



**City of Maple Ridge**

**Council Conduct Bylaw No. 7637-2020**

A bylaw to govern the conduct of City of Maple Ridge elected officials

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WHEREAS the public expects elected representatives to be held to a professional standard of conduct with accountability mechanisms to motivate compliance with that standard;

AND WHEREAS the conduct required and expected of Council Members is defined within numerous enactments passed by various legislative authorities;

AND WHEREAS the City of Maple Ridge Council desires to be open, transparent and comprehensive in communicating conduct-related requirements to the public and its Members;

NOW THEREFORE pursuant to the above-recited rationale, the Council of the City of Maple Ridge, in open meeting assembled, enacts as follows:

## Part 1 - INTRODUCTORY ELEMENTS

### 1. Name of Bylaw

This Bylaw may be cited as "Council Conduct Bylaw No. 7637-2020".

### 2. Purpose

(1) To set standards of conduct for Council Members, set out how complaints of misconduct can be made, how complaints will be investigated and the sanctions that can be imposed. This bylaw allows for complaints by Council members, staff and contracted service providers. The purpose is to:

- (a) Establish and identify existing standards of conduct for members of Council relating to their duties and obligations as elected representatives of the City,
- (b) Establish a process for making and investigating misconduct complaints, and
- (c) Outline a set of sanctions to deter misconduct and maintain public confidence.

(2) The process and sanctions established in this Bylaw may be in addition to penalties imposed by other government authorities for contraventions of provincial and federal enactments.

### 3. Definitions

**"Accountability"** – means an obligation and willingness to accept responsibility or to account for ones actions. Conduct under this principle is demonstrated when Council Members, individually and collectively, accept responsibility for their actions and decisions.

**"Administration"** – means the collective body of City employees, those providing municipal services and contractors hired to provide municipal services under the leadership of the Chief Administrative Officer.

**"Complainant"** – means a **Member** who makes a complaint under the **Formal Complaint Process** or the **Informal Complaint Process**.

**"Formal Complaint Process"** – means the process outlined in Schedule 2, attached to and forming part of this bylaw.

**"Informal Complaint Process"** – means the process outlined in Appendix B, attached to this bylaw for reference and convenience.

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

**Investigator** – means Council or the individual or body appointed by Council to investigate and report on complaints through the **Formal Complaints Process**.

**Legislative Authority** – means the statutory authority of the order of government referenced.

**Medical Professional** – means a physician registered with the College of Physicians and Surgeons of British Columbia who is the treating physician or specialist.

**Member** – means the Mayor or a Councillor of the City of Maple Ridge.

**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.

**Subject** – means the **Member** who is the subject of a complaint made under the **Formal Complaint Process**.

## Part 2 - CONDUCT AND EXPECTATIONS

### 4. Adherence to the Law

- (1) **Members** shall comply with the law applicable to **Members** and Council established by Government of Canada, including but not limited to the *Canadian Charter of Rights and Freedoms*, and the *Criminal Code of Canada*.
- (2) **Members** shall comply with the law applicable to **Members** and Council established by Government of British Columbia, including but not limited to the *Community Charter*, the *Local Government Act* and the *Freedom of Information and Protection of Privacy Act*.
- (3) **Members** shall comply with the bylaws and policies applicable to **Members** and Council established by the City of Maple Ridge, including those referenced within this Bylaw, and all other bylaws, policies and Council resolutions that remain unrepealed.
- (4) If a discrepancy between a bylaw or policy exists between the City's website version and the official records, the latter shall prevail.
- (5) **Members** shall recognize that any inconsistency between a provision of this Bylaw and Provincial enactments will be subject to section 10 of the *Community Charter*.

### 5. Oath of Office (and see Appendix A)

**Members** shall, for their full term of office, uphold their *Oath of Office*.

### 6. Code of Conduct (and see Schedule 1)

- (1) **Members** shall comply with the provisions in *Schedule 1 - Council Code of Conduct*.
- (2) Within the first three months of each Council term of office, Council will review and endorse *Schedule 1 - Council Code of Conduct* or an amended version thereof.

