



Regional Board Policy

CODE OF CONDUCT

Category: Corporate Services (Administration)	Number: #2 - 2016	Replaces: Policy approved Oct. 13, 2011
Type:	Authority:	Approved By:
<input checked="" type="checkbox"/> Policy <input type="checkbox"/> Procedure	<input checked="" type="checkbox"/> Board <input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Board <input type="checkbox"/> CAO <input type="checkbox"/> Department Head
Office of Primary Responsibility: Corporate Services		
Date Adopted: March 31, 2016	Board Resolution Number: #82/16	Date to be Reviewed:
<p>Manner Issued: Policy applies to all Board members, employees, contract workers and advisory body members. Sign-off required by all.</p> <p>In addition, the Code of Conduct will be provided to candidates for Regional District elections. Persons elected to the Regional District will be requested to sign the Director's Statement affirming they have read and understand the Regional District's Code of Conduct. The Code of Conduct will be reviewed in detail at orientation sessions for new and returning directors following each election or by-election.</p>		

PURPOSE:

This Code of Conduct establishes guidelines for the conduct of Board members, staff, and advisory bodies in providing good governance for the Regional District of Central Okanagan. For the purposes of this policy, staff includes all staff and contract workers insofar as not to conflict with the Collective Agreement with our unionized workers through CUPE Local No. 338.

The Regional District seeks to be an acknowledged leader in regional governance by acting in a manner that is respectful & ethical, accountable & responsible, and transparent & open.

To help achieve this goal, the Board of Directors, staff and advisory bodies have committed to performing their functions of office truthfully, faithfully and impartially to the best of their knowledge and ability, exhibiting the following:

1. Key Values:

- i. ***Integrity*** – Board members, staff and advisory body members are keepers of the public trust and must uphold the highest standards of ethical behaviour and are expected to:
 - make decisions that benefit the community;
 - act lawfully and within the authorities of the Regional District;

- 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
- ii. **Accountability** – Board members, staff, and advisory body members are obligated to answer for a responsibility that has been entrusted to them. They are responsible for the decisions they make.
- iii. **Leadership** – Board members, staff and advisory body members 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;
- iv. **Responsibility** – Board members, staff and advisory body members must act responsibly, within the law and within the authorities of the Local Government Act. They must follow the letter and spirit of policies and procedures, and exercise all conferred power strictly for the purpose for which the powers have been conferred;
- v. **Respect** – Board members, staff and advisory body members must conduct public business efficiently, with decorum and with proper attention to the Regional District's diversity. 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 recognizing the different roles others play in local government decision making; and
- vi. **Openness** – Board members, staff and advisory body members have a duty to be as open as possible about their decisions and actions while respecting the need to keep confidential matters confidential.

POLICY:

Definitions:

Administration means the Corporate Services Department, which is responsible for ensuring that the policies, programs and other directions of the Board are implemented.

Administrative Policy means Policy statements that guide the operational and/or internal work processes of administration, including management of human resources.

Administrative Procedure means the tasks or steps required to follow or implement Board Policy or Administrative Policy, including the assignment of roles and responsibilities, and the detailed steps that outline a particular way of accomplishing something or of acting.

Board means the duly elected and appointed officials of the Board of Directors of the Regional District of Central Okanagan.

Board Policy means Policy statements that provide strategic direction on programs and services delivered by the Regional District which impact or affect citizens or customers, and/or Policy statements that require Board approval to satisfy legislative or regulatory requirements.

CAO means the individual appointed by the Board to the position of Chief Administrative Officer (CAO) as the head of Administration.

Employee(s) means persons employed by the District including but not limited to regular, temporary and contract employees, and to persons representing or acting on behalf of the Regional District (including but not limited to contractors, volunteers and students).

Management or Manager(s) means a person or group of persons employed by the Regional District having executive (administrative or supervisory) authority.

Policy means general statements or guidelines that are high-level in nature, as opposed to being operationally oriented, which direct a plan, course of action or decision, according to a standard or performance outcome.

Regional District means the Regional District of Central Okanagan.

POLICY STATEMENT:

APPLICATION OF THE CODE

2. General Conduct:

- 2.1. Board members, staff and advisory body members must adhere to the key values and provisions of the Code of Conduct;
- 2.2. Board members, staff and advisory body members must comply with all applicable federal, provincial, and local laws in the performance of their public duties. These laws include, but are not limited to:
 - 2.2.1. *the Constitution Act of Canada,*
 - 2.2.2. *the Provincial Human Rights Code,*
 - 2.2.3. *the Criminal Code,*
 - 2.2.4. *the Local Government Act,*
 - 2.2.5. *the Community Charter,*
 - 2.2.6. laws pertaining to financial disclosures and employer responsibilities, and
 - 2.2.7. all relevant Regional District bylaws and policies.
- 2.3. Board members, staff and advisory body members have an obligation to consider issues consistently and fairly;
- 2.4. Board members, staff and advisory body members will treat one another and the public with dignity and respect. They must also refrain from abusive conduct, intimidating or demeaning behaviour, or verbal attacks upon the character, professionalism or motives of others;
- 2.5. When making decisions, Board members, staff and advisory body members must consider all relevant facts, opinions and analysis of which they should be reasonably aware;
- 2.6. Board members, staff and advisory body members are obliged to question any request to act or make a decision that they think may be unethical or unlawful;

- 2.7. Staff and advisory body members must carry out their duties in a manner that allows the Regional Board members to remain informed about local government activities and practices;
- 2.8. Should there be uncertainty about the ethical issues around a conduct or decision, Board members, staff, and advisory body members should consider the following:
 - 2.8.1. Is the conduct or decision lawful?
 - 2.8.2. Is the conduct or decision consistent with RDCO policy, Board objectives and the Code of Conduct?
 - 2.8.3. Will the outcome of the decision or conduct provide a private benefit for the individual, family, friends or business interests?
 - 2.8.4. Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

3. Meetings

Board members, staff and advisory body members shall prepare themselves for meetings, listen courteously and attentively to all discussions before the body, and focus on the business at hand. Cell phones should be turned off during meetings, however, if an urgent matter necessitates that a Director respond to an email during the meeting, the cell phone shall be kept on silent or vibrate.

Board members, staff and advisory body members shall not interrupt other speakers, make personal comments or comments not germane to the business of the body, or otherwise disturb a meeting. Meetings shall provide an environment for transparent and healthy debate on matters requiring deliberation by the Board.

4. Communication and Media Relations

The Regional Board Chair is the spokesperson for the Regional District on Board matters. The CAO or his/her designate is the spokesperson for the Regional District on administrative and operational matters.

Board members, staff and advisory body members will accurately communicate the decisions of the Board, even if they disagree with the majority decision of the Board. A Director may state that he/she voted against a decision but will refrain from making disparaging comments about other Directors or the Board's decision itself. By doing so will affirm the respect for and integrity of the decision making process of the Regional Board.

5. Conflict of Interest

- 5.1. Board members, staff and advisory body members 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;
- 5.2. A conflict exists when an individual is, or could be, influenced or appear to be influenced, by a personal interest, financial (pecuniary) or otherwise, when carrying out their public duty. Personal interest can include direct or indirect pecuniary interest, bias, pre-judgement, closemindedness or undue influence;

