



City of Richmond

Report to Committee

To: General Purposes Committee

From: Jason Kita
Director, Corporate Programs Management Group

Re: **Richmond Council Code of Conduct**

Date: November 8, 2019

File: 01-0005-01/2019-Vol 01

Staff Recommendation

That the Richmond Council Code of Conduct as presented in Attachment 1 of the report titled, "Richmond Council Code of Conduct," from the Director, Corporate Programs Management Group, dated November 8, 2019 be approved.

Jason Kita
Director, Corporate Programs Management Group
(604-276-4091)

Att.: 1

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Law	<input checked="" type="checkbox"/>	
		APPROVED BY CAO

Staff Report

Origin

At the June 17, 2019, General Purposes Committee meeting, discussion occurred regarding options for establishing a code of conduct for Richmond City Council. As a result, the following referral was made:

(1) That the report titled "Code of Conduct for Elected Officials" dated April 10, 2019 from the Director, Corporate Programs Management Group, be referred back to staff; and

(2) That staff be directed to bring forward for Council consideration a draft Richmond Code of Conduct that incorporates aspects of the District of Saanich and the District of North Vancouver's Codes of Conduct and Council feedback, and report back.

This report responds to the above referrals.

Background

Council has expressed an interest in developing a Code of Conduct for Richmond City Council. A Council code of conduct can be an effective tool for members of Council to express standards of conduct that are agreed upon by all members. This is particularly the case relating to behaviours that pertain to responsible conduct, defined generally as how elected officials conduct themselves in relation to their elected colleagues, staff, and the general public. Legislative provisions related to the roles, responsibilities, and expectations around ethical conduct for elected officials are found in the *Community Charter* and *Local Government Act*.

A code of conduct is a written document that can be used by Council members (members) to outline a shared set of expectations for conduct or behaviours beyond those outlined in legislation and in common law. A code of conduct may include provisions relating to a variety of topics at Council's discretion; however, municipal governments have limited ability to impose measures for non-compliance related to behaviours that are not captured by the existing legislation. For this reason, it is advisable for a Council code of conduct to include only what is mutually agreed upon by all members.

Analysis

A draft Richmond Council Code of Conduct (Attachment 1) was prepared for Council's consideration based on a composite of topics and provisions from the District of Saanich Code of Conduct, the District of North Vancouver Code of Ethics, and recommendations from the Working Group on Responsible Conduct¹.

¹ The Working Group on Responsible Conduct is a joint initiative between the UBCM, the Local Government Management Association (LGMA), and the Ministry of Municipal Affairs and Housing that provides information and resources to consider when establishing a code of conduct.

Staff recommend that Council adopt the attached draft Richmond Council Code of Conduct as presented in Attachment 1.

In order for a Council code of conduct to be an effective and meaningful tool, it is essential that all members of Council agree upon the standards of conduct outlined within the code. Because Council cannot impose measures for non-compliance beyond what is permitted under legislation and common law, the code of conduct must represent a shared commitment from Council on the standards of conduct for Richmond's Council and express unanimous approval for its adoption.

A code of conduct, once adopted, may be revisited and updated as needed at Council's discretion to ensure expectations are current, relevant, and continue to reflect desired guidelines for all members of Council.

Financial Impact

None.

Conclusion

Council has expressed an interest in developing a Code of Conduct document for Richmond City Council. Staff has prepared the attached draft Richmond Council Code of Conduct as a tool for Council to define their shared expectations around Council conduct. Council may adopt the attached draft Richmond Council Code of Conduct or provide direction on revisions to this document to meet Council's needs.



Claire Adamson
Manager, Corporate Strategic Initiatives
(604-247-4482)

CA:ca

Att. 1: Draft Richmond Council Code of Conduct



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Adopted by Council: <date>		

POLICY <POLICY NO.> :

INTRODUCTION

As local government elected Council members (“members”), Richmond’s City Council (“Council”) recognizes that responsible conduct is essential to providing good governance for the City of Richmond.

Members have committed to strive to ensure that the duties and obligations of Council are performed with highest ethical standards. Members respect one another, the public and staff and recognize the unique role and contribution each person has in making the City a better place to work and live. To this end, Council has adopted a Code of Conduct (“Code”) which outlines the foundational principles and standards of conduct to which Council has committed.

