



**-COMMITTEE OF THE WHOLE MEETING AGENDA-**

Meeting #: 250  
Date: Tuesday, October 31, 2023, 1:00 pm  
Location: Council Chambers & Zoom Webinar  
7400 Prospect Street

*This meeting is being recorded as authorized by the Video Recording & Broadcasting of Open Meetings Policy.*

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**Pages**

**1. CALL TO ORDER**

In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation

**2. ADOPTION OF AGENDA**

**Recommendation:**

**THAT** the Agenda be adopted as presented.

**3. APPROVAL OF MINUTES**

**4. DELEGATIONS**

**5. REPORTS**

**5.1 Code of Conduct Bylaw No. XXX, 2023**

2

**Recommendation:**

**THAT** the Committee of the Whole provide direction on how they wish to proceed with a remuneration punitive action:

{Council provide input}

**Recommendation:**

**THAT** the Committee of the Whole direct staff to bring the Code of Conduct Bylaw to a Regular Council meeting for consideration of first three reading, incorporating feedback received at the October 31, 2023 Committee of the Whole Meeting.

**5.2 Spełkúmtn Community Forest Spending Policy**

29

**Recommendation:**

**THAT** the Committee of the Whole recommend that Council adopt the Spełkúmtn Community Forest Spending Policy as presented.

**6. ADJOURNMENT**

**Recommendation:**

**THAT** the Committee of Whole meeting be adjourned.

**Date:** Tuesday, October 31, 2023  
**To:** Elizabeth Tracy, Chief Administrative Officer  
**From:** Ethan Fredeen, Acting Manager of Corporate & Legislative Services  
**Subject:** Code of Conduct Bylaw No. XXX, 2023

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## **PURPOSE**

To present the draft new Code of Conduct Bylaw and amendment to the Council Remuneration and Expenses Bylaw to Council to receive feedback and direction prior to bringing the bylaws forward to a Regular Council meeting for consideration of readings. Staff will be requesting direction and feedback from Council with respect to:

- appointing a third party investigator and their role;
- to discuss budget implications;
- wording in relation to the informal and formal resolution process; and
- language around the reporting structure to the public.

## **BACKGROUND**

In 2016, a resolution was passed at the annual Union of British Columbia Municipalities (UBCM) convention which resulted in the establishment of the Working Group on Responsible Conduct (WGRC). The WGRC was a joint initiative of UBCM, the Ministry of Community Sport and Cultural Development (now the Ministry of Municipal Affairs) and the Local Government Management Association (LGMA). The [terms of reference](#) for the Working Group, approved by the UBCM Executive, established the mandate of the WGRC was to research and facilitate policy work on a framework and approaches to responsible conduct by elected officials.

The Village's existing Code of Conduct was officially approved on September 4th, 2007, following consideration and deliberation. The previous iteration of the policy was upheld until February 15th, 2011, when Council engaged in the subsequent discussion:

*“Staff was directed to review the Conflict of Interest section of the Code and add where appropriate a clause that acknowledges that members may have strong opinions on certain matters based upon their experiences and knowledge. However, a member must participate in discussions with an open mind (no preconceived conclusion) and be understanding of and take into consideration opinions of others when making a decision.”*

The Code of Conduct underwent a review at the Committee of the Whole Meeting held on December 1st, 2015. During this review, no recommendations were made to modify the Village's existing Code of Conduct. The key aspects addressed in the Village's current Code of Conduct include:

- Handling Conflict of Interests
- Safeguarding the Confidentiality of Information
- Cultivating Working Relationships in alignment with the Village's Harassment Policy
- Managing Governance in the context of the Municipal One Employee Model

Lastly, the Code of Conduct was reexamined during the Committee of the Whole Meeting on April 18th, 2023. During this session, the former Corporate Officer of the Village of Pemberton presented examples that prompted the need for an updated Code of Conduct. The Committee of the Whole resolved the following:

*Moved/Seconded*

**THAT** the Committee of the Whole recommend to Council that staff be directed to prepare an updated code of conduct bylaw for review by the Committee of the Whole at a future meeting.

**CARRIED**

## **DISCUSSION & COMMENTS**

It was Council's direction that staff pursue the development of a Code of Conduct in the form of a bylaw over a policy as it ensures that should Council decide to disagree at any point over the contents of the proposed bylaw, Council will need to have at a minimum, two separate Council meetings to make such changes to the bylaw. A policy could be amended in a single meeting if Council so chose. Further, the presented bylaw is to reflect the conduct of Council and this policy does not address staff as noted under section 1.4 (a).

The draft Code of Conduct Bylaw includes appointment of an independent investigator. The role of the investigator will be to administer the complaints and investigation process and to report to Council and to the public. Benefits of an external appointment include that an independent body will remain neutral in processing complaints.

### ***Informal Investigation Process***

The investigation process as outlined in the proposed bylaw reflects a procedure consistent with the Village's rules and procedures currently in place with the exception of the punitive remuneration measures that staff are looking for input on whether to reflect that measure in the proposed bylaw or in an amending bylaw to the Council Remuneration Bylaw No. 704, 2012.

The Code of Conduct bylaw's investigation process is triggered through a Council Member, a Committee Member, Staff person or Volunteer believing that they have bared witness or have received misconduct from a Council member will report the perceived infraction to the Chief Administrative Officer (CAO). The CAO may attempt to resolve the complaint through informal or alternative formal processes prior to triggering the formal complaint process.

When the complaint is received by the CAO, the complaint must include:

- Who is in infraction to the Code of Conduct;
- The name of the person submitting the complaint;
- The reasons the Council Member is in infraction; and
- Time and date of when the infraction may have occurred.

Under a formal process the CAO would be required to appoint an Investigator to follow through with the investigation process. The CAO shall provide all complaint materials to the Investigator.

The Investigator will be required to dismiss or suspend the investigation process should the complaint:

- Be addressing the contents of an investigation that is already opened;
- Be received after 90 days of when the infraction was to have occurred (the investigator is given flexibility to extend the complaint deadline by an additional 90 should the case warrant it); and
- Regard a member of Council seeking reelection from the first day of the nomination period to the general voting day.

Upon validating the complaint the Investigator is encouraged to follow the Informal Resolution process as outlined under section 4.4. of the proposed bylaw. Where a resolution could be made through transformative or restorative justice approaches and may engage with a third party to assist in the delivery of a Informal Resolution. Both the respondent or the complainant can refuse in participating in any Informal Resolution process that is brought forward. At the conclusion of the informal process should the investigator find that a resolve cannot be reached, the investigator then must consider following the formal investigation process.

### ***Formal Resolution***

When a formal investigation process is opened the Investigator must approach the Respondent to request that all submissions in response to the complaint must be delivered within ten (10) days. Where the information will be delivered back to the complainant where it would be received in confidence. The complainant will then be requested to provide a response should they desire to. The investigator will compile a case by reviewing documents that the Village is in possession of and talk with anyone that may be useful in getting a more fulsome understanding of the complaint.

Should resolve be made at which the Investigator sees no reason to move the complaint further the Investigator shall report the result back to the Complainant and Respondent. Regardless of the decision the Investigator is required to make a decision of the process within ninety (90) days of determining the process must follow a Formal Investigation.

