

**DATE:** August 17, 2020**FILE:** 0340-50**TO:** Chair and Directors  
Regional District Board**FROM:** Russell Dyson  
Chief Administrative OfficerSupported by Russell Dyson  
Chief Administrative Officer*R. Dyson***RE: Board Code of Conduct Policy****Purpose**

To introduce a draft Board Code of Conduct Policy that articulates the Board's shared expectations for conduct and behaviour.

**Recommendation from the Chief Administrative Officer:**

THAT the Board Code of Conduct Policy as presented in Appendix A of the staff report dated August 17, 2020 be approved.

**Executive Summary**

- At the August 11, 2020 Board meeting, an omnibus review of Board Policies was considered. As part of this review and the subsequent direction, the Board rescinded the policy entitled "An Effective Board/Chief Administrative Officer Relationship" which provided for a mutual commitment between members of the Board and the Chief Administrative Officer respecting agreed upon conduct and behaviour. The rescinding of this policy was recommended as the development of a new Code of Conduct Policy was suggested to reframe such commitments between the members of the Board.
- A draft Board Code of Conduct (Appendix A) has been prepared for consideration based on a composite of provisions and content from the above noted policy, the District of Saanich Code of Conduct and the broad recommendations from the Working Group on Responsible Conduct, which was a joint initiative of the Union of BC Municipalities, the Local Government Management Association and the Ministry of Municipal Affairs and Housing.
- A code of conduct is intended to be an additional aspect of responsible conduct principles, supplementing the existing legislative parameters within which elected officials must operate. Codes of conduct for elected officials have become fairly commonplace within local governments and help to strengthen the public's confidence that elected officials are operating and conducting their business with integrity, respect, honesty and courtesy.
- The topics and content included within a code of conduct are at the Board's discretion, however, it is noted that local governments and regional district boards have very limited powers to impose measures for non-compliance for those matters outside of provincial legislation. For this reason, the draft policy attached to this report has omitted any detailed provisions regarding compliance and enforcement. The proposed policy also does not contain any provisions respecting the collection and handling of information as these topics are addressed within the Comox Valley Regional District's Closed Meetings and Confidentiality Policy.

- In recognition that responsible conduct is essential to providing good governance for the Comox Valley Regional District, a formal review of the policy has been proposed on an annual basis timed with the inaugural meeting in November. The policy would also be reviewed at the start of each term following the general local elections in accordance with the recently adopted Policy Framework.
- Recognizing that the Board has not had any specific discussion or debate regarding a code of conduct, this matter has been brought forward separate from the recent omnibus policy review. Further, it is acknowledged that additional time may be required for members to discuss and consider the provisions of this document. If such additional time is desired, staff would suggest the matter be deferred to a subsequent meeting.

Prepared by:

***J. Martens***

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Jake Martens  
General Manager of Corporate Services

**Government Partners and Stakeholder Distribution (Upon Agenda Publication)**

N/A	
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Attachments: Appendix A – “Board Code of Conduct Policy”

<b>Policy Title:</b> Board Code of Conduct		<b>Policy Number:</b>	
<b>Policy Category:</b> Administration			
<b>Approval Date:</b>		<b>Policy Owner:</b> Corporate Services	
<b>Approved by:</b> CVRD Board		<b>File Reference:</b> 0340-50	

## PREAMBLE

1. As local elected representatives the Board recognizes that responsible conduct is essential to providing good governance for the Comox Valley Regional District.
2. Board members are required to conduct themselves to the highest ethical standards by being an active participant in ensuring that the foundational principles, and the standards of conduct set out below, are followed in all dealings with every person, including those with other members, staff, and the public.

## PRINCIPLES

3. The Board recognizes that responsible conduct is based on the foundational principles of integrity, accountability, leadership, responsibility, respect, openness and collaboration.
  - Integrity – Board members must carry out their responsibilities to the highest standard of integrity and are expected to:
    - make decisions that benefit the community;
    - act lawfully and within the authorities of the Comox Valley Regional District;
    - be free from undue influence and not act, or appear to act, in order to gain financial or other benefits for themselves, family, friends or business interests.
  - Accountability – Board members are obligated to answer for a responsibility that has been entrusted to them. They are responsible for the decisions they make.
  - Leadership – Board members must demonstrate and promote the key principles of the Code of Conduct through their decisions, actions and behaviour. Their behaviour must build and inspire the public’s trust and confidence in the Regional District.
  - Responsibility – Board members must act responsibly, within the law and within the authorities of the *Local Government Act*. They must follow the letter and spirit of policies and procedures, and exercise all conferred power strictly for the purpose for which the powers have been conferred.
  - Respect – Board members must conduct public business efficiently, with decorum and with proper attention to the Comox Valley Regional District’s diversity. They must treat each other and others with respect at all times. This means not using derogatory

language towards others, respecting the rights of other people, treating people with courtesy and recognizing the different roles others play in local government decision making;

- Openness – Board members have a duty to be as open as possible about their decisions and actions while respecting the need to keep confidential matters confidential; and
- Collaboration – The social fabric of communities and the health and wellbeing of citizens depend on solid and sustainable community partnerships. Board members shall seek to collaborate whenever possible and appropriate and shall utilize this principle to guide their work and conduct.

