



# Responsible Conduct: UBCM Clinic

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# Clinic Outline

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- Resources

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## 02. Status Update

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- Oath of office
- Education module

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- Research/analysis
- Monitoring
- Education materials

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- Type of Approach



# Background & Context

## What is responsible conduct?

- Elected officials conducting themselves with *integrity, accountability, respect, and leadership and collaboration* with colleagues, staff, and the public

## Why is it important?

- Responsible conduct is central to governance – conduct issues impair good governance and erodes public trust

## What is the Working Group on Responsible Conduct?

- Staff-level partnership between the UBCM, LGMA, and Municipal Affairs
- Formed to better understand issues related to responsible conduct and to explore how B.C.'s responsible conduct framework could be further strengthened



Ministry of  
Municipal Affairs



**LGMA**  
LOCAL GOVERNMENT  
MANAGEMENT ASSOCIATION  
OF BRITISH COLUMBIA

# Responsible Conduct Resources

- Foundational Principles of Responsible Conduct
- Model Code of Conduct
- Code of Conduct Companion Guide



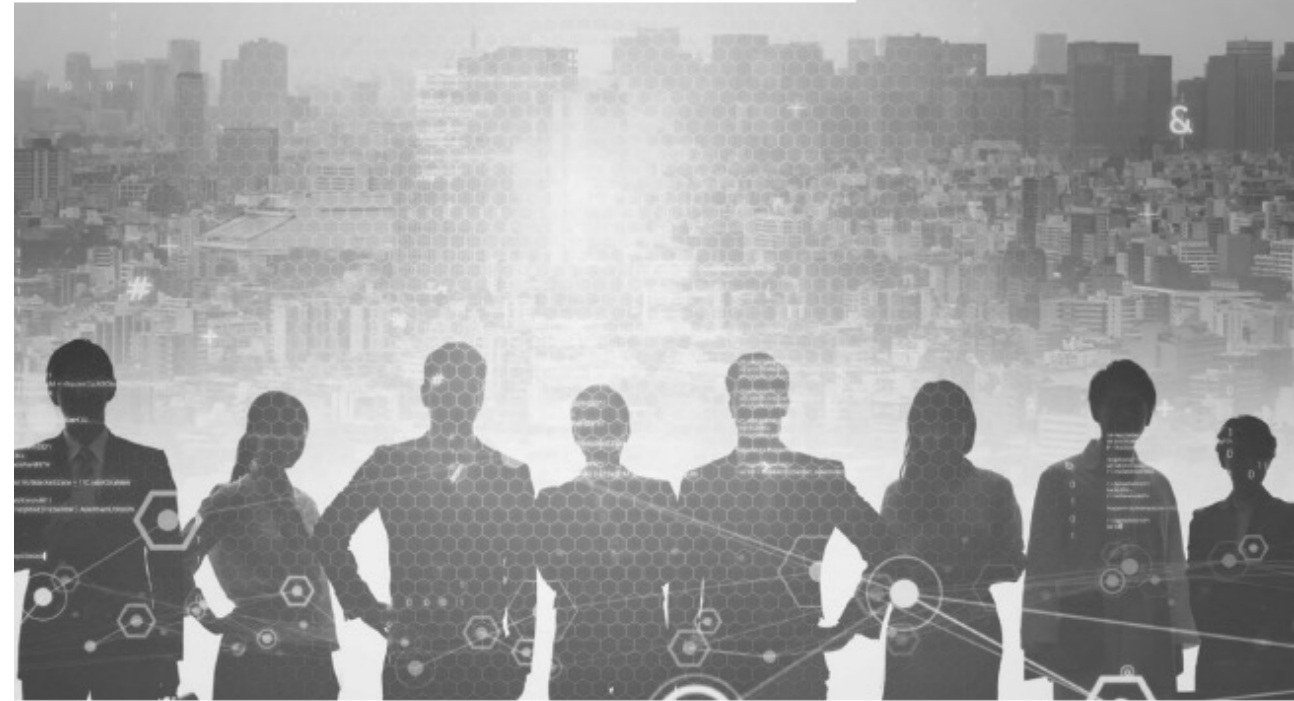
# Responsible Conduct Resources

Resource includes practical ways to help prevent conduct issues and handle these issues if they do arise.