### ***Result Non Violation***

Upon determination of non violation the investigator shall make a report providing the rationale behind the determination. All parties involved including all of Council would be the recipient of such a report.

### ***Result Violation***

The Investigator will be required to prepare a report that will be received by Council which will include what sanctions are recommended to remedy the infraction. Upon receipt of the investigation report, Council must determine within 30 days by 2/3 majority vote to pursue the sanctions outlined within the investigation report.

### ***Remuneration Penalties***

As referenced within the Code of Conduct for the District of Squamish, upon the completion of an investigation and where the Investigator finds that a Council Member is in breach of the bylaw, the Council member may be subject to a reduced remuneration in accordance with their Council Remuneration Bylaw.

As the Village of Pemberton does not currently have any provision in our Council Remuneration Bylaw No. 704, 2012 for a reduction to remuneration. The Committee of the Whole is posed with the question of whether to:

- Incorporate a reduction in this proposed bylaw;
- Direct staff to draft a Council Remuneration amending bylaw to incorporate the remuneration penalties for infraction to this bylaw; or
- To remove the option of punitive measures applied to a Council members remuneration.

Should the Committee of the Whole direct staff to develop an amendment to the Council Remuneration Bylaw No. 704, 2012, it is staff's recommendation that the Remuneration Amending Bylaw be adopted prior to the adoption of the Council Code of Conduct Bylaw. As the Code of Conduct will be making reference to such stipulations in the Council Remuneration Bylaw.

### **COMMUNICATIONS**

As the Village of Pemberton is currently conducting a review of its' Code of Conduct, Council is not required to make a notice as to why they opted not conduct a review pursuant to section 113.1 (3) of the *Community Charter*.

### **LEGAL CONSIDERATIONS**

The proposed Bylaw took into consideration the following governing documents:

*Communications Policy PER-010*  
*Community Charter*  
*Council Remuneration Bylaw No. 704, 2012*  
*Criminal Code*  
*Freedom of Information and Protection of Privacy Act*  
*Human Rights Code*  
*Legal Advice for Council members on Conflict of Interest Policy COU-008*  
*Social Media Policy PER-004*  
*Village of Pemberton Indemnification Bylaw No. 689, 2012*

### **IMPACT ON BUDGET & STAFFING**

Staff have not determined the costs associated with appointing an investigator but depending on Council's input staff will reach out to municipalities that have adopted a similar approach to see the costs associated per investigation conducted. Further, the Village of Pemberton has a policy dedicated for Legal Advice for Council members on Conflict of Interests which states that Legal Advice will be at the cost of the Village when it is jointly agreed upon by Council member and CAO. Legal Advice that is sought after independently are not reimbursable.

Council members that are facing a formal investigation and seek independent legal advice are only able to recover the costs if the legal fees associated are under \$10,000, it is their first request for reimbursement of legal fees and they are found not to be in violation of the bylaw.

The remedies range from financial cost to the Village and will vary in all costs.

There will be impacts on the CAO, HR Advisor and Corporate Officer in the event of a complaint. A program will need to be implemented, which includes development of a formal process for complaints and forms and templates will need to be developed.

### **COMMUNITY CLIMATE ACTION PLAN**

The proposed Code of Conduct Bylaw does not have any impact to the Community Climate Action Plan.

### **IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS**

Upon determination of violation to the Code of Conduct Bylaw, a potential punitive measure that may be determined is to remove the member in violation from appointed bodies that include any regional governing body.

### **ALTERNATIVE OPTIONS**

#### **Option One:**

**THAT** the Committee of the Whole provide direction on how they wish to proceed with a remuneration punitive action:  
{Council provide input}

**THAT** the Committee of the Whole direct staff to bring the Code of Conduct Bylaw to a Regular Council meeting for consideration of first three reading, incorporating feedback received at the October 31, 2023 Committee of the Whole Meeting.

#### **Option Two:**

**THAT** staff be directed to conduct further research and bring the draft Code of Conduct and Council Remuneration amendment bylaws back to a future Committee of the Whole meeting for further discussion.

### **RECOMMENDATIONS**

**THAT** the Committee of the Whole provide direction on how they wish to proceed with a remuneration punitive action:  
{Council provide input}

**THAT** the Committee of the Whole direct staff to bring the Code of Conduct Bylaw to a Regular Council meeting for consideration of first three reading, incorporating feedback received at the October 31, 2023 Committee of the Whole Meeting.

### **ATTACHMENTS:**

**Appendix A:** Code of Conduct Policy COU-004

**Appendix B:** Code of Conduct Bylaw No. XXX, 2023

Prepared by:	Ethan Fredeen, Acting Manager of Corporate & Legislative Services
CAO Approval by:	Elizabeth Tracy, Chief Administrative Officer

# Code of Conduct Policy

Department:	<u>Council</u>	Policy No.:	<u>COU-004</u>
Sub-department:	<u>All</u>	Created By:	<u>Sheena Fraser</u>
Approved By:	<u>Council</u>	Amended By:	<u>Council</u>
Approved Date:	<u>4 September 2007</u>	Amendment:	<u>15 February 2011</u>
Meeting No.:	<u>1187</u>	Meeting No.:	<u>1273</u>

## POLICY PURPOSE

To establish a Code of Conduct for the Mayor, Council, Committee Members and Staff of the Village of Pemberton.

## REFERENCES

The Community Charter

## POLICY

The *Community Charter* sets out the powers given to BC municipalities and also establishes ethical standards for elected officials. The *Charter* focuses almost exclusively on issues related to conflict of interest. The provisions include:

- the recognition of both pecuniary and non-pecuniary conflicts of interest
- the obligation to declare a conflict of interest
- restrictions on participation if in a conflict of interest
- further restrictions on the exercise of influence when a council member is in a conflict of interest
- restrictions on the acceptance of fees, gifts or personal benefits connected with the member's performance of public duties
- obligations with respect to the disclosure of gifts
- obligations with respect to the disclosure of contracts between a council member or a former council member and the municipality
- restrictions on the use of information not available to the general public to further a private interest, and
- procedures for recovering any financial gains resulting from the contravention of the ethical standards.

Building on the provisions of the *Community Charter*, this Code of Conduct establishes further standards for the Mayor, Councilors, Committee members and Staff of the Village of Pemberton related to conflict of interest, confidentiality of information, working relationships and governance. This combination of B.C. law and Village policy is designed to ensure that the Mayor, Councilors, Committee members and Staff of the Village of Pemberton aspire to the highest standards of public service integrity.

## Code of Conduct Policy

Department:	<u>Council</u>	Policy No.:	<u>COU-004</u>
Sub-department:	<u>All</u>	Created By:	<u>Sheena Fraser</u>
Approved By:	<u>Council</u>	Amended By:	<u>Council</u>
Approved Date:	<u>4 September 2007</u>	Amendment:	<u>15 February 2011</u>
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In this policy 'Member' includes Mayor, Councilors, Committee members and Staff of the Village of Pemberton.

