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REGIONAL DISTRICT OF CENTRAL KOOTENAY  
**Policy Manual**

**Chapter:** BOARD & GOVERNANCE

**Section:** BOARD

**Subject:** CODE OF CONDUCT

<b>Board Resolution:</b>	311/16	<b>Established Date:</b>	16-JUNE-2016	<b>Revised Date:</b>	
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## **POLICY:**

### **PURPOSE:**

The purpose of the Code of Conduct is as follows:

- *to provide guidance to Directors and Staff so as to ensure that all are accorded reasonable and fair treatment;*
- *to assist the Directors in avoiding problems relating to role clarity and behaviour;*
- *to preserve the integrity of the RDCK;*
- *to protect the rights of Directors and Staff as individuals.*

### **SCOPE:**

The Code of Conduct shall be a policy of the Board and apply to Directors of the RDCK, as well as Alternate Directors when acting in the capacity of a Director/representing the RDCK.

### **DEFINITIONS:**

“Board” – means the Board of the Regional District of Central Kootenay.

“Confidential Information” – includes but is not limited to information:

- (a) in the possession of the RDCK 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*.

“Director” – Directors and appointed alternates representing the Regional District Board.

“RDCK” – Regional District of Central Kootenay.



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“Staff” – an employee or contract employee of the Regional District.

## **POLICY:**

The residents of the Regional District of Central Kootenay (hereinafter referred to as the “RDCK”) 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 Board. 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 in an atmosphere of respect and civility. All processes and deliberations, unless legally confidential, shall be conducted openly.

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 Board of the RDCK commits itself and its members to conduct that meets the highest ethical standards. In turn, adherence to these standards will protect and maintain the RDCK’s reputation, credibility and integrity.

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

## **Guidelines**

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

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.

These guidelines are as follows:

### **A. Public Interest**

Recognizing that the RDCK seeks to maintain and enhance the quality of life for all RDCK residents through effective, responsive and responsible government, Directors will conduct their business with integrity, in a fair, honest and open manner. Directors recognize that they are agents of the public whose primary objective is to address the needs of the citizens. Thus, Directors shall work for the common good of the residents of the RDCK and not for any private or personal interest. Directors 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

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

## **B. Stewardship**

The Board recognizes that it is a steward which is responsible for managing and looking after the interests of RDCK residents and taxpayers. Recognizing that stewardship of the public interest must be their primary concern, Directors 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 Board's ability to provide good government and to provide services, facilities or other things that, in the opinion of the Board, are necessary or desirable for all of or part of the RDCK. Directors must conduct themselves in a way that promotes and maintains public confidence and shall be committed to performing their functions with integrity.

Directors 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 region'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, Directors shall hold themselves and their fellow Directors to the highest standard of behavior and conduct.

## **D. Accountability**

Directors 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 RDCK. Directors 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, Directors must abide by any Board policy, bylaw, process or rule of order established by the Board.

## **E. Respect**

The RDCK 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



RDCK business. All Directors and Staff of the RDCK have the right to work in an environment based upon mutual respect, dignity and fairness, and one that is free from actions and behaviours that are contrary to respectful, dignified and fair treatment of the individual.

Directors shall support the maintenance of a positive and constructive environment for the Board, Staff, public, and all other stakeholders and shall refrain from abusive conduct, bullying, harassment, discrimination, personal charges or verbal attacks upon the character, reputation or motive of employees, other members of the Board, commissions, committees, Staff, the public or any other stakeholder group.

Directors 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. Directors shall perform their duties of office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.

Directors 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* and the *Community Charter*. Directors must not place themselves under any financial obligation that may influence them in discharging their duties and responsibilities as Directors.

#### **G. Role**

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

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



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The Board as a whole, and not individual Directors, gives direction to Staff through Board decisions. The Chief Administrative Officer directs staff and oversees the implementation of Board decisions. Accordingly, Directors shall not request Staff to undertake work that has not been expressly authorized by the Board. Directors shall submit such requests directly to the Board or, where the Director believes the request is of a minor nature consistent with corporate policies, to the Chief Administrative Officer who shall determine if the request can be accommodated without compromising other Board-approved directives or if the request needs to be referred to the Board for consideration of resource allocation.

