



DISTRICT OF KENT POLICY

NAME OF POLICY: COUNCIL CODE OF CONDUCT - 2018.03
PREPARED BY: WALLACE MAH, CHIEF ADMINISTRATIVE OFFICER
EFFECTIVE DATE: OCTOBER 22, 2018
AMENDED DATE:

AUTHORIZED:



JOHN VAN LAERHOVEN
MAYOR



WALLACE MAH
CHIEF ADMINISTRATIVE OFFICER

WHEREAS the residents of the District of Kent are entitled to have a fair, ethical and accountable municipal Council that has earned the public's full confidence for integrity. The purpose of this Code is to establish guidelines for the ethical and interpersonal conduct of members of Council ("Members").

AND WHEREAS the public expects a responsive local government with the highest standards of professional conduct from Members elected to it. Honesty, integrity, objectivity, due diligence and accountability are some of the core ethical values reflected in this Code. Members are expected to perform their functions of office faithfully and to the best of their knowledge and ability, in accordance with these core ethical values.

THEREFORE LET IT BE RESOLVED THAT this code applies to all Members of the District Council and Council shall act in the public interest by conducting its business with integrity, in a fair, honest and open manner.

Comply with the Laws:

Members shall comply with all applicable federal, provincial, and municipal laws in the performance of their public duties, including but not limited to: the *Local Government Act*, the *Community Charter*, the *Freedom of Information and Protection of Privacy Act*, the *Financial Disclosure Act*, and all the applicable District bylaws and policies.

Conduct of Members:

The conduct of members in the performance of their duties and responsibilities with the District must be fair, open and honest. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, committees, the District staff or the public.

Respect for Process:

Members shall perform their duties in accordance with the policies and procedures and the rules of order established by the District Council governing the deliberation of public policy issues, involvement of the public, and implementation of policy decisions of the Council by District staff.

Conduct of Meetings:

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

Decisions Based on Merit:

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

Sharing Substantive Information:

Subject to paragraph 10, members shall share with Council substantive information that is relevant to a matter under consideration by the Council, which they may have received from sources outside of the public decision-making process. If a member has a concern regarding whether the information received should be shared, the member shall first consult with the District Chief Administrative Officer (CAO) or the Director of Corporate Services.

Conflict of Interest:

Members shall familiarize themselves and act in accordance with the provisions set out in the conflict of interest sections of the *Community Charter*.

Gifts:

Members must not, directly or indirectly, accept a fee, gift or personal benefit that is connected with the member's performance of their duties, except in accordance with the provisions of the *Community Charter*.

Confidential Information:

Members shall respect the confidentiality of the information concerning the property, personnel, legal affairs, or other information of the District distributed for the purposes of, or considered in, an In Camera Council meeting. Members shall neither disclose confidential information without proper authorization, nor use such information to advance their own or anyone's personal, financial or other private interests. Without limiting the generality of the foregoing, members shall not disclose Council resolutions or staff report contents from an In Camera meeting of Council unless and until a Council decision has been made for the information to become public, and shall not disclose detail on Council's In Camera meeting deliberations or how individual members voted on a question in an In Camera meeting.

Use of Public Resources:

Members shall not use the District public resources such as staff time, equipment, supplies or facilities, for private gain or personal purposes. Specifically, members shall not undertake municipal election campaign related activities at District Hall or on other premises owned by the District during regular working hours, unless such activities are organized by the District (e.g. all-candidate information sessions). Members shall not use District-owned equipment, technology or other property for municipal election campaign work (e.g. photocopiers, computers, etc.).

Advocacy:

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.

Policy Role of Members:

Members shall respect and adhere to the Council-District 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 the District staff and Council committees. Members therefore shall not interfere with the day to day administrative functions of the District or with the professional duties of District staff, nor shall they impair the ability of staff to implement Council policy decisions.

Positive Work Place Environment:

Members shall treat other members, the public and District staff with respect and shall be supportive of the personal dignity, self-esteem and well being of those whom they come in contact with during the course of their professional duties. Comments about the District staff performance shall only be made to the District CAO through private correspondence or conversation.

Member Questions/Inquiries to District Staff:

Member's requests for information from staff shall be directed to the District CAO. If the response constitutes more than a technical clarification, then the response shall be provided to all Members so that all members have access to the same information.

Implementation:

As an expression of the standards of the 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. 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:

This Code expresses standards of ethical conduct expected for Members of 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 of Kent.

The District will not retaliate against Members of District staff who, in good faith, report a known or suspected violation of this Code. 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 Code. Members shall respect the integrity of this Code and the enforcement of it.

District Council may impose sanctions on members whose conduct does not comply with this Code, including but not limited to a motion of censure.

To ensure procedural fairness, a member who is accused of violating any provision of this Code shall have a minimum of two weeks, or the time between two consecutive Council meetings, whichever is greater, to prepare his or her response to these allegations. Specifically, before considering a sanction, Council must ensure that a member is provided with:

- 1) A copy of a written report setting out the alleged breach of this Code, and possible sanctions that may be considered against him or her; and
- 2) A minimum of two weeks, or the time between two consecutive meetings, whichever is greater, to prepare a response against any allegations and possible sanctions; and
- 3) An opportunity to make representations and be heard by Council.

A violation of this Code shall not be considered a basis for challenging the validity of a Council decision.