### Conflict of Interest

- A Member is in a conflict of interest when the member has a pecuniary or non-pecuniary interest, in a matter which is immediate and distinct from the public interest and could, or could appear to, influence the way in which the member carries out his or her public duties.
- Members must avoid any situation that could cause a reasonably well-informed person to believe that they may have brought bias or partiality to a question before the Village.
- Notwithstanding the immediate previous statement, it is understood that members may have strong views or opinions on various matters which may have been the reason they were elected. In these situations, a member must declare and explain their views in a professional and respectful manner and participate in the debates with an open mind (no preconceived conclusion) and be understanding of and take into consideration opinions of others when making a decision. *(Amendment 2011)*
- Members will not use their position to secure special privileges, favours, or exemptions for themselves, their business or any other person.
- Members who declare a non-pecuniary interest are subject to the full range of restrictions and exceptions set out in the Community Charter with respect to a Council member with a direct or indirect pecuniary interest.
- Members shall be vigilant in their duty to serve the public interest when faced with lobbying activity. Lobbying is usually defined as direct or indirect efforts to solicit members support and influence the Council's decision on behalf of another party, business or an organization, often away from public scrutiny.
- Members will not use public resources, staff time or supplies not available to the public for personal reasons.

### Confidentiality of Information

- Members will be as transparent as possible with the public concerning the conduct of Village business while respecting the need to protect information that is designated as confidential.



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- Confidential information will only be shared with individuals authorized to see it.
- The provisions of the *Freedom of Information and Protection of Privacy Act* will be respected especially with respect to the protection of personal or private business information.
- Members will disclose or discuss details of any person or organization being considered for employment or contract only with those officials directly involved in the selection process.
- Members will discuss *in camera* items only with those involved in the *in camera* discussions or with members designated to be informed.

### Working Relationships

- Members will ensure that they comply with the Village's Harassment Policy.
- Members will not engage in personal comments at any time, in or out of public meetings, which may serve to discredit, abuse or otherwise reflect on the character or motives of other Members.
- Members will not make negative comments to any person about the performance of any staff member, or volunteer of the Village, except during *in camera* discussions or to the Administrator.
- Members will demonstrate a commitment to full and informed consultation with other Council members within the decision making framework.

### Governance

- Members will adhere to the Village's council-manager structure of government, where Council determines the policies and the Administrator conducts the administrative functions of the Village. Members, therefore, will defer to the authority and responsibility of the Administrator in all matters relating to the management of staff or their duties.
- Members will refrain from using their position to improperly influence members of staff in their duties or functions or to gain an advantage for themselves, their business or others.
- Members will respect the cost of human resources and not use those resources for unnecessary, improper or inefficient purposes.

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- Members will demonstrate respect for the bylaws by adhering to all Village bylaws and policies, and will never instruct or encourage any individual, organization or business to violate any Village policy or bylaw.
- Members are entitled to present their own views, but in doing so should acknowledge respect for the decision making processes of Council.

Village of Pemberton

BYLAW NO. XXX, 2023

A BYLAW TO REGULATE THE CONDUCT FOR COUNCIL AND COMMITTEE MEMBERS

**WHEREAS** Council and Committee Members are keepers of the public trust and must uphold the highest standards of ethical behaviour in order to build and inspire the public’s trust and confidence in local government;

**AND WHEREAS** Council and Committee Members are expected to:

- (a) make decisions that benefit the Village of Pemberton;
- (b) act lawfully and within the authority granted by the *Community Charter, Local Government Act* and other applicable enactments; and
- (c) be free from undue influence and not act to gain financial or other benefits for themselves, family, friends or business interests;

**AND WHEREAS** it is to the benefit of the community for Council and Committee Members to conduct their business in accordance with the guiding principles of integrity, accountability, respect, leadership and collaboration;

**AND WHEREAS** Council and Committee Members wish to conduct their business and intend to demonstrate their leadership in ethical behaviour, while promoting the principles of transparency, efficiency, accountability and civility through their decisions, actions and behaviour;

**AND WHEREAS** a Code of Conduct Bylaw expresses standards of conduct required for members of Council and Committees;

**AND WHEREAS** Council and Committee Members have primary responsibility for ensuring that the standards of conduct herein are understood and met, thereby fostering public confidence in the integrity of the government of the Village of Pemberton.

**THEREFORE BE IT RESOLVED** that the Council of the Village of Pemberton in open meeting assembled, hereby **ENACTS AS FOLLOWS:**

**PART I – GENERAL**

1.1 Title

This Bylaw may be cited as “Village of Pemberton Code of Conduct Bylaw No. XXX, 2023”.

1.2 Definitions

In this bylaw:

<b>“Bully and Harass”</b>	includes any inappropriate conduct or comment, be it verbal or written (including via social media or other electronic means), that a person knew or reasonably ought to have known would cause humiliation or intimidation, or any other form of unwelcome verbal or physical behaviour which by a reasonable standard would be expected to cause insecurity, discomfort, offence or humiliation, and/or has the purpose or
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	effect of interfering with a members' ability to conduct their business on behalf of the Village or creating an intimidating, hostile or offensive environment.
<b>“CAO”</b>	Means the Chief Administrative Officer for the Village of Pemberton.
<b>“Committee Member”</b>	Means a person appointed to a committee, sub-committee, task force, commission, board, or other Council established body under the <i>Community Charter – Part 5, Division 4 – Committees, Commissions and Other Bodies</i> or the <i>Local Government Act</i> .
<b>“Complaint”</b>	Means a formal allegation, in accordance with the complaint procedure set out in Part 4 of this Bylaw, that a Member has breached this Bylaw.
<b>“Complainant”</b>	Means anyone that makes a formal allegation, in accordance with the complaint procedure set out in Part 4 of this Bylaw, that a Member has breached this Bylaw.
<b>“Confidential Information”</b>	Means information or records held in confidence by the Village, including information or records to which Section 117 of the <i>Community Charter</i> applies.  For certainty, this includes all information and records from closed meetings of Council until publicly released.
<b>“Conflict of Interest”</b>	Refers to pecuniary and non-pecuniary conflicts of interest governed by the <i>Community Charter</i> and the common law.
<b>“Council Member”</b>	Means any elected official that sits on Council for the Village of Pemberton.
<b>“Gifts and Personal Benefits”</b>	Means an item or service of value that is received by a Member for personal use or enjoyment and defined under section 106 of the <i>Community Charter</i> .
<b>“Investigator”</b>	Means the person appointed to fulfill the duties and responsibilities assigned in Part 5 of this Bylaw.
<b>“Member”</b>	Means a member of Council
<b>“Municipal Officer”</b>	Means a member of Staff designated as an officer under Section 146 of the <i>Community Charter</i> .
<b>“Personal Information”</b>	Is consistent with the definition as set out in the <i>Freedom of Information &amp; Protection of Privacy Act</i> .
<b>“Respondent”</b>	Means a Council or Committee Member whose conduct is the subject of a Complaint.

“Staff”	Means an employee or contractor of the Village.
“Volunteer”	Means a person serving the Village who is not a Council Member or Committee Member.

1.3 Purpose and Interpretation:

- (a) This Bylaw sets out the rules Members must follow in fulfilling their duties and responsibilities as elected or appointed officials, and the powers and procedures of the Investigator in exercising oversight over Council Members.
- (b) The provisions of this Bylaw are to be interpreted broadly and in a manner that is consistent with the *Community Charter* S.B.C. 2003, c. 36.

