

CARIBOO REGIONAL DISTRICT

CODE OF CONDUCT AND ETHICS

This Code of Conduct establishes guidelines for the conduct of Board members and assists in providing for the good governance of the Cariboo Regional District.

PREAMBLE

In keeping with the Cariboo Regional District's *Mission Statement and Corporate Values*, the Regional District seeks to maintain and enhance the quality of life for all Regional District residents through effective, responsible and responsive government. To help achieve this goal, members of the Board of Directors (Directors) have committed to strive to ensure that:

- They conscientiously represent the electoral area or municipality they serve while seeking to advance the common good of the region as a whole;
- public business is conducted with integrity in a fair, honest and open manner;
- they perform the functions of office truly, faithfully and impartially to the best of their knowledge and ability exhibiting the personal values of *integrity* – giving the region's interests priority over private individual interests; *honesty* – being truthful and open; *objectivity* – making decisions based on a careful and fair analysis of the facts; *accountability* – being accountable to each other and to the public for decisions taken; and *leadership* – confronting challenges and providing direction on the issues of the day;
- they treat one another, the public and staff and recognize the unique role and contribution each person has in making the Regional District a better place to work and live;
- their conduct in the performance of their duties and responsibilities with the Regional District is above reproach;
- as elected leaders, they hold themselves and their fellow Directors to the highest standard of behavior and conduct;
- decision-making processes are accessible, participatory, understandable, timely, and just, in addition to satisfying the requirements of applicable legislation; and .
- they uphold this Code as a means of promoting the standards of behavior expected of Board members to enhance the credibility and integrity of the Cariboo Regional District throughout the region.
- they promote respectful workplaces that are collaborative and inclusive, that encourage diversity, and that encourage open and robust communication at all times.

APPLICATION OF THE CODE:

1. Public Interest

Directors recognize that they are agents of the public whose primary objective is to address the needs of the citizens.

All members of the Board shall faithfully work toward developing programs to address the needs of the citizens in the course of their duties. Each shall strive to perform at a level that is expected of those who work in the public's interest.

2. Comply with the Law

Directors shall comply with all applicable federal, provincial, and local laws in the performance of their public duties. These laws include, but are not limited to: *the Constitution Act, the Provincial Human Rights Code, the Criminal Code, the Community Charter and the Local Government Act*; laws pertaining to financial disclosures and employer responsibilities; and relevant Regional District bylaws and policies.

3. Conduct of Directors

As public servants, Board members shall observe a high standard of morality in the conduct of their official duties and faithfully fulfill the responsibilities of their offices, regardless of their personal or financial interests.

The conduct of Directors in the performance of their duties and responsibilities with the Regional District must be fair, open and honest.

All Directors will treat one another, Regional District staff and the public with dignity and respect. Directors shall refrain from abusive conduct, intimidating or demeaning behaviour, personal charges or verbal attacks upon the character or motives of other Directors, Regional District staff or the public.

4. Respect for Process

Directors shall perform their duties in accordance with the policies and procedures and rules of order established by the Regional District governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Board by Regional District staff.

All Directors will respect the decisions of the Board, even if they disagree with such decisions.

5. Meetings

Directors shall prepare themselves for meetings, listen courteously and attentively to all discussions before the body, and focus on the business at hand. Cell phones and blackberries should be turned off during meetings, however, if an urgent matter necessitates that a Director take a call or respond to an email during the meeting, the cell phone or blackberry

shall be kept on silent or vibrate and the Director shall immediately leave the meeting to respond to the call or email.

Directors shall make every effort to participate diligently in the activities of the Board and any other committees, agencies or organizations to which they have been appointed by the Board or by virtue of holding the office of an elected official.

Directors shall treat with respect the Chair, colleagues, staff and members of the public present during Board meetings or other Regional District proceedings. They 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.

6. Decisions Based on Merit

Directors shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated circumstances.

Directors shall share with the Board all substantive information that is relevant to a matter under consideration by them which they may have received from sources outside of the public decision-making process. Where a Director may have a concern about information received, the Director may first discuss the information with the Chief Administrative Officer.

