



Policy No. 7.10
Adopted by Council: May 9, 2011

CODE OF ETHICS POLICY, 2011

The residents and businesses of the District of Sooke are entitled to have a fair, honest and open local government that has earned the public's full confidence for integrity. In keeping with the District of Sooke Vision and Council Values as described in the Strategic Plan, the District of Sooke seeks to maintain and enhance the quality of life for all District of Sooke residents through responsible, fair, community-minded and sustainable government. To help achieve this goal, the Council of the District of Sooke has adopted a Code of Ethics applicable to members of Council ("Members") and to all persons appointed by Council to boards, committees, commissions, panels or task forces, whether they are members of Council or not ("Appointees").

1. Purpose:

1.1 The purposes of the Code of Ethics are to ensure that:

- a) Public business is conducted with integrity, in a fair, honest and open manner;
- b) Members and Appointees respect one another, the public and staff and recognize the unique role and contribution each person has in making the District of Sooke a better place to work and live;
- c) The conduct of Members and Appointees in the performance of their duties and responsibilities with the District of Sooke is above reproach;
- d) Decision making processes are accessible, participatory, understandable, timely and just;
- e) Members and Appointees avoid any real or perceived conflict of interest; and
- f) Members and Appointees respect and uphold confidentiality requirements.

2. Application of the Code of Ethics

2.1 The Code of Ethics is applicable to all members of Council ("Members") and to any person appointed by Council to boards, committees, commissions, panels or task forces, whether they are members of Council or not ("Appointees"). The bodies to which Council can appoint Appointees are referred to collectively as "Committees" throughout this Code of Ethics.

3. Policy

3.1 *Act in the Public Interest*

Recognizing that the District of Sooke seeks to maintain and enhance the quality of life for all District of Sooke residents through effective, responsive and responsible government, Members and Appointees shall conduct their business with integrity and in a fair, honest and open manner.

3.2 *Comply with the Law*

Members and Appointees 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: *Constitution Act, 1867, Criminal Code, Human Rights Code, Local Government Act, Community Charter*, all laws pertaining to financial disclosures and employer responsibilities, and relevant District of Sooke bylaws and policies.

3.3 *Conduct of Members*

The conduct of Members and Appointees in the performance of their duties and responsibilities with the District of Sooke shall be fair, open and honest. Members and Appointees shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of each other, District of Sooke officers and employees, or the public.

3.4 *Compliance with Processes*

3.4.1 Members and Appointees shall perform their duties in accordance with the policies, procedures and rules of order established by the District of Sooke Council which govern the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Council by District of Sooke staff.

3.4.2 Appointees shall be aware of the mandate of their respective Committees and act in accordance with it.

3.5 *Conduct of Public Meetings*

Members and Appointees shall prepare themselves for public meetings, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall not interrupt other speakers, make personal comments not germane to the business of the meeting, or otherwise disturb a meeting.

3.6 *Decisions Based on Merit*

Members and Appointees shall base their decisions on the merits and substance of the matter at hand.

3.7 *Gifts and Favours*

3.7.1 Members shall not accept any gift, 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 District of Sooke, except as follows:

- a) where such a gift or favour is authorized by law;
- b) where such contributions are lawful campaign contributions; or
- c) 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.

3.7.2 Members and Appointees may participate in District of Sooke programs open to the public and may purchase District of Sooke property or goods offered for public sale.

3.8 *Communication*

Subject to sections 3.9 and 3.10, Members and Appointees shall publicly share substantive information that is relevant to a matter under consideration by the Council or a Committee that they may have received from sources outside of the public decision making process.

3.9 *Conflict of Interest*

3.9.1 Members shall be aware of and act in accordance with Division 6 of Part 4 of the *Community Charter*, and shall fulfill part (c) of their *Oath of Office*.

3.9.2 All Members and Appointees shall be aware of and declare, in writing where necessary, any real or perceived conflicts of interest.

3.9.3 A conflict of interest exists where:

- a) a Member or Appointee is a director, member or employee of an organization seeking a benefit from the District of Sooke upon which the decision making body will make a recommendation or decision;
- b) the Member or Appointee has a direct or indirect pecuniary interest in the outcome of deliberations.

- 3.9.4 A conflict of interest does not exist if:
- a) the pecuniary interest of the Member or Appointee is a pecuniary interest that is sufficiently in common with electors of the District of Sooke generally, or
 - b) the pecuniary interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the Member or Appointee in relation to the matter.
- 3.9.5 Where a conflict of interest exists, Members and Appointees are not entitled to participate in the discussion of the matter or to vote on a question in respect of the matter, must declare to the body that a conflict exists, and must absent themselves from the meeting during consideration of the issue to which the conflict relates. The declaration of a conflict and the Member's or Appointee's exit from and return to the meeting shall be noted in the minutes.
- 3.9.6 Where a perceived conflict of interest exists, the Member or Appointee may note that a perception of conflict of interest might exist but need not declare a conflict and exit the meeting if in the Member's or Appointee's view there is no actual conflict of interest.
- 3.9.7 Where in the opinion of Council or a Committee, a Member or Appointee is in a conflict of interest and has not so declared, the body may ask for a review of the matter by the Chief Administrative Officer or designate. The matter, if unresolved, may then be referred to Council for review and then, if still unresolved, to legal counsel.