APPLICATION OF THE CODE OF CONDUCT

This Code of Conduct applies to the members of Council and, where indicated, to any person appointed by Council to boards, committees, commissions, panels, or task forces (“appointees”). It is the individual responsibility of each member and appointee to uphold the Code in their dealings with other members, appointees, staff, and the public. Members and appointees must conduct themselves in accordance with the law. This Code of Conduct is intended to be developed, interpreted and applied by members and appointees in a manner that is consistent with all applicable Federal and Provincial Laws, as well as the bylaws and policies of the City of Richmond, the common law and any other legal obligations which apply. It must be noted that all legislation, including the *Community Charter*, overrides the Code of Conduct. This document is not intended to be punitive or disciplinary in nature.

1. FOUNDATIONAL PRINCIPLES

Council recognizes that responsible conduct is based on the foundational principles of integrity, accountability, respect, leadership and collaboration, and openness and transparency.

- 1.1 **Integrity:** means being honest and demonstrating strong ethical principles. Conduct under this principle upholds the public interest, is truthful and honourable.
- 1.2 **Respect:** means having due regard for others’ perspectives, wishes and rights; it also means displaying deference to the offices of local government, and the role of local government in community decision making.
- 1.3 **Accountability:** means an obligation and willingness to accept responsibility or to account for ones actions.



- 1.4 **Leadership and Collaboration:** means an ability to lead, listen to, and positively influence others; it also means coming together to create or meet a common goal through collective efforts.
- 1.5 **Openness and Transparency:** means being as open as possible about decisions and actions; it also means communicating appropriate information openly to the public about decision-making processes and issues being considered; encouraging public participation and communicating clearly.

2. CONDUCT OF MEMBERS AND APPOINTEES

- 2.1 Members and appointees shall adhere to the foundational principles and the provisions of the Council Code of Conduct.
- 2.2 Members and appointees must act lawfully and within the authorities of the *Community Charter*, the *Local Government Act*, and other applicable legislation and policies and exercise a reasonable degree of care and diligence in carrying out their functions.
- 2.3 The conduct of members and appointees in the performance of their duties and responsibilities with the City of Richmond must be fair, open, and honest.
- 2.4 Members and appointees shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other members, appointees, the staff, or the public.

3. CONDUCT IN MEETINGS

- 3.1 Members and, where applicable, appointees shall prepare themselves for public meetings; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall not interrupt other speakers; make personal comments not germane to the business of the body; or otherwise disturb a meeting.
- 3.2 Members and appointees shall adhere to the *Rules of Conduct in Council Meetings* as outlined in any relevant Council Procedures and Bylaws.

4. RESPECT FOR PROCESS

- 4.1 Members and, where applicable, appointees shall perform their duties in accordance with the policies and procedures and rules of order established by the City Council governing the deliberation of public policy issues, meaningful



involvement of the public, and implementation of policy decisions of the Council by City staff.

5. COLLECTION AND HANDLING OF INFORMATION

- 5.1 Members and appointees shall respect the confidentiality of information including information concerning the property, personnel or legal affairs of the City. They shall neither disclose confidential information without proper authorization, nor use such information to advance their personal, financial or other private interests.
- 5.2 Subject to paragraph 5.1, members and appointees may publicly share substantive information which they may have received from sources outside of the public decision-making process.

6. INTERACTIONS WITH STAFF

- 6.1 Members and appointees shall not make public statements attacking or disparaging staff.
- 6.2 Members and appointees shall not involve staff in matters for political purposes. It is the role of staff: to provide overall management of the operations of the municipality; to provide advice, information, and make to recommendations to Council; and to ensure the policies, programs and other directions of Council are implemented under the authority of the CAO. It is the role of Council to make decisions and provide direction to staff to carry out the role of managing the operations and affairs of the municipality.
- 6.3 Concerns or issues with staff and/or appointees should be brought to the Mayor and/or the Chief Administrative Officer in private communications as appropriate.

7. INTERACTIONS WITH THE PUBLIC AND THE MEDIA

- 7.1 Members and appointees shall accurately communicate the decisions of Council, even if they disagree with the majority decision of Council; and by doing so affirm the respect and integrity in the decision-making process of Council.
- 7.2 Members and appointees shall not publish or report information that they know to be inaccurate, incomplete, or in other ways misrepresents the City or a decision of Council.



