the conduct with the Council Member.
- (b) The CAO must protect the confidentiality of a person making a request under 4.1.1(a) unless the person making the request consents in writing to disclosure.

#### 4.1.2 How to Make a Complaint

- (a) A Member, Staff, or Volunteer may submit a Complaint to the CAO or, if the CAO is a party to the Complaint, then to the Deputy CAO.
- (b) A Complaint must be in writing and should, to the extent possible, describe with sufficient detail:
  - i. the name of the Complainant;
  - ii. the name of the Respondent;
  - iii. the conduct that the Complainant alleges to constitute a breach;
  - iv. the date of the alleged conduct;
  - v. the parts of this Bylaw that the Complainant alleges have been breached; and
  - vi. the basis for the Complainant's knowledge about the conduct.
- (c) A Complainant may specify in the Complaint whether they are willing to participate in an informal resolution of the Complaint.
- (d) Upon receipt of a Complaint, the CAO (or Deputy CAO, as the case may be) shall retain an Investigator.
- (e) In the event that the Investigator receives multiple Complaints concerning the same matter, the Investigator must proceed with the first Complaint accepted and may expand the Complaint and/or add Complainants for the purpose of conducting the investigation and preparing the investigation report.
- (f) All Complaints must be made within 90 days of the Complainant knowing, or reasonably ought to have known, of the alleged breach of this Bylaw, or within 90 days of the most recent incident of the alleged misconduct if it is a continuing contravention. The Investigator may extend this 90 day

deadline up to an additional 90 days if circumstances warrant an extension.

- (g) Complaints regarding a Council Member seeking re-election may be made but must not be investigated in the period from the first day of the nomination period to the general voting day. In the event that a Complaint is filed prior to the first day of the nomination period, but remains unresolved by the start of and through the campaign period, the investigation will be suspended and may be continued into the next term unless the Complainant(s) or Respondent(s) do not seek or fail to gain re-election.
- (h) In the 90 days prior to general voting day, the Investigator may suspend any investigation that is underway.

#### 4.1.3 Preliminary Assessment

- (a) On receipt of a Complaint, the Investigator must conduct a preliminary assessment to determine whether to proceed with an investigation.
- (b) The Investigator will provide the Respondent a summary of the Complaint.
- (c) If, after a preliminary assessment, the Investigator is of the opinion that:
  - i. the Complaint is not with respect to a breach of this Bylaw;
  - ii. the Complaint is frivolous, vexatious, or not made in good faith;
  - iii. the investigation is or might be hampered, or the Council Member might be prejudiced, by the Complainant's failure to comply with Section 4.1.2(b), or otherwise cooperate with the investigation;
  - iv. the Complainant wishes to withdraw the Complaint and it would be appropriate in the circumstances to allow the withdrawal;
  - v. there are no grounds or insufficient grounds to conclude that a violation of this Bylaw has occurred; or
  - vi. the Complaint would be more appropriately addressed through another process or if the Complaint is already being addressed through another process, such as court proceeding or human rights complaint,

the Investigator may decide not to proceed with a Complaint and must notify the Complainant, Respondent, and CAO (or the Deputy CAO, as the case may be) in writing that of same, set out the reasons for this decision and close the Complaint.

- (d) Notwithstanding Section 4.1.3 (a) and (b), the Investigator may request further information from the Complainant before determining whether or not there are sufficient grounds that a breach of this Bylaw may have occurred.

#### 4.1.4 Informal Resolution:

- (a) When the Investigator has decided to proceed with a Complaint, the Investigator must determine whether the Complaint requires a formal investigation or whether the Complaint may be resolved informally. In the latter case, the Investigator may either attempt to resolve the Complaint directly or refer the Complaint to the CAO (or Deputy CAO, as the case may be).
- (b) In making a determination under subsection 4.1.4(a), the Investigator shall give a strong preference to the informal resolution process wherever possible.
- (c) When determining whether the Complaint may be resolved informally, the Investigator may consider culturally appropriate, transformative or restorative justice approaches, and may engage a third party to assist the Investigator for this purpose.
- (d) Where the Investigator refers the Complaint in accordance with Section 4.1.4(a) the CAO or Deputy CAO, as the case may be, may agree to assist in resolving the Complaint directly, or may appoint at their discretion a third party to assist in resolving the Complaint.
- (e) The third party assisting in the informal resolution of a Complaint will assess the suitability of the Complaint for settlement or resolution on an on-going basis.
- (f) The Complainant, or the Respondent, can decline to participate in an informal resolution at any time.
- (g) If a Complaint is resolved informally, the third party assisting in resolving the Complaint must notify the Investigator in writing of the terms of the resolution, upon receipt of which, the Investigator must close the Complaint.
- (h) If the terms of resolution resulting from an informal process are not complied with, the Investigator may re-open the Complaint and proceed with the formal resolution process.
- (i) If a Complaint cannot be resolved informally, the third party assisting in resolving the Complaint must refer the Complaint back to the Investigator for a formal investigation.