3.10 *Confidential Information*

Members and Appointees shall respect the confidentiality of information concerning the property, personnel or legal affairs of the District of Sooke. They shall neither disclose confidential information without proper authorization, nor use such information to advance their personal, financial or other private interests.

3.11 *Use of Public Resources*

Members and Appointees shall not use public resources that are not available to the public in general, such as staff time, equipment, supplies or facilities, for private gain or personal purposes.

3.12 *Advocacy*

Members and Appointees shall represent the official policies or positions of the District of Sooke, Council or Committee to the best of their abilities when

designated as delegates for this purpose. When presenting their individual opinions and positions, Members and Appointees shall explicitly state they do not represent Council, their committee or the District of Sooke, nor will they condone the inference that they do.

3.13 *Policy Role of Members and Appointees*

Members and Appointees shall respect and adhere to the structure of government as established in the District of Sooke. In this structure, the Council determines the policies of the District of Sooke with the advice, information and analysis provided by the public, Committees, and District of Sooke staff. Members and Appointees, therefore, shall not interfere with the administrative functions of the District of Sooke or with the professional duties of District of Sooke staff, nor shall they impair the ability of staff to implement Council policy decisions.

3.14 *Respectful Workplace Environment*

Members and Appointees shall treat each other, the public, and District of Sooke staff with respect and shall be supportive of the personal dignity, self-esteem and well being of those with whom they come in contact with during the course of their professional duties. Members and Appointees shall be aware of and act in accordance with the *Respectful Workplace* and *Anti-Harassment Policies*.

4. Implementation of the Code of Ethics

4.1 The District of Sooke Code of Ethics is intended to be self-enforcing. Members and Appointees should view the Code of Ethics as a set of guidelines that expresses the standards of conduct expected of them. Implementation is most effective when Members and Appointees are thoroughly familiar with the Code and embrace its provisions. For this reason, the Code of Ethics will be provided to candidates for Council and applicants to Committees.

4.2 Members and Appointees will be requested to sign the Statement, attached as Appendix A, affirming they have read and understood the District of Sooke Code of Ethics. In addition, Council and Committees shall annually review the Code of Ethics, and Council shall consider recommendations from Committees and update the Code as necessary.

5. Compliance and Enforcement

5.1 The District of Sooke Code of Ethics expresses standards of ethical conduct expected for Members and Appointees of the District of Sooke Council and Committees. Members and Appointees themselves have the primary responsibility to assure that these ethical standards are understood and met, and

that the public can continue to have full confidence in the integrity of the governance of the District of Sooke.

- 5.2 Council may impose sanctions on Members and Appointees whose conduct does not comply with the District of Sooke's ethical standards. Council may impose a motion of censure on a Member and may rescind the appointment of an Appointee to a Committee if he or she is found to have breached the Code of Ethics.
- 5.3 To ensure procedural and administrative fairness, a Member or Appointee who is accused of violating any provision of the Code of Ethics, with the exception of subsection 3.14 (to which the *Complaint Resolution Policy* applies), shall have a minimum of one week or the time between two consecutive meetings, whichever is greater, to prepare his or her case before Council to respond as to these allegations. Before considering a sanction, Council must ensure that a member has:
- a) received a written copy of the case against him or her;
 - b) a minimum of one week or the time between two consecutive meetings, whichever is greater, to prepare a defence against any allegations; and
 - c) a fair opportunity to be heard.

6. Violation Not Cause to Challenge a Decision

- 6.1 A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Council or a Committee decision.

APPENDIX A:

MEMBER STATEMENT

Council of the District of Sooke and Council Appointees to Boards, Committees, Commissions and Task Forces

As a Member of the District of Sooke Council or an Appointee of a District of Sooke Committee, I agree to uphold the Code of Ethics adopted by the District of Sooke and conduct myself by the following model of excellence. I will:

- recognize the diversity of backgrounds, interests and views in our community;
- help create an atmosphere of open and responsive government;
- conduct public affairs with integrity, in a fair, honest and open manner;
- respect one another and the unique role and contribution each of us has in making the District of Sooke a better place to work and live;
- strive to keep the decision making processes open, accessible, participatory, understandable, timely, just and fair;
- avoid and discourage conduct which is not in the best interests of the District of Sooke;
- avoid any real or perceived conflict of interest and declare at the earliest opportunity, in writing, any interest that is or may be in conflict with the business of the body of the District of Sooke in which I am participating;
- respect and uphold confidentiality requirements; and
- treat all people with whom I come in contact in the way I wish to be treated.

I affirm that I have read and understood the District of Sooke Code of Ethics Policy.

Signature: _____

Date: _____

Name (please print):

Office / Committee:
