



# Regional Board Report

## Request for Decision

**To:** Regional Board

**From:** Corporate Officer

**Date:** April 20, 2023

**Subject:** Code of Conduct

***Voting Entitlement:*** All Directors – Unweighted Corporate Vote – Simple Majority

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**Purpose:** To consider a review of the Code of Conduct, Board Policy 2-2016.

### **Executive Summary:**

The commitment of each elected official to represent their community under principles such as respect, honesty, integrity, and collaboration is considered essential for an effective and efficient governing body. For over ten (10) years, the RDCO Board has had a written document to establish shared expectations for conduct or behaviour.

An Internal/Regional Relations Code of Conduct was first adopted on October 13, 2011, as a regional governance tool to further the Board's ability to govern in a transparent, accountable, and collaborative manner (attachment no.1). In 2016, the Board approved a new Board Policy 2-2016, Code of Conduct (attachment no.2). New objectives/principles and standards of conduct were introduced along with expectations on how to apply the code in practice at the RDCO.

Since 2016, there has been a joint initiative undertaken provincially with the Union of BC Municipalities (UBCM), the Local Government Management Association (LGMA), and the Ministry of Municipal Affairs (MMA) to help strengthen the responsible conduct of elected officials. The findings of the Working Group on Responsible Conduct informed new legislation in 2022 that requires a local government to consider the establishment of a Code of Conduct, or the review of an existing Code of Conduct, within the first six months of each elected term. The local government is not required to establish or review a Code of Conduct but must provide public notice with the reason for the decision of the Council/Board.

With a written Code of Conduct in place the Board is to consider whether to conduct a review, and if so, determine the scope of the review. If a review is undertaken, there are three (3) types outlined in the report for consideration, a full review, partial review, or best practice gap analysis. The recommendation for consideration is a best practices gap analysis review to be undertaken by the Committee of the Whole.

### **Recommendation(s):**

**THAT** the Regional Board consider the regulated principles for Code of Conduct as provided in the report from the Corporate Officer dated April 20, 2023;

**AND THAT** the Regional Board approve a best practice gap analysis review of the RDCO Code of Conduct, Board Policy 1-2016, with the scope as outlined in the report;

**AND FURTHER THAT** the Code of Conduct review be referred to the Committee of the Whole for discussion and recommendations to the Regional Board.

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*Respectfully submitted by:*



Karen Needham, BA, MBA  
Corporate Officer

Attachment(s):

1. Internal/Regional Relations Code of Conduct (2011)
2. RDCO Code of Conduct, Board Policy 2-2016,
3. *Community Charter*, Division 8 – Code of Conduct
4. Principles for Code of Conduct Regulation 136/2022
5. RDCO Respectful Workplace, Board Policy 1-2016,
6. Model Code of Conduct, Working Group on Responsible Conduct, 2018/2021
7. Code of Conduct PowerPoint Presentation

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### **Strategic Plan Alignment:**

Values: Good Governance, Resiliency

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### **Background:**

The RDCO has over ten (10) years of experience establishing, reviewing, and working with a code of conduct. This demonstrates a shared regional commitment to building positive working relationships and providing quality services for our communities through effective and responsible government.

In 2011, following a recommendation from a RDCO Regional Relations board committee, an 'Internal/Regional Relations Code of Conduct' was adopted by the RDCO Board and endorsed/adopted by each Council of the RDCO municipal partners. In 2016, at the request of the Board, a review was undertaken that broaden the scope and reviewed best practices for the Regional Board and RDCO employees. The review and resulting code of conduct was specific to the RDCO to ensure there was a common understanding of the standards of behaviour and ethical conduct expected within the organization.

Between 2016 and 2022 a joint initiative on 'Forging the Path to Responsible Conduct in Your Local Government' led to the 'The Working Group on Responsible Conduct', and most recently, on June 13, 2022, new legislation. The legislation requires all local governments to consider a code of conduct for their Board/Council. Where previously a code of conduct was a recommended best practice, now, following each general local election, a local government must consider adopting or reviewing a code of conduct for their Board/Council.

### **Provincial Legislation**

The requirement for considering a code of conduct, and the conditions on which a local government may choose not to establish or review a code of conduct, is provided under the *Community Charter* (attachment no.3). As the Regional Board currently has a code of conduct, the decision is whether to conduct a review of the current policy.

