

# AGENDA

## FINANCE AND GOVERNANCE STANDING COMMITTEE SAANICH MUNICIPAL HALL, 770 VERNON AVENUE COMMITTEE ROOM 2

Monday, October 30, 2023, from 10 to 11:30 a.m.

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*The District of Saanich lies within the territories of the lək̓ʷəŋən peoples represented by the Songhees and Esquimalt Nations and the WSÁNEĆ peoples represented by the Tsartlip, Pauquachin, Tsawout, Tseycum and Malahat Nations.*

*We are committed to celebrating the rich diversity of people in our community. We are guided by the principle that embracing diversity enriches the lives of all people. We all share the responsibility for creating an equitable and inclusive community and for addressing discrimination in all forms.*

### 1. MINUTES FOR ADOPTION

- July 31, 2023, meeting minutes for approval (attached)

### 2. 2<sup>nd</sup> TRIMESTER RESULTS REPORTS (JANUARY 1 TO AUGUST 31, 2023)

- Report from the Director of Finance (attached)
- For Committee information

### 3. 2024 UTILITY BUDGET & RATE INCREASES

- Report from the Director of Finance dated October 20, 2023 (attached)
- For Committee information

### 4. COUNCIL TAX POLICY

- Report from the Director of Finance dated March 10, 2023, presented by Jennifer Lockhart, Senior Manager, Financial Services
- For Committee consideration

### 5. COUNCIL CODE OF CONDUCT

- Report from Chief Administrative Officer, Brent Reems, dated October 18, 2023 (attached)
- For Committee review

### 6. SCHEDULE OF 2024 MEETINGS

- Review dates to develop the schedule for the 2024 meetings of the Finance and Governance Standing Committee.

... ADJOURNMENT ...

**Next scheduled meeting: TBD**

**MINUTES OF THE  
FINANCE AND GOVERNANCE STANDING COMMITTEE  
COMMITTEE ROOM 2  
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE  
Monday, July 31, 2023, at 10 a.m.**

Present: Chair: Councillor Susan Brice  
Members: Councillors Chambers, Harper, Phelps Bondaroff  
Mayor Murdock (10:07 a.m.)  
Staff Members: Brent Reems, Chief Administrative Officer, Chief Administrative Officer;  
Angila Bains, Director of Legislative & Protective Services, Corpro9ate  
Officer; Paul Arslan, Director of Finance; Sheryl Masters, Manager of  
Records and Information Services; Sharon Froud, Deputy Manager,  
Legislative Services; Tara Judge, Committee Secretary

**TERRITORIAL ACKNOWLEDGEMENT & DIVERSITY, EQUITY AND INCLUSION  
STATEMENT**

Councillor Brice read the Territorial Acknowledgement and the Diversity, Equity and Inclusion Statement.

**MINUTES FOR ADOPTION**

**MOVED by Councillor Phelps Bondaroff and Seconded by Harper: “That the minutes of the Finance and Governance Standing Committee meeting of May 29, 2023, be adopted as circulated.”**

**CARRIED**

**TRIMESTER ONE 2023 REPORTING**

A report from the Director of Finance, with the 1<sup>st</sup> Trimester Results for 2023 was reviewed (January 1 to April 30, 2023). This report provided information on operational results for all three funds (water, sewer and general), capital program (specifically identifying any projects with a budget >1M in budget), investment analysis, procurement results and building permit statistics. As the first quarter, certain revenues are low, as items such as property taxation are not collected until the second quarter.

Staff will work on being able to identify any net change in buildings when comparing issued demolition permits versus new building permits. Staff will also see if it is possible to identify a breakdown for the number of permits specific to secondary suites and garden suites, though noted that this information may be more relevant to the Housing Affordability Standing Committee.

**MOVED by Councillor Chambers and Seconded by Councillor Harper: “That the Finance and Governance Standing Committee receive the 1<sup>st</sup> Trimester Report for information.”**

**CARRIED**

**INFORMATION ACCESS, PRIVACY AND RECORDS MANAGEMENT REPORT**

A report from the Director of Legislative & Protective Services dated June 30, 2023, was reviewed.

Staff will identify the total actual fees paid for FOI requests in future versions of this report.

**MOVED by Councillor Harper and Seconded by Councillor Chambers: “That the Finance and Governance Standing Committee receive the Information Access, Privacy and Records Management Report for information.”**

**CARRIED**

**COUNCIL PROCEDURES BYLAW – PUBLIC PARTICIPATION**

A report from the Chief Administrative Officer dated July 21, 2023, was reviewed. This report was prepared following a Notice of Motion from Councillor Harper put to and carried by Council May 8, 2023.

Providing opportunities for public to participate in discussions outside of the structured Municipal Hall Council sessions as well as how to best provide accessible meetings was discussed. It was noted that Council’s Strategic Plan proposes semi-annual Town Hall meetings that would be hosted at various sites across the District.

There was discussion of how the Province directed municipalities to handle public hearings by providing the legal framework and identifying that public hearings can be waived should an application conform to the Official Community Plan (OCP). Staff identified that this was summarized in a Council Report from Planning which will be provided to committee members.

**MOVED by Councillor Chambers and Seconded by Councillor Harper: “That the Finance and Governance Standing Committee table the discussion of public participation specific to public hearings to a future date.”**

**CARRIED**

**MOVED by Councillor Chambers and Seconded by Councillor Harper: “That the Finance and Governance Standing Committee receive for information the report of the Chief Administrative Officer, and that the report be referred to Council for its consideration.”**

**CARRIED**

**PROPOSED AMENDMENTS TO COUNCIL PROCEDURE BYLAW, 2021, NO. 9660**

A report from Councillor Phelps Bondaroff dated July 30, 2023, was reviewed.

Note that the original report recommendation was for the Finance and Governance Committee request that staff prepare amendments to the Council Procedure Bylaw, 2021, No. 9660. The Committee cannot make such a request directly, but can recommend that any proposed changes be brought forward to Council as Council oversees the Council Procedure Bylaw. Any adjustments proposed by Council require a 2/3 vote of approval to proceed.

- 1) Prevent meetings (Regular Council and C/W) from being held during the campaign period, the 28 days prior to the general municipal elections (Section 9.c).

Currently the Council Procedure Bylaw states no regular Council, C/W meetings or Public Hearings be scheduled during the three weeks prior to and the week following a general local election. It was noted that at the end of a Council term, there is a lot of business that requires Council input that may require meetings within the 28 day period. Any emergency meetings or business requiring attention could continue.

**MOVED by Councillor Harper and Seconded by Councillor Chambers: “That it be recommended staff review what other jurisdictions follow with respect to holding Council meetings during an election period and report back to the Finance and Governance Committee on these findings (specific to item #1: Prevent meetings (Regular Council and C/W) from being held during the campaign period, the 28 days prior to the general municipal elections (Section 9.c).**

**CARRIED**

- 2) Make the use of language as they relate to honorifics and titles consistent (Section 17.c).

The common terminology is to refer to the Mayor as Your Worship. This is part of decorum and neutrality in Council sessions. Not identified as an area requiring attention at this time.

**MOVED by Councillor Harper and Seconded by Councillor Chambers: “That the Finance and Governance Committee receive for information item #2 (Make the use of language as they relate to honorifics and titles consistent (Section 17.c).”**

**CARRIED**

- 3) To eliminate the potential barrier posed by the requirement of those providing public input at a Council meeting to share their residential address (Section 39).
- 4) To eliminate the potential barrier posed by the requirement of those providing input at a Public Hearing to share their residential address (Section 43).

Current wording of the bylaw notes that public are to provide their name and address. We do not have to be strict on what the definition of address is. Speakers could simply state Saanich or Victoria, or even BC. The script at the beginning of a Council or Committee of the Whole meeting could be revised to explain what address means and have this formalized by policy.

**MOVED by Councillor Harper and Seconded by Councillor Chambers: “That it be recommended that the Finance and Governance Standing Committee receive for information the report from Councillor Teale Phelps Bondaroff; and, that the following two Proposed Amendments (items #3 and #4) be forwarded to Council for its review:**

- 3) To eliminate the potential barrier posed by the requirement of those providing public input at a Council meeting to share their residential address (Section 39).

- 4) To eliminate the potential barrier posed by the requirement of those providing input at a Public Hearing to share their residential address (Section 43)."**

**CARRIED**

- 5) Clarify the language around time limitation to avoid confusion (Section 49).

Any confusion that may exist by meeting participants is post-COVID where public input now precedes items and includes both in-person and online access. Committee of the Whole meetings order was revised with public participation at the commencement of the meeting due to the addition of online attendees to better track participants through all mediums. It used to be public input item one, public input item two and so on with 3 minutes per specific item allowed. Interpretation is that a person can speak to any item, but for no more than three (3) minutes in total. The Committee does not see a need at this time for a change to the language.

**MOVED by Councillor Harper and Seconded by Councillor Chambers: "That the Finance and Governance Committee receive for information item #5 (Clarify the language around time limitation to avoid confusion (Section 49))."**

**CARRIED**

The meeting adjourned at 12:24 p.m.

\_\_\_\_\_  
Chair

I hereby certify these Minutes are accurate.

\_\_\_\_\_  
Committee Secretary



# District of Saanich

## 2nd Trimester Results Report

January 1, 2023 to August 31, 2023

Results reporting is prepared on a trimester basis by the District of Saanich as a means of providing the community, council, and the organization with regular information on the strategic and financial performance of the municipality.

The Trimester Results Report provides information on:

1. Operational Results
2. Capital Program Results
3. Investment Analysis
  - Diversity
  - Liquidity
  - Return
4. Procurement Results
  - % of procurement processes with more than one bidder
  - Procurement
5. Building Permit Statistics



# Operational Results

## District of Saanich - 2023 2nd Trimester Performance Report Operating Budget Results - January 1 to August 31

(Represents 2/3 or 66% of the year)

Overall results for the period are positive, with most revenues reaching budgeted targets and investments and building permits exceeding budget due to higher interest rates and large development projects. Expenditures are in line with expectations, however, some departments are still experiencing vacancies and absences due to illness which results in lower utilization of operational expenditure.

Revenues:	2022 Actual	2023 Actual	Annual Budget 2023	2023 Budget Remaining	% Revenue Collected	
Property Taxation	(149,889,200)	(161,415,700)	(161,725,000)	(309,300)	100%	1
Utility Tax and Other	(1,696,400)	(1,725,800)	(1,839,500)	(113,700)	94%	1
Water Utility Revenue	(13,494,600)	(15,506,800)	(26,350,800)	(10,844,000)	59%	2
Sewer Utility Revenue	(18,252,000)	(18,621,000)	(28,668,800)	(10,047,800)	65%	
Solid Waste Revenue	(5,115,900)	(5,394,900)	(8,241,600)	(2,846,700)	65%	
Business License & Inspection Revenues	(2,277,900)	(3,305,100)	(3,663,000)	(357,900)	90%	3
Recreation Revenues	(8,378,200)	(10,687,300)	(13,039,300)	(2,352,000)	82%	4
Grants In Lieu	(2,157,100)	(2,654,600)	(3,362,800)	(708,200)	79%	1
Provincial Grants	(1,388,400)	(1,313,000)	(1,500,000)	(187,000)	88%	1
Interest and Penalties	(2,242,800)	(5,534,700)	(4,438,900)	1,095,800	125%	5
Surplus Appropriations	-	-	(500,000)	(500,000)	0%	6
Other Revenues	(449,600)	(370,500)	(285,600)	84,900	130%	7
COVID-19 Restart Grant	(124,000)	-	(520,000)	(520,000)	0%	6
<b>Total Revenue</b>	<b>(205,466,100)</b>	<b>(226,529,400)</b>	<b>(254,135,300)</b>	<b>(27,605,900)</b>	<b>89%</b>	

### Explanatory notes for variances over 5%

#### REVENUES:

- Property Taxation / Utility Tax / Grants In Lieu / Provincial Grants (79%-100% collected)* – All taxation and grants from various government entities are recorded or received in the second trimester.
- Water Utility Revenue (59% collected)* - Revenue percentage is 6% higher than last year's actual. Revenues will increase as billing for summer months consumption continue into the fall.
- Business License & Inspection Revenues (90% collected)* - All of the Business License revenue is collected in the first trimester. Inspection revenue varies from year to year based on construction projects undertaken in the community.
- Recreation Revenues (82% collected)* - Golf and program revenues performing better than expected.
- Interest and Penalties (125% collected)* - Interest revenue is higher due to higher BOC interest rates that translate to higher market investment rates.
- Surplus Appropriations / COVID-19 Restart Grant (0% applied)* - As and when needed to offset revenue reductions or COVID expenditure.
- Other Revenues (130% collected)* - Higher than expected WCB rebate and School Tax Admin fee.