#### 4.1.5 Formal Resolution:

- (a) If a Complaint is not rejected, closed, or resolved informally, the Investigator must proceed with a formal investigation.
- (b) If the Investigator proceeds with a formal investigation, the Investigator will ensure that the investigation is conducted in a fair, timely, confidential manner and otherwise complies with the principles of due process, procedural fairness, and natural justice.
- (c) The Investigator will interview the Respondent, the Complainant, and any other individual who is relevant to the Complaint. The Respondent, Complainant, and other witnesses must agree to keep information discussed as part of the investigation confidential.
- (d) The Investigator may also request disclosure of records relevant to the Complaint, including records held by the Complainant, Respondent, third parties, or any record in the possession or control of the Village, except a record that is subject to solicitor-client privilege.
- (e) Notwithstanding subsection 4.1.6(a) below, nothing prohibits the Investigator from summarily dismissing a Complaint where it becomes apparent, after some investigation, that the Complaint has no chance of success.
- (f) If the Investigator summarily dismisses a Complaint in the Formal Resolution stage, the Investigator shall report to the Complainant and Respondent in the manner similar to that as set out in 4.1.4(a).

#### 4.1.6 Dismissal or Suspension of Complaint

- (a) If a Complaint is submitted that, on its face, is not made with respect to a breach of this Bylaw, or if a Complaint would be more appropriately addressed through another process, including if the Complaint is:
  - i. with respect to non-compliance with the *Freedom of Information and Protection of Privacy Act*;
  - ii. with respect to non-compliance with a more specific Council policy or bylaw with a separate Complaint procedure; or
  - iii. with respect to a matter that is subject to another outstanding process, such as a court proceeding or human rights complaint,

the Investigator may dismiss the Complaint, or part of the Complaint, and must notify the Complainant and CAO (or Deputy CAO, as the case may be) in writing that the Complaint is not within the jurisdiction of this Bylaw, or that the Complaint would be more appropriately addressed through another process, as the case may be, and set out any additional reasons and recommendations the Investigator thinks appropriate.

- (b) If the Investigator, at any stage in the Complaint procedure, determines that there are reasonable grounds to believe that there has been a contravention of the *Criminal Code* then the Investigator must immediately refer the matter to the appropriate authorities and suspend the investigation until any resulting police investigation and charge have been finally disposed of, and shall report the suspension of the investigation to the CAO (or Deputy CAO, as the case may be).
- (c) Where a Complaint is made against a Council Member who, during the course of the Complaint procedure, ceases to hold office, the Investigator may close the Complaint and notify the Complainant, Respondent and CAO (or Deputy CAO, as the case may be) of this decision.

#### 4.1.7 Adjudication and Reporting:

- (a) The Investigator must render a decision within 90 days of making the determination to proceed with a formal investigation, unless the Investigator determines that doing so is not practicable, in which case the Investigator must notify the Complainant and Respondent of the delay and provide a revised decision date. The revised decision date may be extended by periods of up to 30 days on provision of written notice to the Complainant, the Respondent, and the CAO (or Deputy CAO, as the case may be).
- (b) The Investigator shall, upon conclusion of the investigation prepare a report setting out their findings as to whether the Respondent breached the Bylaw and provide reasons for their determination and provide it to the CAO, (or Deputy CAO, as the case may be), who will place the report on a closed meeting agenda for receipt by Council.
- (c) If the Investigator concludes the Respondent breached the Bylaw the Investigator must make recommendations as to potential sanction(s) for the breach as set out below.
- (d) If the Investigator determines the Respondent took all reasonable steps to prevent the breach, or that the breach was trivial or done inadvertently or because of an error in judgment made in good faith, the Investigator will so state in the investigation report and may recommend that no sanction be imposed.
- (e) A letter confirming the investigation is complete, a summary of the conclusions and what steps, if any, Council will take will also be provided to the Complainant and the Respondent in due course, subject to any redactions necessary to comply with the *Freedom of Information and Protection of Privacy Act*.