1.4 Application:

- (a) This Bylaw applies to Council Members and Committee Members.
- (b) For clarity, the provisions of this Bylaw that reference Committee Members are only intended to apply to Council Members acting in their capacity as Committee Members.
- (c) Unless otherwise provided, this Bylaw does not apply to a Member’s conduct in their personal life, except to the extent that such conduct reasonably undermines public confidence in Village governance.
- (d) This Bylaw does not apply to Staff.
- (e) In the event of a conflict between this Bylaw and another Village bylaw or Council policy governing Member conduct, this Bylaw prevails.
- (f) In this Bylaw, a reference to a person who holds an office includes a reference to the persons appointed to act for that person from time to time.
- (g) Nothing in this bylaw is intended to preclude Members, prior to the filing of a Complaint, from speaking to each other in order to resolve matters which may otherwise be captured by this Bylaw.

1.5 Severability:

If any definition, section, subsection, paragraph, subparagraph, clause or phrase in this Bylaw is held invalid by a Court of competent jurisdiction, the invalid definition, section, subsection, paragraph, subparagraph, clause or phrase must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed definition, section, subsection, paragraph, subparagraph, clause or phrase.

**PART 2 – STANDARDS AND VALUES**

2.1 Foundational Principles

These guiding principles provide a basis for how Members fulfill their roles and responsibilities, including in their relationships with each other, Staff and with the public.

- (a) **Integrity:** being honest and demonstrating strong ethical principles.

Members are expected to act with integrity by:

- i. Behaving in a manner that promotes public confidence in the Village, including actively avoiding any Conflicts of Interest, improper use of office or unethical conduct.
- ii. Being truthful, honest and open in all dealings.
- iii. Upholding the public interest and making decisions in the best interests of the community.
- iv. Acting lawfully and within the authority of the *Community Charter*, *Local Government Act*, *Workers Compensation Act of B.C.* and *B.C. Rights Code*.

(b) **Accountability:** an obligation and willingness to accept responsibility or to account for one's actions.

Members are expected to act with accountability by:

- i. Being transparent in how they individually and collectively conduct business and carry out their duties.
- ii. Ensuring information is accessible, and that citizens can view the process and rationale behind each decision and action, while protecting confidentiality where appropriate or necessary.
- iii. Accepting that they are collectively accountable for local government decisions, and that individual Members are responsible and accountable for the decisions they make in fulfilling their roles.
- iv. Listening to and considering the opinions and needs of the community in decision making, and allowing for respectful discourse and feedback.

(c) **Respect:** having due regard for others' perspectives, wishes and rights; displaying deference to the offices of local government, and the role of local government in community decision-making.

Members are expected to act with respect by:

- i. Treating every person, including other Members, Staff and the public with dignity.
- ii. Showing consideration for colleagues and Staff.
- iii. Creating an environment of trust, including displaying awareness and sensitivity around comments and language that may be perceived as derogatory.
- iv. Valuing the role of diverse perspectives and debate in decision-making.
- v. Acting in a way that is respectful of the roles and responsibilities of the office of Mayor and Council.
- vi. Valuing the distinct roles and responsibilities of local government Staff and the community in local government considerations and operations, and committing to fostering a positive working relationship between Staff, the public and elected officials.

(d) **Leadership and Collaboration:** an ability to lead, listen to, and positively influence others; coming together to create or meet a common goal through collective efforts. Members are expected to demonstrate leadership and collaboration by:

- i. Demonstrating behaviour that builds and inspires public trust and confidence in local government.
- ii. Calmly facing challenges and providing considered direction of the issues of the day and enabling colleagues and Staff to do the same.
- iii. Creating space for open expression by others, taking responsibility for one's own actions and reactions and accepting the decisions of the majority.
- iv. Accepting that it is the equal responsibility of the Council and Committee Members individually and collectively to work together to achieve common goals.
- v. Being an active participant in ensuring these Foundational Principles and the standards of conduct are followed.

The key statements of principle that underline this Code of Conduct are as follows:

- (a) Members shall serve and be seen to serve their constituents in a conscientious and diligent manner;
- (b) Members shall be committed to performing their duties and functions with integrity and avoiding improper use or influence of their office, and conflicts of interest;
- (c) Members are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny; and
- (d) Members shall seek to serve the public interest by upholding both the letter and spirit of the laws of the Federal Parliament and British Columbia Legislature, and the laws and policies adopted by the Village Council.

### 2.2 Interpretation

The foundational principles above are to inform the interpretation of the substantive provisions of this Bylaw and are not stand-alone bases for Complaints.

### 2.3 Roles and Responsibilities

- (a) Council is the governing body of the Village. It has the responsibility to govern the Village in accordance with Part 5 of the *Community Charter* and other applicable legislation.
- (b) The Mayor is the head and Chief Executive Officer of the Village and has a statutory responsibility to provide leadership to the Council and to provide general direction to Municipal Officers respecting Village policies, programs and other directions of the Council as set out in Part 5 of the *Community Charter*.
- (c) Staff provide professional advice to the Council and carry out decisions in an effective, efficient and non-partisan manner. The CAO is Council's one employee.

**PART 3 – CONDUCT OF ELECTED OFFICIALS**3.1 General Conduct

(a) A Member shall not:

- i. contravene this Bylaw, as amended or replaced from time to time;
- ii. contravene any other Village bylaw or policy, as amended or replaced;
- iii. contravene a law of British Columbia or Canada, including the *British Columbia Human Rights Code* or the *Freedom of Information and Protection of Privacy Act*;
- iv. Bully or Harass a Member, Staff or Volunteer; or
- v. defame a Member, Staff, or Volunteer.

(b) A Member shall treat other Council Members, Committee Members, Staff, and Volunteers with respect and dignity.

(c) A Council Member shall not:

- i. breach their oath sworn upon taking office as a Council Member; or
- ii. abuse their office.

3.2 Interactions with Staff, Volunteers and Committee Members

(a) A Member must not interfere with, hinder or obstruct Staff, Volunteers or other Committee Members in the exercise of performance of their roles, responsibilities, powers, duties or functions, nor shall they impair the ability of Municipal Officers and Staff to implement Council policy decisions in accordance with Section 153 of the *Community Charter*.

(b) A Member must not request or require Staff to undertake personal or private work on behalf of a Member.

(c) A Member must not compel Staff to engage in partisan political activities or subject them to reprisal of any kind for refusing to engage in such activities.

(d) A Member must not publish, on social media or otherwise, statements attacking Members, Staff, or Volunteers.

(e) A Member must not directly or indirectly request, induce, encourage, aid, or permit Staff to do something which, if done by the Member, would be a breach of this Code of Conduct.

(f) Information obtained by any Member, which is likely to be used in a Council or political debate, must be provided to all other Members, and to the CAO.

(g) If a Member has information about Staff or a Volunteer that the Council Member wishes to bring to the attention of the Village for the purposes of a review or investigation into the conduct or an omission of the individual, the Council Member may only do so by delivering the information in writing to the CAO. On receipt of such information, the CAO shall conduct a review or investigation and address the



matter in accordance with the Village employment agreements, bylaws and policies and with the applicable employment law or professional responsibility enactments.