Expenditures:	2022 Actual	2023 Actual	Annual Budget 2023	2023 Budget Remaining	% Expenditure Spent	
Administration	1,848,400	2,330,200	3,941,600	1,611,400	59%	1
Finance - Departmental	2,752,400	3,087,200	5,348,900	2,261,700	58%	1
Finance - Corporate	941,200	(748,100)	60,700	808,800	-1232%	2
Fiscal Services	4,873,200	5,310,900	8,433,600	3,122,700	63%	
Corporate Services	1,302,400	1,838,600	3,449,000	1,610,400	53%	1
Information Technology	3,865,100	4,127,700	7,561,400	3,433,700	55%	1
Building, Bylaw, Licensing & Legal	3,759,100	4,469,200	6,218,600	1,749,400	72%	3
Police Protection	25,514,200	27,671,700	42,931,200	15,259,500	64%	
Fire Protection	13,804,000	14,772,400	23,087,600	8,315,200	64%	
Emergency Program	284,500	283,000	489,200	206,200	58%	4
Planning	1,936,600	2,439,000	3,884,800	1,445,800	63%	
Engineering	8,188,100	10,145,900	16,639,300	6,493,400	61%	
Parks	6,431,500	7,326,800	11,041,200	3,714,400	66%	
Recreation and Community Services	14,748,100	17,221,400	27,050,100	9,828,700	64%	
Library, Grants & Economic Development	5,995,100	6,281,400	8,118,100	1,836,700	77%	5
Solid Waste Utility Expenditure	4,789,500	5,304,800	8,690,500	3,385,700	61%	
Water Utility Expenditure	10,649,500	10,968,000	17,831,100	6,863,100	62%	
Sewer Utility Expenditure	18,486,600	18,755,200	22,421,700	3,666,500	84%	6
Capital Program (tax and fee funded only)	31,137,200	34,929,200	36,936,700	2,007,500	95%	7
<b>Total Expenditures</b>	<b>161,306,700</b>	<b>176,514,500</b>	<b>254,135,300</b>	<b>77,620,800</b>	<b>69%</b>	
<b>Revenues minus Expenditures</b>	<b>(44,159,400)</b>	<b>(50,014,900)</b>	<b>-</b>	<b>50,014,900</b>		

## Explanatory notes for variances over 5%

### EXPENSES:

- Administration / Finance / Corporate Services / Information Technology (53%-59% spent) - Staff vacancies in Legislative, Financial Planning, IT, HR and Safety sections.*
- Finance Corporate (-1232% spent) - Recoveries from water, sewer and solid waste utilities in line, however, no contingency spending.*
- Building, Bylaw, Licensing & Legal (72% spent) - Expenditure in line with last year; Insurance permuims are paid in 1st trimester.*
- Emergency Program (58% spent) - Training and other expenditure budgets are underspent similar to last year.*
- Library, Grants & Economic Development (77% spent) - GVPL is paid one month in advance as per agreement.*
- Sewer Utility Expenditure (84% spent) - Operating costs in line with last year. Payment to CRD constitutes 70% of budget and occurs in August.*
- Capital Program (95% spent) - Majority of the budget is the transfer of funds to capital for infrastructure funding. This occurs in the 2nd trimester after budget approval.*



# Capital Program Results

## District of Saanich - 2023 2nd Trimester Performance Report Capital Program Results up to August 31, 2023

Projects budgeted over \$1,000,000

Capital Project	Fund	Duration	Original 2023 Budget	Budget Transfers	Revised 2023 Budget	Actual	Percent Spent	Schedule Status	Budget Status	
Arena Rd, 340 Ker Ave to Dysart Rd	Sewer	One time	1,037,000		1,037,000	-	0%			1
HR/OHS Project	IT		1,038,830		1,038,830	-	0%			
Braefoot Rd (Braefoot Pl to Wende Rd)	Drainage		1,057,654		1,057,654	1,094,743	104%			
Servers (IT Infrastructure)	IT		1,072,800		1,072,800	3,968	0%			
Canterbury Rd	Various		1,084,000		1,084,000	-	0%			
Madock Ave	Sewer	One time	1,105,000		1,105,000	-	0%			2
Sewage Lift Station Electrical Study	Sewer		1,116,493		1,116,493	101,473	9%			
Sanitary Sewer CIPP Lining	Sewer	Annual	1,215,327		1,215,327	603,573	50%			
Albina-Gorge Utility Upgrades	Sewer		1,400,000		1,400,000	7,328	1%			
Cadboro Bay Rd	Various		1,412,000		1,412,000	-	0%			
Lift Station Replacement	Sewer	One time	1,485,000	(15,000)	1,470,000	75,208	5%			2
Tempest - Online	IT		1,537,270		1,537,270	47,757	3%			
JDE 2018	IT		1,581,200		1,581,200	192,935	12%			
Wilkinson Road (Greenlea to Quick's Bottom Pk T Transportation		One time	1,646,000		1,646,000	8,230	0%			
Vanalman	Sewer	One time	1,650,000		1,650,000	1,481,661	90%			
Detailed Design - Water	Water	Annual	1,665,606		1,665,606	379,327	23%			
Portage Pump Station Construction	Sewer	One time	1,694,825		1,694,825	1,683,925	99%			
Rutledge Playground Replacement & Splash Pad Parks		One time	1,715,920		1,715,920	47,926	3%			
Tattersall (Quadra to Salsbury		One time	1,724,000		1,724,000	35,346	2%			
Storm Drainage Model Development	Drainage	Multiyear	1,758,154		1,758,154	516,075	29%			
Vanalman (Commerce Circle to Mann)	Drainage	One time	1,848,000		1,848,000	1,855,950	100%			
Short Term Solutions to Advance Active Transp.	Transportation	One time	1,900,000	119,350	2,019,350	1,053,665	52%			2
Meter Replacements	Water	One time	1,964,393		1,964,393	194,224	10%			
Mann Ave. Vanalman Ave. & Parkridge	Water	One time	2,026,500		2,026,500	1,920,172	95%			
Storm Drain - Detailed Design	Drainage	Annual	2,048,493		2,048,493	1,031,322	50%			
Pat Bay Hwy Watermain Lining	Water		2,058,000		2,058,000	82,129	4%			2
Detailed Design - Sewer	Sewer	Annual	2,091,173		2,091,173	789,938	38%			
Cycling Infrastructure Program	Transportation	Annual	2,109,016	(252,000)	1,857,016	668,864	36%			
Pump Station / PRV Replacement	Water		2,173,000	(100,000)	2,073,000	344,343	17%			2
Bridge Rehabilitation	Transportation		2,494,261		2,494,261	83,354	3%			
Cordova Bay Road (Walema to Rambler)	Transportation	One time	3,000,000	(39,000)	2,961,000	-	0%			
CHRC - Furnace Replacement	Facilities	Multiyear	3,144,400		3,144,400	197,794	6%			3
Pavement Renewal Program	Transportation	Annual	3,594,854	86,000	3,680,854	1,284,207	35%			
Pearkes RTU Replacement	Facilities		3,735,700		3,735,700	163,100	4%			3
Gorge Drainage Improvements Phases 1&2	Drainage	Multiyear	4,721,700		4,721,700	4,319,297	91%			4
Mt Doug Creek	Drainage		4,783,000		4,783,000	-	0%			
Fire Hall #2 - Project Redevelopment	Facilities	Multiyear	5,932,627		5,932,627	2,515,616	42%			
Saanich Operation Centre Redevelopment	Facilities	Multiyear	6,370,703		6,370,703	770,727	12%			
West Saanich/Prospect Lk/Sparton Rd	Transportation	One time	6,706,590		6,706,590	7,192,683	107%			4
SCP - Mechanical Upgrades	Facilities	Multiyear	8,894,018		8,894,018	3,474,605	39%			3
Sinclair Rd, Finnerty Rd to Cadboro Bay		One time	8,969,665		8,969,665	196,902	2%			
Sidewalk Installation Program	Transportation	Annual	11,735,901	227,000	11,962,901	8,601,915	72%			
Shelbourne Street Improvement Project	Various	Multiyear	45,357,791		45,357,791	24,271,439	54%			

1 Delayed in schedule to await possible grant funding

2 Project start date was delayed due to internal and contracted resources

3 Project delays due to cost escalation, longer lead time on material delivery or change in scope of the project

4 Project delays and possible budget increase due to unknown site conditions discovered during construction

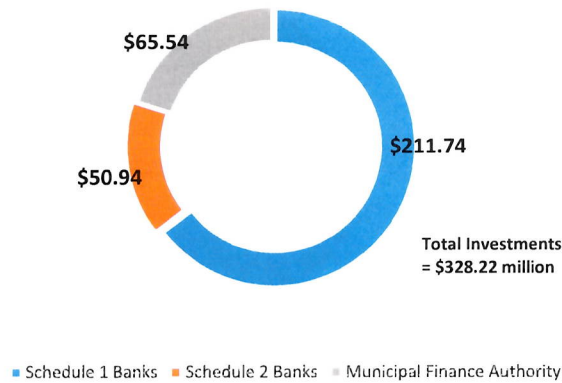
\* Budget transfers are usually done from program budgets such as sidewalks, cycling or paving to individual projects once the scope of the work is determined

	On target
	Caution
	Delayed

# Investment Analysis

The District of Saanich invests public funds in a prudent manner in accordance with the Council Investment Policy. The investment portfolio is currently valued at \$328.22 million. Most of these funds are either held for specific capital programs or are invested until needed to pay current operating expenses.

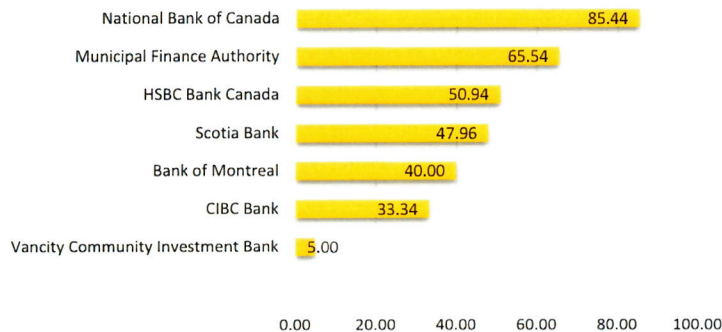
**Investment by Issuer Type  
at August 31, 2023  
(millions)**



## Diversification

In order to reduce overall portfolio risk, Saanich diversifies its investment holdings across a range of security types and financial institutions.

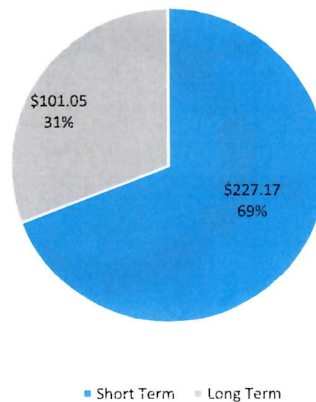
**Investment by Issuer  
at  
August 31, 2023  
(millions)**



## Liquidity

Saanich ensures that the investment portfolio remains sufficiently liquid in order to meet all reasonably anticipated operating and capital cash flow requirements. The majority of the MFA Pooled Funds are held for longer terms as they include various capital reserve funds.

**Investment by Maturity Year  
at August 31, 2023  
(millions)  
Portfolio ROI = 4.62%**



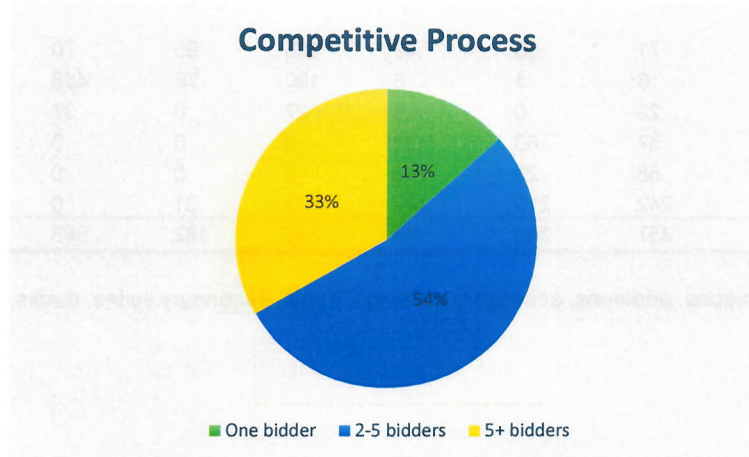
## Return on Investment

Saanich's investment portfolio earned 4.62% (1.70% in 2022) while maintaining the investment security established in the Investment Policy. The market investment rates for 2023 have stabilized at these higher rates with a survey of market participants expecting the Bank of Canada not to raise its prime rate for the rest of the year but keeping rates at these levels for longer to achieve its objective of bringing the inflation down to the 2% range. These expectations will continue keep the investment rates high into the next year.

# Procurement Results

## Competitive Process

87% of procurement processes in the trimester had more than one bidder.



## Procurement

Procurement Description	Value \$200,000+		Supplier	# Bids
	Value	Years		
Aerial Ladder Truck	\$ 2,649,304	One Time	Safetek Emergency Vehicles Ltd	CP
Project Management Services for SOC Redevelopment	\$ 1,636,000	One Time	Colliers Project Leaders Inc.	7
Design & Construction Services for Rutledge Park	\$ 1,447,300	One Time	Cedar Crest Lands (BC) Ltd	4
Supply and Delivery of SDR Pipes	\$ 550,000	4	Andrew Sheret Ltd.	4
Contaminated Soil Disposal Sites	\$ 500,000	3	GRT Environmental Services QMLP	4
Senior Project Manager	\$ 473,200	2	Affinity Staffing Inc.	2
Senior Business Analysis Services - Level 3	\$ 369,678	2	Affinity Staffing Inc.	12
Dry Cleaning	\$ 250,000	5	Vancouver Island Linen Supply Ltd. DBA One Hour Cleaners	3
Water Meter AMI - Data Collection, Storage and Management	\$ 307,234	One Time	Metercor Inc KTI Limited Neptune	3
Police Ammunition	\$ 225,000	3	Lloyd Libke Law Enforcement; Gravel Agency; Rampart International; M.D. Charlton Co. Setcan Corporation	4

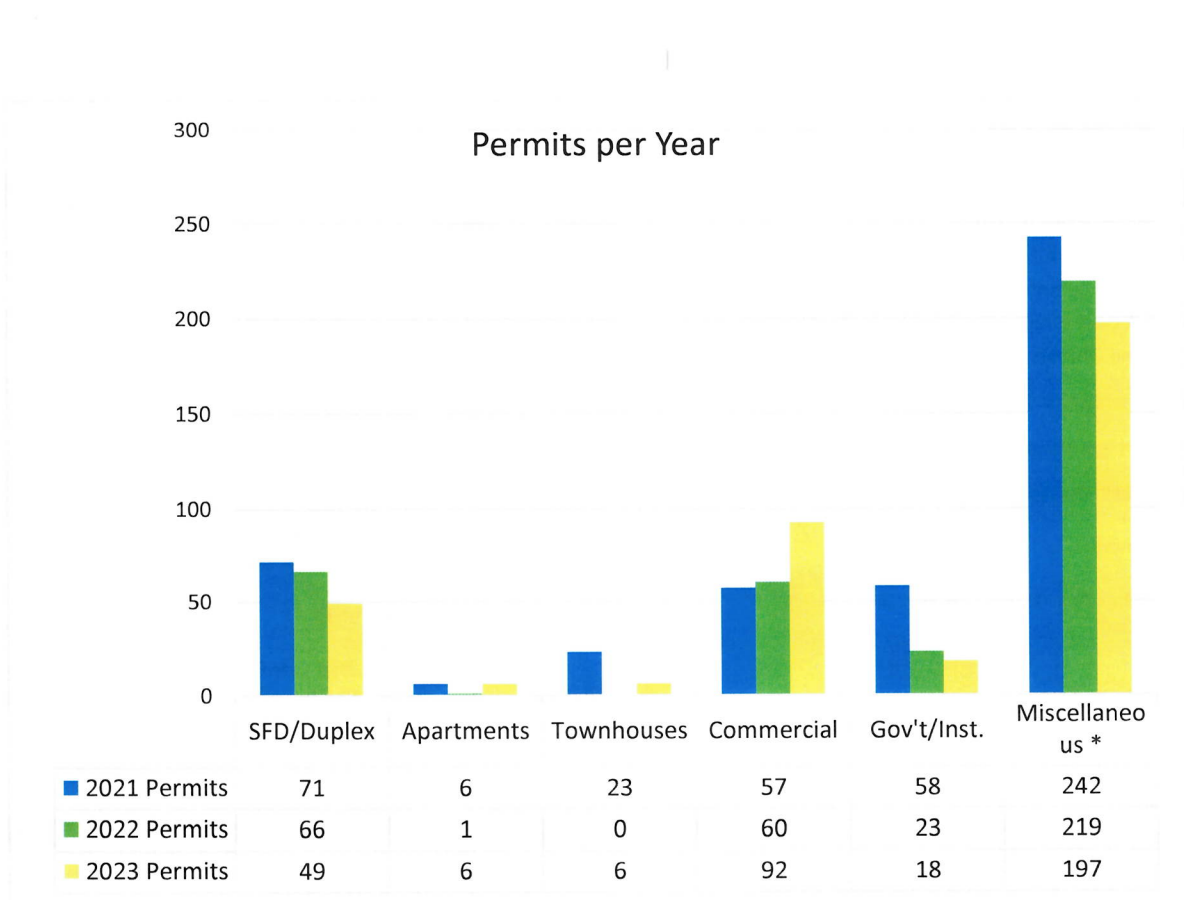
Procurement Description	Value \$75,000 to \$200,000		Supplier	# Bids
	Value	Years		
Saanich Parks, Recreation & Community Services Comprehensive Direction & Actions Plan	\$ 199,958	One Time	Pooni Group Inc	6
Curbtender Body Supply & Install	\$ 140,589	One Time	Fort Fabrication & Welding Ltd	CP
Building Condition Assessment	\$ 138,600	One Time	Roth Iams Ltd	5
Archaeological Services for Capital Program	\$ 150,000	5	Stantec Consulting Ltd	3
SCP Upgrades - Concrete	\$ 119,254	One Time	Banyan Construction Ltd	1
MH Ventilation and Cooling Design	\$ 89,750	One Time	Prism Engineering	10
Cargo Van - Fire Investigation	\$ 80,160	One Time	Trans Can Leasing Corp	1
TRES Anti-slip floor SCP Pool	\$ 79,438	One Time	Global Safe Technologies	Sole
Routeware Global Routing Services	\$ 77,234	One Time	Routeware Global	CP

