



# Corporation of the Village of McBride

Council Code of Conduct  
AD – 19

## 1. Introduction

The residents and businesses of the Village of McBride are entitled to a fair, honest, and open local government that has earned the public's full confidence for integrity.

The members of Council recognize that the quality of the public administration and governance of the Village of McBride, as well as the reputation and integrity, depends on their conduct as elected officials.

In keeping with the Village of McBride Vision and Council Values as described in the Strategic Plan, the Village of McBride seeks to maintain and enhance the quality of life for all Village of McBride residents through responsible, fair, community-minded, and sustainable government. To help achieve this goal, the Council of the Village of McBride has adopted a Code of Conduct applicable to members of Council ("Members of Council").

## 2. Purpose and Interpretation

2.1 The purpose of this policy is to outline basic ethical standards and values for members of Council. It is to be used to guide members of Council respecting what their obligations are when fulfilling their duties and responsibilities as elected officials. It also explains the procedure for filing a complaint, investigating a complaint, and enforcing these standards and values.

2.2 This policy has been established to ensure that:

- a. Public business is conducted with integrity, in a fair, honest and open manner;
- b. Members of Council respect one another, the public and Village staff and recognize the unique role and contribution each person has in making the Village of McBride a better place to work and live;
- c. The conduct of Members of Council in the performance of their duties and responsibilities with the Village of McBride is above reproach;
- d. Decision making processes are accessible, participatory, understandable, timely and just;
- e. Members of Council avoid any real or perceived conflict of interest; and
- f. Members of Council respect and uphold confidentiality requirements.

2.3 This policy is to be interpreted in accordance with the legislation applicable to the Village of McBride, the common law and the policies and bylaws of the Village of McBride. Neither the law nor this policy is to be interpreted as exhaustive. There will be occasions when Council will need to adopt additional rules of conduct in order to protect the public interest and to enhance the public confidence and trust in local government. It is the responsibility of each member of Council to uphold the standards and values set out in this Policy.



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### 3. Implementation of the Code of Conduct

- 3.1 Members of Council should view the Code of Conduct as a set of guidelines that expresses the standards of conduct expected of them. Implementation is most effective when Members of Council are thoroughly familiar with the Code and embrace its provisions. For this reason, the Code of Conduct will be provided to candidates for Council.
- 3.2 Members of Council will be requested to sign the Statement, attached as Appendix A, affirming they have read and understood the Village of McBride's Code of Conduct. In addition, Council shall annually review the Code of Conduct, and Council shall update the Code of Conduct as necessary.
- 3.3 Members of Council must sign the Code of Conduct at their first inaugural meeting.

### 4. Definitions

- 4.1 In this Policy:
  - a. **Act:** means The Local Government Act of British Columbia.
  - b. **Community Charter:** means the British Columbia Community Charter.
  - c. **Complainant:** means an individual/organization/municipal employee/member of Council who believes that the Code of Conduct has been breached.
  - d. **Designated Officer:** means a person designated by Council or a person to whom power or authority is delegated by the Chief Administrative Officer or, in the absence of a designation by Council, the Chief Administrative Officer.
  - e. **Investigator:** means either an Investigative Committee of Council or a Third-Party Investigator.
  - f. **Members of Council:** means the Council of the Village of McBride, and includes the Mayor and each Councillor.