## **PURPOSE**

4. The purpose of this policy is to:
  - i. establish standards for the ethical conduct of elected officials relating to their roles and obligations as representatives of the Comox Valley Regional District; and
  - ii. provide clarity to the public as to the behaviour they can expect from CVRD elected officials.

## **SCOPE**

5. All elected and appointed CVRD Directors, Alternate Directors and the Chief Administrative Officer.

## **DEFINITIONS**

**Board members:** all Directors and Alternate Directors of the Comox Valley Regional District

## **POLICY**

### **General Conduct**

6. All Board members must adhere to the key principles and provisions of the Code of Conduct.
7. Board members must act lawfully and within the authorities of the Local Government Act and Community Charter, and exercise a reasonable degree of care and diligence in carrying out their functions.
8. Board members have an obligation to consider issues consistently and fairly.
9. Board members must avoid behaviour that could constitute an act of disorder or misbehaviour. Specifically, Board members must avoid conduct that:
  - Contravenes the law, including the BC Human Rights Code, the Local Government Act, the Community Charter, CVRD Bylaws, associated regulations, and CVRD Policies;

- Is an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse, or the adverse treatment of others;
  - Prejudices the provision of a service or services to the community.
10. Board members are obliged to question any request to act or make a decision that they think may be unethical or unlawful.
  11. The Chief Administrative Officer must carry out his/her duties in a manner that allows Board members and the public to remain informed about local government activity and practices.

### **Conflict of Interest**

12. Board members are expected to make decisions that benefit the community. They are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends, or business interests.
13. Board members must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their duties in accordance with statutory requirements of the Community Charter.

### **Meetings**

14. Members will recognize the importance of the role of the chair of meetings, and treat that person with respect at all times.
15. Board members shall prepare themselves for meetings, listen courteously and attentively to all discussions before the body, and focus on the issues and the facts.
16. The diverse perspectives of each director, as they reflect the interests of their own communities, will be respected.
17. When making decisions, Board members must consider all relevant facts, opinions and analyses of which they should be reasonably aware.
18. Strong disagreements and conflicts will be seen as a natural part of board and committee work. Such disagreements will not be taken personally, nor made personal.
19. Board members can expect courteous behaviour from each other. Directors shall not interrupt other speakers, make personal comments or comments not germane to the business of the body, or otherwise disturb a meeting. Meetings shall provide an environment for transparent and healthy debate on matters requiring deliberation by the Board.
20. Board members, when speaking publicly and at board and committee meetings, will avoid inflammatory language. They are expected to speak in an objective manner.

### **Policy Role of the Board**

21. Members shall respect and adhere to the Board-Chief Administrative Officer structure of government as practiced at the Comox Valley Regional District. In this structure, the Board determines the policies of the CVRD with the advice, information and analysis provided by the public, committees, and CVRD staff. Members, therefore, shall not interfere with the administrative functions of the CVRD or with the professional duties of staff; nor shall they impair the ability of staff to implement Board policy decisions.

## Use of Public Resources

22. Members shall not use public resources, which are not available to the public in general, such as staff time, equipment, supplies or facilities, for private gain or personal purposes.

## Communication and Media Relations

23. The Regional Board Chair is the spokesperson for the Regional District on Board matters.
24. Board members will accurately communicate the decisions of the Board, even if they disagree with the majority decision of the Board. Board members will refrain from making disparaging comments about other Directors, the Board's decision itself or individual staff and by doing so will affirm the respect for and integrity of the decision making process of the Regional Board.

## Gifts and Personal Benefits

25. Board members shall not accept any money, property, position or favour of any kind whether to be received at the present or in the future, from a person having, or seeking to have dealings with the CVRD, save for appropriate refreshments or meals, except where such a gift or favour is authorized by law, or where such gifts or favours are received as an incident of the protocol, social obligation or common business hospitality that accompany the duties and responsibilities of the member.

## ROLES AND RESPONSIBILITIES

### Implementation and Review

26. The Board Code of Conduct is intended to be self-enforcing. Members should view the Code as a set of guidelines that express collectively the standards of conduct expected of them. It, therefore, becomes most effective when Members are thoroughly familiar with the Code and embrace its provisions. For this reason, the Code of Conduct shall be reviewed on an annual basis at the inaugural meeting or at another duly convened meeting at the discretion of the Board Chair. The Code of Conduct shall also be reviewed in detail at orientation sessions for new and returning directors following each general local election.

## REVISION HISTORY

Approval Date	Approved By	Description of Change