- 5.3. Board members, staff and advisory body members must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their public or professional duties in accordance with statutory requirements. When considering whether or not a conflict of interest exists, it is important to consider whether there are any grounds for a reasonable person to think that a conflict exists;
- 5.4. Staff must fully disclose to their supervisor or the Chief Administrative Officer any direct or indirect pecuniary interest or any bias or undue influence with respect to any matter they are dealing with as soon as practical;
- 5.5. Advisory body members must fully disclose to the Chief Administrative Officer any direct or indirect pecuniary interest, any bias or undue influence with respect to any matter they are dealing with immediately;
- 5.6. When staff or advisory board members are uncertain whether a conflict exists, the situation must be immediately presented to the Chief Administrative Officer for guidance;
- 5.7. Board members, staff and advisory body members must not use Confidential Information gained through their official position for the purpose of securing a private benefit for themselves or for any other person;
- 5.8. Examples of conflicts that may be encountered by Board members, staff and advisory body members include but are not limited to:
 - 5.8.1. Obligation to others: Board members, staff and advisory body members must not place themselves in a situation where they may be under obligation to someone who has business dealings with the Regional District, and who would benefit from special consideration or treatment.
 - 5.8.2. Special advantage/disadvantage: when Board members, staff and advisory body members can gain special advantage because of their position or when the Regional District is disadvantaged as a result of the other interests of Board members, staff and advisory body members.
 - 5.8.3. Provision of special consideration or treatment: in the performance of their duties, staff and advisory body members may only grant special consideration or treatment as specifically authorized by the Board or the Chief Administrative Officer.
 - 5.8.4. Representation to the Regional Board, its Committees, or Tribunals: staff and advisory body members must not represent any private interest(s) except on their own behalf.
 - 5.8.5. Use of Regional District owned resources: Board members, staff and advisory body members must use Regional District owned equipment, material, staff time and property in accordance with RDCO policy, or as specifically authorized by the Regional Board or the Chief Administrative Officer.

- 5.8.6. *Discounts/Rebates:* Board members, staff and advisory body members may not take advantage of discounts/rebates on personal purchases from suppliers having an existing business relationship with the Regional District, unless those suppliers offer the same discount/rebates to the general public or those discounts/rebates are offered to staff of other large employers (public and private) on a no-strings-attached basis to the employer.
- 5.9. Board members, staff and advisory body members must not expect or request preferential treatment for themselves or their family because of their position. They must also avoid any action that could lead members of the public to believe that they are seeking preferential treatment;
- 5.10. Staff who are considering outside employment, contract work or any business or undertaking that relates in any way to the business of the Regional District or that might conflict or appear to conflict with their duties to the Regional District must notify and seek the approval of the Chief Administrative Officer in writing.
- 5.10.1. In dealing with such requests the Chief Administrative Officer must not unreasonably withhold approval except where such employment is deemed to be inappropriate or present a high probability of the existence of a conflict.
- 5.10.2. Before staff engage in outside employment or business they must ensure that it will not:
- Conflict or appear to conflict with official duties;
 - Interfere with Regional District work;
 - Involve the use of Confidential Information or Regional District resources obtained through their work for the Regional District;
 - Require work during Regional District work hours;
 - Discredit or disadvantage the Regional District or the Regional Board; or
 - Result in their holding any property or interest which may be in conflict with the employee's duties to the Regional District.

6. Gifts and Personal Benefits

6.1. What are gifts and personal benefits?

- 6.1.1. Gifts and personal benefits are items or services of value that are received by Board members, staff and advisory body members for their personal use. Gifts and personal benefits include but are not limited to cash, gift cards, tickets to events, items of clothing, jewelry, pens, food or beverages, discounts/rebates on personal purchases, free or subsidized drinks or meals, entertainment, and invitations to social functions organized by groups or community organizations;
- 6.1.2. The following are not considered to be gifts or personal benefits for the purposes of this policy:
- Compensation authorized by law, and
 - Reimbursement for out-of-pocket costs incurred for authorized travel, living and accommodation expenses associated with attendance at an event.

6.2. What gifts and personal benefits may and may not be accepted?

- 6.2.1. Board members, staff and advisory body members must not, directly or indirectly, accept a gift or personal benefit that is intended to influence the member's performance of their respective official duties related to the Regional District;
- 6.2.2. Board members may accept gifts and personal benefits received as an incident of the protocol or social obligations that normally accompany the responsibilities of elected office;
- 6.2.3. Staff or advisory body members may accept a gifts or personal benefit that meets both of the following criteria:
 - It has a value of \$50 or less, AND
 - Is received as an incident of protocol or as a Regional District representative on activities such as speaking engagements, technical presentations, business meetings and social obligations reasonably related to their role with the Regional District of Central Okanagan.
- 6.2.4. Notwithstanding section 6.2.2 and 6.2.3 Board members, staff and advisory body members must never accept a gift of cash;
- 6.2.5. Staff may not take advantage of discounts/rebates on personal purchases from suppliers having an existing business relationship with the Regional District, unless those suppliers offer the same discount/rebates to the general public or those discounts/rebates are offered to staff of other large employers (public and private) on a no-strings-attached basis to the employer;
- 6.2.6. Board members, staff and advisory body members must take all reasonable steps to ensure that their immediate family members do not receive gifts or personal benefits that could appear to an impartial observer to be an attempt to subvert this policy or to influence or secure a favour from the Board members, staff and advisory body member. Immediate family members include parents, spouses, children and siblings.