8. USE OF SOCIAL MEDIA

- 8.1 It is not the role of individual members and appointees to report directly on City-related business. Members and appointees will use caution in reporting decision-making by way of their social media profiles and will ensure what is said is accurate and complete.
- 8.2 Members and appointees will include an "in my opinion", or similar disclaimer, either within the banner of their individual social media site(s) or separately when making follow up posts to the City's social media postings and when creating original posts pertaining to City-related business.
- 8.3 Members and appointees will refrain from using, or permitting use of, their social media accounts for purposes that include:
- (a) defamatory remarks;
 - (b) content that endorses, promotes, or perpetuates discrimination or mistreatment on the basis of race, religion or belief, age, gender, marital status, national origin, physical or mental disability or sexual orientation;
 - (c) statements that indicate an attitudinal bias in relation to a matter that is to be the subject of a statutory or other public hearing;
 - (d) promotion of illegal activity; and
 - (e) information that may compromise the safety or security of the public or public systems.
- 8.4 Members and appointees shall regularly monitor their social media accounts and immediately take measures to address the publication of messages or postings by others that violate this Code of Conduct.

9. USE OF PUBLIC RESOURCES

- 9.1 Members and appointees shall not use public resources that are not available to the public in general, such as staff time, equipment, supplies or facilities, for private gain or personal purposes.



10. CONFLICT OF INTEREST

- 10.1 Members and appointees shall be aware of and 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*.

11. ACCEPTANCE AND DISCLOSURE OF GIFTS

- 11.1 Members and appointees shall be aware of and adhere to all rules and restrictions related to accepting and disclosing gifts in accordance with Division 6 of the *Community Charter*.
- 11.2 Members and appointees shall not, directly or indirectly, accept a fee, gift or personal benefit that is connected with the performance of the duties of the member or appointee.
- 11.3 Paragraph 11.2 does not apply to:
- (a) a gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of the office or the appointment;
 - (b) compensation authorized by law; or
 - (c) a lawful contribution made to a member who is a candidate for election to a local government.

12. ADVOCACY AND POLITICAL ACTIVITIES

- 12.1 Members and appointees shall represent the official policies or positions of Council or of the body to which they have been appointed to the best of their ability when designated as delegates for this purpose.
- 12.2 When presenting their individual opinions and positions, members and appointees shall clearly state they do not represent Council, the body to which they have been appointed, or the City of Richmond, nor will they allow the inference that they do.

13. ABSENCES AND VACATIONS

- 13.1 Members will adhere to the guidelines and policies for absences and vacations.
- 13.2 During a period when the Mayor is absent, the Mayor may transfer the duties of the Mayor, including those related to formal greetings and protocol. An Acting

Council Administration



Mayor rotation schedule is established each year that outlines the appropriate Council member that will fulfill the role of Acting Mayor if required. The role and title of Acting Mayor is valid only when this transfer has been formally granted by the Mayor.

14. IMPLEMENTATION

- 14.1 The Council Code of Conduct is intended to be self-enforcing. Members and appointees 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 and appointees are thoroughly familiar with the Code and embrace its provisions. For this reason, the Code of Conduct will be provided to candidates for Council. Information regarding the Code of Conduct will be incorporated into the Council orientation process for members elected to Council and for those appointed by Council to boards, committees, commissions, panels, or task forces.
- 14.2 Council may review the Code, consider recommendations from members and appointees, and update the Code as necessary.

15. COMPLIANCE AND ENFORCEMENT

- 15.1 Members themselves have the primary responsibility to ensure that the standards outlined within the Code are understood and met.
- 15.2 The strongest measure Council can take after attempting to resolve any differences through direct discussion is to impose a motion of public censure.
- 15.3 If a member wishes to make a formal complaint, a written statement must be brought forward to a closed General Purposes Committee meeting. Anonymous complaints will not be publicized or acted on.
- 15.4 To ensure procedural and administrative fairness, a member who is alleged to have violated any provision of the Code (with the exception of violations otherwise addressed through legislation), shall have a minimum of one week or the time between two consecutive General Purposes Committee meetings, whichever is greater, to prepare his or her response to a formal complaint. Before considering taking measures, Council shall ensure that a member has:
- (a) received a written copy of the complaint against him or her; and
 - (b) an opportunity to be heard in a subsequent closed General Purposes Committee meeting.



- 15.5 A violation of this Code of Conduct shall not be considered a basis for challenging the validity of a Council or Committee decision.

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