

**CITY OF**  
**SALMON ARM**

# Council Code of Responsible Conduct

## Policy # 1.14

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## A. INTRODUCTION

As local elected representatives (“members”), we recognize that responsible conduct is not optional, but essential to providing good governance for the City of Salmon Arm.

To ensure that the Council Code of Responsible Conduct (CofRC) is relevant and current, it is recommended that members:

- Individually attest to follow the intent and the spirit of the CofRC at the inaugural swearing in ceremony of each term;
- Update their understanding of best practices of a CofRC through LGLA, SILGA, UBCM or in-house workshops in the first year of each term; and
- Review and update, if necessary, the CofRC within six months of the first Council meeting following a General Local Election or as required by provincial legislation.

We further recognize that responsible conduct is based on the foundational principles of integrity, accountability, respect, and leadership and collaboration.

In order to fulfill our obligations and discharge our duties, we are required to conduct ourselves to the highest ethical standards by actively ensuring that these foundational principles, and the standards of conduct set out below, are followed in all of our dealings with every person, including those with other members, staff, and the public.

## B. HOW TO APPLY AND INTERPRET THIS COUNCIL CODE OF RESPONSIBLE CONDUCT

This CofRC applies to the members of the City of Salmon Arm Council. While it does not cover every possible situation, each member is individually responsible for upholding both the intent and the spirit of this policy in their dealings with other members, staff, and the public.

Elected officials must conduct themselves in accordance with the law. This CofRC is intended to be developed, interpreted and applied by 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 that apply to members individually or as a collective Council.

### 1. STATUTORY PROVISIONS

The CofRC is supplementary to the following statutes, laws and policies governing the conduct of local elected officials:

- *The British Columbia Human Rights Code;*

- *The British Columbia Community Charter;*
- *The British Columbia Local Government Act;*
- *The British Columbia Local Elections Campaign Finance Act;*
- *The Workers Compensation Act of British Columbia;*
- *The Freedom of Information and Protection of Privacy Act;*
- *The City of Salmon Arm Respectful Workplace Policy; and*
- *The Criminal Code of Canada.*

If there is a conflict between provincial legislation and/or statutory obligations and this policy, members will defer to the former.

## 2. POLICY STATEMENTS

### A. FOUNDATIONAL PRINCIPLES OF RESPONSIBLE CONDUCT

1. Integrity – means being honest and demonstrating strong ethical principles. Conduct under this principle upholds the public interest, is truthful and honourable.

2. Respect – means having due regard for others’ perspectives, wishes and rights; it also means displaying deference to the offices of local government, and the role of local government in community decision making. Conduct under this principle is demonstrated when a member fosters an environment of trust by demonstrating due regard for the perspectives, wishes and rights of others and an understanding of the role of the local government.

3. Accountability – means an obligation and willingness to accept responsibility or to account for one’s actions. Conduct under this principle is demonstrated when council or board members, individually and collectively, accept responsibility for their actions and decisions.

4. Leadership and Collaboration – means 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. Conduct under this principle is demonstrated when a member encourages individuals to work together in pursuit of collective objectives by leading, listening to, and positively influencing others.

### B. STANDARDS OF CONDUCT

#### **Integrity:**

Integrity is demonstrated by the following conduct:

- Members will be truthful, honest, and open in all dealings, including those with other members, staff and the public.

- Members will ensure that their actions are consistent with the shared principles and values collectively agreed to by the Council.
- Members will follow through on their commitments, correct errors in a timely and transparent manner, and engage in positive communication with the community.
- 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 decisions.
- Members will behave in a manner that promotes public confidence in all of their dealings.

**Respect:**

Respect is demonstrated through the following conduct:

- Members will treat every person with dignity, understanding, and respect.
- Members will show consideration for every person's values, beliefs, experiences and contributions to discussions.
- Members will demonstrate awareness of their own conduct, and consider how their words or actions may be, or may be perceived as offensive or demeaning.
- Members will not engage in behaviour that is indecent, insulting or abusive. This behaviour includes verbal slurs such as racist remarks, unwanted physical contact, or other aggressive actions that are harmful or threatening.

**Accountability:**

Accountability is demonstrated through the following conduct:

- Members will be responsible for the decisions that they make and be accountable for their own actions and the actions of the collective council or board.
- Members will listen to and consider the opinions and needs of the community in all decision-making, and allow for appropriate opportunities for discourse and feedback.
- Members will carry out their duties in an open and transparent manner so that the public can understand the process and rationale used to reach decisions and the reasons for taking certain actions.

**Leadership and Collaboration:**

Leadership and collaboration is demonstrated through the following conduct:

- Members will behave in a manner that builds public trust and confidence in the local government, including considering the different interests of the people who make up the community.

