

VILLAGE OF LIONS BAY
CODE OF CONDUCT

A. INTRODUCTION

As local elected and appointed representatives ("Members"), we recognize that responsible conduct is essential to providing good governance for the Village of Lions Bay.

We further recognize that responsible conduct is based on the foundational principles of integrity, accountability, respect, and leadership & collaboration.

In order to fulfill our obligations and discharge our duties, we are required to conduct ourselves to the highest ethical standards by being active participants in ensuring that these foundational principles, and the standards of conduct set out below, are followed in all of our dealings with every person, including those with other members, staff, and the public.

B. HOW TO APPLY AND INTERPRET THIS CODE OF CONDUCT

This Code of Conduct applies to the Council Members of the Village of Lions Bay. It is each Council Member's individual responsibility to uphold both the letter and the spirit of this Code of Conduct in their dealings with other members, staff, and the public.

Elected officials must conduct themselves in accordance with the law. This Code of Conduct is intended to be developed, interpreted and applied by Council Members in a manner that is consistent with all applicable Federal and Provincial Laws, as well as the bylaws and policies of the Village of Lions Bay, the common law and any other legal obligations which apply to Council Members individually or as a collective Council.

Except where otherwise indicated, this Code of Conduct also applies to the members of boards, committees, subcommittees, working groups, task forces and other advisory bodies, collectively referred to as Committee Members. Where the term "Members" is used without qualification, it applies to both Council Members and Committee Members.

C. FOUNDATIONAL PRINCIPLES OF RESPONSIBLE CONDUCT

1. ***Integrity*** – means being honest and demonstrating strong ethical principles. Conduct under this principle upholds the public interest, is truthful and honourable.

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. Conduct under this principle is demonstrated when a Member fosters an environment of trust by demonstrating due regard for the perspectives, wishes and rights of others and an understanding of the role of the local government.

3. ***Accountability*** – means an obligation and willingness to accept responsibility or to account for one's actions. Conduct under this principle is demonstrated when the Council (or other decision-making body of the Municipality), individually and collectively, accept responsibility for their actions and decisions.

4. ***Leadership & 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. Conduct under this principle is demonstrated when a Member encourages individuals to work together in pursuit of collective objectives by leading, listening to, and positively influencing others.

D. STANDARDS OF CONDUCT

Integrity**:** Integrity is demonstrated by the following conduct:

- Members will be truthful, honest, and open in all dealings, including those with other Members, staff and the public.

- Members will ensure that their actions are consistent with the shared principles and values of this Code of Conduct collectively agreed to by the Council.

- Members will follow through on their commitments, correct errors in a timely and transparent manner, and engage in positive communication with the community.

- Members will direct their minds to the merits of the decisions before them, ensuring that they act on the basis of relevant information and principles and in consideration of the consequences of those decisions.

- Members will behave in a manner that promotes public confidence in all of their dealings.

- Members will uphold the public interest, serving citizens diligently to make decisions in the best interest of the community.

Respect: Respect is demonstrated through the following conduct:

- Members will treat every person with dignity, understanding, and respect.

- Members will show consideration for every person's values, beliefs, and contributions to discussions.

- Members will demonstrate awareness of their own conduct, and consider how their words or actions may be perceived as offensive or demeaning.

- Members will not engage in behaviour that is indecent, insulting or abusive. This behaviour includes unwanted physical contact, or other aggressive actions that may cause any person harm or makes them feel threatened.

Accountability: Accountability is demonstrated through the following conduct:

- Members will be responsible for the decisions that they make and be accountable for their own actions and the actions of the collective Council.

- Members will listen to and consider the opinions and needs of the community in all decision-making, and allow for appropriate opportunities for discourse and feedback.

- Members will carry out their duties in an open and transparent manner so that the public can understand the process and rationale used to reach decisions and the reasons for taking certain actions.

Leadership and Collaboration: Leadership and collaboration is demonstrated through the following conduct:

- Members will behave in a manner that builds public trust and confidence in the local government.

- Members will consider the issues before them and make recommendations and decisions as a collective body. As such, Members will actively participate in debate about the merits

of a recommendation or decision, but once a recommendation or decision has been made, all Members will recognize the democratic majority, ideally acknowledging its rationale, when articulating their opinions on a recommendation or decision.

- Members will recognize that debate is an essential part of the democratic process and encourage constructive discourse while empowering other Members and staff to provide their perspectives on relevant issues.

- As leaders of their communities, Council Members will calmly face challenges, and provide considered direction on issues they face as part of their roles and responsibilities while empowering their colleagues and staff to do the same.