Include:

- Fostering responsible conduct
- Maintaining good governance when conflict occurs
- Resolving conflict informally
- Code of conduct enforcement

## Forging the Path to **RESPONSIBLE CONDUCT** In Your Local Government



WORKING GROUP ON RESPONSIBLE CONDUCT

APRIL 2021

# Status Update

## SR3 Strengthening Responsible Conduct

UBCM Executive

Whereas responsible conduct of elected officials, both individually and collectively as a Council or Board, is essential to sound and effective governance;

And whereas local governments are best served by tools and resources that reflect the legislative framework for local government in British Columbia, which is based on foundational concepts of autonomy, empowerment, accountability and collaboration:

Therefore, be it resolved that UBCM ask the provincial government to:

- Introduce a legislative requirement that all local governments in British Columbia must consider the adoption or updating of a Code of Conduct at least once early in each new term of office;
- Work collaboratively with UBCM and others to consider the design of a mandatory educational module that would support responsible conduct by local elected officials;
- Update the oath of office prescribed by regulation to embed the foundational principles identified by the Working Group on Responsible Conduct; and
- Provide guidance for local governments that have established an oath of office by bylaw so that these oaths may be updated with the same foundational principles for responsible conduct.

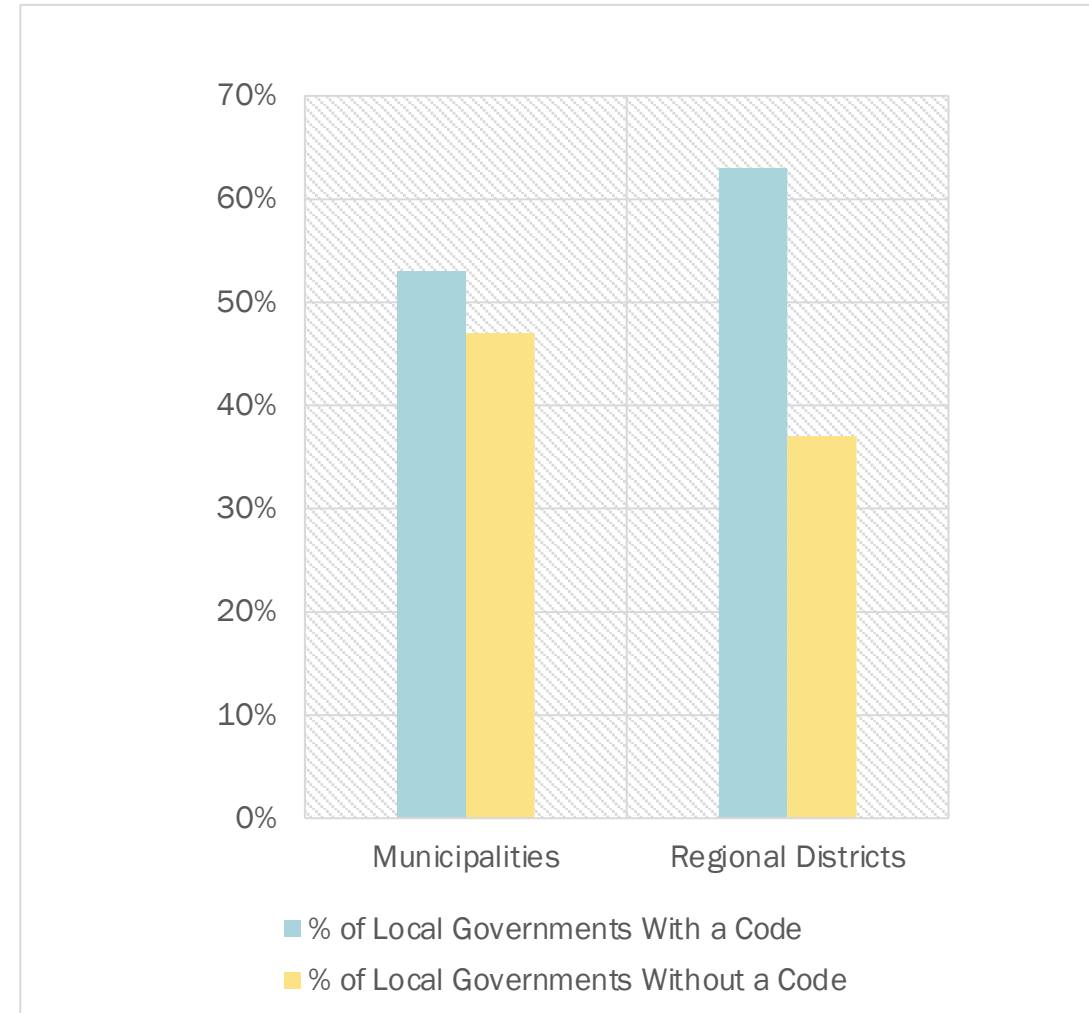
*UBCM Resolutions Committee recommendation:*