### 7. Interactions with Administration

- (1) **Members** shall not involve themselves in matters of **Administration** except where Council or the Chief Administrative Officer has approved the involvement or where there is **Legislative Authority** for it.
- (2) **Members** are to direct inquiries regarding departmental issues and questions to the Chief Administrative Officer and refrain from contacting other staff without first obtaining the approval from the Chief Administrative Officer.
- (3) **Members** shall comply with the requirements established by *WorkSafeBC* under the authority of the *Workers' Compensation Act* to provide a healthy and safe workplace for employees.
- (4) **Members** shall comply with the requirements established by the City's *Respectful Workplace Policy No. 30.11* to provide a respectful work environment.

## 8. Council Meetings and Attendance

- (1) **Members** shall comply with the provisions of Council Procedure Bylaw No. 6472-2007.
- (2) **Members** requesting an exemption from disqualification from holding office under Community Charter section 125(5) due to consecutive absences relating to illness or injury must produce a note to Council **Members**:
  - (a) on or before the disqualifying period of absences expire, and
  - (b) from a “**Medical Professional**” indicating
    - (i) that the **Member** is ill or has suffered an injury; and
    - (ii) the expected date upon which the **Member** may resume their duties on Council.

## 9. Committees of Council

- (1) **Members** shall comply with the provisions of the City’s most current Council and Staff Liaison Roles Policy No. 3.10.
- (2) **Members** shall comply with the provisions of the City’s most current Committees of Council Policy No. 3.11.

## 10. Communication

**Members** shall comply with the provisions of the City’s most current Communication Policy No. 5.41.

## 11. Social Media

**Members** shall comply with the provisions of the City’s most current Social Media Policy No. 30.10.

## 12. Mayor and Council Correspondence

**Members** shall comply with the provisions of the City’s most current Mayor and Council Correspondence Policy No. 3.08.

## 13. Training, Conference and Association-Building

- (1) **Members** shall comply with the provisions of the City’s most current Training, Conference and Association Building Policy No. 3.07.
- (2) **Members** new to serving on Council shall make every effort to attend the Local Government Leadership Academy’s annual Local Government Forum in the first year of their term of office.

## 14. Council Expenses

**Members** shall comply with the provisions of the City’s most current Expense Policy for Council, Employees & Other Authorized Persons No. 5.35.

## 15. Duty to Respect Confidentiality

- (1) **Members** shall comply with the requirements of Part 5, Division 1, of the Community Charter, including section 117, “Duty to Respect Confidentiality.”
- (2) **Administration** shall take steps to ensure Council is provided with the processes, devices and materials to support **Members**’ compliance with this section.

## 16. Conflict of Interest and Gifts

- (1) **Members** shall comply with the requirements of the Community Charter, Part 4, Division 6, “Conflict of Interest,” and the Conflict of Interest Exceptions Regulation BC Regulation 91/2016.
- (2) **Members** may reference related resources such as the Union of BC Municipalities’ Fact Sheet on Conflict of Interest; however, **Members** are subject to the conflict of interest provisions in the Community Charter and the common law that interprets them.

## 17. Use of City Assets and Services

- (1) **Members** must read Information Security Policy No. 5.47 and associated Procedure document, then sign and return “Acknowledgment of Information Security Policy and Procedures” to the Human Resources Department prior to receiving City-owned devices and accounts.
- (2) **Members** acknowledge the difference between City business and political or campaigning activity, and shall refrain from using city resources for such activities.

## 18. Election Proceedings

- (1) **Members** shall comply with the requirements of the Local Government Act, Part 3 Electors and Elections, including:
  - (a) Division 8, Campaign Financing, and
  - (b) Division 17, Election Offences.
- (2) **Members** shall comply with the Local Elections Campaign Financing Act.
- (3) **Members** shall comply with the Financial Disclosure Act.

## 19. Use of City Legal Counsel

- (1) **Members** requiring specific legal advice about whether the **Member** is compliant with this Bylaw may request, through the Chief Administrative Officer, permission to receive advice from the City’s legal counsel.
- (2) Advice from the City’s legal counsel belongs to the City and not the **Member**, and may be released to Council at the Chief Administrative Officer’s discretion.

## Part 3 - COMPLAINT PROCESS

### 20. Informal Complaint Process (and see Appendix B)

Any **Member** who has identified or witnessed conduct by another **Member** that they believe to be noncompliant with this Bylaw is encouraged to use the *Informal Complaint Process* as a first step.