In addition, there were 48 procurement processes with value less than \$75,000

# Building Permit Statistics

Year to Date	No. of Permits			Dwelling Units			Construction Value (millions)		
	2021	2022	2023	2021	2022	2023	2021	2022	2023
SFD/Duplex	71	66	49	106	85	70	49.4	44.2	34.4
Apartments	6	1	6	190	76	456	90.9	10.6	83.4
Townhouses	23	0	6	27	0	37	9.7	0.0	13.0
Commercial	57	60	92	0	0	0	25.6	14.8	64.1
Gov't/Inst.	58	23	18	0	0	0	23.9	10.8	4.0
Miscellaneous *	242	219	197	22	21	0	21.0	24.0	21.6
<b>Totals</b>	<b>457</b>	<b>369</b>	<b>368</b>	<b>345</b>	<b>182</b>	<b>563</b>	<b>\$220.4</b>	<b>\$ 104.5</b>	<b>\$ 220.5</b>

\* Miscellaneous = renovations, additions, accessory buildings, pools, secondary suites, decks, etc.





## The Corporation of the District of Saanich

# Report

**To:** Finance and Governance Committee  
**From:** Paul Arslan, Director of Finance  
**Date:** October 20, 2023  
**Subject:** 2024 Utility Budget & Rate Increases

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### RECOMMENDATION

That the Committee receive the report for information.

### PURPOSE

To provide information to the Committee on staff's approach to the 2024 Utilities budget and rate increases in relation to the anticipated asset replacement and debt servicing funding increases.

### BACKGROUND

Annually Council adopts increases to the utility rates in December based on staff reports outlining the budget needed for the upcoming year. Council does not have the opportunity to deliberate on these increases given the tight deadlines of when the data is available for staff to complete the budget work and when new rates need to take effect (January 1<sup>st</sup>). However, Council has the assurance that the utility budget increases will be based on the Council pre-approved budget guidelines which was presented and deliberated earlier in the year. This approach has been the same every year with very minor exceptions. The challenge this year is that the budget guideline approved by Council in August identified two items, asset replacement funding and the debt servicing funding, which have not been costed out and are yet to be brought forward to Council early Q1 of 2024 for discussion. These reports will identify the increases needed in both property taxes and utility fee charges.

### DISCUSSION

Since utility rates increases are determined in December, Council will not get a chance to consider the asset replacement and debt servicing funding that will be presented in the new year. While funding amounts and duration still need to be discussed, there is no denying that increases in funding is needed. Staff is considering adding some funding amounts for both asset replacement and debt servicing to the 2024 utility budgets. To delay these increases by another year would mean higher increases in the future.

Prepared by



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Paul Arslan

Director of Finance

**ADMINISTRATOR'S COMMENTS:**

I endorse the recommendation of the Director of Finance.



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Brent Reems, Chief Administrative Officer

5280-20  
2023 Budget

**COUNCIL TAX POLICY**

Report of the Director of Finance dated March 10, 2023 to seek Council direction regarding tax policy options.

**MOVED by Councillor de Vries and Seconded by Councillor Harper: “That the item be referred to the Finance and Governance Standing Committee and the Economic Development Advisory Committee prior to being considered by Council.”**

**CARRIED**

\*\*\*\*\*

The Fire Chief, Director of Engineering, Director of Planning, Director of Parks, Recreation and Community Services, Director of Finance, Deputy Fire Chief, Program Manager, Strategic Facilities Planning, Senior Manager, Financial Services exited the meeting at 11:04 p.m.

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# Memo

**To:** Paul Arslan, Director of Finance  
**From:** Megan MacDonald, Economic Development Advisory Committee Clerk  
**Date:** October 19, 2023  
**Subject:** **Recommendations – Council Tax Policy**

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At the October 4, 2023 Economic Development Advisory Committee (EDAC) meeting, the committee considered the Council Tax Policy Report of the Director of Finance dated March 10, 2023. Following discussion, the EDAC recommended the following:

**“That the Economic Development Advisory Committee recommend Council add to the tax policy the allocation of non-market change revenue first to development-related positions and costs starting in 2024, with any remaining funds applied to reduce property taxes across all classes.”**

**“That the Economic Development Advisory Committee recommend that Council approve the removal of the Employer Health line item on the tax notice and ask staff to factor the amount in with the Municipal General tax rate.”**

It should be noted that the committee did not reach a consensus on the tax policy and therefore did not make a formal recommendation on that topic.



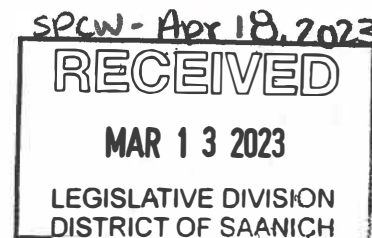
Megan MacDonald  
Committee Clerk, Economic Development Advisory Committee



The Corporation of the District of Saanich

# Report

**To:** Mayor and Council  
**From:** Paul Arslan, Director of Finance  
**Date:** 03/10/2023  
**Subject:** Council Tax Policy



## RECOMMENDATION

That Council provide direction to staff with respect to options for tax policy for the current term.

## PURPOSE

At the April 27<sup>th</sup>, 2022 Committee of the Whole meeting, Council directed staff to bring forward a report on options for tax policy in early 2023. The purpose of this report is to:

1. Fulfill the request to provide information to Council on distribution of taxation between Class 1 residential and Class 6 business properties; and
2. provide information on the effects of Council's tax distribution policy over the past decade; and
3. seek direction on Council's tax policy for the current term.

In addition to the above items staff are also seeking Council's direction regarding future use of non-market change tax revenue as well as the removal of Employer Health Tax as a separate line item on the tax notice.

## DISCUSSION

Each January, BC Assessment (a provincial Crown corporation) provides every owner of real property with a property assessment notice that determines the property's fair market value and classification as of July 1 of the previous year. These assessment values are used as the basis for allocating the share of property taxes owners will pay.

Market values of properties differ from year to year, and changes in market values depend on a multitude of factors and are determined by BC Assessment. As a result, the average assessment changes differ depending on the property class and property type. The chart below shows the District's assessment changes by property class for the last two years.

**Chart 1: Assessment Changes by Class**

Property Class	2023 Completed Roll	2022 Revised Roll	% Inc (dec)
Residential	\$ 47,161,104,289	\$42,045,648,460	12.2%
Utility	22,555,200	20,655,700	9.2%
Supportive Housing	56	58	-3.4%
Major Industry	912,000	-	0.0%
Light Industry	42,172,600	33,977,400	24.1%
Business	2,951,020,379	2,659,104,964	11.0%
Managed Forest	-	-	0.0%
Rec/Non-Profit	23,513,000	23,061,800	2.0%
Farm	3,356,753	3,731,002	-10.0%

These disproportionate assessment changes result in a tax burden shift to the class that has the highest assessment increase unless tax ratios are adjusted to evenly distribute the property tax increase among property classes. Therefore, according to Chart 1, the residential (Class 1) and light industrial (Class 5) classes will experience an increased tax burden in 2023 if the property tax ratios are not adjusted.

Under the *Community Charter*, municipalities are required to set out specific objectives and policies with regards to property taxation distribution. The following tax policy is identified in the Financial Plan and has been a longstanding approach for the District:

**Distribution of Property Taxes:** The Municipality will continue to set tax rates to ensure tax stability by maintaining uniform annual tax increases between the classes.

The District uses the tax share approach to allocate the municipal tax burden. This approach involves determining the percentage share that each class should contribute to the overall tax revenue. Tax rates are changed each year to maintain a consistent allocation of the tax burden among property classes. This practice provides tax increases that are equal for all classes. In accordance with this policy, the resulting tax rates and percentage of levy share reflected in Chart 2 show that the Class 6 business share of the total tax levy was 23.15% in 2022 and that Class 1 residential properties were responsible for 76.21% of the total property tax revenue. However, the District of Saanich class composition is predominantly residential.

**Chart 2: 2022 tax rates, tax share, and tax multiple**

Class	Description	2022 Tax Rate	% Property Tax Levy	Tax Multiple
Class 1	Residential	2.71773	76.21	1.00
Class 2	Utilities	25.58371	0.35	9.41
Class 3	Supportive Housing	2.71775	0.00	1.00
Class 5	Light Industry	6.92159	0.16	2.55
Class 6	Business/Other	13.05151	23.15	4.80
Class 7	Managed Forest	19.57716	0.00	7.20
Class 8	Rec/Non-Profit	8.25185	0.13	3.04
Class 9	Farm	0.50000	0.00	0.18

Chart 3 below provides a comparison between the percentage of assessment values versus the percentage of tax burden from 2013 – 2022.

Assessments	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Class 1	92.2%	91.7%	91.8%	91.8%	92.6%	93.2%	93.0%	92.7%	93.1%	93.9%
Class 6	7.6%	8.1%	8.0%	8.0%	7.2%	6.7%	6.8%	7.1%	6.7%	5.9%
Tax Burden	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Class 1	77.6%	76.9%	76.7%	76.8%	76.3%	76.2%	76.2%	76.3%	76.2%	76.2%
Class 6	21.8%	22.5%	22.6%	22.6%	23.1%	23.1%	23.2%	23.1%	23.2%	23.2%

In 2009, the tax policy set the proportion of business (Class 6) property tax revenue at a minimum of 19%. In 2012, the Saanich strategic plan target for the proportion of business property tax revenue rose to 20%, in 2014 to 21%, and in 2016 to 23% where it has remained. The subtle change in tax policy starting in 2009 has resulted in a shift of the tax burden for Class 6 from 19% tax share in 2009 to 23% tax share in 2022. While the share of property tax that Class 6 is responsible for has increased 4% over ten years, the percentage of assessment distribution between Class 1 residential and Class 6 business has stayed relatively even (5.8% in 2009 to 5.9% in 2022).

In addition to the minimum tax share for Class 6 business of 23%, policy implementation requires that uniform tax increases be applied to each property class. The process of equalizing the tax increase results in an adjustment to the tax multiple and the tax rates.

Chart 4 demonstrates the tax rate setting process and reflects the application of this policy in equalizing the tax increase between the different property classes. Note that the final column of the chart reflects an increase of 6.67% in 2022 to each property class (with the exception of farm class 9 which Council had set at 0.50 tax rate in 2009). It is important to confirm that there is a range of property tax assessment increases *within* each class when properties experience a market value change that is lesser or greater than the average for that class.

**Chart 4: Tax increases by property class for 2022**

Class	2022 Assessments	% of Assessment	Tax Rate	Tax Multiple	2022 Tax Revenue	2022 Tax Share %	Increase to existing (%)
1	42,045,648,460	93.87%	2.71773	1.00000	114,268,875	76.21%	6.67%
2	20,655,700	0.05%	25.58371	9.41000	528,449	0.35%	6.67%
3	58	0.00%	2.71775	1.00000	-	0.00%	0.00%
5	33,977,400	0.08%	6.92159	2.55000	235,178	0.16%	6.67%
6	2,659,104,964	5.94%	13.05151	4.80000	34,705,335	23.15%	6.67%
7	-	0.00%	19.57716	7.20000	-	0.00%	0.00%
8	23,061,800	0.05%	8.25185	3.04000	190,302	0.13%	6.67%
9	3,731,002	0.01%	0.50000	0.18000	1,865	0.00%	1.85%
	44,786,179,384	100.00%			149,930,004	100.00%	

**Residential tax rates vs. non-residential tax rates**

Local and national business groups have been advocating for reductions in the commercial to residential tax ratios and have raised questions as to perceived fairness of the different property tax rates paid by commercial and residential taxpayers. Ratios are calculated to compare the residential tax rates to other classes. For example, using 2022 tax rates, the business tax rate is 13.05 and the residential tax rate is 2.71, the ratio is 4.80 (13.05/2.71).