7. Communication and Media Relations

Directors will accurately communicate the decisions of the Board, even if they disagree with the majority decision of the Board. The Director may state that he/she voted against a decision but will refrain from making disparaging comments about other Directors or the Board's decision and by doing so will affirm the respect for and integrity in the decision making process of the Board.

8. Conflict of Interest

Directors shall be aware of their responsibilities under Section 787.1 of the *Local Government Act* and Division 6 of Part 4 of the *Community Charter* and shall fulfill the requirements of the legislation to ensure the decision making process is not compromised by a conflict of interest. .

9. Gifts and Favours

Directors shall not accept gifts or favours of any kind whether received in the present or in the future, from a person having, or seeking to have dealings with the Regional District, save 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 Director.

A Director may participate in Regional District programs open to the public and may purchase Regional District property or goods offered for public sale.

10. Improper Use of Influence

No Director shall use the influence of his or her office for any purpose other than for the exercise of his/her official duties.

A Director must not attempt to influence a decision, recommendation or other action:

- at a meeting or other activity where the Director has a conflict of interest;
- in the preparation of staff reports or recommendations;
- in the execution of work delegated to staff, other Directors, or Committees by the Board;
- or
- of other persons or bodies where the Director may have a pecuniary interest in a matter under consideration.

Directors will respect the integrity of the procurement processes and will not show favoritism or bias toward any vendor, contractor or to others doing business with the Region.

11. Confidential Information

Directors shall be aware of their responsibilities under Section 787.1 of the *Local Government Act* and Section 117 of Division 1 of Part 5 of the *Community Charter* and shall fulfill the requirements of the legislation.

No Director shall disclose or release to any member of the public, confidential information acquired by virtue of their office, in either oral or written form except when required by law or authorized by the Board to do so.

No Director shall disclose the substance of deliberations of an in-camera meeting until the Board discusses the information at a meeting that is open to the public or releases the information to the public.

They shall neither disclose confidential information without proper authorization, nor use such information to advance their personal, financial or other private interests.

Confidential information includes discussion regarding the property, personnel or legal affairs of the Region and information provided by a third party on a confidential basis. Confidential information also includes, but is not limited to information:

- Disclosed or discussed at an In-Camera Meeting of the Board;
- That is circulated to Directors and marked “confidential”; or
- That is given verbally in confidence in preparation for or following an in-camera meeting.

12. Access to Information

Directors have the same access rights to Regional District information as any other resident of the Region, unless the information relates specifically to a matter before the Board.

Informal requests for access to information should be referred through the CAO for distribution to appropriate staff unless the request is strictly a technical clarification of information in which case a Director may approach other department heads directly.

When Directors request information from staff that would constitute more than a technical clarification, the response will be provided to all Directors so that all Directors have access to the same information, unless the information is provided through a formal *Freedom of Information and Protection of Privacy Act (FIPPA)* request.

Where a Director requests information that would not normally be readily available to the public except through the provisions of FIPPA, Directors have the right to utilize the provisions of the *Freedom of Information and Protection of Privacy Act (FIPPA)*.

13. Use of Public Resources

Directors shall not use Regional District resources which are not available to the public in general, such as staff time, equipment, supplies, websites, facilities or other property, other than for purposes connected with the discharge of Regional District duties and in no case for personal convenience or profit, except where such privileges are granted to the general public.

14. Advocacy

It is recognized that Directors play a dual role of representing the interests of their respective taxpayers, while recognizing the benefits of regional collaboration and cooperation within the democratic process of decision making as a regional entity. All members of the Board shall respect the diverse interests of its citizenry and the role of Directors to balance the views of their respective jurisdictions with that of other jurisdictions. As such, a Director may oppose a decision of the Board that does not reflect the values or wishes of his/her particular electoral area or municipality. While it is not anticipated that all decisions will be unanimous, it is recognized that the decisions of the Board will be the only position portrayed as a corporate decision.

To that end, Directors shall represent the official policies or positions of the Regional District to the best of their ability when designated as delegates for this purpose. Directors shall observe a high standard of professionalism when representing the Regional District and in their dealings with members of the broader community.

When presenting their individual opinions and positions, Directors shall expressly state that the views are their own and do not represent the views of the Regional District. Directors shall not use Regional District letterhead for personal matters or to convey an opinion on any matter not specifically approved by the Board (i.e. Letter to the Editor).

