



N A K U S P

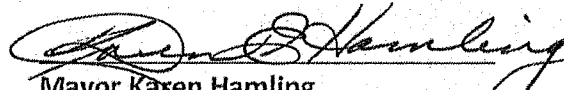
VILLAGE OF NAKUSP  
COUNCIL POLICY MANUAL  
COUNCIL CODE OF CONDUCT  
POLICY: P.20 SECTION: Personnel

ADOPTED: R261/16 November 28, 2016

REVISED:

REVIEWED:

APPROVED:

  
Mayor Karen Hamling

### Preamble

The residents of the Village of Nakusp are entitled to have fair, honest, open and accountable local government and to expect the highest standards of conduct from the members that it elects to the Council. Such a government requires that public officials comply with both the letter and the spirit of the laws and policies affecting operations of the government; be independent, impartial and fair in their judgment and actions; use their public office for the public good and not for personal gain; and conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility.

Improving the quality of public administration and governance can be achieved by encouraging high standards of conduct on the part of all local government officials. The Council commits itself and its members to conduct that meets the highest ethical standards. In turn, adherence to these standards will protect and maintain the Village's reputation, credibility and integrity.

The Village seeks to maintain and enhance the quality of life for all Village residents through effective, responsible and responsive government.

### Definitions

"Council"- means the Mayor and Council of the Village of Nakusp.

"Confidential Information" - includes but is not limited to information:

- a. in the possession of the Village that is either prohibited from disclosing, is required to refuse to disclose or exercises its discretion to refuse to disclose under the *Freedom of Information and Protection of Privacy Act* or other legislation; and
- b. concerning matters that are permitted to be discussed in an in-camera meeting pursuant to the *Community Charter*.

"Council Members" - means Mayor and Councillors representing the Village of Nakusp.

"Village"- means Village of Nakusp.



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"Staff" - means an employee or contract employee of the Village.

**Scope**

The Code of Conduct shall be a policy of the Council and apply to all Council Members of the Village.

**Purpose**

The purpose of the Code of Conduct is as follows:

- *to provide guidance to Council Members and staff so as to ensure that all are accorded reasonable and fair treatment;*
- *to assist the Council Members in avoiding problems relating to role clarity and behavior;*
- *to preserve the integrity of the Village;*
- *to protect the rights of Council Members and staff as individuals;*

These guidelines are additional to any requirements at law and do not excuse any member from complying with the common law or an applicable statute, act or other enactment.

**Guidelines**

It is the purpose of this policy to outline certain basic guidelines for Council Members so that they may carry out their powers, duties and functions with impartiality and dignity, recognizing that the function of Council Members is, at all times, service to their communities and the public. These guidelines are as follows:

**A. Public Interest**

Recognizing that the Village seeks to maintain and enhance the quality of life for all Village residents through effective, responsive and responsible government, Council Members will conduct their business with integrity, in a fair, honest and open manner. Council Members recognize that they are agents of the public whose primary objective is to address the needs of the citizens. Thus, Council Members shall work for the common good of the residents of the Village and not for any private or personal interest. Council Members shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Government of Canada and the Province of British Columbia as well as those policies and bylaws that the Council imposes on itself.

Council Members shall inform themselves of public issues, listen attentively to public discussions before the Council and focus on the business at hand and shall make decisions based upon the merits and substance of the matter at hand. Council Members will recognize the unique role and contribution each person has in making the Village a better place in which to work and live.



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**B. Stewardship**

The Council recognizes that it is a steward which is responsible for managing and looking after the interests of Village residents and taxpayers. Recognizing that stewardship of the public interest must be their primary concern, Council Members are elected to act and to make decisions solely in terms of the public interest.

**C. Integrity**

Integrity is the quality of being honest and having strong moral principles. It is vital that the public has confidence in the Council's ability to provide good government and to provide services, facilities or other things that, in the opinion of the Council, are necessary or desirable for all of or part of the Village. Council Members must conduct themselves in a way that promotes and maintains public confidence and shall be committed to performing their functions with integrity. Council Members shall perform the functions of office truly, faithfully and impartially to the best of their knowledge and ability exhibiting the personal values of:

- integrity - giving the Village's interests priority over private individual interests;
- honesty- being truthful and open;
- objectivity - making decisions based on a careful and fair analysis of the facts; accountability- being accountable to each other and to the public for decisions taken; and
- leadership- confronting challenges and providing direction on the issues of the day.

As elected leaders, Council Members shall hold themselves and their fellow Council Members to the highest standard of behavior and conduct.

**D. Accountability**

Council Members themselves have the primary responsibility to assure that ethical standards are understood and met and that the public can continue to have full confidence in the integrity of the Village. Council Members must govern their conduct in accordance with the requirements and obligations as set out in any applicable Act of the Government of Canada or the Province of British Columbia. In performing their duties, Council Members must abide by any Council policy, bylaw, process or rule of order established by the Council.