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### PART II

#### STANDARDS AND VALUES

##### 5. Members of Council must uphold the following standards and values:

- a) Honesty and Integrity
  - i. Members of Council shall be truthful and open in all dealings, including those with other Council Members, staff, and the public. They will behave in a manner that promotes public confidence in all their dealings.
  - ii. Members of Council shall comply with all applicable federal, provincial, and local laws in the performance of their public duties.
- b) Objectivity
  - i. Members of Council shall make decisions carefully, fairly, and impartially.
  - ii. Members of Council shall not accept any gift, money, property, position, or favour of any kind, whether to be received at the present or in the future, from a person having, or seeking to have dealings with the Village of McBride, except as outlined under *The Community Charter Part 4 - Division 6 – Conflict of Interest*.
- c) Respect
  - i. Members of Council shall treat every person, including other Members of Council, municipal employees and the public, with dignity, understanding and respect;
  - ii. Members of Council shall recognize the importance of the different roles' others play in decision making;
  - iii. Members of Council shall not engage in discrimination, bullying, harassment or unwanted physical contact or any behaviour that could be perceived as harmful or threatening in their roles as Members of Council;
  - iv. Members of Council shall not use derogatory language towards others including slurs and racist remarks; and
  - v. Members of Council shall treat people with courtesy.
- d) Transparency and Accountability
  - i. Members of Council shall endeavour to conduct and convey Council business and all their duties in an open and transparent manner, other than those discussions that are authorized to be dealt with in a confidential manner in a closed session, so that stakeholders can view the process and rationale used to reach decisions and the reasons for taking certain actions;
  - ii. Members of Council will listen to and consider the opinions and needs of the community in all decision making, and allow for appropriate opportunities for discourse and feedback; and
  - iii. Members of Council are responsible for the decisions they make. This responsibility includes acts of commission and acts of omission.



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### e) Confidentiality

- i. Members of Council shall refrain from disclosing or releasing any confidential information acquired by virtue of their office or appointment except when required by law or authorized by Council to do so;
- ii. This includes complying with  
*The Community Charter Part 5 - Division 1 – 117 Duty to respect confidentiality* and  
*The Freedom of Information and Protection of Privacy Act of British Columbia* in their capacity as Members of Council; and
- iii. Members of Council shall not take advantage of or obtain private benefit from information that is obtained during or because of their official duties or position and that is not in the public domain.

### f) Leadership and Collaboration

- i. Members of Council shall serve their constituents in a conscientious and diligent manner that builds public trust and act in the best interests of the Village of McBride; and
- ii. Members of Council will consider the issues before them and make decisions as a collective body. As such, members will actively participate in debate about the merits of a decision, but once a decision has been made, all members will recognize the democratic majority when articulating their opinions on a decision.

### g) Responsibility

- i. Members of Council shall perform their duties in accordance with the policies, procedures and rules of order established by the Village of McBride Council which govern the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Council by Village of McBride staff;
- ii. Members of Council shall prepare themselves for public meetings, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall not interrupt other speakers, make personal comments not germane to the business of the meeting, or otherwise disturb a meeting; and
- iii. Members of Council shall act responsibly and in accordance with the Acts of Parliament of Canada and the Legislature of British Columbia, including the most updated versions of *The Local Government Act* and the *Community Charter*.

### h) Conflict of Interest

- i. Members of Council shall be aware of act in accordance with conflicts of interest, either financial or otherwise, related to their responsibilities as Members of Council or as Appointees to a Committee of Council, as per *The Community Charter Part 4 - Division 6 – Conflict of Interest*;
- ii. Members of Council are individually responsible for preventing potential and actual conflicts of interest;
- iii. Members shall fulfill their Oath of Office;
- iv. Where in the opinion of Council, a Council Member is in a conflict of interest and



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has not so declared, the body may ask for a review of the matter by the Chief Administrative Officer or designate. The matter, if unresolved, may then be referred to Council for review and then, if still unresolved, to legal counsel.



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### **PART III**

#### **COMPLAINT PROCESS**

##### **Informal Complaint Process**

6. The informal complaint process should be the initial means of remedying an alleged code of conduct complaint.
  - a) Any person who has witnessed or believes that a member of Council has contravened the policy may advise the member that they are in contravention of this policy and encourage the member to stop.

