



# City of Richmond

## Report to Committee

**To:** General Purposes Committee **Date:** February 16, 2023  
**From:** Jason Kita **File:** 01-0005-01/2023-Vol  
 Director, Intergovernmental Relations and 01  
 Corporate and Strategic Planning  
**Re:** **Council Code of Conduct Review**

### Staff Recommendation

That the updated *Council Code of Conduct Policy No. 1500* as outlined in the report titled "Council Code of Conduct Review" from the Director, Intergovernmental Relations and Corporate and Strategic Planning, dated February 16, 2023, be adopted.

Jason Kita  
 Director, Intergovernmental Relations and Corporate and Strategic Planning  
 (604-276-4091)

Att. 3

REPORT CONCURRENCE	
<b>ROUTED TO:</b>	<b>CONCURRENCE</b>
Law	<input checked="" type="checkbox"/>
<b>SENIOR STAFF REPORT REVIEW</b>	<b>INITIALS:</b> 
<b>APPROVED BY CAO</b> 	

## Staff Report

### Origin

This report supports Council's Strategic Plan 2018-2022 Strategy #1 A Safe and Resilient City:

*1.4 Foster a safe, caring and resilient environment.*

The City's *Council Code of Conduct Policy No. 1500* was adopted on November 25, 2019. On June 13, 2022, new legislative requirements came into effect with the *Municipal Affairs Statutes Amendment Act (No. 2)* requiring municipal councils to consider adopting or reviewing a code of conduct for the council members within 6 months after its first regular council meeting following a general local election. **Attachment 1** provides an excerpt from the Community Charter, Division 8 that outlines the new requirements.

### Analysis

In accordance with the Community Charter requirements regarding codes of conduct, Council underwent a review process to determine opportunities for updating the current *Council Code of Conduct Policy No. 1500* that was previously adopted in 2019. Based on the feedback received, minor changes to the policy are recommended as marked in red in **Attachment 2**. A clean version of the updated policy is included in **Attachment 3** for adoption.

### Financial Impact

None.

### Conclusion

The Community Charter outlines requirements for Council to consider adopting or reviewing a code of conduct for the council members within 6 months after its first regular council meeting following a general local election. As a result of a review of the existing *Council Code of Conduct Policy No. 1500*, minor changes have been identified for adoption.



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Director, Intergovernmental Relations and Corporate and Strategic Planning  
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- Att. 1: Excerpt from Community Charter: Division 8 - Code of Conduct
- 2: Council Code of Conduct Policy No. 1500 - Redlined Version
- 3: Council Code of Conduct Policy No. 1500 - Clean Version

**Excerpt from Community Charter: Division 8 - Code of Conduct**

**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 codes 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.

**Reconsideration of decision respecting code of conduct**

**113.2** (1) If a council decides, under section 113.1, not to establish a code of conduct or review an existing code of conduct, the council must reconsider that decision before January 1 of the year of the next general local election.

(2) In a reconsideration under subsection (1), the council must

- (a) consider the prescribed principles for codes 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 confirms the decision that is the subject of the reconsideration, the council must make available to the public, on request, a statement respecting its reasons for confirming the decision.

**Council Code of Conduct Policy No. 1500 - Redlined Version****POLICY 1500:*****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~~ policies 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~~ protect the confidentiality of information including information concerning the property, personnel or legal affairs of the City. They shall neither disclose ~~or make accessible~~ 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; in which case the member will include an "in my opinion," or similar disclaimer, and by doing so affirm the respect and integrity in the decision-making process of Council.~~ Members and appointees shall accurately communicate the decisions of Council, even if they disagree with the majority decision of Council; to affirm the respect and integrity in the decision-making process of Council.
- 7.2 When presenting their individual opinions and positions that differ from the majority decision of Council, members and appointees must preface their remarks with "in my personal opinion," or similar, to clearly indicate that they are not speaking as representative of Council as a whole, or the City of Richmond, nor will they allow the inference that they do.
- 7.3 Members and appointees shall not publish or report information that they know to be inaccurate, incomplete, or in other ways misrepresents the City, the process, or a decision of Council.

## 8. Use of Social Media

- 8.1 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.~~ When presenting their individual opinions and positions, members and appointees shall clearly state they do not represent Council by including an indication of a personal account



within the banner of their individual social media site(s), or preface their remarks, with "in my opinion," or similar 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) promotion of illegal activity;
- (d) information that may compromise the safety or security of the public or public systems; and

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 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 If the parties involved are unable to resolve a complaint directly after discussion, Council may resolve it or may refer the complaint to an independent third party chosen by all the parties who shall provide within 90 days a report outlining non-binding recommendations for Council resolution. The Corporate Officer shall receive and retain all such reports when provided.
- 15.6 A violation of this Code of Conduct shall not be considered a basis for challenging the validity of a Council or Committee decision.



Page 10 of 15	<b>RICHMOND COUNCIL CODE OF CONDUCT</b>	<b>Policy 1500</b>
Adopted by Council: TBD		

**Policy 1500:**

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