

City of New Westminster Council Code of Conduct Bylaw

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COUNCIL CODE OF CONDUCT OVERVIEW

- Clear Application and Foundational Principles
- Ethics Commissioner Model
- Robust Informal Resolution Procedures
- Broad Complaint Process Open to Residents
- Appropriate Transparency and Public Disclosure
- Formal Complaint Process with Timelines and Guardrails
- Safeguards re Vexatious Complaints, Obstruction and Improper Forum
- Election Moratorium Process

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PART 1 - GENERAL

■ Definitions

“Resident” means any person who:

- (a) resides in the City;
- (b) would be eligible to vote in a municipal election in the City;
- (c) holds a valid and subsisting business licence issued by the City; or
- (d) is a Volunteer;

PART 1 - GENERAL

■ Foundational Principles

- (3) Council recognizes that responsible conduct is based on the foundational principles of integrity, accountability, leadership, respect, openness and collaboration:

PART 1 - GENERAL

■ Purpose and Interpretation

- (5) The purpose of this Bylaw is not to stifle Council Members or to limit their ability to fully perform the governmental and advocacy functions that their position entails, with all the vigour, flair and freedom that is typical of a well-functioning democratic institution, but instead to guide Council Members to undertake those functions in a manner that accords with sound ethical principles.
- (6) The foundational principles set out above in section 3 are to inform the interpretation of the substantive provisions of this Policy and are not stand-alone bases for complaints.
- (9) As an expression of the standards of conduct for Council Members expected by the City, this Bylaw is intended to be self-enforcing. This Bylaw becomes most effective when Council Members are thoroughly familiar with it and embrace its provisions. For this reason, this Bylaw shall be provided as information to candidates for Council.

PART 1 - GENERAL

■ Application

- (11) Unless otherwise provided, this Bylaw does not apply to a Council Member's conduct in their personal life, except to the extent that such conduct reasonably undermines public confidence in City governance.
- (12) For clarity, the provisions of this Bylaw apply without limitation to a Council Member's use of personal and professional social media accounts.

PART 2 – COUNCIL MEMBER CONDUCT

■ General Conduct

- (16) Council Members shall not engage with others, including Residents, Staff and other Council Members, in a manner that is abusive, bullying, intimidating or derogatory.
- (17) Council Members shall not use their office to attempt to gain personal or financial benefits for themselves, their family members, their friends or business interests.

PART 2 – COUNCIL MEMBER CONDUCT

■ Interactions with Staff

- (19) Council Members shall direct questions and inquiries regarding departmental issues to the CAO and shall refrain from contacting Staff directly, unless the communication is minor and for the purpose of seeking administrative clarity.

■ Interactions with the Public and Media

- (25) When presenting their individual opinions and positions, Council Members shall explicitly state that it is their own personal view and that they do not represent Council or the City in those views.

PART 2 – COUNCIL MEMBER CONDUCT

■ Conduct of Meetings

(26) Council Members shall conduct themselves with decorum at meetings. This includes:

- (a) complying with all conduct provisions set out in the City's Council Procedure Bylaw;
- (b) adequately preparing for meetings;
- (c) using respectful language;
- (d) not using offensive gestures or signs;
- (e) listening courteously and attentively to all discussions before the body, and focusing on the business at hand;
- (f) not making comments not germane to the business of the body;
- (g) not interrupting other speakers, except to raise a point of order;
- (h) not leaving the meeting or making any disturbance while a vote is being taken and until a vote is declared; and
- (i) not otherwise interfering with the orderly conduct of a meeting.

PART 2 – COUNCIL MEMBER CONDUCT

■ Use of Public Resources

- (35) Council Members shall not use any City property or assets or any other public resources such as Staff time, equipment, technology, supplies, facilities or other property for private gain, personal purposes or election-related purposes.

PART 3 – APPOINTMENT OF ETHICS COMMISSIONER

■ General Authorities

- (39) The appointment of an Ethics Commissioner must be for a set period of two years. An Ethics Commissioner may be appointed for more than one term.
- (41) Council will not terminate an Ethics Commissioner except for cause.
- (42) The appointment of an Ethics Commissioner may only be made, suspended, or terminated by a 2/3 vote of all Council Members.