All Council Members shall sign the Code of Conduct.

**E. Respect**

The Village promotes and expects respectful and responsible behavior when interacting with each other, with *Staff*, with the public and with all other stakeholders during the course of Village business. All Council Members and Staff of the Village have the right to work in an environment based upon mutual respect, dignity and fairness, and one that is free from actions and behaviors that are contrary too respectful, dignified and fair treatment of the individual.



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Council Members shall support the maintenance of a positive and constructive environment for the Council, staff, public, and all other stakeholders and shall refrain from abusive conduct, bullying, harassment, intimidation, coercion, threats, discrimination, personal charges or verbal attacks upon the character, reputation or motive of employees, other members of the Council, commissions, committees, village staff, the public, volunteers or any other stakeholder group. Council members shall not engage in any form of slanderous, libelous, malicious or demeaning communications in regards to other council members, staff, public, commissions, committees, volunteers or any other stakeholder group.

Council Members shall promote respectful workplaces that are collaborative and inclusive, that encourage diversity, and that encourage open and robust communication at all times.

**F. Impartiality**

Impartiality is a principle of justice holding that decisions should be based on objective criteria, rather than on the basis of bias, prejudice, or preferring the benefit to one person over another for improper reasons. Council Members shall perform their duties of office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.

Council Members shall not use their official positions to influence government decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a pecuniary interest under the Local Government Act. Council Members must not place themselves under any financial obligation that may influence them in discharging their duties and responsibilities as Council Members.

**G. Preferential Treatment**

Council members shall not, in the exercise of an official power, duty or function, give preferential treatment to any person or organization based solely on the identity of the person or organization. No council member shall grant any special consideration or advantage in matters related to his or her position on Council to any person or organization beyond that which is available every person or organization.

**H. Role**

Council Members shall respect and adhere to the corporate structure of local government as practiced in the Village. In this structure, the Council determines the policies of the Village based on advice, information, analysis and recommendations provided by the public, committees, commissions and Staff. Council Members, therefore, shall not interfere with the administrative functions of the Village or with the professional duties of Staff; nor shall they impair the ability of Staff to implement Council policy decisions. In practical terms, there are distinct and specialized roles carried out by the Council as a whole and by individual Council Members when performing their other roles. These roles include dealing with constituents and the general public, and



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participating on various committees, commissions or other agencies to which the Council Member may be appointed.

Similarly, there are distinct and specialized roles expected of staff both in carrying out their responsibilities and in dealing with the Council. Staff are accountable to the Chief Administrative Officer and the Chief Administrative Officer is accountable to the Mayor and Council. As such, it is inappropriate for Council Members to involve themselves in matters of administration, departmental management, personnel or other administrative responsibilities that fall within the jurisdiction of the Chief Administrative Officer.

The Council as a whole, and not individual Council Members, gives direction to Staff through Council decisions. These decisions are relayed to the Chief Administrative Officer by the Mayor. The Chief Administrative Officer directs staff and oversees the implementation of Council decisions. Accordingly, Council Members shall not request Staff to undertake work that has not been expressly authorized by the Council. Council Members shall submit such requests directly to the Council or, where the Council Member 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 Council-approved directives or if the request needs to be referred to the Council for consideration of resource allocation.

Any concerns Council Members may have regarding the implementation of Council policy decisions shall be directed to the Chief Administrative Officer.

**I. Meetings**

Council 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 and other handheld devices should be turned off during meetings, however, if an urgent matter necessitates that a Council Member take a call or respond to an email during the meeting, the cell phone or handheld device shall be kept on silent or vibrate and the Council Member shall immediately leave the meeting to respond to the call or email.

Council Members shall make every effort to participate diligently in the activities of the Council and any other committees, commissions agencies or organizations to which they have been appointed by the Council or by virtue of holding the office of an elected official.

Council Members shall treat with respect the Mayor, colleagues, Staff and members of the public present during Council meetings or other Village proceedings. They shall not interrupt other speakers, make personal comments or comments not germane to the business of the body, or otherwise disturb a meeting. Council Members shall only speak when acknowledged by the Chair. Meetings shall provide an environment for transparent and healthy debate on matters requiring



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deliberation by the Council.

A Council Member may oppose a decision of the Council, but it is recognized that the decisions of the Council will be the only position portrayed as a corporate decision.

**J. Communications**

Members of the Council will accurately and adequately communicate the attitudes, positions and decisions of the Council, even if they disagree with the majority decision of the Council. The Council Member may state that he/she voted against a decision but will refrain from making disparaging comments about other Council Members or the Council's decision and by doing so will affirm the respect for and integrity in the decision-making process of the Council.