15. Election Campaign Work

No Directors shall undertake campaign related activities on Regional District property during regular working hours unless specifically organized by the Regional District (ie candidate procedures, all candidate orientation, etc.).

Directors shall not use any Regional District property for campaign work including Regional District photocopiers, computers, email lists, etc.

16. Policy Role

Directors shall respect and adhere to the corporate structure of local government as practiced in the Cariboo Regional District. In this structure, the Regional District Board makes policy decisions while the Regional District staff provide advice and recommendations to the Board and implement the policy decisions of the Board.

In practical terms, there are distinct and specialized roles carried out by the Board as a whole and by individual Directors when performing their other roles. These roles include dealing with constituents and the general public, and participating on various committees, commissions or other agencies to which the Director may be appointed.

Similarly, there are distinct and specialized roles expected of staff both in carrying out their responsibilities and in dealing with the Board. Staff are accountable to the Chief Administrative Officer and the Chief Administrative Officer is accountable to the Board. As such, it is inappropriate for Directors to involve themselves in matters of administration, departmental management, personnel or other administrative responsibilities that fall within the jurisdiction of the Chief Administrative Officer.

The Board as a whole, and not individual Directors, gives direction to staff through Board decisions. The Chief Administrative Officer directs administrative staff and oversees the implementation of Board decisions. Accordingly, Directors shall not request staff to undertake work that has not been expressly authorized by the Board. Directors shall submit such requests directly to the Board or, where the Director believes the request is of a minor nature consistent with corporate policies, to the Chief Administrative Officer who shall determine if the request can be accommodated without compromising other Board-approved directives or if the request needs to be referred to the Board for consideration of resource allocation.

Directors shall not interfere with the administrative functions of the Regional District or with the professional duties of Regional District staff; nor shall they impair the ability of staff to implement Board policy decisions. Any concerns Directors may have regarding the implementation of Board policy decisions shall be directed to the Chief Administrative Officer.

17. Positive Environment

Directors shall treat other Board members, the public and Regional District staff with respect and shall be supportive of the personal dignity, self-esteem and well being of those with whom they come in contact during the course of their professional duties.

Directors have a duty to treat members of the public, one another, and staff appropriately and without abuse, bullying or intimidation, and to ensure that the Regional District environment is free from discrimination and harassment.

18. Relations with Staff

Directors shall acknowledge and respect the fact that staff work for the Regional District as a corporate body and are responsible for making recommendations that reflect their professional expertise and corporate objectives. Directors should expect a high quality of

advice from staff based on political neutrality and objectivity irrespective of party politics or their personal opinions and without undue influence from any individual Director or faction of the Board.

Directors shall refrain from publicly criticizing individual members of staff in a way that casts aspersions on their professional competence and credibility.

No Director shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all Directors shall show respect for the professional capacities of staff.

No Director shall compel staff to engage in political activities or be subjected to threats or discrimination for refusing to engage in such activities. Nor shall any Director use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member in a manner that interferes with that person's duties, including the duty to disclose improper activity.

19. Reprisals and Obstruction

The Regional District will not retaliate against Directors or Regional District staff who, in good faith, report a known or suspected violation of this Code as described herein. Directors will respect the integrity of the Code of Conduct and investigations conducted under it.

Any reprisal or threat of reprisal against a complainant or anyone for providing relevant information in an investigation is, therefore, prohibited.

It is a violation of the Code of Conduct to obstruct an investigation.

20. Implementation

The Regional District's Code of Conduct and Ethics is intended to be self-enforcing. Directors 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 Directors are thoroughly familiar with the Code and embrace its provisions.

For this reason, the Code of Conduct and Ethics will be provided to candidates for Regional District elections. Persons elected to the Regional District will be requested to sign the Director's Statement affirming they have read and understand the Regional District's Code of Conduct and Ethics. The Code of Conduct and Ethics will be reviewed in detail at orientation sessions for new and returning directors following each election or by-election.

21. Compliance and Enforcement

The Regional District's Code of Conduct and Ethics expresses standards of ethical conduct expected for Directors. Directors themselves have the primary responsibility to assure that these ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of the governance of the Regional District.