Tax ratios are one way to examine equity in how the tax burden is allocated between the different property classes. By comparing tax multiples between different property classes, it raises a fairness argument over the level of services consumed. For example, if the business multiple is 4.0, is the commercial business considered to consume four-times more services than a residential property? Many publications specifically focus on the commercial/residential relationship and call for a reduction in that ratio. However, the ratio is not necessarily an indication of a high tax burden on business; Vancouver saw a decrease in both residential and commercial tax rates in 2022, reporting the lowest tax rates of the cities surveyed. As the rate of taxation for residential properties dropped further than the commercial rate, Vancouver’s commercial-to-residential tax ratio actually increased.<sup>1</sup>

Historically, class 6 (business) properties in BC have been taxed at a higher rate than class 1 (residential) properties. There has been extensive research on the topic of tax policy and many papers prepared on the differences between commercial and residential property tax rates. Research has revealed arguments supporting a higher tax rate for business are that higher rates cover the cost of customers and employees who come to the District each day but pay their residential property taxes to another jurisdiction. The costs of providing the services to those customers and employees should be paid by the business that attracts them.<sup>2</sup> In addition,

<sup>1</sup> Altus Group *Canadian Property Tax Rate Benchmark Report (2022)*, (p. 5)

<sup>2</sup> For examples of range of services provided, see UBCM *Comment on Fiscal Management in British Columbia’s Municipalities*, (p. 2, Figure 1)

property tax payments made by a business are tax-deductible against their business income, whereas this is not available to residential taxpayers.

Some of the arguments against a higher tax rate for business are that it decreases competitiveness and could be a deterrent to retaining businesses in the community if they are lured to a different jurisdiction with lower tax rates. In addition, there is criticism that businesses do not consume the increased level of services to justify a higher business multiple, and that a higher business tax rate is subsidizing residential taxpayers.

### Where do we compare?

In order to assess local competitiveness, Chart 5 below depicts the tax ratio and tax rates for residential and commercial classes for all municipalities within the Capital Regional District (CRD). The chart shows that Saanich is tied at fourth highest business to residential tax ratio but has the highest business tax rate within the CRD for 2022. While this does not prove that businesses are choosing to operate in other jurisdictions with lower property tax rates, it does raise questions about the District's ability to attract and retain a business community. That said, results from the latest business survey held in 2023 showed that most businesses (70%) consider Saanich a good place to operate a business.

**Chart 5: Comparing Class 1 and 6 tax ratio & rates among local municipalities**

Municipalities	2022 Residential Tax Rate	2022 Business Tax Rate	2022 Ratio	2022 Residential Taxes on \$500,000	2022 Commercial Taxes on \$500,000
North Saanich	1.16540	7.98670	6.9	583	3,993
Highlands	1.74890	8.94430	5.1	874	4,472
Metchosin	1.47000	7.41840	5.0	735	3,709
Saanich	2.71773	13.05151	4.8	1,359	6,526
Colwood	2.36690	11.24920	4.8	1,183	5,625
View Royal	1.98712	8.54820	4.3	994	4,274
Sooke	1.95389	7.71788	4.0	977	3,859
Victoria	2.88840	10.53230	3.6	1,444	5,266
Oak Bay	2.55130	7.53820	3.0	1,276	3,769
Esquimalt	3.02397	8.56441	2.8	1,512	4,282
Sidney	2.04713	5.61109	2.7	1,024	2,806
Langford	2.08835	5.63854	2.7	1,044	2,819
Central Saanich	2.41787	5.47511	2.3	1,209	2,738

## 2023 Tax Policy Options

### Property Tax Revenue Policy Options

The current tax policy is set with the proportion of business tax revenue at a minimum of 23%. Council may wish to hold this target at 23% in which case the 2023 property tax increase would be applied evenly to both Class 1 and Class 6 taxpayers.

#### OPTION 1: Hold the business proportion of property tax revenue constant at 23.15%.

Option 1	YR1	YR2	YR3	YR4
	2023	2024	2025	2026
Class 1	76.21%	76.21%	76.21%	76.21%
Class 6	23.15%	23.15%	23.15%	23.15%
Incremental increase	0%	0%	0%	0%

If Council wishes to reduce this tax share for business, the shift in tax share will place a higher percentage burden on the Class 1 residential taxpayers.

One method of achieving this is to reduce the business tax share proportion by 0.5% per year for six years. This would reduce the proportion of business tax share to 20% by 2028 and provide relief to business by reducing the average annual tax increase to Class 6 by approximately -2.29%. However, the impact to residential taxpayers would result in an average annual increase of approximately 0.65% per year for those six years of correction.

#### OPTION 2: Reduce business proportion of tax share by 0.5% annually for six years

Option 2	YR1	YR2	YR3	YR4	YR5	YR 6
	2023	2024	2025	2026	2027	2028
Class 1 (current 76.21%)	76.71%	77.21%	77.71%	78.21%	78.71%	79.21%
Class 6 (current 23.15%)	22.65%	22.15%	21.65%	21.15%	20.65%	20.15%
Increase to Class 1	0.66%	0.65%	0.65%	0.64%	0.64%	0.64%
Decrease to Class 6	-2.16%	-2.21%	-2.26%	-2.31%	-2.36%	-2.42%

Another means of reducing the business tax share is to reduce the tax share of 23% by 0.25% per year until the desired proportion of business tax share is reached. This process would take approximately twelve years to reduce the business proportion to 20%, however it still reduces the average annual tax increase to business by approximately -1.15% which would provide some

immediate results to the business community. The resulting impact to Class 1 residential taxpayers is an incremental increase to the average tax increase of an additional 0.32% per year.

**OPTION 3: Reduce business proportion of tax share by 0.25% annually for twelve years**

<b>Option 3</b>	<b>YR1</b>	<b>YR2</b>	<b>YR3</b>	<b>YR4</b>	<b>YR5</b>	<b>YR 6</b>
	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>
Class 1 (current 76.21%)	76.46%	76.71%	76.96%	77.21%	77.46%	77.71%
Class 6 (current 23.15%)	22.90%	22.65%	22.40%	22.15%	21.90%	21.65%
Increase to Class 1	0.33%	0.33%	0.33%	0.32%	0.32%	0.32%
Decrease to Class 6	-1.08%	-1.09%	-1.10%	-1.12%	-1.13%	-1.14%
	<b>YR 7</b>	<b>YR 8</b>	<b>YR 9</b>	<b>YR 10</b>	<b>YR 11</b>	<b>YR 12</b>
	<b>2029</b>	<b>2030</b>	<b>2031</b>	<b>2032</b>	<b>2033</b>	<b>2034</b>
Class 1	77.96%	78.21%	78.46%	78.71%	78.96%	79.21%
Class 6	21.40%	21.15%	20.90%	20.65%	20.40%	20.15%
Increase to Class 1	0.32%	0.32%	0.32%	0.32%	0.32%	0.32%
Decrease to Class 6	-1.15%	-1.17%	-1.18%	-1.20%	-1.21%	-1.23%

**Treatment of Growth and Non-market Change (NMC)**

Non-market change information provided by BC Assessment to municipalities is often referred to as new assessment which typically relates primarily to new construction development. Non-market change can also include assessment changes relating to boundary extension, property class changes, exemption status or zoning changes. It is also possible for non-market assessment changes to be both negative and positive.

Historically non-market change has been applied by the District to offset property tax increases, consistent with the majority of municipalities in the CRD. Chart 6 below illustrates amounts received by the district over the last five years and the fact that the residential and business classes are responsible for much of the annual amount.



**Chart 6: Non-market Change History**

Class	Property Type	Revised Roll 2022	Revised Roll 2021	Revised Roll 2020	Revised Roll 2019	Revised Roll 2018
Class 1	Residential	367,163	373,195	835,979	693,799	671,866
Class 6	Business/Other	39,042	301,199	154,736	194,278	53,300
	All Other Classes	8,796	(30,353)	56,532	(25,555)	23,807
	<b>Total NMC</b>	<b>415,001</b>	<b>644,041</b>	<b>1,047,247</b>	<b>862,522</b>	<b>748,973</b>
	<b>Total NMC %</b>	<b>0.30%</b>	<b>0.49%</b>	<b>0.82%</b>	<b>0.71%</b>	<b>0.65%</b>

While reducing the annual tax increase to existing tax payers is one way of reducing future taxes, Council may want to consider using the new revenue to fund additional resources that support further development in the District. This would help Council achieve many of its strategic objectives sooner including increasing the housing stock and the building up “Centres” and “Villages”. With the acceleration of the development of new commercial/residential space, the tax base will grow and in turn help offset future tax increases to current tax payers.

**OPTION 1:** Continue existing practice of using non-market change to reduce property taxes across all classes.

**OPTION 2:** Allocate non-market change revenue to first fund additional development related staffing and costs (such as Planning, Parks, Engineering, and Inspections staff positions) which will be used to support further growth and new construction in the District, and apply any funds remaining to reduce property taxes across all classes.

### **Employer Health Tax**

At the June 11<sup>th</sup>, 2018 Committee of the Whole Meeting it was recommended Council consider the imposition of the new Employer Health Tax (EHT) as a downloaded cost from the Province that was offset by the elimination of Medical Services Plan (MSP) premiums. The decision was to exclude this from the municipal tax increase calculation and instead show the EHT as a separate line item on the property tax notice. In 2019 the tax increase due to the download was 1.50%, since then the tax lift has only increased 0.05% on average.

Currently, the EHT amount is being treated similarly to taxes collected on behalf of third parties such as the CRD and school taxes for example. All third-party taxes have their own line item on the tax notice. It should be noted the District’s software limits the number of lines that can be displayed on the notice and the EHT line item is taking up valuable space required for new line items such as parcel taxes, which Council may choose to use to fund other programs beside the Heat Pump Financing program.

Given the decline in EHT’s annual impact on property tax increases and in order to simplify the tax calculation process and create the needed space on the property tax notice, staff

recommend the EHT no longer be shown individually on the tax notices and instead be a factor in the calculation of the annual tax increases.

## **OPTIONS:**

### **Tax Policy**

1. That Council confirm the existing tax policy:

“The municipality will continue to set tax rates to ensure tax stability by maintaining uniform annual tax increases”.

2. That Council confirm the tax policy to aggressively reduce the tax share paid by business (Class 6) from its current level to 20% over six years starting in 2024.
3. That Council change the tax policy to gradually reduce the tax share paid by business (Class 6) from its current level to 20% over twelve years starting in 2024.
4. That Council provide alternate direction to Staff.

### **Non-market Change**

1. That Council confirm existing practice and to add to the tax policy the use of non-market change to reduce property taxes across all classes.
2. That Council add to the tax policy the allocation of non-market change revenue first to development-related positions and costs starting in 2024, with any remaining funds applied to reduce property taxes across all classes.

### **Employer Health Tax**

1. That Council approve the removal of the Employer Health Tax line item on the tax notice and ask staff to factor the amount in with the Municipal General tax rate.

## **FINANCIAL IMPLICATIONS:**

### **Property Tax Revenue**

**Option 1:** This option would not have any incremental financial implication as the average tax increase would be equalized across all property classes.

**Option 2:** This option would result in an incremental property tax increase to residential taxpayers of 0.65% annually for six years, which equates to approximately \$17.43 per year for the average

residential property (\$1,174,500 in 2022). The average tax increase to business would be reduced by approximately -2.29% per year for six years, which equates to savings of approximately \$350.51 for the median business property (\$993,300 in 2022).

**Option 3:** This option would result in an incremental property tax increase to residential taxpayers of 0.32% annually for twelve years, which equates to approximately \$10.29 per year for the average residential property (\$1,174,500 in 2022). The average tax increase to business would be reduced by approximately -1.15% per year for twelve years, which equates to savings of approximately \$149.08 for the median business property (\$993,300 in 2022).

### **Treatment of Growth and Non-market Change (NMC)**

**Option 1:** This option would not have any incremental financial implications as NMC would continue being used to reduce property tax increase across all classes.

**Option 2:** This option would impact the tax increase to all classes for any percentage used to fund development resources.

Using funds to ensure the District has adequate capacity to continue to process development applications in a timely and efficient manner could, depending on market factors, increase the amount of new non-market taxation realized from year to year.

### **Employer Health Tax**

This option would not have any financial implications as the amount currently showing as the BC Employer Health Tax Levy line item on the tax notice would now be included in the Municipal General line item.

### **CONCLUSIONS:**

The business proportion of property tax revenue has increased from 19% in 2009 to 23% in 2022 without any significant change to the assessment distribution between residential and business properties. There is no single measure that can be used to demonstrate whether taxes should be shifted from one class to another. This is a subjective determination that will differ among municipalities due to differences in assessment distribution and local factors specific to each jurisdiction and Council's goals with respect to tax affordability for residents and businesses.

The non-market revenue increase has always been used to reduce the property tax rate to current tax payers. Allocating some or all of this revenue to help incentivise further development in the District would help the District achieve many of its objectives sooner including increasing housing stock.

Prepared by



Jennifer Lockhart

Senior Manager, Financial Services

Approved by

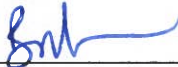


Paul Arslan

Director of Finance

**ADMINISTRATOR'S COMMENTS:**

I endorse the recommendation from the Director of Finance.



Brent Reems, Chief Administrative Officer



# Report

**To:** Finance and Governance Committee  
**From:** Brent Reems, Chief Administrative Officer (CAO)  
**Date:** 10/18/2023  
**Subject:** Council Code of Conduct Policy

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## RECOMMENDATIONS

That the Finance and Governance Committee recommends to Council:

That staff report back with amendments to the Code of Conduct Policy updating the complaints handling process to provide for the ability to obtain external assistance during the information resolution process and the process for retaining external assistance in the formal complaint process.

## PURPOSE

The purpose of this report is to provide information to the Finance and Governance Committee on Council's Code of Conduct Policy to support a review.

## BACKGROUND

On February 17, 2023, Council directed a review of the Code of Conduct Policy (the "Code" or "Policy") through the Finance and Governance Standing Committee and directed staff to bring forward information to the Committee in support of a review.

At its meeting of October 16, 2023, Council further directed the Committee to explore the opportunity to make the Policy into a Bylaw.

Saanich's Code of Conduct Policy is attached at Appendix "A".

To facilitate the Committee's review, this report provides information on two broad areas: first, general information on the issue of policy vs. bylaw; second, observations (and recommendations) from staff about possible revisions to the existing framework.

### Policy vs. Bylaw

Some local governments have established codes of conduct by policy. Others have established them by bylaw. The District's has been by policy since its introduction.

Many of the objectives of a code of conduct can be accomplished in either framework. The bylaw approach has additional elements of formality that may make it more difficult to amend (although a simple majority is required to make amendments in both cases, there is

a more fulsome legislative process associated with bylaw readings). Most of the communities that have adopted codes of conduct by bylaw also tend to have formal ethics commissioners retained to provide a range of oversight services that also typically include proactive or educational components.