##### **Formal Complaint Process**

7. To report an alleged contravention of the policy, the complainant shall submit the Complaint Form found in Appendix B, personally or by sending the form directly to the designated officer by mail, email, fax, or courier.
8. As soon as possible after receiving the complaint, the designated officer will issue the Receipt of Complaint form, found in Appendix C, to the complainant, personally or by sending the form by mail, email, fax, or courier.
9. Within 10 working days of issuing the Receipt of Complaint, the designated officer will review the complaint to ensure the following:
  - a) The complaint meets the scope of the code of conduct policy; and
  - b) The complaint form is filled out completely and in detail.
10. After review of the complaint, the designated officer shall within 10 working days notify:
  - a) The complainant in writing that the complaint does not meet the scope of this policy or that the complaint form is not filled out completely. If applicable, the designated officer will direct the complainant to another process for addressing the complaint; or
  - b) The complainant in writing that the complaint meets the requirements of this policy; and
  - c) The alleged Council member(s) in writing that a complaint has been filed pursuant to this policy.
11. The designated officer shall inform all parties of the following:
  - a) Who will be investigating the complaint;
  - b) The investigation process;
  - c) When the investigation will be initiated; and
  - d) How the investigation's findings will be communicated.
12. At the next Council meeting, upon being informed by the designated officer, Council will acknowledge by resolution that a Code of Conduct complaint has been filed and will initiate the investigation process.



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### Investigation

13. Council shall either establish an investigative committee or engage a third-party investigator to investigate, report and to make recommendations based on the findings of the complaint to Council.
14. Council member(s) who the complaint is made against shall not participate in conducting the investigation.
15. If the complainant is a Council member, that Council member shall not participate in conducting the investigation.
16. The investigation shall be done in a confidential, objective, and impartial way.
17. The investigation must, as is reasonably possible, protect the names of all parties involved.
18. The Investigator shall serve a copy of the complaint and supporting documents to the alleged Council member(s) and request a written response to the claim within 10 working days of receiving complaint.
19. If the alleged Council member(s) provide a written response, that response is to be provided to the complainant with a request for a written response within 10 working days.
20. The Investigator must verify the information provided from all parties, which may include speaking to anyone relevant to the complaint.
21. The Investigator must determine what section(s), if any, of this policy was contravened.
22. When the Investigator is satisfied that all the relevant information has been provided, they will prepare a written report summarizing the allegations, the findings, and their recommendation as to whether the complaint is substantiated.
23. The complainant and alleged Council member(s) shall be provided a copy of the written report.
24. The Investigator will provide the report to Council in a closed meeting.
25. The Council member(s) who the complaint is made against shall not participate in the closed meeting.
26. If the complainant is a Member(s) of Council, then the Council member(s) shall not participate in the closed meeting.
27. If Council is satisfied with the report from the Investigator, in an open meeting, Council shall pass a resolution stating that the complaint is either unsubstantiated or substantiated.
28. If the complaint is unsubstantiated, it is deemed dismissed and Council shall notify all parties involved of the following:
  - a) The reasons the complaint is dismissed; and
  - b) The ability to contact the British Columbia Office of the Ombudsperson if they feel they have been treated unfairly in the handling of the complaint.



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29. If the complaint is substantiated, Council shall provide all parties involved the following:
- a) The reasons for the substantiation;
  - b) What remedial action(s), if any, will be imposed as per section 31 of this policy; and
  - c) Information about the ability to contact the British Columbia Office of the Ombudsperson if they feel they have been treated unfairly in the handling of the complaint.

### Remedial Action

30. The remedial action(s) imposed should be corrective and progressive and have a realistic time frame for completion. Council should take into consideration the nature and severity of the violation as well as whether the Council member(s) has previously violated this policy.
31. The remedial action(s) imposed by Council shall be decided by resolution, at a meeting open to the public, in a manner that doesn't breach confidentiality of matters still being considered in closed meetings. The remedial action(s) may include, but is not limited to:
- An apology, either written and/or verbal, by the Members of Council to the impacted individual(s), Council and/or the general public.
  - Educational training on ethical and respectful conduct.
  - Repayment of moneys/gifts received.
  - Removal of the member from Council committees and/or bodies.
  - Dismissal of the member from a position of chairperson of a committee.
  - Reduction in remuneration and/or benefits and/or expenses.
32. Failure to comply with the course(s) of action set out by Council may lead to further remedial action(s) and possibly disqualification from office as per *The Community Charter Part 4 - Division 6 – Conflict of Interest*.