- Members will consider the issues before them and make decisions as a collective body. As such, members will actively participate in debate about the merits of a decision, but once a decision has been made, all members will recognize the democratic majority, ideally acknowledging its rationale, when articulating their opinions on a decision.
- Members will recognize that debate is an essential part of the democratic process and encourage constructive discourse while empowering other members and staff to provide their perspectives on relevant issues.
- As leaders of their communities, members will calmly face challenges, and provide considered direction on issues they face as part of their roles and responsibilities while empowering their colleagues and staff to do the same.
- Members will recognize, respect and value the distinct roles and responsibilities others play in providing good governance and commit to fostering a positive working relationship with and among other members, staff, and the public.

#### C. GENERAL CONDUCT

Members agree to adhere to the Foundational Principles and Standards of Conduct as they consider issues and exercise powers, duties and functions. It is imperative that members are at all times impartial in their decision making.

#### D. ROLES AND RESPONSIBILITIES

Council is the governing body of the City of Salmon Arm and is responsible for governing the City in accordance with the Community Charter and Local Government Act (in addition to other applicable legislation).

The Mayor is the head and Chief Executive Officer of the City and is statutorily responsible for providing leadership to Council and direction to the Chief Administrative Officer (CAO).

#### E. INTERACTIONS WITH STAFF

Members are to follow the procedures authorized by Council and the CAO regarding how to contact staff.

Inquiries should be directed to the CAO or department head (Director) unless otherwise agreed upon. Members should not contact other staff directly unless it is related to the business of a Council Committee that a staff member is involved with or for routine assistance (i.e. Executive Assistant).

Any advice provided by staff to Council or Committees will be vetted by the CAO.

Members are not to issue instructions to any of the City's contractors, tenderers, consultants or service providers unless expressly authorized to do so.

Members must not make statements attacking or reflecting negatively on staff. Any concerns or complaints regarding staff conduct should be immediately addressed with the Mayor and/or CAO.

## F. COLLECTION AND HANDLING OF INFORMATION

Members agree to:

- a. Collect, use and disclose personal information in accordance with the Freedom of Information and Protection of Privacy Act and the policies and guidelines established by the City. If a member is uncertain about interpreting the Act, the City's Freedom of Information and Protection of Privacy Head will provide assistance;
- b. Not publicly disclose any confidential information;
- c. Not disclose or discuss confidential information with family, friends or staff that are not privy to this information in the course of their work;
- d. Take care to protect confidential information that is in the member's custody from being accessed;
- e. Not use confidential information to damage Council, another member, staff or the public;
- f. Only attempt to access information that is required in the discharge of duties;
- g. Not disclose details from a closed meeting, including information about deliberations or how members voted. Once a corporate decision has been made to release the information to the public, resolutions may be shared.
- h. Not alter City records unless expressly authorized to do so; and
- i. Continue to adhere to the requirements in this section even after they cease to be a member.

## G. CONFLICT OF INTEREST

The Community Charter addresses Conflict of Interest in sections 100, 101 and 104. The interpretation of these sections is a matter for the Courts; however, this document provides additional guidance.

Council's decisions are expected to benefit the community as a whole, without undue influence, and should not come with any actual or perceived personal benefit (including benefits for family or friends).

It is incumbent upon members to attempt to resolve any conflict or incompatibility between their personal interests and the impartial performance of their duties.

#### H. USE OF SOCIAL MEDIA

Members must refrain from speaking on behalf of the City or Council unless expressly authorized to do so.

Members should qualify any subjective content shared on social media with statements such as 'in my opinion' to ensure that there is no confusion that they are speaking on behalf of the City or Council as a whole.

Social media should not be used for purposes that include the distribution of:

- Defamatory remarks, obscenities, profane language or sexual content;
- Disparaging statements about staff or commentary that questions the capabilities or professionalism of staff;
- Discriminatory material that promotes or perpetuates mistreatment of persons on the basis of their race, religion or belief, age, gender, marital status, national origin, physical or mental disability or sexual orientation;
- Opinions that suggest a closed mind in relation to a matter that is to be the subject of a statutory or other public hearing; or
- Promotion of illegal activity.

Members are responsible for the integrity of their posts and should monitor their social media accounts to ensure they are not misused by others in any way.

#### I. INTERACTIONS WITH THE PUBLIC AND MEDIA

Regardless of whether members agree with a decision of Council, they will act respectfully and communicate accurately when discussing the decision with the public and/or media.

#### J. GIFTS OR PERSONAL BENEFITS

Sections 105 and 106 of the Community Charter address the receipt and reporting of gifts and personal benefits for members and the consequences for contravention.

Members should avoid situations that result in the receipt of a gift or personal benefit that could reasonably be viewed as a real or perceived conflict of interest. To ensure that this does not occur, members should not accept gifts or personal benefits directly or indirectly from business or commercial enterprises.

If a member is in question about whether they are being offered a gift or personal benefit they should seek the advice of the CAO.

If a member is in receipt of gifts or personal benefits not in compliance with this policy, they should report it to the Corporate Officer as soon as possible and a disclosure statement must be made in accordance with section 106(2).