Part A - Informal Complaint Procedure

Individuals (ie Directors, Regional District employees, or members of the public) or organizations who identify or witness behavior or an activity by a Director that they believe is in contravention of the Code of Conduct for Cariboo Regional District Directors, may wish to address the prohibited behavior or activity themselves as follows:

- (1) Advise the Director that the behavior or activity contravenes the Code of Conduct;
- (2) Encourage the Director to stop the prohibited behavior or activity;
- (3) If unresolved, keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information; and
- (4) In the case of staff or members of the public, advise the Chief Administrative Officer and in the case of Directors, advise the Chair of the Board, about the concern, the comments made to the Director, and the response from the Director; and
- (5) Consider the need to pursue the matter in accordance with the formal complaint procedure outlined in Part B.

Individuals and organizations are encouraged to initially pursue the informal complaint procedure as a means of stopping and remedying a behavior or activity that is prohibited by the Code of Conduct, however, it is not a prerequisite to pursuing a formal complaint.

Part B – Formal Complaint Procedure

(1) Complaint and Review Request:

- a. A Director, Regional District employee, or member of the public who has reasonable and probable grounds to believe that a Director has contravened the Code of Conduct may request that the matter be formally reviewed.
- b. Formal complaints shall be signed by the complainant and submitted in writing to the Chief Administrative Officer (CAO).
- c. The complaint shall set out the grounds for the belief and the alleged contravention.
- d. Any Code of Conduct complaint against a Director received after September 1 in a general election year shall be held in abeyance until the new Board has been sworn in unless a second complaint is received during the interim in which case the normal investigation will proceed.

(2) Initial Review:

- a. The Chair and the CAO will then conduct an initial review of the matter with the complainant and the respondent.
- b. When the Chair and CAO determine that meeting with the complainant and/or respondent is required, they shall provide reasonable notice of such meetings and shall make reasonable efforts to schedule such meetings at a time that is convenient to the complainant and/or respondent. The complainant and/or respondent shall be permitted to bring a third party. Reference to a third party in this instance specifically excludes legal counsel.
- c. The following are some of the potential reasons why a matter may not be pursued:
 - i. the allegations are not within jurisdiction of the policy;
 - ii. a reasonable alternate remedy is available;

- iii. there is insufficient evidence or information;
- iv. an extensive delay or unreasonable delay (i.e. more than six months) has occurred;
- v. the complaint was made anonymously
- vi. the parties have resolved the complaint.

(3) Complaints Involving Executive Committee Member(s) or CAO:

- a. In the event that a member of the Executive Committee or the CAO is a direct party to a complaint under this policy, they shall remove themselves from any role other than that of complainant or responder. In cases involving the CAO, all references to CAO contained within this policy shall be deemed to be the Deputy CAO. In the case of a complaint against the Chair, all references to Chair contained within this policy shall be deemed to be the Vice-Chair. In the case of a complaint against any other member of the Executive, the member shall remove themselves from deliberations of the Executive Committee. If more than one member of the Executive Committee is named in a complaint, the role of the Executive Committee shall be carried out by the full Board.

(4) Mediation:

- a. Where it has been determined to be feasible and where both parties concur, a mediated solution to the dispute will be attempted. A person who has mediation skills and is acceptable to the complainant and the respondent will mediate the dispute. Both parties will have the right to have another person accompany them to the mediation.
- b. Mediation may be attempted at any point in the process of dealing with a complaint where it is considered to be appropriate and have a reasonable chance of resolving the complaint.

(5) Formal Investigation:

- a. When it is not possible to resolve the complaint through discussion or mediation, a full-scale investigation will be conducted.
- b. The CAO and Chair may speak to the complainant, the Director whose conduct is in question, and any other persons relevant to the complaint for the purposes of a complete investigation. Written statements may be requested.
- c. Upon completion of the investigation, the CAO will report to the Executive Committee of the Board with recommendations for any corrective action or settlement of the complaint or shall advise the Committee that no contravention of the Code of Conduct occurred or that such contravention was trivial or inadvertent or an error in judgment made in good faith and recommend that no further action be undertaken.
- d. The Executive Committee shall determine whether the matter has been satisfactorily resolved or whether the matter needs to be referred to the Board for imposition of a formal penalty and may make recommendations as to the penalty that should be considered.
- e. Any corrective action recommended must be permitted in law and shall be designed to ensure that the inappropriate behavior or activity does not continue.
- f. Where the Executive Committee deems the matter satisfactorily resolved, the Executive Committee shall follow up with the parties after a period of three (3)

months to ensure continued satisfaction with the outcome and/or continued progress on any agreed to courses of action and, if necessary, shall continue to monitor progress until such time as the agreed to actions are satisfactorily completed.