### Dispute Resolution

33. If Council believes it to be desirable, Council may offer the parties to a complaint an opportunity to mediate the complaint.
34. Mediation must be agreed upon by all parties.
35. Mediation shall be handled by a neutral third-party who has experience in the mediation process.
36. Mediation shall be confidential.





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### **PART IV**

#### **MISCELLANEOUS**

37. A violation of this Code of Conduct shall not be considered a basis for challenging the validity of a Council or a Committee decision.

### **PART V**

#### **COMING INTO FORCE**

38. This policy shall come into effect on the day of its final passing.

**Approved through Council Resolution: #110125.22 this 25<sup>th</sup> day of January, 2022.**

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CAO Signature



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### APPENDIX A:

#### MEMBER STATEMENT

##### Council of the Village of McBride

As a Member of the Village of McBride Council, I agree to uphold the Code of Conduct adopted by the Village of McBride and conduct myself by the following model of excellence. I will:

- recognize the diversity of backgrounds, interests and views in our community;
- help create an atmosphere of open and responsive government;
- conduct public affairs with integrity, in a fair, honest and open manner;
- respect one another and the unique role and contribution each of us has in making the Village of McBride a better place to work and live;
- strive to keep the decision-making processes open, accessible, participatory, understandable, timely, just and fair;
- avoid and discourage conduct which is not in the best interests of the Village of McBride;
- avoid any real or perceived conflict of interest and declare at the earliest opportunity, any interest that is or may be in conflict with the business of the Village of McBride in which I am participating;
- respect and uphold confidentiality requirements; and
- treat all people with whom I come in contact in the way I wish to be treated.

I affirm that I have read and understood the Village of McBride Code of Conduct

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name (please print):

Office:

\_\_\_\_\_

\_\_\_\_\_



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### APPENDIX B:

#### Complaint Form

Complainant Name (Print name): \_\_\_\_\_

Complainant Address (Mailing Address): \_\_\_\_\_

Complainant Phone Number(s): \_\_\_\_\_

Complainant Email: \_\_\_\_\_

I have reasonable and probable grounds to believe that Council member(s): (List name(s) of Council member(s) whom the complaint is against)

\_\_\_\_\_

has (have) contravened the Code of Conduct Policy by reason(s) of the following:

1. Insert date(s), time, and location of conduct

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Include the sections of the Code of Conduct Policy that have been contravened

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Provide the particulars (contact info) and names of all persons involved and of all witnesses

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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4. Number of exhibits attached (if applicable): \_\_\_\_\_
5. If more space is required, please attach additional pages if needed.

**I declare that the information given by me with respect to the above statements is true in all respects.  
I understand that signing a false affidavit may expose me to prosecution under the Criminal Code of  
Canada.**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Complainant)

**For Office Use Only**

\_\_\_\_\_  
(Date received)

\_\_\_\_\_  
(Reference number)

\_\_\_\_\_  
(Signature of \_\_\_\_\_ (i.e., Designated Officer,  
Administrator, or other applicable position



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### APPENDIX C:

#### Receipt of Complaint

I acknowledge that I have received a completed Complaint Form as prescribed in the Code of Conduct Policy, Appendix B from

\_\_\_\_\_, dated on the \_\_\_\_\_.  
(Name of complainant) (Date the complainant signed)

Dated at \_\_\_\_\_, on \_\_\_\_\_.  
(Location) (Date of issuing the Receipt of Complaint)

\_\_\_\_\_  
(Signature of Designated Officer)

\_\_\_\_\_  
(Position of Designated Officer)