

COUNCIL MEMBER CODE OF CONDUCT POLICY

Council Policy No. 154/23

1. **PURPOSE:**

- 1.1 To establish shared expectations for conduct and behaviour on how Council members should conduct themselves while carrying out their responsibilities and in their work as a collective decision-making body for the City of Fort St. John.
- 1.2 This Council Member Code of Conduct Policy outlines the responsible conduct essential to providing good governance for the City of Fort St. John. In order to fulfill obligations and duties, Council members are required to conduct themselves to the highest ethical standards by being an active participant in ensuring that these foundational principles and standards of conduct are followed in all dealings, with every person, including those with other Council members, staff, and the public.
- 1.3 It is recognized that responsible conduct is based on the foundational principles of Integrity, Accountability, Respect, and Leadership and Collaboration.

2. **SCOPE:**

- 2.1 This policy applies to Council members as elected officials of the City of Fort St. John. It is each member's individual responsibility to uphold both the letter and the spirit of this Code of Conduct in their dealings with other Council members, staff, and the public.
- 2.2 This policy does not apply to Council members' conduct in their personal life, except to the extent that such conduct reasonably undermines public confidence in municipal governance.

3. **POLICY:**

- 3.1 Elected officials must conduct themselves in accordance with the law. This policy is intended to be developed, interpreted, and applied by Council members in a manner that is consistent with all applicable federal and provincial laws, as well as the bylaws and policies of the local government, the common law, and any other legal obligations which apply to Council members individually or as a collective Council.

4. **FOUNDATIONAL PRINCIPLES OF RESPONSIBLE CONDUCT:**

- 4.1 **Integrity** – Conduct that upholds the public interest and that is based on honesty and the active demonstration of ethical principles.
- 4.2 **Respect** – Conduct that creates an environment of trust by demonstrating due regard for the perspectives, wishes, and rights of others.

4.3 **Accountability** – Conduct that demonstrates a member’s willingness to accept responsibility and to account for their actions.

4.4 **Leadership and Collaboration** – Conduct that demonstrates an ability to lead, listen to, and positively influence others; it also means coming together to create or meet a common goal through collective efforts.

5. STANDARDS OF CONDUCT:

5.1 **Integrity:** is demonstrated by the following conduct:

- a) Members will be open, honest, and truthful in all local government dealings while protecting confidentiality where necessary.
- b) Members will behave in a manner that promotes public confidence, including actively avoiding any perceptions of conflicts of interest, improper use of office, or unethical conduct.
- c) Members will act in the best interest of the public and community.
- d) Members will ensure actions are consistent with the shared principles, values, policies, and bylaws collectively agreed to by Council.
- e) Members will direct 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 actions.
- f) Members will demonstrate the same ethical principles during meetings that are both open and closed to the public.

5.2 **Respect:** is demonstrated through the following conduct:

- a) Members will treat elected officials, staff, and the public with dignity, understanding, and respect.
- b) Members will acknowledge that people’s beliefs, values, ideas, and contributions add diverse perspectives.
- c) Members will create an environment of trust, including displaying awareness and sensitivity around comments and language that may be perceived as offensive or derogatory.
- d) Members will refrain from any form of discriminatory conduct against another elected official, staff, or the public.
- e) Members will honour the offices of local government and fulfill the obligations of Mayor and Councillor dutifully.

- f) Members will recognize and value the distinct roles and responsibilities of local government staff.
- g) Members will call for and expect respect from the community towards elected officials and staff.
- h) Members will ensure that public statements and social media posts that concern other elected officials, staff, and the public are respectful.

5.3 Accountability: is demonstrated through the following conduct:

- a) Members will carry out their duties in an open and transparent manner so that the public can understand how elected officials carry out their duties and how Council conducts business.
- b) Members will ensure any information and decision-making processes are accessible to the public while protecting confidentiality where necessary.
- c) Members will correct any mistakes or errors in a timely and transparent manner.
- d) Members will accept and uphold that the Council is collectively accountable for local government decisions, and that individual elected officials are responsible and accountable for their behaviour and individual decisions.
- e) Members will listen to and consider the opinions and needs of the community in all decision-making and allow for public discourse and feedback.
- f) Members will act in accordance with the law, which includes, but is not limited to, the statutes, bylaws, and policies that govern local government.

5.4 Leadership and Collaboration: are demonstrated through the following conduct:

- a) Members will demonstrate behaviour that builds public confidence and trust in local government.
- b) Members will provide considered direction on municipal policies and support colleagues and staff to do the same.
- c) Members will educate colleagues and staff on the harmful impacts of discriminatory conduct, and take action to prevent this type of conduct from reoccurring if necessary.
- d) Members will create space for open expression by others, take responsibility for their own actions and reactions, and accept the decisions of the majority.
- e) Members will advocate for shared decision-making and actively work with other elected officials, staff, the public, and other stakeholders to achieve common goals.

- f) Members will foster positive working relationships between elected officials, staff, and the public.
- g) Members will commit to building mutually beneficial working relationships with neighbouring First Nations and Métis communities to further advance reconciliation efforts.
- h) Members will positively influence others to adhere to the foundational principles of responsible conduct in all local government dealings.

6. COMPLAINT AND RESOLUTION PROCEDURES:

INFORMAL RESOLUTION:

- 6.1 Council members are encouraged to resolve issues related to conduct informally at an early stage through respectful and open dialogue between themselves and shall endeavor to resolve interpersonal disputes in good faith, recognizing that interpersonal rancor does not facilitate good governance.
- 6.2 If a Council member believes that there has been a breach of this policy, that person may approach the Mayor on a confidential basis, without the need to file a complaint, to request that the Mayor inform the Council member of the alleged breach. Upon receipt of the confidential request, the Mayor may attempt to address the conduct with the Council member.
- 6.3 If the Mayor is the subject of, or is implicated in the alleged breach, the Council member may approach the Acting Mayor on a confidential basis, without the need to file a complaint, to request that the Acting Mayor inform the Mayor of the alleged breach. Upon receipt of the confidential request, the Acting Mayor may attempt to address the conduct with the Mayor.