As part of the decision-making process, the Board must consider the Principles for Code of Conduct (attachment no.4) which have been prescribed by regulation:

- Board members must carry out their duties with integrity;
- Board members are accountable for the decisions that they make, and the actions that they take, in the course of their duties;
- Board members must be respectful of others;
- Board members must demonstrate leadership and collaboration.

### **Regional Board of Central Okanagan – Policy Analysis**

The four (4) regulated principles for codes of conduct are part of the commitment of elected officials at the RDCO in two ways:

1. ***Oath of Office*** – the four prescribed principles – integrity, accountability, respect, and leadership/collaboration – form the foundation for the RDCO Oath of Office.
  - a. each elected official must affirm prior to undertaking the business of the regional district as a member, or alternate member, of the Regional Board;
2. ***Code of Conduct, Board Policy 1-2016***, - is provided to elected officials, staff, and advisory committee members as part of orientation/onboarding.
  - a. requires a commitment to six (6) key values/principles, including the four required, with two additional - responsibility, openness;
  - b. further expands on the application of the code while in an elected role at the RDCO.

The newly regulated principles have therefore been captured in policy and expanded through the RDCO Code of Conduct to include how each is to be applied in the conduct of business at the RDCO.

### **Discussion – Options**

Good policy is reviewed often to ensure the board/council share a set of expectations for a policy objective. This provides board members with an opportunity to review, discuss, and understand the purpose of the policy; have clear expectations about what it will/will not do; and consider developing a meaningful process for review if objectives and expectations change.

In considering the Code of Conduct, the Board has two options:

1. Should the Board decide not to conduct a review at this time, the decision will be brought to the Board for further consideration prior to January 2026.
2. Should the Board wish to conduct a review, three options with a proposed scope are provided below:
  - i. Full review – consultant/facilitator
    - establish shared expectations for conduct or behaviour;
    - identify key objectives for a code of conduct;
    - conduct a policy analysis with the RDCO Respectful Workplace policy (attachment no.5)
    - consider training, education, and full process for the review

- create focus areas and a timeline for discussion
- ii. Partial review – consultant/facilitator or in-house (staff)
  - Establish shared expectations for conduct or behaviour;
  - Identify key principles for code of conduct;
  - review specific sections of the RDCO Code of Conduct
  - determine scope and process for the review, including training/education components.
- iii. Best practices gap analysis – in-house (staff)
  - review the ‘Model Code of Conduct’ (attachment no.6) provided by the Working Group on Responsible Conduct
  - identify and discuss optional value statements and/or provisions as contemplated in the model code.

### **Conclusion**

Under the new legislation related to a Code of Conduct, within six months of a general local election, the board must consider the principles that have been prescribed by regulation and engage in a discussion on the establishment and/or review of a Code of Conduct.

In support of the legislation, and through the partnership with LGMA and UBCM, best practices for getting started on a new code of conduct, or reviewing an existing, code of conduct are available to assist in the establishment of a Code of Conduct. For some local governments, including the RDCO, the legislation reinforces best practices that have been established and ongoing. For this reason, should the Board wish to engage in a review process, it is recommended that the scope be limited to identifying optional value statements or provisions that the Board considers a gap in current policy.

An alternate recommendation that meets the intent of the legislation has also been provided should the Board determine the existing policy meets the current needs of the Board.

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### **Considerations:**

Legal/Statutory Authority: *Municipal Affairs Statutes Amendment Act (No.2), 2021*  
*Community Charter, Division 8 – Code of Conduct*  
*Principles for Codes of Conduct Regulation 136/2022*

Alternate Recommendation:

**THAT** the Regional Board consider the principles for Codes of Conduct as provided in the report from the Corporate Officer dated April 20, 2023;

**AND THAT** the Regional Board does not conduct a review of Board Policy 2-2016, Code of Conduct as permitted and in compliance with the legislation;

**AND FURTHER THAT** the Chair release a public statement on behalf of the Regional Board respecting the reasons for the Board decision.

### **Considerations not applicable:**

Organizational/External  
Financial

**Approved for Agenda**



**Brian Reardon, CAO**