#### K. BREACHES, COMPLAINT HANDLING and DISCIPLINARY ACTION

Members agree to abide by the CofRC and endeavor to resolve disputes in good faith before they require intervention. A healthy workplace supports sound decision-making.

Members are encouraged to pursue the informal complaint procedure as the first means of remedying conduct that they believe violates the CofRC; however, a member is not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure outlined below.

##### **Informal Complaint Handling**

Any member who has identified or witnessed conduct by another member that they reasonably believe, in good faith, is in contravention of this Policy may address the prohibited conduct by:

- (i) advising the other member the conduct violates this Policy and encouraging the other member to stop; or
- (ii) requesting the Mayor to assist in informal discussion of the alleged complaint with the other member in a mediated attempt to resolve the issue. In the event the Mayor is the subject of, or is implicated in a complaint, the member may request the assistance of the Deputy Mayor.

##### **Formal Complaint Handling**

If attempts to resolve issues are not successful, potential breaches under the CofRC may be submitted, in writing, by a member of Council to both the Mayor and CAO. Complaints shall be submitted in writing to the Mayor and CAO within six (6) months of the last alleged breach. The Mayor and CAO are authorized to extend this six (6) month deadline if circumstances warrant an extension.



In the event that the Mayor is the subject of an allegation or is implicated in the complaint, then the complaint will be addressed to the current Deputy Mayor and the CAO. If the CAO is implicated, then the complaint will be addressed to the Deputy CAO.

Within 30 days of receipt of a complaint, the Mayor (or Deputy) and CAO (or Deputy) will attempt to resolve the matter informally. If the matter has not been resolved after 30 days then an independent third party shall be appointed. The third party will possess the necessary professional skills, knowledge and experience to investigate the complaint and be acceptable to both the complainant(s) and respondent(s).

If the parties are unable to agree on an investigator then the City's legal council will select a suitable candidate.

The investigator will conduct a preliminary assessment of the complaint and determine whether to continue investigating or make written recommendation regarding the dismissal of the complaint on the grounds that it is either unfounded, beyond the jurisdiction of the CofRC or unlikely to succeed under provincial legislation, statutory obligations or this policy.

If the investigation continues, the following will apply:

- A fair, timely, confidential, independent and impartial investigation will be completed in accordance with the principles of due process and natural justice;
- Investigation updates will be provided to all involved parties every 30 days, at minimum.
- A written report of the findings will be provided to all involved parties, as well as the Manager of Human Resources who will retain a copy. The Mayor or Deputy Mayor will provide a summary to Council, in-camera.
- Any recommendations arising from the report and any actions taken in response will remain confidential unless it is determined to be a public matter. Members will not comment in open meetings regarding any allegations.

Recommendations may include:

- i. dismissal of the complaint;
- ii. censure;
- iii. removal from committee membership;
- iv. prohibition from representing the City at events and/or attending conferences or seminars;
- v. reduction in compensation in accordance with the Council Remuneration By-Law;
- vi. a recommendation that an apology be given;
- vii. counselling and/or coaching; or,
- viii. such other recommendations as are deemed appropriate in the judgment of the Third Party Investigator.

Council will decide whether the recommendations in the Report, in whole or part, will be imposed.

Prepared by: Chief Administrative Officer	Date: April 6, 2022
Approved by: Council	Date: April 11, 2022
Reviewed by: Council	Date:

## APPENDIX A - Resources

- *The British Columbia Human Rights Code*; [Human Rights Code \(gov.bc.ca\)](http://gov.bc.ca)
- *The British Columbia Community Charter*; [Full Multi - Community Charter \(gov.bc.ca\)](http://gov.bc.ca)
- *The British Columbia Local Government Act*; [Local Government Act \(gov.bc.ca\)](http://gov.bc.ca)
- *The British Columbia Local Elections Campaign Finance Act*; [Local Elections Campaign Financing Act \(gov.bc.ca\)](http://gov.bc.ca)
- *The Workers Compensation Act of British Columbia*; [Workers Compensation Act \(gov.bc.ca\)](http://gov.bc.ca)
- *The Freedom of Information and Protection of Privacy Act*; [Full Multi - Freedom of Information and Protection of Privacy Act \(gov.bc.ca\)](http://gov.bc.ca)
- *The Criminal Code of Canada*. [Criminal Code \(justice.gc.ca\)](http://justice.gc.ca)

APPENDIX B



Code of Responsible Conduct Attestation

I acknowledge that I have read and understand the City of Salmon Arm Code of Responsible Conduct and I agree to abide by its provisions.

If I become aware of any situation that is contrary to the intent and spirit of the Code of Responsible Conduct, I will report my concerns to the Mayor and/or Chief Administrative Officer.

By completing this attestation, I declare my commitment to uphold the principles and standards of responsible conduct outlined in this Code of Responsible Conduct.

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\_\_\_\_\_  
Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Corporate Officer