When presenting their individual opinions and positions, Council Members shall expressly state that the views are their own and do not represent the views of the Village.

**K. Conflict of Interest**

All Council Members shall be aware of their responsibilities under Part 4, Division 6 of the *Community Charter* and shall and shall fulfill the requirements of the legislation to ensure the decision-making process is not compromised by a conflict of interest.

Council Members will not act in such a way as to constitute a conflict of interest. All residents will be treated equally. Any decisions on matters of pecuniary interest (either direct or indirect) which impact family members of the Council Member in a way not in common with electors generally, will be deferred pending the advice of the Village's solicitor. In this, as in all matters, the legislation will prevail.

**L. Confidentiality**

Council Members must use the Council information which is not available to the public, in accordance with any relevant Council policy to ensure, as far as reasonable, the primacy of the public interest over any private interest. Council Members shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the Village. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their personal, financial or private interests.

After leaving office, Council Members shall continue to keep confidential information acquired as a member of Council confidential.



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**M. Gifts**

All Council Members shall be aware of their responsibilities under the *Community Charter* and the *Local Government Act*. Council Members shall not accept any gifts, money, property, position or favour of any kind whether to be received at the present or in the future, from a person having, or seeking to have dealings with the Village, save appropriate refreshments or meals, except where such a gift or favour is authorized by law, or where such gifts or favours are received as an incident of the protocol, social obligation or common business hospitality that accompany the duties and responsibilities of the member. A Council Member may participate in Village programs open to the public and may purchase Village property or goods offered for public sale.

Council Members are expected to avoid any actual or reasonable apprehension of bias in the acceptance of gifts and shall not accept a fee, gift or other benefit that is connected directly or indirectly with the performance of the duties of his/her office.

All gifts shall be reported to the Corporate Officer in accordance with the *Community Charter*. Any gifts, benefits, or hospitality that contravene these guidelines or the *Community Charter* shall be refused or immediately returned. Gifts, souvenirs, or mementos with a value greater than \$200, if accepted, shall be the property of the Village. Nothing in this section prevents the receipt of personal gifts, benefits, rewards, commissions or compensation from any person or organization not connected directly or indirectly with the performance or duties of office (i.e. full time employment with another organization).

Council Members may also generally accept the following:

- political contributions that are otherwise offered, accepted, and reported in accordance with applicable Provincial law (i.e. *Local Government Act* and *Local Election Campaign Financing Act*);
- food and beverages at banquets, receptions, ceremonies or similar events;
- food, lodging, transportation, and entertainment provided by other levels of government, boards, or commissions;
- reimbursement of reasonable expenses incurred and honorariums received in the performance of activities connected with local government associations or agencies.

**N. Law**

Council Members shall comply with all applicable federal, provincial, and local laws in the performance of their public duties. These laws include, but are not limited to: The *Constitution Act*, the *Provincial Human Rights Code*, the *Criminal Code*, the *Freedom of Information and Protection of Privacy Act*, the *Community Charter* and the *Local Government Act*; laws pertaining to financial disclosures and employer responsibilities; and relevant Village bylaws and policies.



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**O. Implementation**

The Village's Code of Conduct is intended to be self-enforcing. Council Members 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 Council Members are thoroughly familiar with the *Code*, understand *it*, and embrace its provisions. Council Members are expected to formally and informally review their adherence to the provisions of this Code of Conduct on a regular basis.

- a. Upon adoption of this Code of Conduct and thereafter at the beginning of each Council Member's *term*, the Council Member will be required to sign two copies of the Code of Conduct (one for the Council Member and one for the Corporate Officer's office) to convey to each other and all stakeholders that they have read, understand, and accept it;
- b. The Code of Conduct will be provided to candidates for Village elections.
- c. A copy of the Code of Conduct will be included as part of the orientation workshop for all Council Members.
- d. The Council shall review annually the Code of Conduct, shall consider recommendations from staff, and update the Code as necessary.

**P. Enforcement**

Alleged breaches of this Code of Conduct by Council Members shall be reported in writing to the Mayor. The Mayor shall then investigate the breach and speak to the parties involved. If a resolution cannot be reached, the Mayor will then address the Council at an in-camera meeting to take one or more of the following actions:

- require the Council Member to apologize for the misbehavior;
- counsel the Council Member;
- implement such other measures as the Council deems appropriate.

Alleged breaches of this Code of Conduct by the Mayor shall be reported in writing to the Council. The Council shall then investigate the breach and speak to the parties involved. If a resolution cannot be reached, the Council will then address the Mayor at an in-camera meeting to take one or more of the following actions:

- require the Mayor to apologize for the misbehavior;
- counsel the Mayor;
- implement such other measures as the Council deems appropriate.





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SCHEDULE A - CONCURRENCE

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