***Endorse***

# Status Update: Codes of Conduct

## What do codes of conduct currently look like in British Columbia?

- An increasing number of local governments have a code of conduct
- Codes of conduct are new to many local governments and there continues to be new questions and lessons learned throughout the process
- The WGRC has various resources available to support local governments during their development of a code (e.g., model code of conduct, companion guide)



# Status Update: Code of Conduct Legislation

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## What are the new requirements?

- Requires councils and boards to consider a code of conduct within 6 months of its first regular meeting following a general local election.
- Councils and boards must reflect on the foundational principles of responsible conduct during this consideration.
- If the council or board decide not to establish a code of conduct or review an existing code of conduct, a public statement indicating the reasons for the decision must be made.
- If the council or board decides not to establish a code of conduct or review an existing code of conduct, then they must reconsider that decision before January 1 of the year of the next general local election.





# Status Update: Oath of Office

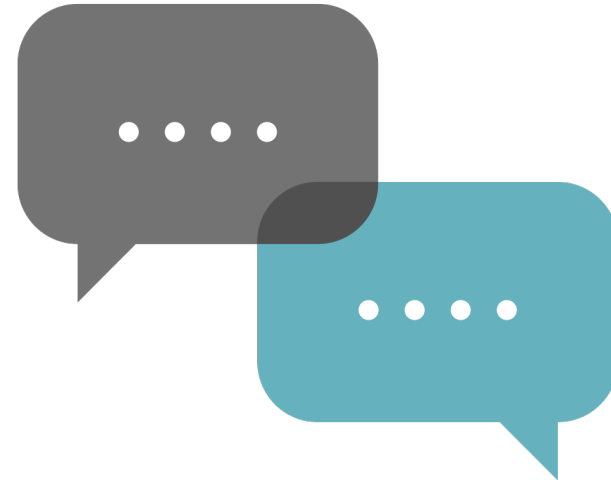
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## Why did we make this change?

- 89% of local governments use the oath of office prescribed by regulation
- Responds to SR3

## What are the new changes?

- Inclusion of the foundational principles of responsible conduct
- Inclusion of a statement about abiding by the law
- Use of more accessible language



# Status Update: Education Module

## New Course: *Responsible Conduct Every Day*

Key objectives of course:

- Raise awareness of the foundational principles that support responsible conduct which includes various sub-themes (e.g., anti-racism, appropriate elected official relationships with staff, social media)
- Expand the knowledge and skills of elected officials related the foundational principles
- Give participants an opportunity to test their knowledge by applying it to scenarios that relate to each of the foundational principles