### 21. Formal Complaint Process (and see Schedule 2)

- (1) **Members** shall participate as required in the **Formal Complaint Process** outlined in Schedule 2.
- (2) If a **Member** is the **Subject** of a Formal Complaint, that **Member** may request Council indemnify him or her for the costs of legal advice and representation in responding to the **Formal Complaint Process** outlined in this Bylaw, provided that all of the following are met:
  - (a) section 740 of the Local Government Act authorizes the indemnification;
  - (b) it is the **Member's** first **Formal Complaint Process**;
  - (c) Council, in its sole discretion, has agreed to indemnify the **Member** for the costs of legal advice and representation in responding to the **Formal Complaint Process**, and
  - (d) the indemnification amount will not exceed \$10,000.

### 22. Compliance and Enforcement (and see Schedule 3)

- (1) **Members** shall acknowledge the high standards of public office and the spirit and intent of this Bylaw to hold **Members** accountable and foster public trust.
- (2) **Members** shall cooperate fully and in good faith to remain in compliance with this Bylaw.
- (3) Should a **Member** become the **Subject** of an informal or formal investigation, they shall cooperate fully in bringing a complaint to a satisfactory conclusion.
- (4) A **Member** who is the **Subject** of a complaint shall not
  - (a) undertake any act or threat of reprisal against a **Complainant** or witness to the investigation, or
  - (b) obstruct Council, the **Investigator** or any other person, in carrying out the spirit and intent of the **Informal Complaint Process** or **Formal Complaint Process**.
- (5) If Council determines a **Member** has not complied with this Bylaw, any of the sanctions outlined in Schedule 3 may be imposed by a majority vote of **Members**.

## Part 4 - GENERAL PROVISIONS

### 23. Review

This Bylaw shall be brought forward for review by Council after each local government election, and at any other time deemed necessary by Council, to ensure that it accurately reflects the current standards of conduct and expectations of Council **Members**.

### 24. Severability

If any section, subsection, clause or other part of this Bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Bylaw.

### 25. No Offences

Section 5 of the Offence Act does not apply to this Bylaw.

**READ** a first time the 28<sup>th</sup> day of April, 2020.

**READ** a second time the 28<sup>th</sup> day of April, 2020.

**READ** a third time the 28<sup>th</sup> day of April, 2020.

**ADOPTED**, the 12<sup>th</sup> day of May, 2020.

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PRESIDING MEMBER

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CORPORATE OFFICER



Part 5 – SCHEDULES and APPENDICES

*Schedules 1, 2 and 3 form part of this Bylaw.*

*Appendices A and B are provided for convenience only and do not form part of this Bylaw.*

### Schedule 1 – Code of Conduct

The City of Maple Ridge Council Code of Conduct details the shared expectations for responsible conduct as determined by the City of Maple Ridge Council for the 2018-2022 municipal term. Responsible conduct is grounded in conducting oneself with honesty, integrity, and in a way that furthers the City's ability to provide good governance to the community. Outcomes of responsible conduct include transparency, accountability, effective and efficient decision-making, and a safe and welcoming environment for everyone.

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.

### **Standards of Conduct for Working with Each Other**

As elected representatives of the City of Maple Ridge, we have a responsibility to listen, to consider, and to communicate respectfully with each other, staff, and Members of the public to make decisions that shape our community. By working together with professionalism, respect, and open minds, we can be successful in our role as community leaders, regardless of differences of opinion.

To this end, we commit to:

- Demonstrating respect through:
  - Fostering a safe and welcoming space for debate and decision-making;
  - Professional and respectful verbal and body language;
  - Seeking to understand, and asking questions rather than making assumptions;
  - Arriving prepared for Council meetings and specific agenda items;
  - Approaching issues with an open mind to consider new information;
  - Directing critique at the issue, and not the individual that raises it;
  - Providing direct, honest and timely feedback to questions and concerns; and
  - Being sensitive to others' emotions when they are feeling very passionate about an issue.
- Ensuring commentary at Council meetings remains focused on the issues, avoiding repetition.
- Chairing meetings in a consistent manner that keeps the meeting on task, respects everyone's time, and ensures each Member of Council has an equal opportunity to be heard.
- Attending all Council and assigned Committee meetings regularly and punctually, and providing the Chair with as much notice as possible when unable to attend a meeting due to extraordinary circumstances.
- Making a collective effort to ensure a united voice for Council by:
  - Respecting the collective decision of Council when representing Council in other public forums and in intergovernmental relations;
  - Working together for effective governance; and
  - Holding each other accountable for our conduct.