- Members will recognize, respect and value the distinct roles and responsibilities others play in providing good governance and commit to fostering a positive working relationship with and among other Members, staff, and the public.

- Members will recognize the importance of the role of the chair of meetings, and treat that person with respect at all times.

E. SPECIFIC AREAS OF ETHICAL CONDUCT

***Confidential Information*:** Members shall respect the confidentiality of information that could reasonably harm the interests of individuals or organizations, including the Village of Lions Bay, if disclosed to persons who are not authorized to access the information, as well as information to which section 117 of the *Community Charter* applies. Members shall neither disclose confidential information without proper authorization, nor use such information to advance their personal, financial or other private interests.

Conflict of Interest: Council Members are expected to make decisions that benefit the community. They are to be free from undue influence and shall not act or appear to act in order to gain financial or other benefits for themselves, family, friends, or business interests. Council Members must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their duties in accordance with the statutory requirements of Part 4, Division 6 of the *Community Charter*.

Committee Members are uncompensated volunteers who are expected to provide advice and recommendations in the best interests of the community. They are to be free from undue influence and shall not act or appear to act in order to gain financial or other benefits for themselves, family, friends, or business interests. They are required to be vigilant for issues of real or perceived conflict of interest and declare any such conflicts openly and immediately,

removing themselves from the meeting room and any discussion of the matter. The CAO is available to discuss issues of conflict with a potentially affected Committee member.

Gifts and Personal Benefits: The receipt and reporting of gifts and personal benefits is dealt with under sections 105 and 106 of the *Community Charter*.

Council Members must not accept a gift or personal benefit that could reasonably be expected to result in a real or perceived conflict of interest, and to assist in avoiding that situation, Council Members will not accept gifts or personal benefits having a value that exceeds $50.00 from business or commercial enterprises or, where the total value of such gifts and benefits, received directly or indirectly, from one source in any twelve (12) month period, would exceed $250.00.

It is the responsibility of Council Members to be familiar with the provisions in the *Community Charter* relating to acceptance and disclosure of gifts and to ensure that they comply with these requirements as contemplated by the statute.

Policy Role of Members: As a general principle, the Municipality adopts the one employee model where Council's point of contact with staff is the Chief Administrative Officer. In this model, the Council determines the policies of the Municipality with advice, information and analysis provided by Municipal staff. Council Members, therefore, shall not interfere with the administrative functions of the Municipality or with the professional duties of Municipal staff. Council Members will defer to the authority and responsibility of the Chief Administrative Officer on all matters relating to the management of staff or their duties and shall not impair the ability of staff to implement Council policy decisions.

Respectful Workplace Environment: Members shall be aware of and act in accordance with the Village of Lions Bay Respectful Workplace Policy No. 1501.

F. BREACHES, COMPLAINT HANDLING AND DISCIPLINARY ACTION

Council Members are to abide by the requirements of the *Community Charter* and this Code of Conduct, and shall endeavor to resolve disputes in good faith, recognizing that interpersonal rancor does not facilitate good governance.

Alleged breaches of this Code of Conduct by Members shall be submitted in a written complaint addressed to the Mayor and the Chief Administrative Officer within six (6) months of the last alleged breach. In the event that the Mayor is the subject of, or is implicated in the complaint, the complaint shall be addressed to the current Acting Mayor unless that individual is the subject of, or implicated in the complaint.

The matter shall be set down for consideration by Council on a Closed Council Meeting Agenda within a timeframe which provides the person alleged to have breached this Code of Conduct at least 21 days notice of complaint particulars and an opportunity to be heard. Upon hearing the matter, Council may:

a. dismiss the complaint;
b. require that the Member apologize to any person adversely affected by a breach of this Code of Conduct;
c. remove the Member from a Committee;
d. censure a Council Member for breach of this Code of Conduct;
e. recommend counselling for a Council Member;
f. make such other recommendation as Council may deem appropriate; or
g. refer the matter to appoint an independent third party identified and agreed between the Complainant(s) and Respondent(s) as having the necessary professional skills, knowledge and experience to investigate the complaint (the "Third Party Investigator") and make recommendations to Council. If the parties cannot agree on the choice of investigator, the nominee of the Complainant(s) and the Respondent(s) shall jointly select a suitable Third Party Investigator.

Where a Council Member alleges a breach of this Code of Conduct by a fellow Council Member, all Council Members shall refrain from commenting on such allegations at open meetings of Council pending the conclusion of the investigation and any decision of Council.

Council Members who retain legal counsel to represent them in proceedings under this section may request in writing that the Municipality indemnify them for their reasonable costs of representation, in accordance with section 740 of the *Local Government Act*.

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Date Name