Directors shall not interfere with the administrative functions of the Regional District or with the professional duties of Regional District Staff; nor shall they impair the ability of Staff to implement Board policy decisions. Any concerns Directors may have regarding the implementation of Board policy decisions shall be directed to the Chief Administrative Officer.

#### **H. Meetings**

Directors 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 Director 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 Director shall immediately leave the meeting to respond to the call or email.

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

Directors shall treat with respect the Chair, colleagues, Staff and members of the public present during Board meetings or other RDCK 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. Meetings shall provide an environment for transparent and healthy debate on matters requiring deliberation by the Board.

It is recognized that Directors play a dual role of representing the interests of their respective taxpayers, while recognizing the benefits of regional collaboration and cooperation within the democratic process of decision making as a regional entity. All members of the Board shall respect the diverse interests of its citizenry and the role of Directors to balance the views of their respective jurisdictions with that of other jurisdictions. As such, a Director may oppose a decision of the Board that does not reflect the values or wishes of his/her particular electoral area or municipality. While it is not anticipated that all decisions will be unanimous, it is recognized that the decisions of the Board will be the only position portrayed as a corporate decision.

#### **I. Communications**

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Members of the Board will accurately and adequately communicate the attitudes, positions



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

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

#### **J. Conflict of Interest**

All Directors 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.

Board 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 Director in a way not in common with electors generally will be deferred pending the advice of a solicitor.

In this, as in all matters, the legislation will prevail.

#### **K. Confidentiality**

Directors must use the Board information which is not available to the public, in accordance with any relevant Board policy to ensure, as far as reasonable, the primacy of the public interest over any private interest. Directors shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the RDCK. 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, Directors shall continue to keep confidential information acquired as a member of Board confidential.

#### **L. Gifts**

All Directors shall be aware of their responsibilities under the *Local Government Act* and the *Community Charter*. Directors 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 RDCK, 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

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the duties and responsibilities of the member. A Director may participate in Regional District programs open to the public and may purchase Regional District property or goods offered for public sale.

Directors 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 contravenes 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 RDCK.

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).

Directors 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 orders 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.

#### **M. Law**

Directors 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 RDCK bylaws and policies.

#### **N. Implementation**

The Regional District's Code of Conduct is intended to be self-enforcing. Directors should view



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the Code as a set of guidelines that express collectively the standards of conduct expected of them. It, therefore, becomes most effective when Directors are thoroughly familiar with the Code, understand it, and embrace its provisions. 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 Director's term, the Director will be required to sign two copies of the Code of Conduct (one for the Director 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 RDCK elections.
- c) A copy of the Code of Conduct will be included as part of the orientation workshop for all Directors.
- d) The Board shall review annually the Code of Conduct, shall consider recommendations from staff, and update the Code as necessary.

**O. Enforcement**

- a) Alleged breaches of this Code of Conduct by Directors shall be reported in writing to the Board Chair. The Board Chair shall then investigate the breach and speak to the parties involved. If it is determined that the Director has breached the Code of Conduct, the Board Chair will then address the Board at an in camera meeting to take one or more of the following actions:
  - require the Director to apologize for the misbehavior;
  - counsel the Director;
  - implement such other measures as the Board deems appropriate.

If a resolution cannot be reached, the Board Chair will meet with the Board at an in camera meeting to discuss other such measures as the Board deems appropriate.
- b) Alleged breaches of this Code of Conduct by the Board Chair shall be reported in writing to the Vice-Chair and the Rural Affairs Committee Chair. These two members of the Executive Committee shall then investigate the breach and speak to the parties involved. If it is determined that the Board Chair has breached the Code of Conduct, the Vice-Chair will then address the Board at an in camera meeting to take one or more of the following actions:
  - require the Chair to apologize for the misbehavior;
  - counsel the Chair;
  - implement such other measures as the Board deems appropriate.



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If a resolution cannot be reached, the Vice-Chair will meet with the Board at in camera meeting to discuss other such measures as the Board deems appropriate.

**RELATED LEGISLATION:**

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**SCHEDULE A – CONCURRENCE**

I affirm that I have read and understood the Regional District of Central Kootenay Code of Conduct.

**Name (please print)**

**Signature**

Director \_\_\_\_\_

Director \_\_\_\_\_

Director \_\_\_\_\_

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Director \_\_\_\_\_

Dated at Nelson, BC, in the Province of British Columbia, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.