# What We Have Heard



## Responsible Conduct Needs to Start Early

- Responsible conduct needs to start before individuals are elected to office
- Focus on incorporating responsible conduct into elections materials for local candidates



## Interest in Integrity Commissioners

- Resolution 2020-NR1 (Independent Office of Integrity for Local Government) was endorsed at the 2021 UBCM Convention
- WGRC has undertaken preliminary research on integrity commissioner systems across Canada

# What We Have Heard: Election Resources

New education initiatives for the 2022 General Local Election:

- New webinar series: “Being an effective elected official”
- Brochure: “Thinking About Running for Local Office”?

Embedded the foundational principles in all election education materials



# What We Have Heard: Integrity Commissioners Across Canada

## Alberta, Saskatchewan, & Manitoba

- Council appointed, voluntary
- Advisory, education, and investigative role
- Council establishes sanctions and decides whether to sanction upon recommendations
- Maximum sanction is a reduction or suspension of remuneration
- \$150,000-200,000 annually

## Ontario

- Council appointed, mandatory
- Advisory, education, and investigative role
- Municipalities can share a commissioner
- Council decides whether to sanction upon recommendations
- Maximum sanction is a 90-day suspension without pay
- \$3,000 monthly/\$280 hourly

## Québec

- Centralized mandatory
- Investigations assigned to members/lawyers
- Provides list of ethics advisors that may be used at the expense of the local government
- Commission decides to sanction
- Maximum sanction is a 90-day suspension without pay
- \$11.7 million annually

# What We Have Heard: Integrity Commissioners in B.C.

- Present in Surrey and Vancouver
- Voluntarily established by local governments; not enabled by legislation
- Appointed and removed by council/board
- Financed by local government (approx. \$200,000 annually)
- All local governments that have an integrity commission also have a code of conduct
- Responsible for investigating code of conduct complaints and providing advice and education to the council on responsible conduct
- Recommends penalties when code is breached, but council makes final decision



# What We Have Heard: Integrity Commissioner Considerations

## What can an integrity commissioner do?

- Investigate code of conduct complaints
- Give advice on local government ethics
- Provide recommendations regarding possible sanctions for council decision

## What can't an integrity commissioner do?

- Moderate behaviour during council/board meetings
- Enforce sanctions
- Remove an individual from council

## What would councils/boards still need to do with an integrity commissioner in place?

- Develop and review their code of conduct (including complaint intake and investigation process, setting sanctions)
- Decide whether to sanction an individual based on recommendations made by the integrity commissioner
- Continue to work with colleagues after a complaint has been filed/sanctions have been delivered

# What We Have Heard: Integrity Commissioner Considerations

## What areas require further consideration before moving forward?

- Type of integrity commissioner model
- Functions and authorities provided to position
- Role of local governments
- Complaint mechanism
- Sanctions
- Funding arrangements
- Impact on existing responsible conduct tools





# Next Steps

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- Further research and analysis on integrity commissioner models in the context of B.C.
- Monitoring and evaluating new responsible conduct tools and resources
- New education resources based on the Forging the Path Responsible Conduct guide (e.g., webinar series)



# District of Squamish's Approach & Outcome

## Process

- Lightbulb moment in 2021 at LGLA
- Introduced the concept to staff & council
- Phased workshop approach with legal and Corporate Officer support
- Started February 2022, adopted July 2022
- Hypothetical scenarios to test robustness
- Putting the process documents together now

## Comprehensive Approach

- Clear conduct expectations at meetings, in the community, on the campaign trail and on social media;
- A thorough complaint and resolution process that includes an informal process as well as a formal process conducted by a third-party investigator; and,
- Staged reduction in remuneration for breaches of the code of conduct, and vexatious complaints.
- Code of Conduct Bylaw is explicitly linked to Remuneration Bylaw, Procedure Bylaw, Respectful Workplace Policy and Community Charter conflict of interest rules.



**Thank you!**

**Any questions?**