3.3 Interactions with the Public and Media

- (a) A Member must not communicate on behalf of the Village unless authorized to do so:
  - i. by Council resolution;
  - ii. or by virtue of a position or role the Member has been authorized to undertake by Council.
- (b) Without limiting the ability of the Council Member to hold a position on an issue and respectfully express an opinion, a Council Member must ensure that:
  - i. their communications relating to Council business are accurate and not issue any communication that the Member knows, or ought to have known, to be false; and
  - ii. all communications by, and on behalf of a Member, including communications made via social media, are respectful and do not discriminate against, harass, or defame any Member, Staff, or Volunteer.
- (c) A Member shall not issue instructions to any of the Village's contractors, tenderers, consultants or other service providers unless expressly authorized to do so.
- (d) Outside of a Council or committee meeting, a Member shall not communicate with a tenderer or proponent regarding the subject matter of the procurement.

3.4 Public Meetings

- (a) A Member must act with decorum at Council and Committee meetings and in accordance with Village of Pemberton Procedure Bylaw No. 788, 2015, as amended or replaced from time to time.

3.5 Collection and Handling of Information

- (a) A Member must:
  - i. comply with the provisions of the *Freedom of Information and Protection of Privacy Act* and the policies and guidelines as established by the Village comply with section 117 of the *Community Charter*, including by protecting, and not disclosing publicly, Confidential Information;
  - ii. only access information held by the Village for business related to, and not for personal purposes; and
  - iii. not alter Village records unless expressly authorized to do so.

3.6 Use of Social Media

- (a) The provisions of this Bylaw apply, without limitation, to the use of a Member's personal and official social media accounts.

- (b) Members must regularly monitor their social media accounts and immediately take measures to deal with the publication of messages or postings by others that violate the provisions of this Bylaw.
- (c) For clarity, section 3.6 applies only to social media accounts in respect of which a Member has primary moderation control.

3.7 Conflict of Interest

- (a) A Member shall not participate in a discussion of a matter or vote on a question in respect of that matter, in respect of which the Member has a Conflict of Interest.
- (b) In respect of each matter before Council, a Council Member or Committee Member shall:
  - i. assess whether they have a Conflict of Interest; and
  - ii. determine whether it is necessary to seek independent legal advice pursuant to the Village's Legal Advice for Council Members on Conflict of Interest Policy (COU-008) as amended from time to time.
- (c) If a Member believes they have a Conflict of Interest in respect of a matter in a Council or Committee meeting, the Member shall:
  - i. notify the Mayor or the Chair of the meeting that the Member has a Conflict of Interest prior to the matter being considered, and the Member shall restate the Conflict of Interest each time the matter arises before Council;
  - ii. refrain from discussing the matter with any other Member publicly or privately; and
  - iii. leave any meeting if the matter is discussed and not return until the discussion has ended or voting on the matter has been concluded.

3.8 Use of Influence

- (a) A Member must not attempt to influence a decision of the Council, a Committee, a Municipal Officer, or Staff if the Member has a pecuniary Conflict of Interest in relation to that decision.
- (b) A Member must not use their office to provide preferential treatment to any person or organization except as warranted by the ordinary and lawful discharge of their duties.
- (c) A Member must not intimidate, improperly influence, threaten, or coerce Staff.

3.9 Gifts and Personal Benefits

- (a) A Council Member must not accept a Gift or Personal Benefit, unless accepted in accordance with section 105 of the *Community Charter*.
- (b) A Council Member must disclose a Gift or Personal Benefit, in accordance with section 106 of the *Community Charter*.
- (c) Committee Members must comply with 3.9 (a) and (b) as though they were Council Members.

3.10 Campaign Activities

- (a) A Council Member shall not use Village facilities, equipment, supplies, services, or other resources of the Village for any election-related activities.
- (b) A Member must not use the services of Staff for election-related purposes during the hours in which those Staff Members are in the paid employment of the Village or paid by the use of Village resources.
- (c) A Council Member shall comply with all applicable election legislation including, but without limitation, the *Local Government Act* and *Local Elections Campaign Financing Act*.

3.11 Business Relations

- (a) A Council Member who engages in another profession, business, or occupation concurrently while holding elected office shall not allow such activity to materially affect the Council Member's integrity, independence or competence.

**PART 4 – COMPLAINT AND RESOLUTION PROCEDURES**

4.1 Council Members

(a) Confidential Requests

- i. If a Council Member, Committee Member, or Staff believes that they have been subject to conduct by a Council Member in breach of this Bylaw, that person may approach the CAO on a confidential basis, without the need to file a Complaint, to request that the CAO inform the Council Member of the alleged breach. Upon receipt of the confidential request, the CAO may attempt to address the conduct with the Council Member.
- ii. The CAO must protect the confidentiality of a person making a request under 4.1.(a) i. unless the person making the request consents in writing to disclosure.

(b) Complaint Procedure

- i. A Member, Staff, or Volunteer may submit a Complaint to the CAO or, if the Complainant is the CAO or the Complaint involves or is about the CAO, then to the Corporate Officer.
- ii. Upon receipt of a Complaint, the CAO (or Corporate Officer if the Complainant is the CAO or the Complaint involves or is about the CAO) shall retain an Investigator.
- iii. A Complaint must be in writing and describe with sufficient detail:
  - a. the name of the Complainant;
  - b. the name of the Respondent;
  - c. the conduct that the Complainant alleges to have been breached;
  - d. the date of the alleged conduct;

- e. to the best of the complainants ability describe the parts of this Bylaw that the Complainant alleges have been breached; and
  - f. the basis for the Complainant's knowledge about the conduct.
- iv. A Complainant may specify in the Complaint if they are willing to participate in an informal resolution of the Complaint.
  - v. The CAO (or Corporate Officer, if the CAO is the Complainant or the Complaint involves or is about the CAO) may accept a Complaint notwithstanding that the form of the Complaint does not comply with all of the requirements set out in Section 4.1. (b) ii if the circumstances warrant.
  - vi. The Investigator must not accept multiple Complaints concerning the same matter. In the event that the Investigator receives multiple Complaints concerning the same matter, the Investigator must proceed with the first Complaint accepted, but may expand the Complaint and/or add Complainants for the purpose of conducting the investigation and preparing the investigation report.
  - vii. The Investigator must reject a Complaint received more than 90 days after the Complainant knew, or reasonably ought to have known, of the alleged breach of this Bylaw. The Investigator is authorized to extend this 90 day deadline up to an additional 90 days if circumstances warrant an extension.
  - viii. The Investigator must reject a Complaint received regarding a Council Member seeking re-election in the period from the first day of the nomination period to the general voting day.
  - ix. In the 90 days prior to general voting day, the Investigator may suspend any investigation that is underway.