PART 3 – APPOINTMENT OF ETHICS COMMISSIONER

■ Duties and Responsibilities

(44) The duties and responsibilities of the Ethics Commissioner are as follows:

- (a) provide advice and recommendations to a Council Member on questions of compliance with this Bylaw, where requested to do so by a Council Member;
. . .
- (d) deliver educational programs regarding the role of the Ethics Commissioner and the ethical obligations and responsibilities of Council Members under this Bylaw;
- (e) adopt procedures, policies and protocols as necessary to aid in the resolution of complaints under this Bylaw;
. . .
- (f) assist with informal resolution of complaints;
. . .
- (h) investigate and conduct inquiries into violations of this Bylaw;

PART 4 – COMPLAINT AND RESOLUTION PROCEDURES

■ Preliminary Steps

- (46) If a Council Member believes that they have observed another Council Member engaging in conduct that would breach this Bylaw, they must attempt to resolve the complaint directly with the other Council Member, if possible, prior to submitting a complaint under section 49.

PART 4 – COMPLAINT AND RESOLUTION PROCEDURES

■ Complaint Procedure

- (49) Subject to sections 46 to 48, a Council Member, Staff member, Committee Member or Resident may submit a complaint to the Ethics Commissioner.
- (50) A complaint must be in writing, must be submitted within 60 days of the alleged breach (or within 60 days of notification to the Ethics Commissioner under section 47, if applicable), and must include, with sufficient detail:
- (53) In an election year, complaints submitted from the first day of the nomination period to the general voting day must be accepted and held in abeyance until after the new Council has taken office. At that time, complaints shall only proceed if they relate to a Council Member who was re-elected in that election year. For certainty, if the Council Member who is the subject of the complaint is not re-elected, the complaint must be dismissed and closed.

PART 4 – COMPLAINT AND RESOLUTION PROCEDURES

■ Informal Resolution

- (61) When determining whether the complaint may be resolved informally, the Ethics Commissioner:
- (a) may consider culturally appropriate or transformative, restorative or Indigenous justice approaches and may engage a third-party mediator or facilitator to assist in the informal resolution of the complaint; and
 - (b) shall give a strong preference to the informal resolution process wherever possible.

PART 4 – COMPLAINT AND RESOLUTION PROCEDURES

■ Formal Resolution

- (72) The Ethics Commissioner has discretion to conduct the investigation as they see fit, but must ensure that the investigation complies with the rules of procedural fairness and natural justice required in the circumstances of the complaint.

PART 4 – COMPLAINT AND RESOLUTION PROCEDURES

■ Adjudication and Reporting

- (73) The Ethics Commissioner must conclude the investigation and make a determination regarding the alleged breach within 90 days of making the determination to proceed with a formal investigation, unless the Ethics Commissioner determines that doing so is not practicable, in which case the Ethics Commissioner must notify the complainant and respondent Council Member of the delay and provide a revised decision date. The revised decision date may be extended by periods of up to 30 days at a time on provision of written notice to the complainant and respondent Council Member.

PART 4 – COMPLAINT AND RESOLUTION PROCEDURES

■ Final Determination by Council

- (76) Council must, within 45 days of the Ethics Commissioner's delivery of the investigation report, decide on the appropriate measures, if any, that are warranted by a breach of this Bylaw.
- (77) Prior to making any decision regarding the findings and recommendations set out in the investigation report, the respondent Council Member must be provided with an opportunity, in person and in writing, to comment to Council on the Ethics Commissioner's determinations and recommendations.

PART 4 – COMPLAINT AND RESOLUTION PROCEDURES

■ Remedies

(80) Remedies that may be imposed by Council for a violation of this Bylaw include the following:

. . .

(e) a recommendation that the respondent Council Member:

- i. attend specific training, counselling or coaching related to the conduct at issue;
- ii. complete a specified number of volunteer hours; or
- iii. make a charitable donation of a specified or unspecified amount to a particular charity;

Questions/Comments