## **Standards of Conduct for Interacting With the Public**

As elected officials, our role is to listen to a wide variety of community stakeholders, deliberate as a Council, and make decisions on behalf of the City of Maple Ridge in a manner that is professional, inclusive, and maintains public confidence. Ensuring a fair, consistent, and professional process at Council meetings will support a welcoming environment in which all Members of the community feel safe to share their views with Council.

To this end, we commit to:

- Maintaining a safe, professional and welcoming tone at the Council table through:
  - Respectful verbal and body language, making few interjections;
  - Seeking to understand, and asking questions in an inquiring tone;
  - Directing critique at the issue, and not the individual that raises it, understanding that speakers may be representing the view of their organization, not their own;
  - Avoiding repetition or re-stating what was just said;
  - Acknowledging how speakers are feeling, and recognizing the vulnerability that speakers may feel when presenting their issues to Council; and
  - Giving acknowledgement and thanks to Members of the public for their contribution to the meeting.
- Fostering public confidence by:
  - Leading by example through respectful and professional conduct and an open mind;
  - Explaining meeting guidelines as appropriate;
  - Ensuring all Members of the public are treated in the same manner and in accordance with this Code of Conduct;
  - Ensuring that the public feels heard by avoiding inflammatory comments;
  - Ensuring that Council is heard by those present and watching online by speaking clearly and at a moderate volume;
  - Diffusing elevated situations to promote a safe and respectful environment; and
  - Keeping the meeting on task, listening to all opinions and summarizing what was heard around the table when acting as Chair.

These commitments will be supported by City staff who will:

- Ensure high quality presentations are brought to the Council table;
- Invite Members of the public to state their name and municipality of residence before addressing Council; and
- Set speakers up for success by providing them with an orientation to the technology, the Council forum and time limits.

## Schedule 2 – Formal Complaints Process

Bylaw No. 7637-2020

### Schedule 2 – Formal Complaints Process

This **Formal Complaints Process** is intended for the purpose of one or more Council **Members** to file a formal complaint against one or more Council **Members**.

- a) A formal complaint by a Member shall be provided in document form addressed to “Mayor and Council, Bylaw No.7637-2020” and shall include:
  - i) date of complaint;
  - ii) printed name and signature of **Complainant**;
  - iii) name of the Council **Member** who is the **Subject** of the complaint;
  - iv) reference(s) to the section(s) of this Bylaw and/or other enactments for which the **Subject** is alleged to be non-compliant; and
  - v) reasonable and probable grounds for the allegation(s).
- b) The **Subject** shall be provided with a copy of the complaint, with written instructions informing the **Subject** that they have 14 days within which to respond to the **Investigator**.
- c) The **Subject** shall provide a written, signed and dated response to the allegation(s) of the complaint, addressed to the **Investigator** within 14 days of receiving the complaint.
- d) The **Investigator** shall review the complaint and the **Subject**'s response, and determine whether to proceed further with the investigation.
  - i) Where a complaint is deemed by the **Investigator** to be frivolous, vexatious, not made in good faith, or based on insufficient grounds, the **Investigator** may decide to terminate the investigation and the complaint process.
  - ii) The **Investigator** will provide the recommended next steps to Council.
- e) For continuing investigations, the **Investigator** shall take steps deemed appropriate which may include seeking legal advice.
- f) The **Investigator** shall issue a final report of the results of the investigation process to Council, for Council to determine whether the **Subject** has contravened this Bylaw.
- g) Following receipt of the **Investigator**'s final report, Council may choose to proceed with a Motion of Censure Hearing.
- h) Should Council vote to proceed with a hearing of the motion of censure against the **Subject**, the **Subject** shall be afforded procedural fairness including:
  - i) an opportunity to respond further in writing to the allegations and the Complaint **Investigator**'s final report,
  - ii) a minimum of two weeks to prepare their formal response, and
  - iii) the opportunity to be represented by legal counsel or another representative at the council meeting where a decision on the motion of censure and other accompanying sanctions in Schedule 3 may be imposed.
- i) The Motion of Censure Hearing will be scheduled for an open Council meeting within 30 days of the Council's decision to proceed, provided section 90 of the Community Charter does not require or permit the meeting to be a closed meeting.

