



DISTRICT OF SOOKE COUNCIL CODE OF CONDUCT BYLAW No. 889

A bylaw to guide and govern the conduct of Council and Committee members.

WHEREAS the Council of the District of Sooke considers the following principles for codes of conduct in accordance with the *Community Charter* and Principles for *Codes of Conduct Regulation* (B.C. Reg. 136/2022):

- (a) council members must carry out their duties with integrity;
- (b) council members are accountable for the decisions that they make, and the actions that they take, in the course of their duties;
- (c) council members must be respectful of others;
- (d) council members must demonstrate leadership and collaboration.

THEREFORE BE IT RESOLVED that the Council of the District of Sooke, in open meeting assembled, enacts as follows:

1. Citation

- 1.1 This bylaw is cited as “Council Code of Conduct Bylaw No. 889, 2024”.

2. Definitions

- 2.1 The provisions of this Bylaw are to be interpreted broadly and in a manner that is consistent with the Community Charter.
- 2.2 In this Bylaw, all words or phrases shall have their normal and common meaning except where this is changed, modified, or expanded by the definitions provided in this Bylaw:

“**Accountability**” means an obligation and willingness to accept responsibility or to account for one’s actions.

“**CAO**” means the Chief Administrative Officer for the District of Sooke or designate.

“**Community Charter**” means *Community Charter S.B.C. 2003, c. 36*.

“Committee Member” means a person appointed to a committee, sub-committee, task force, commission, board, or other Council established body under the *Community Charter* or the *Local Government Act*.

“Complaint” means a formal allegation, in accordance with the complaint procedure set out in this Bylaw, that a Member has breached this Bylaw.

“Complainant” means a person who has submitted a Complaint.

“Confidential Information” means information or records held in confidence by the District, including information or records to which Section 117 of the *Community Charter* applies. For certainty, this includes all information and records from closed meetings of Council until publicly released.

“Conflict of Interest” refers to pecuniary and non-pecuniary conflicts of interest governed by the *Community Charter* and common law.

“Conflict of Interest Exceptions Regulation” means Conflict of Interest Exceptions Regulation 91/2016 B.C. Reg. 91/2016, as amended or superseded.

“Conflict of Interest Policy” means the District’s Conflict of Interest Policy, 2011, as amended or superseded.

“Corporate Officer” means the District’s Corporate Officer that has been appointed the corporate officer under section 148 of the *Community Charter*.

“Council Member” means the Mayor and Council Members of the District of Sooke.

“Council Procedure Bylaw” means the District of Sooke *Council Procedure Bylaw No. 728, 2019*, as amended or superseded.

“District” means the Corporation of the District of Sooke.

“District Business” means any District program, activity, policy, process, project or undertaking.

“District Record” includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records.

“FIPPA” means the *Freedom of Information and Protection of Privacy Act* (British Columbia).

“Gifts and Personal Benefits” means an item or service of value that is received by a Member for personal use or enjoyment.

“Harass” means discriminatory, sexual, or personal harassment, as defined in the District’s Anti-Bullying and Harassment Policy.

“Integrity” means conducting oneself honestly and ethically.

“Local Government Act” means *Local Government Act, RSBC 2015*.

“Leadership and Collaboration” means an ability to lead, listen to, and positively influence others; it also means coming together to create or meet a common goal through collective efforts.

“Member” means a Council Member or a Committee Member.

“Municipal Officer” Means a member of Staff appointed as an officer under the *Community Charter* including municipal officer deputies.

“Investigator” means a neutral and independent third-party individual or entity, chosen by the CAO, Corporate Officer, or Solicitor, responsible for conducting a thorough and unbiased investigation into complaints referred to them.

“Personal Information” has the same meaning as in the *Freedom of Information and Protection of Privacy Act*.

“Resident” means any person who would be eligible to vote in a municipal election in the District of Sooke.

“Respect” means valuing the perspectives, wishes, and rights of others.

“Respectful Workplace Policy” means the District’s Respectful Workplace Policy, 2011, as amended or superseded.

“Respondent” means a Council Member or Committee Member whose conduct is the subject of a Complaint.

“Social Media” means any electronic application that enables users to create and share content or to participate in social networking.

“Staff” means an officer or employee of the District but does not include contractors.

“Service Provider” means individual or entity, including contractors, consultants, and other professionals, engaged to perform services or provide expertise to the organization under a formal agreement or contract.