#### 4.1.8 Final Determination by Council

- (a) Council must, within 30 days of delivery of the investigation report pursuant to Section 4.1.7, or a longer period if approved by a 2/3 vote of Council, decide on the appropriate measures, if any, that are warranted by the breach of this Bylaw, and will take such actions as Council considers appropriate in the circumstances.
- (b) Prior to Council making any decision regarding the findings and recommendations set out in the investigation report, the Respondent must be given notice and an opportunity to be heard either in person or in writing, to comment on the decision and any recommended censure, sanctions or corrective actions.
- (c) While an investigation report provided to Council may be considered in a closed meeting for the purpose of receiving legal advice, or for another valid reason, when Council votes on the investigation report, it will do so in a public meeting and a summary of the investigation report may be made available to the public in a form that complies with section 4.1.10(b).
- (d) Notwithstanding subsection 4.1.8(c), Council may deliberate on and vote on a report in a closed meeting where there is a valid reason to close the meeting under section 90 of the *Community Charter*. For certainty, this means the investigative report or summary may not be publicly released.

#### 4.1.9 Remedies

- (a) Sanctions that may be imposed for a violation of this Bylaw include the following:
  - i. a letter of reprimand from Council addressed to the Respondent;
  - ii. the publication of the letters contemplated in subsection (i), along with the Respondent's written response, if any;
  - iii. directions to the CAO regarding restricting how documents, including documents containing Confidential Information, are provided to the Respondent;
  - iv. disclosure to the public of the findings relating to the Respondent's breach of this Bylaw;
  - v. a requirement that the Council Member attend specific training or counselling;
  - vi. limitations on access to certain Village facilities;
  - vii. suspension or removal of the Respondent from some or all internal and external Council committees and bodies to which the Respondent was appointed at the pleasure of Council;
  - viii. restricting the Respondent from representing the Village at events and/or attending conferences and seminars;

- ix. suspension or removal of the appointment of the Respondent as the Deputy Mayor;
  - x. public censure of the Respondent;
  - xi. imposing further limits on council-related travel or expenses beyond those set out in corporate policies; or
  - xii. any other sanction recommended by the Investigator, so long as that sanction is within the authority of Council.
- (b) The Investigator may recommend that Council consider commencing an application for disqualification under section 111 of the *Community Charter* or for damages under section 117 of the *Community Charter*, as applicable.

#### 4.1.10 Report to be Public

- (a) Unless deliberations have, pursuant to section 4.1.8(d), taken place in a closed Council meeting, the Village may, after delivering a copy of the investigation report to the Complainant and Council, make a summary of the investigation report available to the public.
- (b) In all circumstances, the Village will ensure that the investigation report or a summary complies with the Village's obligations regarding disclosure of affected individuals' personal information set out in the *Freedom of Information and Protection of Privacy Act* and ensure that appropriate redactions are applied and that Council complies with the Respondent's right to procedural fairness, prior to any release of information to the public.

#### 4.1.11 Remuneration

- a) Subject to Council's duty of procedural fairness towards the Respondent, where the Investigator finds that the Respondent:
- i. breached this Bylaw; or
  - ii. submitted a complaint that was frivolous, vexatious, or made in bad faith

the remuneration to which the Respondent would otherwise be entitled shall be reduced in accordance with the Council Remuneration and Expenses Policy No. 1.16, as amended or replaced from time to time.

- (b) Notwithstanding subsection 4.1.11(a)(i), the remuneration of the Respondent shall not be reduced if the Investigator makes a finding under section 4.1.7(d) that:
- i. the Council Member took all reasonable steps to prevent the breach;
  - ii. the breach was trivial or inadvertent; or

- iii. the breach was because of an error in judgment made in good faith.

#### 4.1.12 Confidentiality of the Investigation

- (a) The Investigator must make all reasonable efforts to investigate Complaints in confidence.
- (b) The Investigator and every person acting under the Investigators' instructions must preserve confidentiality with respect to all matters that come into the Investigator's knowledge in the course of any investigation or Complaint except as required by law.
- (c) An investigation report must only disclose such matters as, in the Investigator's opinion, are necessary for the purpose of the investigation report.

#### 4.1.13 Interpretation

For clarity, and despite section 4.2, the procedure in section 4.1 is to apply to all allegations against Council Members including in their capacity as Committee Members.