Formal sanctions may be able to be incorporated more effectively by bylaw, but that depends in part on the type of sanction or penalty. Most bylaws and policies provide an external investigator with the ability to recommend a broad range of remedies to Council (and ultimately must be accepted or approved by Council) the enforceability of which are not necessarily enhanced due to listing them in a bylaw rather than a policy. The District's Code, for example, provides that following investigation, resolution may include (but are not limited to) recommendations involving: public censure, apology or counselling. The City of Nanaimo's Bylaw, by way of comparison, includes a longer list: apology, counselling, direction around confidential information, training, limiting access to facilities, suspension from committees, prohibitions on conference attendance, removal as acting mayor, public censure and reductions in compensation. The District's Code does not preclude an investigator from making any of these recommendations. Also, whether by policy or bylaw, the sanctions require a decision of Council (on receipt of a recommendation), and possibly additional direction by resolution as it relates to remedies that are related to other bylaws or policies. A benefit to the drafting of some bylaws is that they contain more detailed language around expectations and processes for breaches that work to avoid a process that relies on unwritten rules or general statements of principle that do not have clear prior endorsement of Council.

The Union of BC Municipalities' Joint Working Group on Responsible Conduct has published a model code of conduct and companion guide which both do not appear to make a recommendation on policy vs. bylaw (they are attached as Appendix "B"). The District's Code of Conduct is referenced in the companion guide as a resource.

Staff are not aware of any comparable data or other information that exists in the province that weighs or tracks the practical effectiveness of codes established by policy against codes established by bylaw.

With reference to the history of the application of the Code in the District, staff do not have specific examples to provide from past application that inform the discussion on format and will look to Committee and Council for direction on how it wishes to proceed.

### Policy Review

Setting aside the above discussion on format, staff have reviewed the existing Policy and note the following:

- It includes foundational principles as policy statements that are required by the *Principles for Code of Conduct Regulation*.
- It addresses standards of conduct related to subject areas consistent with best practices (including the areas identified in the Model Code of Conduct).
- It is clearly drafted, does not have any apparent conflicts with current laws or other Council policies or bylaws and does not unnecessarily duplicate other policy requirements.

A review of current approaches in other municipalities highlights the following areas for the Committee's consideration during review:

### *1. Complaint adjudication*

The District's Code has two primary adjudication processes: informal and formal. It is recommended that both the informal and formal process approaches be retained (and is a common approach in other jurisdictions).

In the current Policy, the informal process is managed by the CAO and Mayor (or designate). The formal process is referred to a third-party investigator. As not all complaints may be appropriate for the CAO and Mayor (or designates) to resolve informally, it is recommended that this section of the Code be updated to provide the discretion to the CAO and Mayor to engage external assistance in resolving the complaint at the informal stage.

Regarding the formal process, the current Policy provides that the investigators will be retained on a case-by-case basis and that the complainant and respondent will have the ability to comment on the competency of a number of possible investigators identified.

It is recommended that this language be updated to allow the CAO (or designate) the power to retain the external investigator. Many jurisdictions have moved to a process that involves appointing a third-party investigator – often called an ethics commissioner – that is on retainer and is available to receive referrals as they arise. Some local governments appoint external commissioners on broad retainers that include proactive, educational components, whereas other approaches focus more on retention specifically for formal investigative processes. It is recommended that the District's Policy be updated to provide for a streamlined retention process (removing the ability of the parties to a complaint to be involved in a case-by-case retention). On this point, the Committee may also wish to provide specific direction around Policy language: namely, whether it wishes to use the broader "ethics commissioner" term to refer to the external party so retained by the District. Without providing any additional direction as to a broadening of scope, the intent of staff's recommended update would not be to functionally alter the role of the external investigator (it would still primarily focus on complaint investigation), but different terminology and retention processes would be proposed.

### *2. Release of Findings*

The District's Code does not provide for public release of formal investigation findings. Increasingly, local governments' codes of conduct are providing for release of investigative reports (or their executive summaries), following Council/Board in camera consideration in support of transparency in the decision-making process. While the District's current process does not prevent Council from rising and reporting on investigative findings presented in-camera, the Committee may wish to recommend making public reporting a formal part of the District Policy as part of this review process.

## ALTERNATIVES

1. That the Committee approve the recommendation outlined in this staff report.
2. That the Committee recommend to Council that staff be directed to transition the Code of Conduct Policy to a Bylaw.
3. That the Committee provide alternate direction to staff.

## FINANCIAL IMPLICATIONS

There are no direct financial implications associated with the Committee's review of the Code. If the Policy were amended to provide for the ability to retain external resources in the informal resolution stage, there would be costs associated with hiring the necessary resources. This would depend, of course, on whether – and how many – issues were referred externally for assistance with resolution. At this stage, based in part on history of application of the Policy, it is anticipated that the costs associated with this change could be accommodated within existing budget.

If Council directs other changes in approach – particularly related to the method and scope for retention of external investigators – there would likely be a financial impact. At present, costs associated with external investigations are handled within existing budgets. If no complaints are generated, no direct external costs arise.

If the Council directs staff to transition the Policy to a Bylaw, there may be costs associated with external review of the documents and development of the Bylaw. These costs could be accommodated within existing budgets.

## CONCLUSION

The information in this report is being provided further to Council's direction to bring the Code of Conduct forward to the Finance and Governance Committee for review.

Prepared by



Brent Reems

Chief Administrative Officer

cc: Sheila Allen, Director of Corporate Services  
Angila Bains, Director of Legislative & Protective Services, Corporate Officer



# APPENDIX A

## COUNCIL POLICY

<b>NAME:</b>	<b>CODE OF CONDUCT</b>	
<b>ISSUED:</b>	November, 2016	<b>INDEX REFERENCE:</b>
<b>AMENDED:</b>	May 27, 2019 June 1, 2020	<b>COUNCIL REFERENCE: 16/CNCL</b>

### PURPOSE:

To set minimum expectations for the behaviour of Council officials in carrying out their functions.

### SCOPE:

All Council officials and the Chief Administrative Officer.

### DEFINITIONS:

**Advisory Body Member:** a person sitting on an advisory committee, task force, commission, board, or other Council-established body.

**Confidential Information:** Confidential Information includes information that could reasonably harm the interests of individuals or organizations, including the District of Saanich, 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.

**Council official:** the Mayor and members of Council

**Personal Information:** has the same meaning as in the *Freedom of Information and Protection of Privacy Act*

**Staff:** an employee or contract employee of the District of Saanich, and includes staff that supports Advisory Bodies.

**Municipal Officer:** a member of staff designated as an officer under section 146 of the *Community Charter* or a bylaw under that section.

### INTERPRETATION:

- (a) In this policy, a reference to a person who holds an office includes a reference to the persons appointed as deputy or appointed to act for that person from time to time.
- (b) This Code of Conduct applies to the use of social media by Council officials in relation to District related matters.

**POLICY STATEMENTS:****1. Key Principles**

- 1.1. **Integrity:** Council officials are keepers of the public trust and must uphold the highest standards of ethical behaviour. Council officials are expected to:
- make decisions that benefit the community;
  - act lawfully and within the authorities of the *Community Charter, Local Government Act* and other applicable enactments; and
  - be free from undue influence and not act, or appear to act, in order to gain financial or other benefits for themselves, family, friends or business interests.
- 1.2. **Accountability:** Council officials are obligated to answer for the responsibility that has been entrusted to them. They are responsible for decisions that they make. This responsibility includes acts of commission and acts of omission. In turn, decision-making processes must be transparent and subject to public scrutiny; proper records must be kept.
- 1.3. **Leadership:** Council officials must demonstrate and promote the key principles of the Code of Conduct through their decisions, actions and behaviour. Their behaviour must build and inspire the public's trust and confidence in local government. Council officials will provide leadership to District staff through the Chief Administrative Officer.
- 1.4. **Respect:** Council officials must conduct public business efficiently and with decorum. They must treat each other and others with respect at all times. This means not using derogatory language towards others, respecting the rights of other people, treating people with courtesy and recognition of the different roles others play in local government decision making.
- 1.5. **Openness:** Council officials have a duty to be as open as possible about their decisions and actions. This means communicating appropriate information openly to the public about decision-making processes and issues being considered; encouraging appropriate public participation; communicating clearly; and providing appropriate means for recourse and feedback.

## 2. General Conduct

- 2.1. Council officials must adhere to the key principles and provisions of the Code of Conduct.
- 2.2. Council officials must act lawfully and within the authorities of the *Community Charter, Local Government Act* and other applicable enactments and exercise a reasonable degree of care and diligence in carrying out their functions.
- 2.3. Council officials have an obligation to consider issues and exercise powers, duties and functions in a manner that avoids arbitrary and unreasonable decisions.
- 2.4. Council officials must avoid behaviour that could constitute an act of disorder or misbehaviour. Specifically, Council officials must avoid conduct that:
  - contravenes this policy;
  - contravenes the law, including the *BC Human Rights Code*, and other enactments, and District Bylaws; and
  - is an abuse of power or otherwise amounts to improper discrimination, intimidation, harassment or verbal abuse of others.

## 3. Collection and Handling of Information

- 3.1. Council officials must:
  - Collect and use personal information in accordance with *Freedom of Information and Protection of Privacy Act* legislation and the Protection of Privacy Policy and guidelines as established in Saanich;
  - Protect information that is specifically marked confidential, that is Personal Information and other material identified or understood to be confidential in nature;
  - Refrain from discussing or disclosing any Confidential Information with or to Staff, or with persons outside the organization except as authorized;
  - Refrain from discussing or disclosing any Personal Information with or to other Council Officials, Staff, or with persons outside the organization except in a manner consistent with the duty to protect Personal Information under the *Freedom of Information and Protection of Privacy Act*.

- Take reasonable care to prevent the examination of confidential material or access to Personal Information by unauthorized individuals;
  - Not use Confidential Information except for the purpose for which it is intended to be used;
  - Only release information in accordance with established District policies and procedures and in compliance with the *Freedom of Information and Protection of Privacy Act* (British Columbia);
  - Not disclose decisions, resolutions or report contents forming part of the agenda for or from an in-camera meeting of Council until a corporate decision has been made for the information to become public; and
  - Not disclose details on Council's in-camera deliberations or specific detail on whether individual Councillors voted for or against an issue.
- 3.2. Except in the normal course of duties, Council officials must not in any way change or alter District records or documents.
- 3.3. When dealing with Personal Information, Council officials must comply fully with the provisions of the *Freedom of Information and Protection of Privacy Act*. All reasonable and necessary measures must be taken to ensure that the personal or private business information of individuals is protected. Personal information includes information or an opinion about a person whose identity is apparent, or can be determined from the information or opinion.

#### **4. Conflict of Interest**

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

#### **5. Interactions of Council officials with Staff and Advisory Body Members**

- 5.1. Council is the governing body of the District of Saanich. It has the responsibility to govern the District in accordance with the *Community Charter* and other legislation.

- 5.2. The Mayor is the head and chief executive officer of the District and has a statutory responsibility to provide leadership to the Council and to provide general direction to municipal officers respecting the municipal policies, programs and other directions of the council as set out in the *Community Charter*.
- 5.3. Council officials are to contact staff including Municipal Officers, according to the procedures authorized by Council and the District Chief Administrative Officer regarding the interaction of Council officials and staff. As a general principle, the District adopts the one employee model where Council's point of contact with staff is the Chief Administrative Officer.
- 5.4. Council officials are to direct inquiries regarding departmental issues or questions to the District's Chief Administrative Officer or the Department Head (Director) of the appropriate department and refrain from contacting other staff without first discussing the issue with the Department Head.
- 5.5. Advice to Council from staff will be vetted, approved and signed by the Chief Administrative Officer.
- 5.6. Council officials will invite the Chief Administrative Officer to be present at any meeting between a Council official and a member of staff where such attendance is requested by the staff member.
- 5.7. Council officials are not to issue instructions to any of the District's contractors, tenderers, consultants or other service providers.
- 5.8. Council officials must not make public statements attacking or disparaging staff or Advisory Body Members and shall show respect for the professional capacities of staff. Council officials must not involve staff in matters for political purposes.
- 5.9. Council officials must not publish or report information or make statements attacking or reflecting negatively on staff or Advisory Body Members except to the Chief Administrative Officer as appropriate to bring a complaint to the attention of the Chief Administrative Officer for follow up.
- 5.10. Significant information provided to any member of Council, which is likely to be used in Council or in political debate, should also be provided to all other Council officials, and to the Chief Administrative Officer.
- 5.11. Council officials must treat members of the public, other Council officials, Advisory Body Members and staff appropriately, and without bullying, abuse or intimidation in order to preserve a workplace free from harassment.

**6. Council Officials Use of Social Media**

- 6.1. It is not the role of individual Council officials to report directly on District related business. Council officials will use caution in reporting decision-making by way of their social media profiles and websites ensuring that any material they publish is accurate, precise and communicates the intent of Council
- 6.2. Council officials will include an "in my opinion", or similar disclaimer, either within the banner of their individual social media site(s) or separately when making follow up posts to the District's social media postings and when creating original posts pertaining to District related business.

(Sample Disclaimer – "Opinions expressed are my own and do not reflect the view or opinions of the District of Saanich")

- 6.3. Council officials will refrain from using or permitting use of their social media accounts for purposes that include generating or recirculating:
- defamatory remarks, obscenities, profane language or sexual content;
  - negative statements disparaging other members of council;
  - negative statements disparaging staff or calling into question the professional capabilities of staff;
  - content that endorses, promotes, or perpetuates discrimination or mistreatment on the basis of race, religion or belief, age, gender, marital status, national origin, physical or mental disability or sexual orientation;
  - statements that indicate an actual attitudinal bias in relation to a matter that is to be the subject of a statutory or other public hearing;
  - promotion of illegal activity;
  - information that may compromise the safety or security of the public or public systems.
- 6.4. Council officials must regularly monitor their social media accounts and immediately take measures to remove messages or postings by others that violate this Code of Conduct.

**7. Interactions with the Public and the Media**

- 7.1. Council officials will accurately communicate the decisions of the Council, even if they disagree with the majority decision of Council, and by so doing affirm the respect for and integrity in the decision-making processes of Council.
- 7.2. When discussing the fact that he/she did not support a decision, or voted against the decision, or that another Council official did not support a decision or voted against a decision, a Council official will refrain from making disparaging comments about other Council officials or about Council's processes and decisions.

**8. 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*. Ultimately, the interpretation of those sections is a matter for the courts. However, the general language used in those sections creates some level of uncertainty and this Code of Conduct is intended to provide some guidance to Council officials.