## Schedule 2 – Formal Complaints Process

Bylaw No. 7637-2020

- j) At the Council meeting where the hearing of the motion of censure takes place, the following will occur:
  - i) The **Complainant** may make a statement, setting out the rationale for the complaint.
  - ii) The **Investigator** shall provide a verbal summary of the facts and findings expressed in the final report.
  - iii) The **Subject** of the complaint or their legal counsel or other representative may make a statement, responding to the complaint allegations and the Complaint **Investigator's** final report.
  - iv) Council will discuss, propose debate and vote on whether to make a motion of censure, including the sanctions referenced in Schedule 3.

## Schedule 3 – Accountability Measures

Bylaw No. 7637-2020

Schedule 3 – Accountability Measures

If Council determines a **Member** has contravened this Bylaw, it may choose to impose any of the following sanctions, providing they do not prevent the **Member** from fulfilling the **Members'** legislated duties of elected office.

### Possible sanctions:

- a) Formal warning letter to the **Member**
- b) Written pledge from the **Member** promising to immediate and ongoing compliance with the Council Conduct Bylaw
- c) A letter of reprimand to the **Member**
- d) A letter of apology from the **Member**
- e) Publication of a letter of reprimand or request for apology, and the **Member's** response
- f) Requirement to attend training
- g) Suspension or removal of the appointment of the **Member** as Acting Mayor, including the loss of related remuneration if applicable
- h) Suspension or removal from some or all internal and external committees and bodies to which Council or the Mayor has the right to appoint **Members**, including the loss of related remuneration if applicable
- i) Imposing limits on travel and expenses
- j) Requiring the return of municipal property provided for convenience
- k) Limiting access to certain municipal facilities or portions thereof
- l) Restricting how and when documents are provided to the **Member**, and
- m) Any other sanctions Council deems reasonable and appropriate.

## Appendix A – Oath of Office

*Provided for convenience – not part of Bylaw*

### Oath of Office

I do solemnly affirm that:

I am qualified to hold the office of [Mayor/Councillor] for the City of Maple Ridge to which I have been elected;

I have not, by myself or any other person, knowingly contravened the *Local Government Act* respecting vote buying or intimidation in relation to my election to the office;

I will faithfully perform the duties of my office and will not allow any private interest to influence my conduct in public matters;

As required by the *Community Charter*, I will disclose any direct or indirect pecuniary interest I have in a matter and will not participate in the discussion of the matter and will not vote in respect of the matter.

## Appendix B – Informal Complaint Process

*Provided for convenience – not part of Bylaw*

### Appendix B – Informal Complaint Process

- a) Any **Member** who has identified or witnessed conduct by another **Member** that they believe to be noncompliant with this Bylaw may take the following steps:
  - i) Advise the **Member** of the alleged noncompliance and follow up on the facts.
  - ii) If the noncompliance occurred, encourage the **Member** to come into compliance with this Bylaw; or
  - iii) Request the Mayor to speak to the **Member** to follow up on the facts and if the noncompliance occurred, encourage the Member to come into compliance with this Bylaw.
  - iv) If the **Subject** of the complaint is the Mayor, the complaining **Member** may request that the Acting Mayor follow up on the facts and if the noncompliance occurred, encourage the Member to come into compliance.
- b) **Members** are encouraged to use this **Informal Complaint Process** as a first step in resolving a complaint.
- c) A **Member** who is unsatisfied with the outcome of the **Informal Complaint Process** may escalate the complaint to the **Formal Complaint Process**.
- d) Despite paragraph b), a **Member** may refer a complaint directly to the **Formal Complaint Process** without undertaking the **Informal Complaint Process**.

*For interpretation, bolded words in this appendix use definitions equivalent to those defined in Council Conduct Bylaw No. 7637-2020.*