

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.

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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.