

PURPOSE

The Code of Ethics expresses standards of ethical conduct expected for all employees and members of City Council.

Council Members 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 City.

And,

The effective management and operation of a Municipal Government requires that employees be independent, impartial, and responsible to City Council and the Citizens; that their positions not be used for personal advantage; and that the public have confidence in the integrity of the civic employee. Employees are expected to adhere to acceptable standards of behaviour, which sets the foundation of the organization's culture.

All employees are requested to carefully read the Code and become familiar with its provisions. Employees are cautioned that failure to obey any of the rules in the Code may lead to disciplinary action against the employee.

APPLICATION

The rules set out in the City of Colwood Code of Ethics apply to all exempt and regular employees of the City of Colwood, plus, where applicable, to City Council and its appointed Committees members unless otherwise stated.

Definitions

“Council” means the City of Colwood elected representatives and does ***not*** include its appointed public members to established committees, boards etc.

“Development Application” means an application brought forward by a property owner or owner representative or developer of a piece of property within Colwood that requires, rezoning, a variance, development approval or building permit permission.

“Employee” means an officer or employee of the City of Colwood.

“Family Company” means a company of which an employee or an immediate relative of the employee has an ownership interest.

"Immediate Relative" means a spouse, parent, child, brother, sister, brother-in-law, or sister-in-law of a municipal employee.

"Indirectly" means through any other person, including a company, trustee or immediate relative.

"Officer" means an Officer position as defined in the Colwood Officers Bylaw, and their deputies.

"Conflict of Interest" - General Conduct and Disclosure

Mayor and Councillors are expected to make decisions and take actions based on the best interests of the City of Colwood, as a whole, and not based on personal relationships or benefits. Generally, a "conflict of interest" is an activity that is inconsistent with or opposed to the best interest of the City of Colwood or one which gives the appearance of impropriety, such as mayor or Councillors obtaining a benefit for themselves, friends or family members. Conflicts of interest can compromise the ethical behaviour of elected officials, therefore they should be avoided.

If an elected official has a conflict of interest or potential conflict of interest in a matter and is present at a meeting at which that matter is considered, then the elected official:

1. must disclose at the meeting the official's pecuniary interest (see definition under "Conflict of Interest" – Pecuniary Interests) and the general nature of the pecuniary interest;
2. must not remain or attend at any part of a meeting during which the matter is under consideration and must leave the room in which the meeting is taking place;
3. must not take part in the discussion of or vote on any question in respect of the matter; and
4. must not attempt in anyway, whether before, during or after the meeting, to influence the voting on any question in respect of the matter.

"Conflict of Interest" - Pecuniary Interests

A "pecuniary interest" means, with respect to elected official, an interest in a matter that could have a financial affect on that official, and includes an indirect pecuniary interest. The pecuniary interest of a spouse, parent or child of a director is, if that pecuniary interest is known to that official, also the pecuniary interest of the official.

There are situations that could give rise to a conflict of interest. The most common examples are (i) accepting gifts, favours or kickbacks from; (ii) close or family relationships with suppliers, developers and builders; (iii) releasing confidential information to those not authorized to receive it or using such privileged information inappropriately.

POLICY

Employee Standards

All employees must support and adhere to all established policies, rules, regulations and objectives of the City in all areas of activity and must not release or discuss non-routine City or departmental business without prior authorization.

Employees must maintain the performance levels set by the Department in the execution of all duties and responsibilities and shall not receive or solicit a subscription, gratuity, or fee for or in conjunction with any service or presumed service performed by him/her as an employee.

Safety in the work place is an objective and a priority. Officers and employees are encouraged to take responsibility for their own personal safety and to pursue learning about and understanding the City's objectives and goals and their importance to the community.

Employee Political Activity

School Boards, Municipal, Provincial or Federal – elected positions

The provisions under Employee Political Activity are superseded by any Act or Regulation governing this issue.

Employees are disqualified from being nominated for, being elected to or holding office as a member of the council of the municipality in which they work or the regional district in which the municipality is located unless they are granted a leave of absence. Approval to be away from work for such activity must be granted by the department director and CAO. Leaves of absence or increments of time off may be approved, without pay.

Before being nominated the employee must give notice in writing to his/her employer, is entitled to and must be given a leave of absence as provided for in the *Local Government Act* and the *Employment Standards Act*, must – if elected - resign from their position with the employer before making the oath of office, and can include in their resignation that their resignation is conditional on their election not being declared invalid on an application under the *Local Government Act*.

An employee shall be entitled to a leave of absence without pay if they are candidates in a Provincial or Federal election. Upon election, the employee must resign from the City's service. An employee who seeks election and is not elected shall be entitled to return to the same or similar employment effective the day after the election. Candidates are entitled to a leave of absence from employment pursuant to the relevant legislation (e.g. Elections Act, Employment Standards Act).

Employees have every right to join a Provincial or Federal political party or other political organization; participate actively in the internal affairs of a Federal or Provincial political party or organization; hold an office in a Provincial or Federal party or organization; and

solicit financial or other contributions for Federal or Provincial elections or campaigns.

