

# City of New Westminster

## Council Code of Conduct Bylaw

Reece Harding

# Timeline

June 26, 2023 – First Reading

October 30, 2023 – Discussion with YA & overview of changes from 1<sup>st</sup>

November 20, 2023 – Second & Third Reading?

# Additional First to Second Reading Amendments

**1<sup>st</sup> REQUEST:** Ethics Commissioner definition to incorporate EC’s necessary qualifications and experience

**RESPONSE:** Code now includes “as set out in the Council approved job description” in definition of EC

**2<sup>nd</sup> REQUEST:** Section 11 wordsmithing – too broad and vague

**RESPONSE:** Code now reads, “Unless otherwise provided, this Bylaw does not apply to a Council Member’s conduct in their personal life, with the exception of egregious or criminal conduct that reasonably undermines public confidence in City governance.

# Additional First to Second Reading Amendments

**3<sup>rd</sup> REQUEST:** Section 18 wordsmithing – to clarify and allow for incidental communication with staff & committee interactions

**RESPONSE:** Code now reads, “If a Council Member is unsure where to direct a question or inquiry regarding a departmental issue or other work-related item, or regarding a personal item that requires interactions with the regulatory functions of the City, they shall direct the question or inquiry to the CAO or to a Director or the Corporate Officer with a copy to the CAO.”

# Additional First to Second Reading Amendments

**4<sup>th</sup> REQUEST:** Section 20 – Media Interactions, it should be implicit in the Code that Council Members are expressing their own opinions and not a Council position – *Charter* rights of freedom of expression need to be respected.

**RESPONSE:** “In public communications, Council Members shall accurately and fairly represent Council positions.” added to section 20

**5<sup>th</sup> REQUEST:** Section 21(e) [*no other communications during meetings*] to be removed

**RESPONSE:** Section removed

# Additional First to Second Reading Amendments

**6<sup>th</sup> REQUEST:** Section 31 should define what constitutes a “City event” and co-sponsorship

**RESPONSE:** Section 31 now reads, “For clarity, any events or activities that a Council Member undertakes on their own, even regarding City business, must be funded by the individual Council Member, unless the City or Ethics Commissioner has confirmed in writing that it is appropriate for the event or activity to be City sponsored, and the City has agreed to use public resources for that purpose pursuant to a City policy or Council decision.”

# Additional First to Second Reading Amendments

**7<sup>th</sup> REQUEST:** Section 80(c) is too broad and needs to be subject to the Whistleblower policy

**RESPONSE:** Section 80(c) now reads, “in the case of Staff, disciplinary actions in accordance with the City’s Reporting Serious Misconduct Policy”

- NOTE: We recommend a return to the original language, as this new language unnecessarily limits the consequences for employees who obstruct the EC or file a frivolous/vexatious complaint. (The purpose of the RSM Policy is to provide a process for employees or Council Members to file complaints where there is no other applicable policy or where they want to remain anonymous and to provide express protection from retaliation.)

# Questions/Comments