**8.1. What are Gifts and Personal Benefits?**

- 8.1.1. Gifts and personal benefits are items or services of value that are received by Council officials for personal use. These would include, but are not limited to, cash, gift cards, tickets to events, items of clothing, jewellery, pens, food or beverages, discounts or rebates on purchases, free or subsidized drinks or meals, entertainment, invitations to social functions, etc.
- 8.1.2. The following are not to be considered gifts or personal benefits:
  - Compensation authorized by law (see section 105(2)(b) of the *Community Charter*).
  - Reimbursement for out of pocket costs incurred for authorized travel, living and accommodation expenses associated with attendance at an event or in connection with an authorized travel.
  - A lawful contribution made to a Council official who is a candidate for election conducted under the *Local Government Act*.

## 8.2. What Gifts and Personal Benefits may be Accepted?

- 8.2.1. Section 105(1) of the *Community Charter* prohibits Council officials from directly or indirectly accepting a fee, gift or personal benefit connected with the official's performance of the duties of office.
- 8.2.2. In accordance with section 105(2), a Council official may accept gifts and personal benefits received as an incident of the protocol or social obligations that normally accompany the responsibilities of elected office.
- 8.2.3. Gifts and personal benefits received in accordance with section 105(2)(a) of the *Community Charter* as referenced in section 8.2.2 must be reported and disclosed in accordance with section 106 to the Corporate Officer.
- 8.2.4. Where a gift or personal benefit that may be accepted under the *Community Charter* has a value in excess of \$100.00, the Council official who receives the gift will do so on behalf of the District and turn over the gift to the District, except as otherwise permitted by Council.
- 8.2.5. Council officials 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 officials will not accept gifts or personal benefits from business or commercial enterprises having a value that exceeds \$50.00 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.

## 8.3. How Must Gifts and Personal Benefits be Reported?

- 8.3.1. Council officials must disclose to the Corporate Officer gifts and personal benefits in accordance with section 106 of the *Community Charter*.
- 8.3.2. If a Council official receives a gift or personal benefit that they do not wish to accept, regardless of value, they may immediately relinquish the gift or personal benefit to the District, in which case a disclosure form would not be required. If the gift or personal benefit is not immediately relinquished to the District, then the Council official must file a disclosure form.
- 8.3.3. The content of the disclosure must comply with section 106(2) of the *Community Charter* and must be filed "as soon as reasonably practicable".



8.3.4. It is the responsibility of Council officials 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.

8.4. How are Gifts and Personal Benefits Valued?

8.4.1. For the purposes of this Code, the value of each gift or personal benefit shall be determined by its replacement cost, i.e., how much it would cost to replace the item?

8.5. Procedure for Dealing with Relinquished Gifts and Personal Benefits

8.5.1. Where a gift or personal benefit is relinquished to the District, the Corporate Officer will record the receipt of the item, nature of the gift or personal benefit, source (including the addresses of at least two individuals who are directors, in the case of a corporation), when the gift was received, and the circumstances under which it was given and accepted.

## 9. Breaches, Complaint Handling and Disciplinary Action

### General

- 9.1. This section, Breaches, Complaint Handling and Disciplinary Action, is for internal use only. Council officials and staff within the District of Saanich can use this section to lodge a complaint against a member of Council in relation to their own interactions with that Council official.
- 9.2. Council officials are to abide by the requirements of the *Community Charter* and this Code of Conduct, and shall endeavour to resolve interpersonal disputes in good faith, recognizing that interpersonal rancour does not facilitate good governance.

### Council Officials

- 9.3. Alleged breaches of this Code of Conduct by Council Officials shall be submitted in a written complaint (as per the Breach Template (Template1)) 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, is in a conflict of interest related to the complaint 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.

In the event that the Chief Administrative Officer is the subject of, is in a conflict of interest related to the complaint or is implicated in the complaint, the complaint shall be addressed to the Director of Corporate Services unless that individual is the subject of or implicated in the complaint.

- 9.4. Upon receipt of a complaint under section 9.3, the Mayor or designated Councillor, and the Chief Administrative Officer or designate (Director, Corporate Services) shall review the Policy and the details of the alleged breach.

The role of the Mayor and CAO (or designates) is to be the keeper of the process, not to adjudicate the complaint. Their role is to facilitate and seek a mutually beneficial resolution between the parties. Information from both parties should be obtained, reviewed and options for resolution canvassed. There is no ability for the Mayor / CAO or designates to give advice about the processing or quality of resolution of the complaint.

- 9.5. If the situation is not able to be resolved through the informal process within thirty (30) days, the Mayor and the Chief Administrative Officer or designates will work to appoint an independent third party. Numerous third party investigators will be identified. The Complainant(s) and Respondent(s) will be provided with the resumes of the identified parties. The Complainant(s) and Respondent(s) have the ability to agree or disagree that the proposed parties have the necessary professional skills, knowledge and experience to investigate the complaint (the "Third Party Investigator").

The Complainant(s) and Respondent(s) will notify the Mayor and CAO or designated if they have a conflict of interest with any of the proposed Third Party Investigators.

The Third Party Investigators will then be contacted and the individual with the next available opening in their schedule will be appointed to the matter.

- 9.6. If the parties cannot agree on the choice of investigator, a nominee of the Complainant(s) and the Respondent(s) shall jointly select a suitable Third Party Investigator.
- 9.7. If the Complainant(s) or Respondent(s) refuse to participate in a formal investigation, the investigation may continue without that individuals' participation. The Third Party Investigator will make their determination based on the information they are provided.

Not participating in the processes as outlined in sections 9.3 and 9.5 may also be considered grounds for a complaint under the policy.

- 9.8. Throughout both the informal or formal investigation, either party can have legal counsel present to assist them. This legal counsel will be required to follow any rules of in-camera or procedural bylaw process that are applicable.
- 9.9. As confidentiality is key, information provided to the Respondent(s) will be limited to the Breach Template completed by the Complainant.
- 9.10. The Third Party Investigator:
- 9.10.1. May conduct a preliminary assessment of the complaint, at the conclusion of which the investigator may determine to continue the investigation or make a written recommendation that the complaint be dismissed as unfounded, beyond jurisdiction or unlikely to succeed;

If the Third Party Investigator determines to continue the complaint, the Third Party Investigator shall:

- 9.10.2. Conduct an independent and impartial investigation of the complaint in a manner that is fair, timely, confidential and otherwise accords with the principles of due process and natural justice;
- 9.10.3. Provide an investigation update within ninety (90) days of his or her appointment to the Mayor and the Chief Administrative Officer or designates, as applicable, and to the Complainant and the Respondent;
- 9.10.4. Provide a written, confidential report (the "Report") of the findings of the investigation, including findings as to whether there has been a breach of this Code of Conduct, to the Mayor and the Chief Administrative Officer or designates, as applicable;
- 9.10.5. Provide recommendations regarding if a copy of or selected sections of the final Report should be provided to the Complainant and the Respondent; and
- 9.10.6. Provide recommendations in the Report as to the appropriate resolution of the complaint, which recommendations may include:
- dismissal of the complaint; or
  - public censure of the Council Official or Officials for misbehaviour or a breach of this Code of Conduct; <sup>1</sup>

- 
- a recommendation that a Council Official or Officials apologize to any person adversely affected by a breach of this Code of Conduct;
  - counselling of a Council Official or Officials; and/or
  - such other recommendations as are deemed appropriate in the professional judgment of the Third Party Investigator.
- 9.11. The Mayor and the Chief Administrative Officer or designates shall consider whether the Report or an executive summary of the Report should be presented to Council.
- 9.12. The Director of Corporate Services will receive and retain all reports prepared related to the complaint.
- 9.13. At the conclusion of the process the Third Party Investigator will destroy all notes that were taken or documents that were provided throughout the process of the investigation.
- 9.14. Where a Council Official alleges a breach of this Code of Conduct by a fellow Council Official, all Council Officials shall refrain from commenting on such allegations at open meetings of Council pending the conclusion of the Report and any decision of Council on the Report.
- 9.15. Council Officials who retain legal counsel to represent them in proceedings under this section may request in writing that the District indemnify them for their reasonable costs of representation, in accordance with section 740 of the *Local Government Act*.
- 9.16. Staff who retain legal counsel to represent themselves in proceedings under this section may request, in writing, reimbursement of reasonable costs from the District.

1. There is no defined or prescribed process related to public censure. The common law rules of natural justice would apply, meaning the right to a fair hearing, which includes the right to know the case against oneself, the right to be heard, the right to have an impartial adjudicator, and sometimes (but not always) the right to be represented by legal counsel.

**10. Attachments**

10.1. Attached to this document are two templates that could be utilized as part of the information resolution process:

- Proactive Apology by Council Member (Template 2)
- Apology by Council Member if held by Council to have violated the Code of Conduct (Template 3)

10.2. Please note: British Columbia's Apology Act provides that an "apology" made by or on behalf of a person in connection with any matter does not constitute an express or implied admission or acknowledgement of fault or liability. "Apology" is defined as "an expression of sympathy or regret, a statement that one is sorry or any other words or actions indicating contrition or commiseration, whether or not the words or actions admit or imply an admission of fault." The Act further provides that an apology does not void, impair or otherwise affect any insurance coverage that is available, or that would, but for the apology, be available to the person in connection with the matter. Evidence of an apology made by or on behalf of a person in connection with any matter is not admissible in any court as evidence of the fault or liability of the person in connection with that matter and must not be taken into account in any determination of fault or liability.

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**TEMPLATE 1 – Complaint**

**DATE OF COMPLAINT:** \_\_\_\_\_

**NAME OF COUNCIL OFFICIAL MAKING THE COMPLAINT:** \_\_\_\_\_

**NAME OF COUNCIL OFFICIAL WHO THE COMPLAINT IS AGAINST:** \_\_\_\_\_

**DATE OF THE BREACH:** \_\_\_\_\_

**SECTIONS OF THE COUNCIL CODE OF CONDUCT THAT HAVE BEEN BREACHED:**

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**DETAILED DESCRIPTION OF INCIDENT AND HOW THE CODE OF CONDUCT WAS BREACHED**

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**HAVE YOU APPROACHED THE OTHER COUNCIL OFFICIAL TO LET THEM KNOW ABOUT YOUR CONCERNS?**

Y\_\_\_\_ N\_\_\_\_

**WHAT IS THE RESOLUTION THAT YOU ARE SEEKING?**

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**TEMPLATE 2 – Proactive Apology by Council Member**

[DATE]

**PERSONAL AND CONFIDENTIAL**

[Name of Recipient]

[Title]

District of Saanich

[Address]

[City, Province Postal Code]

Dear [title] [last name]:

Re: Apology [subject]

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As you know, on [date], I [briefly set out the nature of the offending conduct. It is recommended you provide dates, times and a description of the conduct at issue as you understand it].

On [date], you confronted me about my behaviour/conduct and expressed [describe briefly the conduct complained of and how it affected the offended person]. I acknowledge that my conduct / actions made you feel [describe how it affected the offended person] and I admit that my [actions / conduct] were [reformulate why your actions were wrong in your own words – ex: offensive, derogatory, belittling, in poor taste, defamatory, wrong, discriminatory, callous, harmful to your reputation etc.].

Having reflected on [your complaint / our conversation], I take full responsibility for my [actions / conduct] and wish to apologize for the harm that I have caused you. My behaviour was not in keeping with the key principles of our Council's Code of Conduct. In particular, I acknowledge that my conduct was in violation of [identify the section(s) of the Code of Conduct breached].

Going forward, I commit to being more careful in my [words / actions] and to making better efforts to respect and abide by my obligations set out in the Code of Conduct. Please accept my heartfelt apology.

Sincerely,

[name]

[title]

**TEMPLATE 3 - If held by Council to have violated the Code of Conduct**

[DATE]

**PERSONAL AND CONFIDENTIAL**

[Name of Recipient]

[Title]

District of Saanich

[Address]

[City, Province Postal Code]

Dear [title] [last name]:

**Re: Apology [subject]**

---

As you know, on [date], I [briefly set out the nature of the offending conduct. It is recommended you provide dates, times and a description of the conduct at issue as you understand it].

On [date], you confronted me about my behaviour/conduct and expressed [describe briefly the conduct complained of and how it affected the offended person]. In light of Council having concluded that my conduct constituted a violation of the District's Council Code of Conduct, I acknowledge that my conduct / actions made you feel [describe how it affected the offended person] and I admit that my [actions / conduct] were [reformulate why your actions were wrong in your own words – ex: offensive, derogatory, belittling, in poor taste, defamatory, wrong, discriminatory, callous, harmful to your reputation etc.]

Having reflected on [the decision of Council], I take full responsibility for my [actions / conduct] and wish to apologize for the harm that I have caused you. My behaviour was not in keeping with the key principles of our Council's Code of Conduct. In particular, I acknowledge that my conduct was in violation of [identify the section(s) of the Code of Conduct breached].

Going forward, I commit to being more careful in my [words / actions] and to making better efforts to respect and abide by my obligations set out in the Code of Conduct. Please accept my heartfelt apology.

Sincerely,

[name]

[title]



# APPENDIX B

MODEL CODE OF CONDUCT

## Getting Started on a Code of Conduct for Your Council / Board

*Produced by the Working Group on Responsible Conduct*

*Updated in October 2022*



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*The Working Group on Responsible Conduct* is a joint initiative between the Union of BC Municipalities, the Local Government Management Association, and the Ministry of Municipal Affairs. The Group was formed to undertake collaborative research and policy work around issues of responsible conduct of local government elected officials.

## INTRODUCTION & EXPLANATORY NOTES

### What is a code of conduct?

- A code of conduct is a written document that sets shared expectations for conduct or behaviour. A local government council or board can adopt a code of conduct to establish shared expectations for how members should conduct themselves while carrying out their responsibilities and in their work as a collective decision-making body for their community.
- Responsible conduct of elected officials is not optional; it is essential to good governance. Responsible conduct refers to how government elected officials conduct themselves with their elected colleagues, with staff, and with the public. It is grounded in conducting oneself according to principles such as integrity, accountability, respect, and leadership and collaboration.
- A code of conduct is one tool that can be used by a local government council or board to promote or further responsible conduct. See the [Forging the Path to Responsible Conduct in Your Local Government](#) guide for complementary tools.