### 4.2 Committee Members

- 4.2.1 A Complaint of an alleged breach of this Bylaw by a Committee Member shall be submitted simultaneously in writing addressed to both the Mayor and CAO (or Deputy CAO, as the case may be) and within 90 days of the last alleged breach.
- 4.2.2 A Complaint must comply with the standards set out at section 4.1.2.
- 4.2.3 The Mayor shall consider the Complaint and direct that any enquiries considered appropriate or desirable be undertaken, including a referral to the CAO or the Investigator. For certainty, if the Complaint is referred to the CAO or the Investigator by the Mayor, then the processes and procedures in section 4.1 of this Bylaw may be utilized to the extent deemed necessary and appropriate.
- 4.2.4 Nothing in this Bylaw is intended to abrogate the power of the Mayor or Council, as applicable, to remove, at their pleasure and at any time, any Committee Member from any committee to which they have been appointed.

### 4.3 Reprisals and Obstruction

- 4.3.1 No Council Member, Committee Member, or Staff will threaten, interfere with, or otherwise obstruct the Investigator in relation to the Investigator carrying out the duties and responsibilities under this Bylaw.
- 4.3.2 No Council Member, Committee Member, or Staff will threaten or undertake any reprisal against a Complainant or against a person who provides information to the Investigator in the context of an investigation.



- 4.3.3 No Council Member, Committee Member, or Staff will tamper with or destroy documents or electronic records related to any matter under investigation under this Bylaw or refuse to respond to the Investigator when questioned regarding an investigation.
- 4.3.4 Any individual covered by this Bylaw who is found to have engaged in any reprisal or retaliation in violation of this Bylaw will be subject to appropriate disciplinary action, which action may include, and is not limited to, the sanctions and remedies described above or the termination of employment for just cause, as applicable.

#### 4.4 Reimbursement of Costs

- 4.4.1 A Council Member may make a request to Council for reimbursement for the costs of legal advice and representation in responding to the formal complaint process outlined in this Bylaw. If appropriate after considering all circumstances, Council may resolve to reimburse legal fees reasonably incurred by a Council Member, provided that all of the following are met:
  - (a) it is the Council Member's first formal complaint process; and
  - (b) the amount does not exceed \$10,000.
- 4.4.2 For clarity, the provisions of the Village's Indemnification Bylaw No. 1190, 2023, as replaced or amended from time to time, do not apply to requests for reimbursement under this Bylaw.

#### 4.5 Vexatious Allegations and Complaints

- 4.5.1 Any individual covered by this Bylaw who makes an allegation or Complaint under this Bylaw that is subsequently found to have been made in a deliberately vexatious or malicious manner, or otherwise to have been made in bad faith, will be subject to appropriate disciplinary action, which action may include, but is not limited to:
  - (a) in the case of Council Members, sanctions and remedies described in Section 4.1.9;
  - (b) in the case of Committee Members, termination of the Committee Member's appointment; or
  - (c) in the case of Staff, disciplinary action or the termination of employment for just cause, as applicable.

**PART 5 – APPOINTMENT OF INVESTIGATOR**

5.1 Appointment of Investigator

5.1.1 The CAO shall, upon receipt of a Complaint, appoint an Investigator to fulfill the duties and responsibilities described in section 5.2.

5.2 Duties and Responsibilities

5.2.1 The duties and responsibilities of the Investigator are as follows:

- (a) to assist with informal resolution of a confidential request or Complaint;
- (b) to receive and assess a Complaint to determine if the Complaint must be rejected, dismissed, closed, resolved or investigated;
- (c) to investigate and conduct inquiries as to alleged violations of this Bylaw;
- (d) to report to Council as to whether a Member has breached this Bylaw;  
and
- (e) to make recommendations on an appropriate remedy, if the Investigator determines that a Member has breached this Bylaw.

5.2.2 The Investigator must perform the duties and responsibilities under this Bylaw in an independent manner.

**PART 6 – ENACTMENT**

6.1 Effective Date

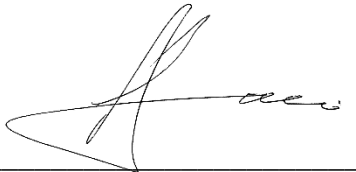
This bylaw comes into force and effect on adoption.

READ A FIRST TIME THIS 17<sup>th</sup> DAY OF JUNE 2024.

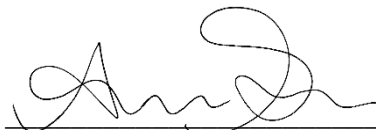
READ A SECOND TIME THIS 17<sup>th</sup> DAY OF JUNE 2024.

READ A THIRD TIME THIS 17<sup>th</sup> DAY OF JUNE 2024.

ADOPTED THIS 8<sup>th</sup> DAY OF JULY, 2024.



Leo Facio  
Deputy Mayor



Amanda Graham  
Corporate Officer