6.3. How must gifts and personal benefits be reported?

- 6.3.1. Board members must disclose any gift or personal benefit they have accepted that is valued at more than \$50;
- 6.3.2. If an Elected official, staff or advisory body member receives multiple gifts or personal benefits valued under \$50 from a single individual or source in one calendar year, the gifts must be disclosed if the combined value of these gifts for the year is more than \$50;
- 6.3.3. Board members, staff and advisory body members in receipt of gifts or personal benefits that they do not wish to accept have the option of immediately relinquishing the gift or personal benefit to the Chief Administrative Officer without filing a disclosure form. If not relinquished immediately, a disclosure form will be required;
- 6.3.4. Responsibility for relinquishing of gifts and personal benefits exceeding a cumulated value of \$50 in one calendar year lies solely with the recipient of the gift.

6.4. How are gifts and personal benefits valued?

- 6.4.1. 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;
- 6.4.2. Where the value for a gift or personal benefit is unclear, the Chief Administrative Officer shall determine this value.

6.5. How are relinquished gifts managed and disposed of?

- 6.5.1. The Chief Administrative Officer's office will maintain records of all gifts and personal benefits received, including disposition;
- 6.5.2. Any gifts or personal benefits that have been received in contravention of section 8.2 of this policy must be turned over to the Chief Administrative Officer for safekeeping or disposition, and are the property of the Regional District;
- 6.5.3. At the Chief Administrative Officer's discretion, such gifts may be disposed of as follows:
 - Returned to the donor;
 - Displayed in the public areas of the corporate head office; or
 - Disposed of by donation, sale or auction, with any proceeds credited to the Regional District's general administration revenues or to the direct or indirect support of a charitable organization.
- 6.5.4. The Chief Administrative Officer may contact the donor, where appropriate, to report on the disposition of the gift.

7. Interactions of Board Members, Staff and Advisory Body Members

- 7.1. The Regional Board is the governing body of the Regional District of Central Okanagan. It has the responsibility to govern the Regional District in accordance with the *Local Government Act*, *Community Charter*, and other relevant legislation;
- 7.2. The Regional Board of Directors must act in accordance with the Board's Procedure Bylaw and the conduct guidelines outlined in this document;
- 7.3. Board members must not direct or influence, or attempt to direct or influence any staff or advisory body member in the exercise of their duties or functions;
- 7.4. Board members are not to contact or issue instructions to any of the Regional District's contractors, tenderers, consultants or other service providers;
- 7.5. Board members must not make public statements attacking or reflecting negatively on Regional District staff or invoke staff matters for political purposes;
- 7.6. Board members must not approach staff organizations about personal matters of individual staff members;
- 7.7. The Chief Administrative Officer is responsible for the efficient and effective operation of the Regional District organization and for ensuring the implementation of the decisions of the Board;

- 7.8.** The Regional Board operates under a single employee model. That single employee is the Chief Administrative Officer (CAO). Requests for information from the Board other than over the counter inquiries must be addressed to the CAO who will refer the inquiry to the appropriate staff member to respond. Requests for meetings between Board members and managers must be approved by the CAO prior to the meeting. Direct access to staff within a department is not permitted unless previously approved by the Chief Administrative Officer.