Obligation to Citizens

Employees shall not grant any special consideration, treatment or advantage to any citizen beyond that which is available to all, not place themselves in a position where they are under obligation to any person who might benefit from special consideration or favour on their part, or who might seek preferential treatment in any way.

Financial Advantage

Employees must not pass on to friends, relatives or other person any information concerning the municipality that might confer a financial advantage on that person.

Confidential Information

An employee or Council shall not use information concerning a property, personnel or legal affairs of the City or information not normally available to the general public for their or others personal gain, unless it is in the course of the employee's or Mayor/Councillor's duties to do so, or otherwise authorized.

An employee shall not use information which is not available to the general public for his or her own personal profit or advantage and shall not provide such information to others unless it is in the course of the employee's duties to do so.

Working on or Promoting Development Applications

An employee must ensure timely and full disclosure to a client or employer of a possible conflict of interest arising from their private or professional activities. Employees must not offer or accept any financial or other inducements, including prospective employment that could, or appear to, influence or affect professional opportunities or planning advice. As an employee of the City, one must not give professional planning advice for compensation to a private client or employer within the jurisdiction of the City without disclosure to the agency and written consent. Further, an employee of the City must not, as a consultant to a public agency during the period of a contract with the agency, give profession planning advice for compensation to others within the jurisdiction of the agency without disclosure to the agency and written consent in situations where there is a possibility of a conflict of interest arising. Refer to the provisions set out in the *Canadian Institute of Planners Code of Professional Conduct*.

Purchase of Property

Any officer who purchases, directly or indirectly, any real property located in the City of Colwood other than a personal residence or a residence for an immediate relative or property intended as a future residence for the Officer or an immediate relative, shall give written notice of the purchase to the City Council within thirty days of the completion of the purchase.

Tax Sale of Lands

An employee or member of Council shall not directly or indirectly bid on or acquire any property at any tax sale of lands for delinquent taxes held by the City.

Contract with the Municipality

An employee or municipally elected representative shall declare to the City Council, in writing, any interest held directly or indirectly by themselves or their spouse/partner in a contract or a proposed contract with the City at their earliest opportunity.

An employee at City Hall, Public Works, Fire Department or RCMP or any of their immediate relatives may not enter into a contract for the sale of goods or services to the city, if the goods or services are intended to be supplied to the department in which the employee works. An employee or their immediate relative shall not engage in any contract with the city that as an employee they can directly influence the decision of award of the contract.

Development Applications

An employee shall at the earliest opportunity declare to the City Council, in writing, any interest in any property directly or indirectly owned, leased or held under an Option to Purchase by the employee or their spouse/partner which is subject to:

- a) a rezoning application;
- b) a subdivision application;
- c) an application for a Development Permit;
- d) a request for an exemption from the requirements of a Development Permit/Development Permit Area
- e) an application for a Development Variance Permit
- f) an application for an amendment to the Official Community Plan;
- g) an application for a temporary commercial or industrial use permit;
- h) an application for conversion of a residential building to a condominium;
- i) an application for exclusion from the Agricultural Land Reserve;
- j) an application for inclusion into a Sewer Local Service Area.

Outside Employment

Employees may take supplementary employment, including self employment, unless such employment or business undertaking: interferes with the performance of their duties as a City employee; an advantage is derived from their employment with the City; in a professional capacity that will, or is likely to adversely influence or adversely affect the carrying out of duties as a Civic employee; appears to represent the City in some way; creates a conflict of interest between City obligations and private service being provided; where the employee accepts any outside employment in which such employment commitment is made in presumption by the outside employer of certain expertise and skills related to his function with the City.

Further, an employee shall not promote a private interest which will result in: Interference with the performance of his/her duties; a gain or advantage as a result of his/her responsibilities with the City; and the use of municipal property or time.

Gifts, Favours and Discounts

Generally, employees and Council members shall not accept any money, property, position

or favour of any kind whether to be received at the present or in the future, from a person having, or seeking to have dealings with the City, save for 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 those involved. An employee or Council member may participate in City programs open to the public and may purchase City property or goods offered for public sale. Council and staff should review the *Restrictions on Accepting Gifts* and *Disclosure of Gifts* requirements outlined in the *Community Charter*.

Solicitation

Employees are not permitted to receive or solicit a subscription, gratuity or fee for or in connection with any service or presumed service performed as a City employee, unless it is part of official sanctioned City business.

Generally personal gifts, seasonal gifts and other token of appreciation should not be accepted. However, there may be times when such gifts are left or could be shared with all employees and Council. Such gift(s) may be shared, or distributed in a fair way.

Notwithstanding the above, Council members and employees may take advantage of discounts for goods and services *offered* (not permitted to ask for a discount) by a business, but must pay for the service or goods immediately so that no invoice is submitted to the City.