#### 4.2 Dismissal or Suspension of Complaint

- (a) If a Complaint is submitted that, on its face, is not made with respect to a breach of this Bylaw, or if a Complaint would be more appropriately addressed through another process, including if the Complaint is:
  - i. with respect to non-compliance with the *Freedom of Information and Protection of Privacy Act*;
  - ii. with respect to non-compliance with a more specific Council policy or bylaw with a separate Complaint procedure; or
  - iii. with respect to a matter that is subject to another outstanding process, such as a court proceeding or human rights complaint,
  - iv. the Investigator may reject the Complaint, or part of the Complaint, and must notify the Complainant in writing that the Complaint is not within the jurisdiction of this Bylaw, or that the Complaint would be more appropriately addressed through another process, as the case may be,

and set out any additional reasons and referrals the Investigator thinks appropriate.

- (b) If the Investigator, at any stage in the Complaint procedure, determines that there are reasonable grounds to believe that there has been a contravention of the *Criminal Code* then the Investigator must immediately refer the matter to the appropriate authorities and suspend the investigation until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to Council.
- (c) Where a Complaint is made against a Council Member who, during the course of the Complaint procedure, ceases to hold office, the Investigator may close the Complaint and notify the Complainant and Respondent of this decision.

#### 4.3 Preliminary Assessment

- (a) On receipt of a Complaint, the Investigator must conduct a preliminary assessment and if at that time, or any time thereafter, the Investigator is of the opinion that:
  - i. the Complaint is not with respect to a breach of this Bylaw;
  - ii. the Complaint is frivolous, vexatious, or not made in good faith;
  - iii. the investigation is or might be hampered, or the Council Member might be prejudiced, by the Complainant's failure to comply with Section 4.1.(b) iii., or otherwise cooperate with the investigation
  - iv. the Complainant wishes to withdraw the Complaint, and it would be appropriate in the circumstances to allow the withdrawal; or
  - v. there are no grounds or insufficient grounds to conclude that a violation of this Bylaw has occurred, the Investigator must notify the Complainant and the Respondent in writing that the Investigator is closing the Complaint, set out the reasons therefore, and close the Complaint.
- (b) The Investigator may request further information from the Complainant before determining whether or not there are sufficient grounds for believing that a breach of this Bylaw may have occurred.

#### 4.4 Informal Resolution:

- (a) When the Investigator has decided to proceed with a Complaint, the Investigator must determine whether the Complaint requires a formal investigation, or whether the Complaint may be resolved informally. In the latter case, the Investigator may either attempt to resolve the Complaint directly or refer the Complaint to the CAO.
- (b) In making a determination under subsection (a), the Investigator shall give a strong preference to the informal resolution process wherever possible.
- (c) When determining whether the Complaint may be resolved informally, the Investigator may consider culturally appropriate, transformative or restorative justice approaches, and may engage a third party to assist the Investigator for this purpose.
- (d) Where the Investigator refers the Complaint in accordance with Section 4.4 (a) the CAO may agree to assist in resolving the Complaint directly, or may appoint at their discretion a third party to assist in resolving the Complaint.

- (e) The third party assisting in the informal resolution of a Complaint will assess the suitability of the Complaint for settlement or resolution on an on-going basis and may decline to assist at any point.
- (f) The Complainant, or the Respondent, can decline to participate in an informal resolution at any time.
- (g) If a Complaint is resolved informally, the third party assisting in resolving the Complaint must notify the Investigator in writing of the terms of the resolution, upon receipt of which, the Investigator must close the Complaint.
- (h) If a Complaint cannot be resolved informally, the third party assisting in resolving the Complaint must refer the Complaint back to the Investigator for a formal investigation.

#### 4.5 Formal Resolution:

- (a) If a Complaint is not rejected, closed, or resolved informally, the Investigator must proceed with a formal investigation.
- (b) The Investigator must deliver the Complaint to the Respondent with a request that the Respondent provide a written response to the Complaint together with any submissions the Respondent chooses to make within 10 days, subject to the Investigator's discretion to extend the timeline.
- (c) The Investigator may deliver the Complainant with the Respondent's written response together with any submissions, on a strictly confidential basis, and request a reply in writing within 10 days, subject to the Investigator's discretion to extend the timeline.
- (d) The Investigator may:
  - i. speak to anyone relevant to the Complaint;
  - ii. request disclosure of documents relevant to the Complaint; or
  - iii. access any record in the possession or control of the Village, except a record that is subject to solicitor-client privilege.
- (e) The Investigator must ensure that the formal investigation complies with the rules of procedural fairness and natural justice required in the circumstances.
- (f) Notwithstanding subsection (a) above, nothing prohibits the Investigator from summarily dismissing a Complaint where it becomes apparent, after some investigation, that the Complaint has no chance of success.
- (g) If the Investigator summarily dismisses a Complaint in the Formal Resolution stage, the Investigator shall report to the Complainant and Respondent in the manner similar to that as set out in 4.3. (a).

#### 4.6 Adjudication and Reporting:

- (a) The Investigator must make a decision within 90 days of making the determination to proceed with a formal investigation, unless the Investigator determines that doing so is not practicable, in which case the Investigator must notify the Complainant and Respondent of the delay and provide a revised decision date. The revised decision

date may be extended by periods of up to 30 days on provision of written notice to the Complainant and the Respondent.

- (b) A notification issued pursuant to sections 4.2. (a), 4.2.(b), 4.3(a), or subsection (a) is confidential and must not be disclosed except in the following circumstances:
  - i. to Council at a closed meeting for the purpose of considering a resolution for reimbursement of legal fees pursuant to section 4.4. (b); and
  - ii. the Respondent may disclose the fact that the Complaint has been closed, or that a finding has been made that the Respondent did not breach this Bylaw.
- (c) If after reviewing all material information, the Investigator determines that the Respondent did not violate this Bylaw, then:
  - i. the Investigator must prepare a written investigation report providing reasons for their determination that the Council Member did not breach the Bylaw; and
  - ii. the Investigator must deliver a copy of the investigation report to the Complainant, Respondent and Council.
- (d) If after reviewing all the material information, the Investigator determines that a Council Member did violate this Bylaw, then:
  - i. the Investigator must prepare a written investigation report providing reasons for their determination that the Council Member breached this Bylaw;
  - ii. the investigation report must make recommendations as to the appropriate sanction for the breach;
  - iii. if the Investigator determines the Council Member took all reasonable steps to prevent the breach, or that the breach was trivial or done inadvertently or because of an error in judgment made in good faith, the Investigator will so state in the investigation report and may recommend that no sanction be imposed;
  - iv. the Investigator must deliver, on a strictly confidential basis, a copy of the investigation report to the Respondent; and
  - v. the Investigator must deliver a copy of the investigation report to the Complainant and Council forty eight (48) hours after delivery of the investigation report to the Respondent.
- (e) In all circumstances, the Investigator may choose to distribute the investigation report to Council through the Corporate Officer.

#### 4.7 Final Determination by Council

- (a) Council must, within 30 days of delivery of the investigation report pursuant to Section 4.6(d)v, or a longer period if approved by a 2/3 vote of Council, decide on the appropriate measures, if any, that are warranted by the breach of this Bylaw, and will take such actions as Council considers appropriate in the circumstances.

