



## Attachment 2

### *Ethics Commissioner Job Description*

<b>City of New Westminster</b>	<b>Ethics Commissioner</b>
<p><b>Department:</b> Legislative Services</p> <p><b>Effective:</b> November 20, 2023</p>	<p>As an independent officer, the Ethics Commissioner performs advisory, investigative, and educational services to support fair and transparent governance in relation to the Council Code of Conduct Bylaw. The Ethics Commissioner reports on findings and makes sanctions or disciplinary recommendations to Council, as a mechanism for risk management and resolution of inquiry. The Ethics Commissioner also maintains confidential records and an independent budget.</p>

### **Key Accountabilities**

- Provide advice and recommendations to Council Members on behavior that would be consistent with the Council Member's ethical obligations under the Code of Conduct Bylaw.
- Provide advice and recommendations to Council Members, regarding their compliance or disclosure obligations under a provincial statute, such as the Financial Disclosure Act, or other such statute.
- Prepare written materials and content for the City's website for distribution to, and use by, the public, to aid in their understanding of the role of the Ethics Commissioner and the ethical obligations and responsibilities of Council Members under the Council Code of Conduct Bylaw.
- Deliver educational training and programs to Council Members and staff, as part of orientation or on an annual basis, regarding the role of the Ethics Commissioner and the ethical obligations and responsibilities of Council Members under the Council Code of Conduct Bylaw, which includes the ability to compel attendance of the Council Members.
- Receive, review, investigate, and adjudicate complaints related to the conduct of a Council Member and violations of the Code of Conduct Bylaw.
- Decide whether the matter is within the jurisdiction of the Ethics Commissioner.
- Assist with informal resolution of confidential requests and complaints received via the Reporting Serious Misconduct (Whistle Blower) Policy or otherwise.
- Adopt procedures, policies, and protocols designed to ensure that formal complaints are fully and fairly investigated.
- Determine whether to proceed to investigate a formal complaint or dispose of the formal complaint in a summary manner.
- Identify records and documentation received and reviewed during an investigation as confidential, and subject to the requirements of the Council Code of Conduct Bylaw respecting procedural fairness.
- Report to Council as to whether a member has breached the Council Code of Conduct Bylaw, make recommendations on an appropriate remedy if a Council Member has breached the Bylaw, and make recommendations to Council on whether to reimburse legal fees reasonably incurred by a Council Member in relation to a complaint.
- Make recommendations to Council on appropriate remedies where a complaint is determined to have been made in a deliberately frivolous, vexatious or malicious manner, or otherwise made in bad faith.
- Provide advice and recommendations to Council regarding amendments to the Code of Conduct Bylaw and any other policies, procedures, or protocols governing Council Member's ethical behavior.
- Submit an annual budget for approval by Council.

### **Qualifications**

- Senior-level management, municipal, legal, judicial and/or quasi-judicial experience with demonstrated understanding of the principles and practices related to local government legislation, municipal bylaws, policies and procedures.
- Strong knowledge of investigatory processes.
- Superior interpersonal and communication skills.
- Ability to exercise ethical and sound judgement with discretion and confidentiality.
- Membership in a professional body recognized in the Province of British Columbia.

### **Additional Information**

- The Ethics Commissioner will be retained for a fixed term, with the possibility of extension, subject to termination by a 2/3 vote of all Council members.
- This is not a full-time, permanent role, and can be assumed as a part of a lawyer's or other professional's ongoing practice.
- It is integral that the Ethics Commissioner have no perceived or actual conflict of interest with the City, including, but not limited to, official dealings or employment, financial interest, or any involvement in City political campaigns and/or endorsements.

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