When Board members request information from staff that would constitute more than a technical clarification, the response will be provided to all Directors so that all Directors have access to the same information, unless the information is provided through a formal *Freedom of Information and Protection of Privacy Act (FIPPA)* request;

- 7.9.** There are distinct and specialized roles expected of staff both in carrying out their responsibilities and in dealing with the Board. Staff are accountable to the Chief Administrative Officer and the Chief Administrative Officer is accountable to the Board. As such, it is inappropriate for Directors to involve themselves in matters of administration, departmental management, personnel or other administrative responsibilities that fall within the jurisdiction of the Chief Administrative Officer;
- 7.10.** The Board as a whole, not individual Directors, gives direction to staff through Board resolutions. The Chief Administrative Officer directs administrative staff and oversees the implementation of those Board resolutions. Accordingly, Directors shall not request staff to undertake work that has not been expressly authorized by the Board. Directors shall submit such requests directly to the Board or, where the Director believes the request is of a minor nature consistent with corporate policies, to the Chief Administrative Officer who shall determine if the request can be accommodated without compromising other Board-approved directives or if the request needs to be referred to the Board for consideration of resource allocation;
- 7.11.** Staff are expected to:
- 7.11.1. Give their attention to the business of the Regional District while on duty;
 - 7.11.2. Ensure that their work is carried out efficiently, economically and effectively;
 - 7.11.3. Provide Board members with information sufficient to enable them to carry out their civic functions;
 - 7.11.4. Carry out lawful directions given by any person having authority to give such directions; and
 - 7.11.5. Give effect to the lawful policies, decisions and practices of the Regional Board, whether or not the staff member agrees with or approves of them.
- 7.12.** Staff should seek the advice and approval of their manager prior to responding to a direct request from a Board member, except where the request is minor or of a day-to-day operational nature;
- 7.13.** Staff are to provide information and professional advice through regular Regional District processes and are not to lobby Board members on any matter;
- 7.14.** Staff must not make public statements unfairly attacking or reflecting negatively on the Regional District of Central Okanagan, the Regional Board, individual Board members or staff;

- 7.15. The Chief Administrative Officer and senior managers are to be equally helpful to all members of the Board, and should avoid close alliance, or the appearance of close alliance, with any particular member. Information and advice is to be provided as requested within the limitations of this document;
- 7.16. Significant information provided to any Board member, which is likely to be used in a Board meeting or in political debate, should also be provided to all other Board members, and to the Chief Administrative Officer;
- 7.17. Advisory body members must act in accordance with the relevant sections of the Regional District's Procedure Bylaw and the conduct guidelines outlined in this document;
- 7.18. Advisory body members must not inappropriately direct or influence, or attempt to direct or influence, any staff in the exercise of their duties or functions except where such direction or influence is necessary to fulfill the specific mandate of the advisory body;
- 7.19. Advisory body members must not make public statements unfairly attacking or reflecting negatively on the Regional District of Central Okanagan, the Regional Board, individual Board members or staff.

8. Confidential Information

- 8.1. Board members shall be aware of their responsibilities under Section 205 of the *Local Government Act* and Section 117 of Division 1 of Part 5 of the *Community Charter* and shall fulfill the requirements of the legislation;
- 8.2. Board members, staff and advisory body members shall not disclose or release to anyone, confidential information acquired by virtue of their office, in either oral or written form except when required by law or authorized by the Board to do so;
- 8.3. Board members, staff and advisory body members shall not disclose the substance of deliberations of an in-camera meeting until the Board approves a resolution to bring formerly confidential information to a meeting that is open to the public or releases the information to the public;
- 8.4. Confidential information includes documents and discussions regarding all matters described under Section 90 of the Community Charter affecting the business affairs of the Region as well as information provided by a third party on a confidential basis. Confidential information also includes, but is not limited to information:
 - 8.4.1. Disclosed or discussed at an In-Camera or Confidential Meeting of the Board;
 - 8.4.2. That is circulated to Directors and marked "Confidential"; or
 - 8.4.3. That is given verbally in confidence in preparation for or following an in-camera meeting.

9. Use of Public Resources

- 9.1. Board members, staff and advisory body members shall not use Regional District resources, such as staff time, equipment, supplies, websites, facilities or other property, other than for the discharge of their duly authorized duties dealing with Regional District business and in no case for personal convenience or profit.