“Transparent” means the quality of being open and honest, ensuring that actions and decisions are made in a way that is easy for others to see and understand.

“Volunteer” means an individual who offers their time, skills, and services to the District without receiving monetary compensation, and who is not a Council Member, member of Staff, or Committee Member.

“Workplace” means location, physical or virtual, where work-related activities are performed under the ownership, operation, or control of the District. This includes, but is not limited to, the municipal hall, operations centers, fire halls, parks and related buildings, construction and maintenance sites, business-related social functions, off-site work locations, work-related conferences and training sessions, work-related travel, telephone conversations, voicemail, electronic messaging, virtual meetings, and video conferencing.

3. Purpose

- 3.1 The purpose of this Code of Conduct is to ensure:
 - a) Public business is conducted with integrity, in a fair, honest, and open manner;
 - b) Members respect one another, the public, and staff;
 - c) Members conduct themselves above reproach;
 - d) Decision-making processes are accessible, participatory, understandable, timely, and just;
 - e) Members avoid real or perceived conflicts of interest; and
 - f) Members uphold confidentiality requirements.
- 3.2 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 Members.
- 3.3 This Bylaw outlines the rules Members must follow as elected or appointed officials, detailing the Investigator's powers and procedures for oversight.

- 3.4 Members are expected to adhere to the highest standards of professional conduct, reflecting core ethical values of honesty, integrity, respect, transparency, leadership, collaboration, and accountability.
- 3.5 Members must perform their duties faithfully and to the best of their ability in accordance with these core ethical values.
- 3.6 The intention of this Bylaw is to guide Members in their governmental and advocacy functions, ensuring they follow sound ethical principles.

4. Application

- 4.1 This Bylaw applies to Members:
 - a) Council Members; and
 - b) Committee Members.
- 4.2 This Bylaw is to be interpreted broadly and consistently with the *Community Charter*.
- 4.3 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 District governance.
- 4.4 Without limitation, this Bylaw applies to conduct in the Workplace, including electronic meetings and Social Media use.
- 4.5 In the event of a conflict between this Bylaw and another District bylaw or Council policy, this Bylaw prevails.
- 4.6 In this Bylaw, a reference to a person who holds an office includes a reference to the persons appointed to act for them.
- 4.7 Members are encouraged to resolve matters among themselves before filing a Complaint.

5. Roles and Responsibilities

- 5.1 Council is the governing body of the District. It has the responsibility to govern the District in accordance with the *Community Charter* and other applicable legislation.
- 5.2 The Mayor is the head and chief executive officer of the District and has a statutory responsibility to provide leadership to the Council and to provide general

direction to Municipal Officers respecting District policies, programs and other directions of the Council as set out in Part 5 of the *Community Charter*.

- 5.3 This Bylaw does not apply to Staff, except where explicitly mentioned and in their roles related to its administration.
- 5.4 Members are responsible for holding each other accountable for fulfilling their responsibilities and adhering to this Bylaw.

Part 1 – Foundational Principles and Conduct

6. Foundational Code of Conduct Principles

- 6.1 To promote and advance responsible conduct, the District is committed to the foundational principles of Integrity, Respect, Accountability, Leadership and Collaboration.
- 6.2 A Member must ethically carry out their duties and align their conduct with the foundational principles.

7. Integrity

- 7.1 Integrity is demonstrated through the following conduct:
 - a) Members must be open and truthful in all local government dealings, while protecting confidentiality where necessary.
 - b) Members must behave in a manner that promotes public confidence, including actively avoiding any perceptions of conflicts of interest, improper use of office, or unethical conduct.
 - c) Members must act in the best interest of the public and community.
 - d) Members must ensure actions are consistent with the shared principles, values, policies, and bylaws collectively agreed to by the Council.
 - e) Members must demonstrate the same ethical principles during both meetings that are open and closed to the public.
 - f) Members must express sincerity when correcting or apologizing for any errors or mistakes made while carrying out official duties.

8. Respect

- 8.1 Respect is demonstrated through the following conduct:
 - a) Members must treat elected officials, staff, and the public with dignity, understanding, and respect.
 - b) Members must acknowledge that people's beliefs, values, ideas, and contributions add diverse perspectives.

