

THE CORPORATION OF THE
CITY OF WHITE ROCK
CORPORATE REPORT



DATE: March 13, 2023
TO: Mayor and Council
FROM: Guillermo Ferrero, Chief Administrative Officer
SUBJECT: Council Code of Conduct

RECOMMENDATIONS

THAT Council receive the March 13, 2023, corporate report from the Chief Administrative Officer, titled “Council Code of Conduct” for consideration.

EXECUTIVE SUMMARY

Section 113.1 of the *Community Charter* legislates that a Local Government Council must discuss whether to establish a code of conduct, or if a code of conduct has been established, Council must discuss if the existing code of conduct should be reviewed. The legislation further directs that this is to be done within the first six (6) months of the Council term.

PREVIOUS COUNCIL DIRECTION

The City of White Rock does not currently have a code of conduct for Council members.

INTRODUCTION/BACKGROUND

On December 12, 2022, the city’s Solicitor noted during an initial legal workshop with Council that on June 13, 2022 the *Community Charter* was amended to include a requirement for Local Government to discuss or discuss and adopt a code of conduct for Council members. Section 113.1 reads as follows:

Requirement to consider code of conduct

- 113.1 (1) Within 6 months after its first regular council meeting following a general local election, a council must decide:
- (a) whether to establish a code of conduct for council members, or
 - (b) if a code of conduct for council members has already been established, whether it should be reviewed.
- (2) Before making a decision under subsection (1), the council must
- (a) consider the prescribed principles for code of conduct,
 - (b) consider the other prescribed matters, if any, and
 - (c) comply with the prescribed requirements, if any, including requirements respecting public notice or consultation.

- (3) If the council decides, under subsection (1), not to establish a code of conduct or review an existing code of conduct, it must make available to the public, on request, a statement respecting the reasons for its decision.

All local governments governed by the *Community Charter* have six (6) months following the inaugural meeting to discuss a code of conduct for Council. If Council determines a code of conduct is unnecessary it must make available to the public, on request, a statement respecting the reasons for its decision.

The city's Solicitor provided two (2) draft considerations for code of conduct - one in the form of a bylaw (Attachment A) and a second in the form of a policy (Attachment B).

It was noted that the proposed bylaw is based on best practices for integrity, ethics, and respectable behaviour, and is enforceable. It is in bylaw format so that it is easier to enforce. It does not require the chief administrative officer or other staff to become part of the ultimate substantive process. It is noted that the only unusual aspect is that Council must appoint an individual (e.g., a retired lawyer) to serve as Integrity Commissioner to be available if there is a formal complaint that progresses to the final stage of a resolution process thus ensuring for all involved that the process is conducted in a fair and unbiased manner.

Another option to address an appointment of an Integrity Commissioner would be to reach out to other municipalities and propose a sharing of this resource on an as needed basis. This can be carried out by either using a larger municipality's "in house" resource, or by appointing someone in partnership with other municipalities which may result in a potential cost savings.

Another option is that the code of conduct be in the format of a policy but noting it is less comprehensive, and it would require more involvement of a staff presence in a process.

The city's Solicitor provided these two (2) options noting based on investigations and hearings that occurred in Alberta and in British Columbia, it is recommended the comprehensive bylaw be the considered as the process is more fair and more balanced and complete.

LEGAL IMPLICATIONS

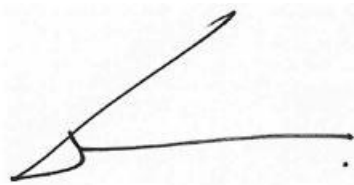
Consideration of a code of conduct for Council members is a requirement of the *Community Charter*.

CONCLUSION

In accordance with the *Community Charter*, Council must decide whether to establish a code of conduct for Council members. If following discussions by Council the decision is to not establish a code of conduct, it must make available to the public, on request, a statement of its rationale or reasons for its decision.

Staff recommended the city adopt a bylaw that outlines Council Code of Conduct including the appointment of an Integrity Commissioner that can be relied upon if the need arises as in bylaw format as this will provide a more fair and balanced process.

Respectfully submitted,

A handwritten signature in black ink, consisting of a stylized 'G' followed by a horizontal line and a small dot at the end.

Guillermo Ferrero
Chief Administrative Officer

Appendix A: Draft Proposed Council Code of Conduct Bylaw, 2023 No. 2456
Appendix B: Draft Council Policy 17 – Council Code of Conduct