

REPORT

Office of the Chief Administrative Officer

To: Mayor Johnstone and Members of Council
Date: October 30, 2023

From: Lisa Spitale,
Chief Administrative Officer
File: 05.1035.10

Item #: 2023-689

Subject: Council Code of Conduct Bylaw No. 8408, 2023 Amendments for Second Reading

RECOMMENDATION

THAT Council consider giving Code of Conduct Bylaw No. 8408, 2023, as amended, second reading and third reading; and

THAT Staff be directed to bring Code of Conduct Bylaw No. 8408, 2023, as amended, to the next regular Council meeting for consideration of adoption.

PURPOSE

The purpose of this report is to inform Council of amendments made to the proposed Code of Conduct Bylaw No. 8408, 2023 after first reading at the June 26, 2023, Regular Council Meeting, and request Council to consider giving the amended Bylaw second and third reading.

BACKGROUND

New legislative requirements for codes of conduct came into force on June 13, 2022, with the Municipal Affairs Statutes Amendment Act. It requires that within six months after the first regular Council meeting following the 2022 election, Council must decide whether to adopt or review an existing code of conduct for the Council members. Council before making this decision under section 113.1 of the *Community Charter*, must consider the principles for codes of conduct prescribed by regulation.

The principles for Council Codes of Conduct are prescribed by BC Regulation 136/2022 and are as follows:

- 1) Council members must carry out their duties with integrity;
- 2) Council members are accountable for the decisions that they make, and the actions that they take in the course of their duties;
- 3) Council members must be respectful of others:
- 4) Council members must demonstrate leadership and collaboration.

Council considered these principles when it made its decision to incorporate a new Code of Conduct by bylaw.

DISCUSSION

The proposed Code of Conduct Bylaw No. 8408 was given first reading on June 26, 2023 and Council was led through the provisions of the Bylaw by legal counsel. Various changes were requested by Council and further review was undertaken by senior staff and legal counsel. Attachment 1 contains a tracked change version of the Bylaw with proposed amendments for second and third readings. A clean version of the Bylaw can be found in the Bylaws section of the October 30, 2023 Agenda.

Significant additions include:

- A Table of Contents
- Definitions of “Confidential Information” and “Director” (s. 2);
- Additional details on Council communications and interactions with City staff (s. 18);
- Additional clarity regarding interactions with the public and media (ss. 19, 20);
- Reordering and adding clarity with respect to the items on Council meeting decorum (s. 21);
- Stating more succinctly the restrictions on use of public resources (s. 30);
- Clarifying the language around use of City premises for election purposes (s.32);
- Making the language around the Ethics Commissioner’s preliminary assessment of grounds for dismissal consistent as between sections 49(f) and 50 (s. 50);
- Providing for consistency of language as between section 70(a)(iv) and 76(f); and
- Various minor changes to wording, section numbering and section references.

OPTIONS

There are two options for Council’s consideration; they are:

1. That Council consider giving Code Conduct Bylaw No. 8408, 2023, as amended,
(a) second reading, and
(b) third reading;
2. That Staff be directed to bring Code of Conduct Bylaw No. 8408, 2023, as amended,
to the next regular Council meeting for consideration of adoption; or
3. That Council provide alternate direction to staff.

Staff recommend Options 1(a)&(b) and 2.

ATTACHMENTS

Attachment 1 – Bylaw No. 8408, 2023 with Table of Contents and other tracked changes from first reading.

APPROVALS

This report was prepared by:
Marius Miklea, Assistant Corporate Officer, Legislative Services

This report was reviewed by:
Peter DeJong, Corporate Officer, Legislative Services

This report was approved by:
Lisa Spitale, Chief Administrative Officer