- c) Members must create an environment of trust, including displaying awareness and sensitivity around comments and language that may be perceived as offensive or derogatory.
- d) Members must refrain from any form of discriminatory conduct against another elected official, staff, or the public.
- e) Members must honour the offices of local government and fulfill the obligations of Mayor/Chair and Councillor/Committee Member dutifully.
- f) Members must recognize and value the distinct roles and responsibilities of local government staff.
- g) Members must call for and expect respect from the community towards elected officials and staff.
- h) Members must ensure that public statements and social media posts that concern other elected officials, staff, and the public are respectful.

9. Accountability

9.1 Accountability is demonstrated through the following conduct:

- a) Members must be transparent about how elected officials carry out their duties and how council conducts business.
- b) Members must ensure any information and decision-making processes are accessible to the public while protecting confidentiality where necessary.
- c) Members must correct any mistakes or errors in a timely and transparent manner.
- d) Members must accept and uphold that the Council is collectively accountable for local government decisions, and that individual elected officials are responsible and accountable for their behaviour and individual decisions.
- e) Members must listen to and consider the opinions and needs of the community in all decision making and allow for public discourse and feedback.
- f) Members must act in accordance with the law, which includes, but is not limited to, the statutes, bylaws, and policies that govern local government. including but not limited to:
 - i) the *Community Charter*;
 - ii) the *Local Government Act*;
 - iii) *BC Human Rights Code*;
 - iv) *FIPPA*;
 - v) the *Financial Disclosure Act*; and
 - vi) bylaws, policies, and procedures of the District.

10. Leadership and Collaboration

10.1 Leadership and collaboration is demonstrated through the following conduct:

- a) Members must demonstrate behaviour that builds public confidence and trust in local government.
- b) Members must provide considered direction on municipal policies and support colleagues and staff to do the same.
- c) Members must educate colleagues and staff on the harmful impacts of discriminatory conduct and take action to prevent this type of conduct from reoccurring if necessary.
- d) Members must create space for open expression by others, take responsibility for one's own actions and reactions, and accept the decisions of the majority.
- e) Members must advocate for shared decision-making and actively work with other elected officials, staff, the public, and other stakeholders to achieve common goals.
- f) Members must foster positive working relationships between elected officials, staff, and the public.
- g) Members must commit to building mutually beneficial working relationships with neighbouring First Nations to further advance reconciliation efforts.
- h) Members must positively influence others to adhere to the foundational principles of responsible conduct in all local government dealings.

11. General Conduct

11.1 A Member must not:

- a) contravene this Bylaw; or
- b) contravene any other District bylaw or policy.

11.2 A Council Member must not:

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

11.3 Members must treat Council Members, Staff, Committee Members, Service Providers, Volunteers, Residents, and the public with respect and dignity. Members must not engage with others in a manner that is abusive, bullying, intimidating, defamatory, or derogatory.

11.4 A Member must utilize their authority and position responsibly and ethically, ensuring that their actions and decisions are made with honest intentions, aligned with their official responsibilities, and aimed at serving the best interests of the public and the organization.

11.5 Members must not use their office to attempt to gain personal benefits for themselves, their family members or their friends.

- 11.6 Members must adhere to Council policies, procedures, and rules of order. Committee Members must be aware of and act within their committee mandates.

12. Interactions with Staff and Service Providers

- 12.1 Council Members must direct questions and inquiries regarding departmental issues in accordance with protocols established by the CAO and must only contact Staff directly to seek administrative clarity.
- 12.2 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.
- 12.3 Members must not interfere with, hinder, or obstruct Staff in the exercise or performance of their roles, responsibilities, powers, duties, or functions, nor will they impair the ability of municipal officers or Staff to implement Council policy decisions in accordance with section 153 of the *Community Charter*.
- 12.4 Members must not request or require that Staff undertake personal or private work for or on behalf of a Council Member.
- 12.5 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 Bylaw.
- 12.6 Members must acknowledge their leadership role and uphold the highest standards in treating others with respect and adhering to the District's *Respectful Workplace Policy*.
- 12.7 A Member must not issue instructions to any of the District's Service Providers.
- 12.8 Outside of a Council or committee meeting, a Member shall not communicate with a tenderer or proponent regarding the subject matter of the procurement.

13. Interactions with the Public and Advocacy

- 13.1 To promote respect for Council and Committee decision making, Members must accurately communicate Council and Committee decisions, even if they disagree with the majority decision.
- 13.2 Members must not make disparaging comments about other Members or staff.
- 13.3 The Mayor is the designated spokesperson for the District. If the Mayor is unavailable, the Deputy Mayor will serve as the spokesperson. If both are

unavailable, any available Council Member will act as the spokesperson. When designated as a delegate, Council Members must represent official Council policies. When sharing personal opinions, they must clearly state that these views are their own and not those of the Council or District.