- (b) Prior to Council making any decision regarding the findings and recommendations set out in the investigation report, the Respondent must be provided with an opportunity, either in person or in writing, to comment on the decision and any recommended censure, sanctions or corrective actions.
- (c) While an investigation report provided to Council may be considered in a closed meeting for the purpose of receiving legal advice, or for another valid reason, when Council deliberates and votes on the investigation report, it will do so in a public meeting and the investigation report, or a summary, must be made available to the public in a form that complies with section 4.9 (b).
- (d) Notwithstanding subsection (c), Council may deliberate on and vote on a report in a closed meeting where there is a valid reason to close the meeting under section 90 of the *Community Charter*. For certainty, this means the investigative report or summary may not be publicly released.

#### 4.8 Remedies

- (a) Sanctions that may be imposed for a violation of this Bylaw include the following:
  - i. a letter of reprimand from Council addressed to the Council Member;
  - ii. a request from Council that the Council Member issue a letter of apology;
  - iii. the publication of the letters contemplated in subsections (i) and (ii), along with the Council Member's written response, if any;
  - iv. directions to the CAO regarding the provision of documents, including documents containing Confidential Information, to the Council Member;
  - v. a recommendation that the Council Member attend specific training or counselling;
  - vi. limitations on access to certain Village facilities;
  - vii. suspension or removal of the Council Member from some or all Council committees and bodies to which the Council Member was appointed;
  - viii. prohibition from representing the Village at events and/or attending conferences and seminars;
  - ix. suspension or removal of the appointment of a Council Member as the Acting Mayor;
  - x. public censure of a Council Member;
  - xi. any other sanction recommended by the Investigator, so long as that sanction is within the authority of Council.
- (b) The Investigator may recommend that Council consider commencing an application for disqualification under section 111 of the *Community Charter* or for damages under section 117 of the *Community Charter*, as applicable.

#### 4.9 Report to be Public

- (a) Unless deliberations have, pursuant to section 4.1.8(d), taken place in a closed Council meeting, the Village must, after delivering a copy of the investigation report



to the Complainant and Council, make the investigation report, or a summary of the report, available to the public.

- (b) In all circumstances, the Village will ensure that the investigation report or a summary complies with the Village's obligations regarding disclosure of personal information set out in the Freedom of Information and Protection of Privacy Act, and ensure that appropriate redactions are applied prior to any release to the public.

#### 4.10 Remuneration

(a) Where the Investigator finds that a Council Member:

- i. breached this Bylaw; or
- ii. submitted a complaint that was frivolous, vexatious, or made in bad faith the remuneration to which that Council Member would otherwise be entitled shall be reduced in accordance with the Council Remuneration Bylaw No. 704, 2012, as amended or replaced from time to time.

(b) Notwithstanding subsection (a)(i), the remuneration of a Council Member shall not be reduced if the Investigator makes a finding under section 4.7(d)iii that:

- i. the Council Member took all reasonable steps to prevent the breach;
- ii. the breach was trivial or inadvertent; or
- iii. the breach was because of an error in judgment made in good faith.

#### 4.11 Confidentiality of the Investigation

(a) The Investigator must make all reasonable efforts to investigate Complaints in confidence.

(b) The Investigator and every person acting under the Investigators' instructions must preserve confidentiality with respect to all matters that come into the Investigator's knowledge in the course of any investigation or Complaint except as required by law.

(c) An investigation report must only disclose such matters as, in the Investigator's opinion, are necessary for the purpose of the investigation report.

#### 4.12 Interpretation

For clarity, and despite section 4.13, the procedure in section 4.1 – 4.11 is to apply to all allegations against Council Members including in their capacity as Committee Members.

#### 4.13 Committee Members

(a) A Complaint of an alleged breach of this Bylaw by a Committee Member shall be submitted simultaneously in writing addressed to both the Mayor and CAO and within 90 days of the last alleged breach.

(b) A Complaint must comply with the standards set out at section 4.3.

- (c) The Mayor shall consider the Complaint and direct that any enquiries considered appropriate or desirable be undertaken, including a referral to the CAO or the Investigator. For certainty, if the Complaint is referred to the CAO or the Investigator, then the processes and procedures in section 4.1 of this Bylaw may be utilized to the extent deemed necessary and appropriate.
- (d) Nothing in this Code is intended to abrogate the power of the Mayor or Council, as applicable, to remove, at their pleasure and at any time, any Committee Member from any committee to which they have been appointed.

4.14 Reprisals and Obstruction

- (a) No Council Member, Committee Member, or Staff will threaten, interfere with, or otherwise obstruct the Investigator in relation to the Investigator carrying out the duties and responsibilities under this Bylaw.
- (b) No Council Member, Committee Member, or Staff will threaten or undertake any reprisal against a Complainant or against a person who provides information to the Investigator in the context of an investigation.
- (c) No Council Member, Committee Member, or Staff will tamper with or destroy documents or electronic records related to any matter under investigation under this Bylaw or refuse to respond to the Investigator when questioned regarding an investigation.
- (d) Any individual covered by this Bylaw who is found to have engaged in any reprisal or retaliation in violation of this Bylaw will be subject to appropriate disciplinary action, which action may include, and is not limited to, the sanctions and remedies described above or the termination of employment for just cause, as applicable.

4.15 Reimbursement of Costs

- (a) A Council Member may make a request to Council for reimbursement for the costs of legal advice and representation in responding to the formal complaint process outlined in this Bylaw. If appropriate after considering all circumstances, Council may resolve to reimburse legal fees reasonably incurred by a Council Member, provided that all of the following are met:
  - i. it is the Council Member's first formal complaint process;
  - ii. were not found to be in violation of this Bylaw; and
  - iii. the amount does not exceed \$10,000.
- (b) For clarity, the provisions of the Indemnification Bylaw No. 689, 2012 as replaced or amended from time to time, do not apply to requests for reimbursement under this Bylaw.
- (c) In the event that a reimbursement request pertains to addressing a potential or confirmed Conflict of Interest, the Member is required to consult the Village's Legal Advice for Council Members on Conflict of Interest Policy COU-008 that may be replaced or amended from time to time.

4.16 Vexatious Allegations and Complaints

- (a) Any individual covered by this Bylaw who makes an allegation or Complaint under this Bylaw that is subsequently found to have been made in a deliberately vexatious or malicious manner, or otherwise to have been made in bad faith, will be subject to appropriate disciplinary action, which action may include, but is not limited to:
  - i. in the case of Council Members, sanctions and remedies described in Section 4.8;
  - ii. in the case of Committee Members, termination of the Committee Member's appointment;
  - iii. in the case of Staff, disciplinary action or the termination of employment for just cause, as applicable.

## **PART 5 – APPOINTMENT OF INVESTIGATOR**

### 5.1 Appointment of Investigator

- (a) The CAO shall, upon receipt of a Complaint, appoint an Investigator to fulfill the duties and responsibilities described in section 5.2.
- (b) The Investigator must be an impartial and nonpartisan representative equipped to fulfill the duties and responsibilities as outlined in this bylaw. Further, the investigator must:
  - i. not be a staff person currently employed by the Village;
  - ii. not be associated in any personal or professional capacity with the complainant or respondent; and
  - iii. be familiar with good local governance and the contents of this bylaw.