Exceptions

The rules set out in ***Gifts, Favours and Discounts*** and ***Solicitation*** do not apply to:

- The acceptance of giveaway merchandise such as hats, mugs, pens and t-shirts having a retail value under \$50.
- The acceptance of any gift or prize of any value which is turned over by the employee to a manager for use in an employee or charity draw.
- Any gifts of food or beverages (other than liquor) which are consumed on City premises.
- The acceptance of gifts or gratuities from residents at Christmas and other recognized holidays or celebrations.
- The acceptance of tips or gratuities by food and beverage workers in accordance with the industry standard.

Prizes Won at Functions

Council members and employees attending conferences, trade shows or any function/event that is to do with City business may keep their winnings, but Council members must file a disclosure statement with the Corporate Officer where the value of the prize is over \$250.

Council and Committees

Act in the Public Interest

Recognizing that the City seeks to maintain and enhance the quality of life for all City residents through effective, responsive and responsible government, members will conduct their business with integrity, in a fair, honest and open manner, while respecting the confidentiality requirements of the municipality and obligations under the *Freedom of Information and Protection of Privacy Act* and *Personal Information Protection Act*.

Comply with the Law

Members 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 *Freedom of Information and Protection of Privacy Act*; the *Personal Information Protection Act*; the *Local Government Act*; *Community Charter*; laws pertaining to financial disclosures, and employer responsibilities; and relevant City bylaws and policies.

Conduct of Members

The conduct of members in the performance of their duties and responsibilities with the City must be fair, open and honest. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, committees, the staff or the public. All members should familiarize themselves with *Workers Compensation Amendment Act, 2011 (Bill 14)*, which addresses bullying and harassment in the workplace, the City's "Harassment in the Workplace Policy HAR 001 (which is based on the B.C. Human Rights Act), and the *B.C. Human Rights Act*.

Respect for Process

Members shall perform their duties to the best of their abilities 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.

Conduct of Public Meetings

Members shall prepare themselves for public meetings; listen courteously and attentively to all public discussions; and focus on the business at hand. They shall obey the rules of order for running meeting.

Decisions Based on Merit

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

Communication

Council members shall publicly share substantive information that is relevant to a matter under consideration by the Council or a committee, which they may have received from sources outside of the public decision-making process. For clarity, refer to the *Local Government Act* (Public Hearings). Disclosure of personal information contained in

submissions will be pursuant to the provisions of the *Freedom of Information and Protection of Privacy Act*.

Conflict of Interest

The Mayor and Councillors shall be aware of and act in accordance with Division 6 of the *Community Charter*, and shall fulfill their *Oath of Office*.

Advocacy

Members shall represent the official policies or positions of the City Council or committee to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent Council, their committee or the City of Colwood.

Policy Role of Members

Members shall respect and adhere to the Council-Chief Administrative Officer structure of government as practiced in the City of Colwood. In this structure, the Council determines the policies of the City with the advice, information and analysis provided by the public, committees, and City staff. Members, therefore, shall not interfere with the administrative functions of the City or with the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.

Positive Work Place Environment

Members shall treat other members, the public and City staff with respect and shall be supportive of the personal dignity, self-esteem and well being of those with whom they come in contact with during the course of their professional duties. Members shall be aware of and act in accordance with the City's Harassment in the Workplace Policy and *Workers Compensation Amendment Act, 2011 (Bill 14)*.

Breach of Code and Consequence

The City of Colwood Code of Ethics expresses standards of ethical conduct expected of members of the City Council and committees. Members themselves have the primary responsibility to ensure 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 City of Colwood.

Council may impose sanctions, such as motion of censure, on members whose conduct does not comply with the City's ethical standards. Depending on statutory authority, the Mayor and/or Council may also rescind the appointment of a member to one or all the committees the member belongs for breaching the Code of Ethics.

To ensure procedural and administrative fairness, a member who is accused of violating any provision of the Code of Ethics shall have a minimum of one week, or the time between two consecutive meetings, whichever is greater, to prepare his or her case to respond to these allegations. Before considering a sanction, Council must ensure that a member has:

1. received a written copy of the case against him or her;
2. a minimum of one week, or the time between two consecutive meetings, whichever is greater, to prepare a defence against any allegations; and
3. an opportunity to be heard.

A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Council or committee decision.

Written allegations of impropriety, contravention of the Criminal Code, oath of office, disqualification and conflict of interest shall be handled by the Chief Administrative Officer, who shall review the matter properly and fairly and take whatever action is considered necessary in consultation with the Mayor (or delegate). If deemed necessary by the CAO, the matter may be referred to the RCMP. The matter is to be dealt with in strict confidence, except for non-detail information being provided to Council in camera.

In a situation where there is a breach of the Code of Ethics Policy as a result of a substantiated claim of conflict of interest, Staff are to determine if the outcome of a resolution voted on might have been different if the member in conflict had not voted and take appropriate action.

Policy COD 001 Adopted by Council: 2009-11-23
Revised Policy COD 001 Adopted by Council: 2014:02:11
Amended Policy COD 001 Adopted by Council: 2014:02:24