### What is the purpose of this document?

- The purpose of this document is to provide local government council or board members with a model code of conduct which establishes a set of principles and general standards of conduct that can be used as a starting point to develop their own code of conduct.
- This model code of conduct may also be useful for councils or boards who already have a code of conduct in place but are required to consider updating their code following the 2022 general local elections.
- The Working Group on Responsible Conduct has also developed a “Companion Guide” to accompany this document that provides discussion questions, things to keep in mind, and other tips to facilitate a council or board’s conversation in developing a code of conduct.
- The general standards of conduct set out in this model code of conduct reflect the foundational principles of integrity, respect, accountability, and leadership and collaboration. Local governments are required to reflect on these principles when considering whether to establish or update a code of conduct.
- Councils or boards may choose to customize and expand on the general standards of conduct provided in this model code of conduct by:
  - Adding examples of specific behaviours or other details to further elaborate on the standards of conduct that are provided;
  - Including additional standards of conduct that address topics of importance to the council or board and which are not directly dealt with by the standards of conduct already provided;
  - Including additional provisions in the code of conduct to support compliance or to cover informal resolution processes, formal enforcement processes such as complaints investigation and final resolution, and sanctions; and/or

- Incorporating, referencing or attaching other policies that are generally related to responsible conduct (such as social media policies), where a council or board feels it is appropriate.

### **What are some considerations in developing and using a code of conduct?**

- In developing a code of conduct, council or board members should consider not just the content of the code of conduct, but also how to make it meaningful for members, both as individuals and as a collective decision-making body. While there is no ‘right’ way to develop and use a code of conduct, councils or boards should consider the following to maximize the effectiveness of their code of conduct:
  - *Don’t overlook the importance of the process when developing and adopting a code of conduct:* How a code of conduct is developed and adopted matters; providing opportunities for council or board members to discuss not just the “what” but also the “why” of a code of conduct will help ensure its effectiveness.

To start with, understanding the context for developing and adopting a code of conduct is important – is the council or board being proactive or have there been particular incidents of concern; does the council or board need to consider its collective “blind spots”, such as identifying and airing subconscious assumptions or systemic barriers? Discussing the language and content of the code of conduct and how it can best be customized to meet the needs of the council or board and individual members is also important. Discussing shared expectations as a part of the orientation process for newly elected officials or including the code of conduct as an outcome of a strategic planning process (with dedicated follow-up opportunities for development) could be good ways of ensuring a code of conduct is adopted in a meaningful way.

- *Make the code of conduct meaningful:* Finding ways to integrate the code of conduct into the council or board’s ongoing governance will help ensure that it remains a relevant and effective living document. For instance, some councils or boards may choose to refer to the code of conduct at every meeting; others may have a copy included in every agenda package or framed on the wall in the meeting room or placed on the desk of each elected official as a regular point of reference.
- *Make sure the code of conduct is consistent with existing laws and policies:* Council or board members may include a variety of topics in their code of conduct. Where existing laws or policies deal with topics they choose to include in their code of conduct (i.e., privacy legislation; Human Resources policies; etc.), they must ensure that their code of conduct is consistent with those laws and policies.
- *Offer ongoing advice, education, and support:* A council or board will also want to consider how members can best be supported in working with their code of conduct. This could include, for example, general education around the purpose of codes of conduct, opportunities for members to receive specific advice on how the code of conduct should be interpreted and applied, as well as other ongoing opportunities for support and education – for example, orientation when new members join the council or board or regular debriefings following council or board meetings to discuss how effectively the code of conduct guided the discussion.
- *Revisit it regularly:* Council or board members should approach their code of conduct as a living document to be reviewed and amended from time to time, to ensure that it remains a relevant and

effective tool. At a minimum, councils and boards are required to consider updating their code of conduct following a general local election; however, it is encouraged that councils and board review it more often than once per term.

# MODEL CODE OF CONDUCT <sup>1</sup>

## A. INTRODUCTION

As local elected representatives (“members”), we recognize that responsible conduct is essential to providing good governance for the [city / municipality / regional district / district] of [name of local government].

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

In order to fulfill our obligations and discharge our duties, we are required to conduct ourselves to the highest ethical standards by being an active participant 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 members of [city / municipality / regional district / district] of [name of local government]. It is each 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 members in a manner that is consistent with all applicable federal and provincial laws, as well as the bylaws and policies of the local government, the common law and any other legal obligations which apply to members individually or as a collective council or board.

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<sup>1</sup> Some sections of this code of conduct include additional information in a shaded box. This information is for guidance and context only and is not intended to be included in a local government’s code of conduct.

## C. FOUNDATIONAL PRINCIPLES OF RESPONSIBLE CONDUCT

### **Information about the Foundational Principles:**

*The foundational principles of integrity, respect, accountability and leadership and collaboration have been identified by the Working Group on Responsible Conduct as being important to promoting and furthering responsible conduct and should be incorporated into every code of conduct.*

*A high-level definition of each foundational principle, along with a general description of the type of conduct that upholds each principle, is provided below. These principles are intended to provide members with a shared understanding of responsible conduct and guide them in fulfilling their roles and responsibilities both as individual elected officials and as a collective council or board. Key standards of conduct are set out in subsequent sections of this model code of conduct to provide specific examples of the types of conduct that demonstrate the foundational principles.*

*These four principles, in conjunction with the key standards of conduct, can be used as a guide for elected officials against which to assess their own conduct.*

1. **Integrity** – means conducting oneself honestly and ethically.
2. **Respect** – means valuing the perspectives, wishes, and rights of others.
3. **Accountability** – means an obligation and willingness to accept responsibility or to account for one’s actions.
4. **Leadership and 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.

## D. OPTIONAL: VALUE STATEMENTS

### **Information about including Value Statements:**

*A council or board may wish to customize their code of conduct to include ‘value statements’. These are high-level statements that identify the values that the council or board consider important and feels should be included for context in their code of conduct.*

*A council or board may find the “Companion Guide” to this code of conduct useful as they consider how ‘value statements’ may be incorporated into their own code of conduct.*

## **E. STANDARDS OF CONDUCT**

### ***Information about the Standards of Conduct:***

*The following section provides general standards of conduct that reflect the foundational principles identified above. A council or board can customize their code of conduct by including additional standards of conduct, or by expanding on existing standards of conduct to more clearly demonstrate how a member can exemplify responsible conduct.*

*A council or board may find the “Companion Guide” to this code of conduct useful as they consider how these general standards of conduct may be customized to best fit their needs.*

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

- Members will be open and truthful in all local government dealings, while protecting confidentiality where necessary.
- Members will behave in a manner that promotes public confidence, including actively avoiding any perceptions of conflicts of interest, improper use of office, or unethical conduct.
- Members will act in the best interest of the public and community.
- Members will ensure actions are consistent with the shared principles, values, policies, and bylaws collectively agreed to by the council or board.
- Members will demonstrate the same ethical principles during both meetings that are open and closed to the public.
- Members will express sincerity when correcting or apologizing for any errors or mistakes made while carrying out official duties.

***Respect:*** Respect is demonstrated through the following conduct:

- Members will treat elected officials, staff, and the public with dignity, understanding, and respect.
- Members will acknowledge that people’s beliefs, values, ideas, and contributions add diverse perspectives.
- Members will create an environment of trust, including displaying awareness and sensitivity around comments and language that may be perceived as offensive or derogatory.



- Members will refrain from any form of discriminatory conduct against another elected official, staff, or the public.
- Members will honour the offices of local government and fulfill the obligations of Mayor/Chair and Councillor/Director dutifully.
- Members will recognize and value the distinct roles and responsibilities of local government staff.
- Members will call for and expect respect from the community towards elected officials and staff.
- Members will ensure that public statements and social media posts that concern other elected officials, staff, and the public are respectful.

**Accountability:** Accountability is demonstrated through the following conduct:

- Members will be transparent about how elected officials carry out their duties and how council conducts business.
- Members will ensure any information and decision-making processes are accessible to the public while protecting confidentiality where necessary.
- Members will correct any mistakes or errors in a timely and transparent manner.
- Members will accept and uphold that the council/board is collectively accountable for local government decisions, and that individual elected officials are responsible and accountable for their behaviour and individual decisions.
- Members will listen to and consider the opinions and needs of the community in all decision-making and allow for public discourse and feedback.
- Members will act in accordance with the law, which includes, but is not limited to, the statutes, bylaws, and policies that govern local government.

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

- Members will demonstrate behaviour that builds public confidence and trust in local government.

- Members will provide considered direction on municipal policies and support colleagues and staff to do the same.
- Members will educate colleagues and staff on the harmful impacts of discriminatory conduct, and take action to prevent this type of conduct from reoccurring if necessary
- Members will create space for open expression by others, take responsibility for one’s own actions and reactions, and accept the decisions of the majority.
- Members will advocate for shared decision-making and actively work with other elected officials, staff, the public, and other stakeholders to achieve common goals.
- Members will foster positive working relationships between elected officials, staff, and the public.
- Members will commit to building mutually beneficial working relationships with neighbouring First Nations to further advance reconciliation efforts.
- Members will positively influence others to adhere to the foundational principles of responsible conduct in all local government dealings.

## **F. ENCOURAGED: ENFORCEMENT MECHANISMS**

### ***Information about including Enforcement Mechanisms:***

*A council or board may want to include enforcement mechanisms to support compliance of their code of conduct. These mechanisms may include informal resolution, administratively fair and formal complaint processes, third-party investigators, and sanctions. Local governments are always first encouraged to focus on continuous improvement to foster responsible conduct, maintain good governance, and resolve conduct issues informally. A council or board may want to consult the “Companion Guide” and the “Forging the Path to Responsible Conduct in Your Local Government” guide for tips and resources that support the development of practical enforcement mechanisms.*

## **G. OPTIONAL: ADDITIONAL POLICIES**

### ***Information about including Additional Policies:***

*A council or board may choose to include additional policies as part of their code of conduct. These additional policies may be useful in addressing matters of importance that require deeper attention or that are connected to the four foundational principles. Some examples of the types of policies that a council or board could include are provided below.*

*A council or board may want to consult the “Companion Guide” for tips and resources for including additional policies.*

### **Policies About Communications**

- *Use of social media by members.*
- *How members communicate as representatives of the local government.*

### **Policies About Personal Interaction**

- *Interactions between members and others, such as the public, staff, bodies appointed by the local government, and other governments and agencies (e.g., respectful workplace policies).*
- *Roles and responsibilities of staff and elected officials.*

### **Policies About How Information is Handled**

- *Proper handling and use of information, including information which is confidential or otherwise protected and is made available to members in the conduct of their responsibilities.*
- *Retention and destruction of records.*
- *How and when information that was relevant to the decision making process is made publicly available.*

### **Policies About Other Matters**

- *Creation, use, and retention of the local government’s intellectual property.*
- *Personal use of local government resources.*
- *Receipt of gifts and personal benefits by members.*
- *Provision of remuneration, expenses, or benefits to members in relation to their duties as members.*

# Getting Started on a Code of Conduct for Your Council / Board

August 2018; updated April 2021

*Produced by the Working Group on Responsible Conduct*

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## What is Responsible Conduct?

Responsible conduct is grounded in conducting oneself according to principles such as honesty and integrity, and in a way that furthers a local government's ability to provide good governance to their community

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## Keep in mind...

before thinking about the content of your Code of Conduct, ensure that everyone is on the same page about what you want to achieve and how you want to get there. Agreeing on the objectives and the process upfront will help make the Code of Conduct more meaningful and successful

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## Introduction

The Working Group on Responsible Conduct has developed a model Code of Conduct that can be used as a starting point by local government councils/boards to develop their own customized Code of Conduct.

This companion guide provides discussion questions, things to keep in mind, and other helpful tips and resources to facilitate a council/board's conversation in developing their own Code of Conduct. This guide is also useful for councils/boards that already have a Code of Conduct in place, but may want to review or refresh it.

## What is a Code of Conduct?

A Code of Conduct is a written document that sets shared expectations for conduct or behaviour. A council/board can adopt a Code of Conduct to establish expectations for how members should conduct themselves while carrying out their responsibilities, and in their work as a collective decision-making body for their community.

Responsible conduct of elected officials is not optional; it is essential to good governance. A Code of Conduct is one tool that can be used by a local government council/board to promote or further responsible conduct. Information about complimentary tools can be found in "*Forging the Path to Responsible Conduct in Your Local Government*" (see "*List of Resources & Helpful Links*" section in this guide).

## Before you get Started

Before you discuss the content of your Code of Conduct, it is important to ensure that all council/board members understand the purpose of embarking on the development of a Code of Conduct, have clear expectations about what the Code of Conduct will/will not do, and that there is consensus on the process for developing it.

Ensuring that everyone is on the same page before diving into the details of your Code of Conduct will help make the development process easier and the Code of Conduct more meaningful. Ask yourselves:

- Q Why is developing a Code of Conduct important to us?
- Q What are our key objectives in developing a Code of Conduct?
- Q Do we each understand the role of a Code of Conduct (i.e. that it is in addition to, not instead of, legal rules and local government policies)?
- Q What kind of process do we want to undertake to develop our Code of Conduct? Do we want to do this ourselves, with staff or get assistance from a facilitator or other consultant?
- Q Would we benefit from training or education about responsible conduct or Codes of Conduct generally before we get started on developing our own?
- Q Should our staff check in with other local governments that have already developed a Code of Conduct?

★ **TIP:** It may take multiple sessions and a variety of approaches to develop a Code of Conduct that works for you – don't feel you have to get it done in one sitting or using any one particular method.

## Setting the Scope

Developing a Code of Conduct requires consideration about its scope, including who it applies to and in what capacity. For example, the model Code of Conduct prepared by the Working Group on Responsible Conduct is intended to apply to local elected officials.

When thinking about the scope and application of your Code of Conduct, ask yourselves:

- Q Other than the elected members of your council/board, will the Code of Conduct apply to anyone else over which the local government has authority (e.g. senior staff)? If it includes staff, how will that work with existing policies and laws (e.g. employment contracts, collective agreements, workplace laws/policies)?
- Q Will the Code of Conduct apply to any or all of your local government committees and/or commissions? If so, are there specific considerations, limitations or criteria on how the Code of Conduct will apply to these bodies?
- Q Will the Code of Conduct apply to elected members in carrying out all of their roles and responsibilities in all circumstances (e.g. when an elected official sits on an advisory committee with members of the public and others not covered by a council/board's Code of Conduct)?

★ **TIP:** Make sure the scope of your Code of Conduct aligns with the objectives you initially identified for developing a Code of Conduct. The broader the scope of the Code of Conduct, the more difficult it may be to implement and put into practice.