FORMAL RESOLUTION:

- 6.4 In situations where informal resolution is unsuccessful, the following procedures have been established so that complaints can be addressed through formal resolution.
- 6.5 If the Complainant has made a complaint against the Respondent under Section 9 of the City's Respectful Workplace Policy, the Complainant is not entitled to make a complaint under this policy based on the same facts.
- 6.6 Formal complaints shall be submitted in writing to the Mayor and Chief Administrative Officer within thirty (30) days of the alleged breach. If the Mayor is the subject of or is implicated in a complaint, the complaint shall be submitted to the Acting Mayor and Chief Administrative Officer.

- 6.7 A formal complaint must be in writing and describe with sufficient detail:
- The name of the complainant;
 - The name of the respondent;
 - The conduct that the complainant alleges has been breached;
 - The date of the alleged conduct;
 - The basis for the complainant's knowledge about the conduct; and
 - Any of the attempts made to resolve the complaint under informal resolution.
- 6.8 Upon receipt of a formal complaint, the Chief Administrative Officer will add the complaint to an upcoming In-Camera Council Meeting.
- 6.9 At an in-camera meeting, Council will make a primary assessment of the complaint. Council will consider if:
- The complaint is related to a breach of this policy;
 - The complaint is frivolous, vexation, or not made in good faith;
 - The complainant wishes to withdraw the complaint, and if it would be appropriate in the circumstances to allow the withdrawal.
- 6.10 If Council considers that there are insufficient grounds for believing that a breach of this policy has occurred, Council should, by resolution, close the complaint and set out the reasons for doing so.
- 6.11 Council must reject a complaint regarding a Council member seeking re-election in the period from the first day of the nomination period to the general voting day.
- 6.12 If Council considers that there are sufficient grounds for believing that a breach of this policy has occurred, Council should, by resolution, direct staff to appoint a third-party investigator to do an investigation.
- 6.13 Upon direction from Council, the Chief Administrative Officer, shall, within thirty (30) days, appoint an independent third party identified and agreed upon between the complainant(s) and respondent(s) who has the necessary professional skills, knowledge, and experience to investigate the complaint (the "investigator").
- 6.14 The investigator may conduct a preliminary assessment of the complaint, at the conclusion of which the investigator may determine to continue the investigation or make a written recommendation that the complaint be dismissed as unfounded, beyond jurisdiction, or unlikely to succeed.
- 6.15 If the investigator determines to continue the complaint, the investigator shall conduct an independent and impartial investigation of the complaint in a manner that is fair, timely, confidential, and otherwise in accordance with the principles of due process and natural justice.

6.16 If after conducting an investigation the investigator determines that the Respondent did not violate this Council Code of Conduct policy, then the investigator:

- a) Must prepare a written investigation report providing reasons for their determination that the Council member did not breach the policy;
- b) Must deliver, on a strictly confidential basis, a copy of the investigation report to the respondent, complainant, the Council, and the Chief Administrative Officer.

6.17 If after conducting an investigation the investigator determines that a Council member did breach this Council Code of Conduct policy, then:

- a) The investigator must prepare a written investigation report providing reasons for their determination that the Council member breached this policy;
- b) The investigation report must make recommendations as to the appropriate sanction for the breach;
- c) If the investigator determines the Council member 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;
- d) The investigator must deliver, on a strictly confidential basis, a copy of the investigation report to the respondent, complainant, the Council, and Chief Administrative Officer.

7. FINAL DETERMINATION BY COUNCIL

7.1. Council must within thirty (30) days of delivery of the investigation report, 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 policy, and will take such actions as Council considers appropriate in the circumstances.

7.2. Prior to Council making a decision regarding the findings and recommendations set out in the investigation report, the respondent must be provided with an opportunity, either in person or in writing, to comment on the decision and any recommended censure, sanctions, or corrective actions.

7.3. Deliberation of the investigation report may be considered in an in-camera meeting for the purpose of receiving legal advice, or for another valid reason to close the meeting under section 90 of the *Community Charter*.

8. REMEDIES

8.1. Sanctions that may be imposed for a violation of this policy include the following:

- a) A letter of reprimand from the Council addressed to the Council member;
- b) A request from the Council that the Council member issue a letter of apology;

- c) The publication of the letters contemplated in subsections 8.1.a and 8.1.b, along with the Council member's written response, if any;
- d) A recommendation that the Council member attend specific training or counselling;
- e) Limitations on access to certain city facilities;
- f) Suspension or removal of the Council member from some or all Council committees and bodies to which the Council member was appointed;
- g) Prohibition from representing the City at events and/or attending conferences and seminars;
- h) Suspension or removal of the appointment of a Council member as Acting Mayor;
- i) Public censure of a Council member;
- j) Any other sanction recommended by the investigator, so long as the sanction is within the authority of the Council.

8.2. 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.

9. DEFINITIONS:

- a) Complaint: means the formal allegation that a Council member has breached this Council Code of Conduct Policy.
- b) Complainant: means a Council member bringing forward a complaint or allegation of disrespectful behaviour.
- c) Council Member: means those individuals elected to Council and includes the Mayor and Councillors of the City of Fort St. John; also referred to as member(s).
- d) Investigator: means the person appointed as a third-party to fulfill the duties and responsibilities of conducting an investigation and preparing a written investigation report.
- e) Respondent: means a Council member whose conduct is the subject of a complaint.