- g. Following discussion with the Executive Committee, the CAO shall prepare a final report which shall be provided to the complainant and to the Director whose conduct is concerned advising that either the matter is concluded or that the matter has been referred to the Board for formal consideration.
- h. The Executive Committee may graduate any complaint to the full Board at any stage of the investigation at its discretion.

(6) Frivolous or Vexatious Complaints:

- a. If the CAO is of the opinion that the nature of the complaint is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an inquiry, the CAO may refuse to conduct an inquiry and shall state the reason for not doing so in the report to the Executive Committee.
- b. If the complaint is found to be frivolous or vexatious or not made in good faith as a result of the investigation, the CAO shall so state in the report to the Executive Committee.
- c. Complaints under the Code of Conduct are taken very seriously. As such, where a complaint is found to be frivolous, vindictive or vexatious in accordance with subsections (a) and (b) of this section or where false information has been provided, the complainant or witness providing false information shall be subject to disciplinary measures as follows:
 - i. In the case of an employee, the CAO shall undertake take appropriate disciplinary measures in accordance with the terms of the Collective Agreement.
 - ii. In the case of a Director, the Board shall undertake appropriate punitive actions in accordance with the following section.

(7) Duty of the Board:

- a. The Director shall be advised of the date of the in-camera meetings where the Board will consider the complaint and will hear the Director's response. Where the Director advises the Board that he/she is unable to attend one of the scheduled meetings, the Board shall make all reasonable efforts to consider the matter at a meeting where the Director is present. A Director will not be permitted to unnecessarily delay the process by continued unavailability.
- b. The Board shall, at the in-camera meeting of the Board (first meeting), review the report of the CAO together with copies of the complaint (and any subsequent reports from the complainant) and the statement of the Director whose conduct is being considered, as well as any recommendations from the Executive Committee.
- c. The Board shall provide the Director whose conduct is being considered with an opportunity to address the Board at the next in-camera meeting of the Board immediately following the meeting at which the complaint is first received or as soon as practical thereafter (second meeting).
- d. At the second meeting, the Board shall hear the Director's response (if any) to the allegations and shall consider what, if any, remedial action and/or penalty may be appropriate to impose.

- e. Where it is deemed appropriate to impose a penalty, the Board shall first consider whether or not the breach of this Code breaches the provisions of the *Local Government Act* or the *Community Charter* to the extent that the Director is disqualified from holding office.
- f. Where disqualification is not applicable, the Board may impose one or more of the following penalties on a Director found to be in breach of the Code of Conduct:
 - Censure;
 - Rescission of committee and other appointments; and/or
 - Suspension of the monthly remuneration paid to the Director in respect of his or her duties as a member of the Board for a period of up to 90 days.
- g. Following deliberation by the Board, the CAO shall prepare a final report which shall be provided to the complainant and to the Director whose conduct is concerned advising of the final disposition of the matter.

(8) Confidentiality:

- a. Complaints under the Code of Conduct shall be treated in confidence throughout the complaint, investigation process, Executive Committee deliberation, and initial deliberation by the Board.
- b. If the Board imposes a penalty under subsection 3(d) above, the penalty imposed shall be released to the public at the next scheduled Board meeting.

(9) Reports:

The CAO shall report annually to an open Board meeting within 90 days of the end of the calendar year on complaints received under the Code of Conduct and the disposition of such complaints. Names of complainants or directors who have been complained against but where no penalties have been assessed shall not be included in the report.

22. Impact on Board Decisions

A Violation of this Code of Conduct and Ethics shall not be considered a basis for challenging the validity of a Regional District decision.

Signature of Elected Official

Date