10. Advocacy

- 10.1. It is recognized that Directors play a dual role of representing the interests of their respective taxpayers, while recognizing the benefits of regional collaboration and cooperation within the democratic process of decision making as a regional entity. All members of the Board shall respect the diverse interests of its citizenry and the role of Directors to balance the views of their respective jurisdictions with that of other jurisdictions. As such, a Director needs to consider all aspects of an issue including applying the Board's Key Values prior to making decisions that support the Boards strategic objectives. While it is not anticipated that all decisions will be unanimous, it is recognized that the decisions of the Board will be the only position portrayed as a corporate decision;
- 10.2. When presenting their individual opinions and positions, Directors shall expressly state that the views are their own and do not represent the views of the Regional District. Directors shall not use Regional District letterhead for personal matters or to convey an opinion on any matter not specifically approved by the Board.

11. Political Activity

- 11.1. Staff members enjoy broad political freedoms and should be able to engage in democratic politics with few restrictions. However, such broad freedoms must be exercised so as not to call into question their ability to perform their employment duties in a professional and impartial manner;
- 11.2. The purpose of this section of the Code of Conduct is to recognize the right of employees to engage in Political Activity while maintaining the principle of political impartiality in the public service;
- 11.3. An employee may engage in Political Activity so long as it does not impair, or is not perceived as impairing, the employee's ability to perform his or her duties in a politically impartial manner. This precludes employees from displaying slogans or symbols supporting a particular party or candidate while at work where their duties may reasonably require them to interact in person with the public or where their duties require them to supervise, schedule or assign work to others;
- 11.4. The Chief Administrative Officer and senior managers shall not engage in any public Political Activity other than voting in an election;
- 11.5. Before being nominated to office as a member of the board of the regional district, or as a member of a council of a municipality that is within the regional district an employee must give written notice to his or her employer of their intention to consent to nomination. They must also arrange for a leave of absence for the duration of the nomination period and, if successfully elected resign their position with the RDCO prior to making their oath of office, all in accordance with the *Local Government Act*;
- 11.6. Board members shall not undertake campaign related activities on Regional District property during regular working hours unless specifically organized by the Regional District (i.e. candidate procedures, all candidate orientation, etc.);
- 11.7. Board members shall not use any Regional District property for campaign work including Regional District photocopiers, computers, email lists, etc.

12. Reprisals and Obstruction

- 12.1.** The Regional District will not retaliate against Directors or Regional District staff who, in good faith, report a known or suspected violation of this Code as described herein. Directors will respect the integrity of the Code of Conduct and investigations conducted under it;
- 12.2.** Any reprisal or threat of reprisal against a complainant or anyone for providing relevant information in an investigation is, therefore, prohibited;
- 12.3.** It is a violation of the Code of Conduct to obstruct an investigation.

13. Implementation

- 13.1.** The Regional District's Code of Conduct is intended to be self-enforcing. Directors should view the Code as a set of guidelines that express collectively the standards of conduct expected of them. It, therefore, becomes most effective when Directors are thoroughly familiar with the Code and embrace its provisions.

For this reason, the Code of Conduct will be provided to candidates for Regional District elections. Persons elected to the Regional District will be requested to sign the Director's Statement affirming they have read and understand the Regional District's Code of Conduct. The Code of Conduct will be reviewed in detail at orientation sessions for new and returning directors following each election or by-election.

14. Compliance and Enforcement

- 14.1.** The Regional District's Code of Conduct expresses standards of ethical conduct expected for Board members, staff and advisory body members. They themselves have the primary responsibility to assure that these ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of the governance of the Regional District.

15. Impact on Board Decisions

- 15.1.** A Violation of this Code of Conduct shall not be considered a basis for challenging the validity of a Regional District decision.

Signature

Date

Print Name

*** END OF POLICY ***

<u>Policy No.</u>	<u>Date Adopted</u>	<u>Date Reviewed</u>	<u>Amended (Y/N)</u>	<u>Date Reissued</u>	<u>Authority(Resolution #)</u>
#2-2016	March 31, 2016				#82/16