

File No: 0530-01
Date: October 21, 2024

To: Mayor and Council
From: Tyson Koch, Chief Administrative Officer
Subject: Responsible Conduct Framework for Local Government Elected Officials –
Council Submittal

RECOMMENDATION

THAT Council authorize staff to submit their responses to the discussion paper *Potential for Change - Responsible Conduct Framework for Local Government Elected Officials* as prepared by the Union of British Columbia Municipalities (UBCM) and the Local Government Management Association (LGMA) found in this report.

SUMMARY

Staff requested Council's response to the questions asked in the discussion paper *Potential for Change - Responsible Conduct Framework for Local Government Elected Officials* as prepared by the Union of British Columbia Municipalities (UBCM) and the Local Government Management Association (LGMA) dated September 2024.

BACKGROUND

British Columbia's responsible conduct framework for local government elected officials is designed to help municipalities, regional district boards and their elected members learn about, promote, and ensure adherence to standards of appropriate conduct. Concerns raised by elected officials and staff with shortcomings in the existing framework prompted UBCM and the LGMA to produce the attached joint Discussion Paper. The Paper was presented to Council at the October 7, 2024 Regular Council Meeting where Council resolved to provide response to staff for submission and refer the matter to the October 21, 2024 Regular Council Meeting for further discussion.

DISCUSSION

Staff received the following response from Councillor Vidal (with support from Councillor Facio and Councillor Jackson):

Should the province be requested to develop legislation mandating codes of conduct modelled on established best practices for all local governments in BC?

There have been growing concerns regarding the increase in lack of civility, respect and decorum when local government Councils conduct business. Codes of Conduct are a useful tool which can clearly indicate the standard of behavior expected of Council members towards each

other and staff. When Codes of Conduct are administered correctly, it encourages and promotes an environment which reflects not only on Council and staff relationships, but also promotes integrity, transparency and accountability with the public. It ensures consistency in the enforcement of ethical standards, reducing ambiguity and provides a framework for disciplinary actions when standards are violated. The existence of a mandatory Code of Conduct would promote a culture of ethics within local governments and encourage elected officials to act in the best interest of their constituents. Legislation can establish both formal and informal processes for reporting potential breaches, conducting investigations and enforcing sanctions if necessary. This would help to ensure that violations are addressed in a consistent manner

Are legislated changes needed to support code of conduct administration and enforcement? And, if so, what factors do you think are most important to the success of a new approach to code administration and enforcement?

The Province of BC must amend legislation to include mandatory Codes of Conduct for all local governments. It fosters a respectful and inclusive workplace culture by addressing issues such as harassment, bullying, discrimination and conflict of interest. It helps to ensure compliance with laws and regulations, reducing the risk of legal liabilities for individuals and the broader government. Such Codes of Conduct must also include the process and procedures for investigations and include punitive actions if warranted.

In addition to implementing mandatory Codes of Conduct, it must be noted that smaller communities do not have the financial resources available for multiple and/or extensive investigations into potential breaches. Many local governments have advocated and lobbied the provincial government to appoint an independent Ethics Commissioner to provide a centralized administration and enforcement of Codes of Conduct. Centralization would allow for better allocation of resources and ensure the administration of Codes of Conduct is adequately funded and staffed. In addition, a centralized model could provide consistent training and education on established standards, ensuring all Council members and staff understand both the expectations and consequences.

While a centralized administration and enforcement model for Codes of Conduct investigations can provide benefits, it is essential to balance this model with mechanisms that allow for local input to ensure effectiveness and responsiveness to the needs of distinct and varied communities.

As a member of Council within a small community who has witnessed and been subjected to improper conduct, I strongly urge the Province of BC to amend legislation and ensure mandatory Codes of Conduct are implemented. British Columbia's approach to date is inadequate in the blueprint and strategy relating to management of Codes of Conduct. In many provinces within Canada, mandatory Codes of Conduct for elected officials are already in place. It is time for British Columbia to move ahead with much needed amendments to legislation.

Mayor Talen provided the following response:

I concur with your response to question 1.

I also concur with your response to question 2. My views also include a perspective on the three models proposed in the Discussion Paper. I favour Model III, Provincial Requirements: Local Action, where provincial legislation sets out what Local Governments need to do in relation to a

Code of Conduct (even to the point of a default or template Local Code of Conduct) but leaves room for Local Governments to determine how they will achieve the Provincial requirements.

I have also given some thought to how Local Government autonomy and Provincial oversight might be set out in Provincial legislation. The Discussion Paper considers mandatory education and recall of elected leaders. I am less comfortable with these features but believe, particularly for small municipalities, like Harrison Hot Springs, that as Councillor Vidal noted, an Ethics Commissioner should provide support to Local Governments through Council/Councillor education and training, make findings/conclusions whether a Code of Conduct is being complied with or violated, and providing advice or make determinations if a conflict of interest is present.

Staff will respond on behalf of Council by the **November 1, 2024** deadline.

All feedback will be shared with the Working Group on Responsible Conduct as all parties work together to identify a process the next phase of changes to strengthen BC's responsible conduct framework.

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

POLICY CONSIDERATIONS

There are no policy considerations associated with this report.

Respectfully submitted:



Tyson Koch
Chief Administrative Officer

Attachment: September 2024 Discussion Paper *Potential for Change - Responsible Conduct Framework for Local Government Elected Officials*