## Thinking about Principles & Values

The model Code of Conduct developed by the Working Group on Responsible Conduct is built on four key foundational principles -- *integrity, respect, accountability, and leadership and collaboration*. At a minimum, every Code of Conduct should incorporate these four principles, but your council/board may want to build on these principles and provide more context regarding the values and objectives underlying the Code of Conduct. Ask yourselves:

- Q Are there additional principles that are fundamentally important to our council/board (e.g. openness; impartiality; transparency; equity)? If so, what are they and how are they defined? Should they be included in our Code of Conduct?
- Q Are there particular values that are important to us that should be explicitly articulated as value statements in our Code of Conduct (e.g. "we practice high standards of ethical behaviour and conduct our decision-making in an open and transparent way to inspire trust"; "we strive for continuous improvement"; "we believe that different lived experiences, diverse ideas and conflicting views help us make better decisions for the community")?
- Q Are there principles in our Code of Conduct that we want to include in other policies or procedures to ensure our expectations for conduct are consistent (e.g. ensure any principles set out in the procedure bylaw are consistent with principles set out in the Code of Conduct)?

★ **TIP:** Use clear, concise language that can be easily understood by everyone at all levels of the organization, as well as the public.

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### Keep in mind...

that elected officials must always conduct themselves in accordance with the law – this includes rules set out in local government legislation and other legislation, such as human rights rules. Ensure that your Code of Conduct is consistent with existing laws and policies

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### Keep in mind...

that a Code of Conduct does not need to be complex or elaborate – it simply needs to spell out the standards your council/board feels are important to be commonly understood

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## Setting Standards of Conduct

The model Code of Conduct developed by the Working Group on Responsible Conduct sets out a range of standards of conduct that reflect the four key foundational principles. Because these are broadly applicable, they are necessarily written as general statements.

Your council/board can customize by adding other standards, expanding on the ones provided or by providing specific statements or examples of expected behaviour. Ask yourselves:

Q Are there specific behaviours that should be identified and encouraged under our Code of Conduct? For example:

- members should listen courteously and attentively to all discussions at the council/board meeting, and focus on the business at hand
- members must make every effort to show up to all meetings on time and well prepared to take an active role in the business at hand
- members should always consider the **impact** that their choice of language may have on other individuals, regardless of the members's intent

Q Are there specific behaviors that should be identified and discouraged under our Code of Conduct? For instance:

- members must not interrupt each other during a meeting, including by talking over another person
- members must not engage in specific physical actions or language, such as shaking a fist, eye rolling, turning their back to people who are speaking, making faces, pointing aggressively, using curse words, using racist, sexist, trans/gender phobic or ageist slurs, or making comments about a person's appearance
- members must stop talking and pay attention when the chair is talking or seeking order

★ **TIP:** No Code of Conduct will capture every situation that may arise. Consider which standards of conduct matter the most to your council/board now and incorporate additional standards as needed.

★ **TIP:** Look at other published Codes of Conduct for ideas you feel may be appropriate for your council/board's Code of Conduct (see "*List of Resources & Helpful Links*" section of this guide).

★ **TIP:** Ensure that your standards of conduct are clear and easy to interpret (e.g. any member should be able to see whether they are or are not meeting the standard).

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### **Keep in mind...**

that it is important to balance rules about appropriate conduct (including language, communication and other physical actions) with the importance of open discourse that is necessary for governing bodies

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### **Keep in mind...**

that achieving consensus at the council/board table about the content of the Code of Conduct may be challenging, but having these difficult conversations is an important part of developing a meaningful Code of Conduct

## Incorporating other Provisions

Local governments may choose to include additional provisions in their Code of Conduct, such as ones related to supporting compliance and enforcement. Such provisions are not required; articulating an enforcement process within a Code of Conduct is a relatively new practice in BC and there are still uncertainties. At the same time, depending on a council's or board's shared understanding of the purpose of its Code of Conduct, provisions related to informal resolution, administratively-fair formal processes and sanctions may be considered useful. Ask yourselves:

- Q What measures do we have in place for continuous improvement at our council or board, to foster responsible conduct, maintain good governance and resolve conduct issues informally? In other words, are we putting sufficient effort into prevention and informal resolution of conduct issues? If we don't have anything in place, what should we consider to help prevent and informally address less-than-responsible conduct?
  - Q Are there provisions to support compliance that we could include in our Code of Conduct that are consistent with our shared understanding of the purpose of our Code? (e.g. requirements for members to acknowledge they understand and will abide by Code of Conduct; requirement that members endeavor to resolve interpersonal disputes in good faith; articulate informal resolution processes and/or formal enforcement processes and sanctions)?
  - Q What expert advice (e.g. legal) do we need to develop administratively fair formal enforcement processes and appropriate sanctions? Do we have the resources and capacity to follow through on such enforcement processes if they are needed (e.g. to ensure independent impartial investigation of a complaint)?
  - Q Does everyone understand what sanctions can/cannot be included in a Code of Conduct? What do we have in place to improve the post-sanction environment (e.g. to repair relationships among council and board members)? How will we move forward constructively as a collective?
- ★ **TIP:** Review *“Forging the Path to Responsible Conduct in Your Local Government”* if considering additional provisions related to enforcement(see *“List of Resources & Helpful Links”* section in this guide).

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### **Keep in mind...**

there may be stereotypes, faulty assumptions or misinformation behind some conduct issues; what equity training, education or other actions will be needed to support prevention?

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### **Keep in mind...**

that local governments **cannot** impose disqualification from office as a sanction for a Code of Conduct breach

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## Incorporating other Policies

Local governments are likely to have a range of existing policies on a number of topics, from communications to information management to human resources. A Code of Conduct may be a useful place to connect to some of these policies. Ask yourselves:

- Q What existing policies do we already have that could be referenced in our Code of Conduct (e.g. respectful workplace policy; use of social media; handling of information; gifts and personal benefits)?
- Q Are there any existing policies that need to be updated to reflect or reference the Code of Conduct?
- ★ **TIP:** You do not need to replicate all of your organization's existing policies in a Code of Conduct. Key policies can simply be referenced where appropriate, throughout your Code of Conduct.

## Adopting and Publishing your Code of Conduct

Once you have come to a consensus on the content of your Code of Conduct, ask yourselves:

- Q How will we try to ensure that all members are comfortable with a Code of Conduct that is adopted? What can we do if some members disagree with the Code of Conduct?
- Q Should each council/board member formally commit to the Code of Conduct in some way? What would this look like (e.g. each member signs the document)?
- Q How are we going to communicate or present the Code of Conduct to staff, the public and others? Should it be on our website? How else can we make it known?
- ★ **TIP:** Make sure your Code of Conduct is easily accessible by everyone in the organization, as well as the public.

## Putting the Code of Conduct into Action

Finding ways to integrate the Code of Conduct into your ongoing governance will help ensure that it remains a relevant and effective 'living' document. Consider how you will maintain, use and keep your Code by Conduct 'alive' and meaningful by asking yourselves:

- Q How will we use and refer to the Code of Conduct (e.g. by including it in every agenda package? Displaying it on the wall? Framing it on every member's desk)?
- Q Should there be education or any other supports for our council/board members or employees about the Code of Conduct (e.g. at a set time such as the start of every term)? How will new members be oriented to it (e.g. after a by-election)?
- Q How do we know that that the Code of Conduct is working for us? How will we review and evaluate the Code of Conduct (e.g. when/how often should we review it? Should there be a set process for reviews? How will changes be incorporated)?
- ★ **TIP:** It may be useful to establish a process for feedback on the Code of Conduct to ensure that when a review happens, all of the relevant feedback is readily available and can be considered.

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### **Keep in mind...**

that if it is challenging to achieve consensus at adoption or any other stage of the development process – don't be afraid to seek out a facilitator or another consultant

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### **Keep in mind...**

that making your Code of Conduct accessible, transparent and available to the public will help build public confidence and demonstrate a commitment to good governance

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### **Keep in mind...**

that your Code of Conduct is not 'set in stone'; it can be and should be revisited and reviewed regularly

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## List of Resources & Helpful Links

### WORKING GROUP ON RESPONSIBLE CONDUCT RESOURCES

#### *Model Code of Conduct*

[http://www.ubcm.ca/assets/Resolutions~and~Policy/Policy/Governance/Working~Group~on~Responsible~Conduct/MODEL\\_CODE\\_OF\\_CONDUCT\\_Aug2018\\_FINAL.pdf](http://www.ubcm.ca/assets/Resolutions~and~Policy/Policy/Governance/Working~Group~on~Responsible~Conduct/MODEL_CODE_OF_CONDUCT_Aug2018_FINAL.pdf)

#### *Responsible Conduct of Local Elected Officials Website (Policy Paper; Foundational Principles Brochure)*

<https://www2.gov.bc.ca/gov/content/governments/local-governments/governance-powers/conduct-of-locally-elected-officials/responsible-conduct>

#### *Responsible Conduct of Local Elected Officials – Consultation Paper (March 2017)*

[http://www.ubcm.ca/assets/Resolutions~and~Policy/Policy/Governance/Working~Group~on~Responsible~Conduct/ResponsibleConductLocalGovtElectedOfficials\\_Consultation\\_Paper\\_March302017.pdf](http://www.ubcm.ca/assets/Resolutions~and~Policy/Policy/Governance/Working~Group~on~Responsible~Conduct/ResponsibleConductLocalGovtElectedOfficials_Consultation_Paper_March302017.pdf)

#### *Forging the Path to Responsible Conduct in Your Local Government (April 2021)*

<https://www.ubcm.ca/assets/Resolutions~and~Policy/Policy/Governance/Working~Group~on~Responsible~Conduct/Forging%20the%20Path%20to%20Responsible%20Conduct.pdf>

### EXAMPLES OF LOCAL GOVERNMENT CODES OF CONDUCT (BC)

#### *City of Abbotsford*

<https://municipal.qp.gov.bc.ca/civix/document/id/coa/coaothec00708>

#### *District of Sparwood*

<https://sparwood.civicweb.net/document/67075>

#### *District of Saanich*

<https://www.saanich.ca/assets/Local~Government/Documents/Bylaws~and~Policies/Council~Policies/code-of-conduct.pdf>

#### *City of Surrey*

[https://www.surrey.ca/sites/default/files/bylaws/BYL\\_reg\\_20020.pdf](https://www.surrey.ca/sites/default/files/bylaws/BYL_reg_20020.pdf)

#### *District of North Cowichan*

[https://www.northcowichan.ca/assets/Municipal~Hall/Policies/Council\\_Policy\\_Standards\\_of\\_Conduct.pdf](https://www.northcowichan.ca/assets/Municipal~Hall/Policies/Council_Policy_Standards_of_Conduct.pdf)

#### *City of Prince George*

[https://www.princegeorge.ca/City%20Hall/Documents/Mayor%20and%20Council/Council\\_Code\\_of\\_Conduct.pdf](https://www.princegeorge.ca/City%20Hall/Documents/Mayor%20and%20Council/Council_Code_of_Conduct.pdf)

#### *District of North Vancouver*

<http://app.dnv.org/OpenDocument/Default.aspx?docNum=2611131>

#### *Regional District of Okanagan Similkameen*

<https://www.rdos.bc.ca/assets/BOARD/Policies/Code-of-Ethics-Policy.pdf>

#### *Regional District of Central Okanagan*

[https://www.regionaldistrict.com/media/201242/Code\\_of\\_Conduct.pdf](https://www.regionaldistrict.com/media/201242/Code_of_Conduct.pdf)

#### *District of Sooke*

<https://sooke.civicweb.net/document/11215>

#### *Thompson-Nicola Regional District*

<https://tnrd.civicweb.net/document/148611>

### RESOURCES ABOUT ROLES AND RESPONSIBILITIES

#### *Town of Smithers (orientation manual)*

[https://www.smithers.ca/uploads/2018\\_Elected\\_Officials\\_Orientation\\_Handbook\\_\(with\\_attachments\\_links\).pdf](https://www.smithers.ca/uploads/2018_Elected_Officials_Orientation_Handbook_(with_attachments_links).pdf)

### RESOURCES ABOUT SOCIAL MEDIA POLICIES

#### *Social Media Resource Guide (Alberta Urban Municipalities Association)*

[https://www.auma.ca/sites/default/files/Advocacy/Programs\\_Initiatives/citizen\\_engagement/social\\_media\\_resource\\_guide.pdf](https://www.auma.ca/sites/default/files/Advocacy/Programs_Initiatives/citizen_engagement/social_media_resource_guide.pdf)

[Note: page 26 pertains to Elected Officials and Social Media Policy]

#### *Islands Trust (sample policy)*

<http://www.islandstrust.bc.ca/connect/social-media-guidelines/>

#### *District of Sparwood (sample policy)*

<https://sparwood.civicweb.net/filepro/document/45294/Social%20Media%20Policy.pdf>

#### *City of Guelph (sample policy)*

<http://guelph.ca/news/social-media/social-media-principles-and-guidelines-for-elected-officials/>

### RESOURCES ABOUT HARASSMENT / HUMAN RIGHTS

#### *City of Vancouver: Human Rights & Harassment policy*

<https://policy.vancouver.ca/AE00205.pdf>

#### *City of Richmond: Respectful Workplace Policy*

[https://www.richmond.ca/\\_shared/assets/Respectful\\_Workplace\\_Policy22820.pdf](https://www.richmond.ca/_shared/assets/Respectful_Workplace_Policy22820.pdf)

#### *District of Sooke: Anti-bullying Policy*

<https://sooke.civicweb.net/document/11213>

### RESOURCES ABOUT PRIVACY & HOW INFORMATION IS HANDLED

#### *Privacy Management (Office of the Information & Privacy Commissioner)*

<https://www.oipc.bc.ca/guidance-documents/1545>

#### *District of Saanich (sample privacy management policy)*

<http://www.saanich.ca/assets/Local~Government/Documents/Bylaws~and~Policies/privacy-management-may-2017.pdf>

### RESOURCES ABOUT PROCEDURE BYLAWS

#### *Procedure Bylaw Guide: For BC's Local Governments*

[https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/local-governments/governance-powers/procedure\\_bylaw\\_guide\\_for\\_bc\\_local\\_governments\\_december\\_2020.pdf](https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/local-governments/governance-powers/procedure_bylaw_guide_for_bc_local_governments_december_2020.pdf)

*Produced by the Working Group on Responsible Conduct*

The *Working Group on Responsible Conduct* is a joint initiative between the Union of BC Municipalities, the Local Government Management Association, and the Ministry of Municipal Affairs. The Group was formed to undertake collaborative research and policy work around issues of responsible conduct of local government elected officials.



# 2024 Year-at-a-glance

January						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

March						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

April						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June						
S	M	T	W	T	F	S
						1
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

July						
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7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August						
S	M	T	W	T	F	S
				1	2	3
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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September						
S	M	T	W	T	F	S
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8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October						
S	M	T	W	T	F	S
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

2023 meetings were: March 13, May 29, July 31, October 30

2024 statutory holidays (or days off in lieu)