### 5.2 Duties and Responsibilities

- (a) The duties and responsibilities of the Investigator are as follows:
  - i. to assist with informal resolution of a confidential request or Complaint;
  - ii. to receive and assess a Complaint to determine if the Complaint must be rejected, closed, resolved or investigated;
  - iii. to investigate and conduct inquiries as to alleged violations of this Bylaw;
  - iv. to report to Council as to whether a Member has breached this Bylaw; and
  - v. to make recommendations on an appropriate remedy, if the Investigator determines that a Member has breached this Bylaw.
- (b) The Investigator must perform the duties and responsibilities under this Bylaw in an independent manner.
- (c) An Investigator may only be dismissed for cause.

## **PART 6 – ENACTMENT**

### 6.1 Effective Date

This bylaw comes into force and effect on adoption.

**READ A FIRST TIME** this \_\_\_\_ day of \_\_\_\_\_, 2023.

**READ A SECOND TIME** this \_\_\_\_ day of \_\_\_\_\_, 2023.

**READ A THIRD TIME** this \_\_\_\_ day of \_\_\_\_\_, 2023.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
Mike Richman, Mayor

\_\_\_\_\_  
Ethan Fredeen, Deputy Corporate Officer

**Date:** Tuesday, October 31, 2023  
**To:** Elizabeth Tracy, Chief Administrative Officer  
**From:** Ethan Fredeen, Acting Manager of Corporate & Legislative Services  
**Subject:** Spełkúmtn Community Forest Spending Policy

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**PURPOSE**

To present the draft Spełkúmtn Community Forest Spending Policy and to receive feedback on the Policy as presented.

**BACKGROUND**

On the 9<sup>th</sup> of July 2018 the Village of Pemberton entered into a Limited Partnership Agreement between Lílwat Nation and Spełkúmtn Community Forest Corporation. The agreement states that the limited partners (Lílwat Nation and Village of Pemberton) may receive an annual fund depending on the potential profits received within the year. During the May 30<sup>th</sup>, 2023 Regular Council meeting, Council received correspondence from Andrea Blaikie, Executive Director for the Spełkúmtn Community Forest. The letter outlined that following the 2022 Audit of the Spełkúmtn Community Forest, the Board was able to confirm that each partner would receive \$329,000.00 from the 2022 Spełkúmtn Community Forest. It is important to note that this share of revenue and how it is distributed could alternate depending on the revenue received in a given year.

Upon Council's receipt of the correspondence Council resolved the following:

Moved/Seconded

**THAT** the correspondence be referred to staff to draft a policy respecting how the Village will disburse funds received through the Spełkúmtn Community Forest Partnership;

**AND THAT** staff prepare a list of shovel ready projects that might align with the guiding values as provided by the Spełkúmtn Community Forest;

**AND THAT** the draft policy and shovel ready list of projects be brought back to a future Committee of the Whole meeting for discussion.

**CARRIED**

Due, to the broad nature of the policy, staff are providing the draft policy as a standalone item separate from the 'shovel ready' projects. Project discussions are recommended to come forward as part of the annual budget process and will incorporate consideration of this funding.

**DISCUSSION & COMMENTS**

The Village has established a draft Spełkúmtn Community Forest Spending Policy that aims to utilize funds received from upon a profitable harvest year from the Spełkúmtn Community Forest

partnership to benefit the community. This policy aligns with shared values and focuses on key factors, such as the annual budget, five-year financial plan, and annual reserves, to determine how funds will be allocated. The overarching goal is to preserve green spaces and improve the quality of life for Village residents. This is a draft policy and staff are seeking input as to how this policy is being developed.

**Shared Values:** The policy is rooted in a set of shared values, which provide the foundation for making funding decisions. These values include:

1. **Environmental Stewardship:** The responsible use and protection of the natural environment, emphasizing conservation and sustainable practices.
2. **Wildlife Conservation/Habitat Enhancement:** The practice of protecting and preserving wildlife and their habitats, ensuring species survival and ecosystem health.
3. **Watershed Protection:** Preserving and managing land to maintain clean and sustainable water sources, benefiting both humans and the environment.
4. **Culture:** Fostering a collective identity, indigenous heritage, and a sense of community through the natural surroundings.
5. **Connection Between Land, People, and Nature:** Recognizing the symbiotic relationship between humans and the natural environment.
6. **Recreation and Outdoor Lifestyles:** Encouraging pleasure, relaxation, and personal fulfillment through engagement with the natural environment.
7. **Economic Viability:** Promoting a healthy economy, job growth, innovation, efficient infrastructure, and an excellent quality of life for residents.
8. **Giving Back to the Community:** Supporting not-for-profit organizations that enhance the community.
9. **Community Relationships:** Fostering open communication, shared values, and engagement with key stakeholders in the community.
10. **Social Responsibility:** Considering the broader impact of the Village's actions and actively promoting positive contributions to the community's well-being.

This policy's focus on shared values ensures that funding decisions prioritize the community's long-term well-being, committing to building a resilient and thriving community through environmental sustainability, cultural preservation, and social responsibility. Additionally, the emphasis on environmental stewardship, wildlife conservation, and watershed protection aligns with residents' desires for preserving green spaces and enhancing the natural environment, actively contributing to a cleaner and more sustainable community.

## **COMMUNICATIONS**

The Spelkúmtn Community Forest Spending Policy does not require any external communications.

### **LEGAL CONSIDERATIONS**

There are no legal considerations for the Spelkúmtn Community Forest Spending Policy.

### **IMPACT ON BUDGET & STAFFING**

The presented policy focuses on prioritizing the community's long-term well-being and considering the annual budget, five year financial plan, and annual reserves in its decision making process. Staff will use this policy when suggesting the allocation of funds from the Community Forest Spending Policy and discuss how it aligns with the shared values as outlined in the policy.

### **INTERDEPARTMENTAL IMPACT & APPROVAL**

This policy is noted as a Finance Policy and therefore has received a review from the Manager of Finance.

Interdepartmental Approval by:	Thomas Sikora, Manager of Finance
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### **COMMUNITY CLIMATE ACTION PLAN**

The Spelkúmtn Community Forest Spending Policy is a broad policy that and with keeping the Spelkumtn Community Forest shared values in mind when administering the funds received would touch on all of the Community Climate Action Plan objectives.

### **IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS**

The policy identifies the shared values for the Spelkúmtn Community Forest which reflects the values of Lílwat Nation as the other partner in the Limited Partnership.

### **ALTERNATIVE OPTIONS**

#### **Option One:**

**THAT** the Committee of the Whole recommend that Council adopt the Spelkúmtn Community Forest Spending Policy as presented.

#### **Option Two:**

**THAT** the Committee of the Whole send the Spelkúmtn Community Forest Spending Policy back to staff to incorporate the following changes:  
{Council's input}

### **RECOMMENDATIONS**

**THAT** the Committee of the Whole recommend that Council adopt the Spelkúmtn Community Forest Spending Policy as presented.

### **ATTACHMENTS:**

**Appendix A:** Spelkúmtn Community Forest FIN-009

Prepared by:	Ethan Fredeen, Acting Manager of Corporate and Legislative Services
CAO Approval by:	Elizabeth Tracy, Chief Administrative Officer

Committee of the Whole