13.4 Council Members must avoid conflicts of interest in their advocacy and interactions with the public, disclosing any potential conflicts as required by law and District policy.

13.5 Council Members should use social media responsibly, recognizing that their conduct online can reflect on the Council and the District. Personal views shared on social media must be identified as such.

13.6 Council Members must ensure their communications about Council business:

- a) Follow District policy;
- b) Are accurate and not knowingly false;
- c) Are respectful and do not discriminate against, harass, or defame anyone, including Members, Staff, or Volunteers.

14. Conduct of Meetings

14.1 A Member must act with decorum at Council and Committee meetings in accordance with the *Community Charter* and the District's *Council Procedure Bylaw*.

14.2 Members must prepare for meetings, listen attentively and courteously to discussions, and focus on the presented agenda.

14.3 Members must not interrupt other speakers unless they are in accordance with the permitted interruptions outlined in the *Council Procedure Bylaw* and *Roberts Rules of Order*.

14.4 Members must not engage in debate with Staff, Service Providers, Delegates, or Residents while receiving information, including but not limited to delegations, invited presentations, staff reports, or public input.

14.5 Members must not make personal comments not germane to the business of the body, or otherwise interfere with the orderly conduct of a meeting.

14.6 Members must adhere to the conduct requirements of this Bylaw while participating in all Council and Committee activities, as well as in other bodies to which they are appointed by the District or by virtue of their elected office, including intergovernmental meetings.

- 14.7 Council Members must maintain adequate attendance at meetings in accordance with Section 125 of the *Community Charter* to effectively fulfill their responsibilities and duties.
- 14.8 Committee Members must maintain adequate attendance at meetings, and must not be absent from Committee meetings to which they have appointed for more than four consecutive scheduled meetings without reasonable justification (such as illness of the Member, family circumstance, regional government business).
- 14.9 Members must ensure that decision-making processes are open, accessible, and transparent to the public unless the meeting may be closed to the public as authorized under the *Community Charter*.

15. Personal and Confidential Information

- 15.1 A Member must not release any Confidential Information unless the Member is specifically authorized to release it by:
- a) a resolution of Council to use or release the Confidential Information, and then only to the extent of the Council authorization;
 - b) the introduction of authorized discussion of the Confidential Information at a meeting that is open to the public; or
 - c) The matter has been addressed by staff and is no longer considered confidential because the information has been made public.
- 15.2 Notwithstanding subsections 15.1 (b) and (c), the substance of confidential Council deliberations on Confidential Information is not eligible to be disclosed.
- 15.3 A Member must not discuss or disclose any information in violation of the FIPPA, including but not limited to personally identifiable information.
- 15.4 A Member must take reasonable care to prevent unauthorized access to Confidential Information or Personal Information by unauthorized persons.
- 15.5 If a Member learns of unauthorized access to Confidential Information the Member must report the details of the unauthorized access to the CAO as soon as possible.
- 15.6 If a Member learns of unauthorized access to Personal Information or any privacy breach, the Member must report the details of the unauthorized access to the Corporate Officer as soon as possible.

- 15.7 A Member must comply with the directions of the Corporate Officer respecting the use of the District Records and access requests made under FIPPA.

16. Conflict of Interest

- 16.1 Members must act in accordance with sections 100 to 104 of the *Community Charter*, the *Conflict of Interest Exceptions Regulation*, and the District's *Conflict of Interest Policy*.
- 16.2 Members must act in accordance with the *Community Charter*, the *Conflict of Interest Exceptions Regulation*, and the District's *Conflict of Interest Policy*.
- 16.3 In accordance with the *Community Charter*, Members must declare any:
- a) direct or indirect pecuniary interest in the matter; or
 - b) interest in the matter that constitutes a conflict of interest, or perceived conflicts of interest.
- 16.4 Members must consider obtaining personal legal advice if unsure about a potential conflict of interest.

17. Gifts

- 17.1 In the receipt of Gifts and Personal Benefits, Members must act in accordance with sections 105 and 106 of the *Community Charter* and District policy.

18. Use of Public Resources

- 18.1 Members must not use, or permit the use of, District public resources such as staff time, equipment, technology, supplies, facilities, branding, or other property for private gain, personal purposes, or election-related purposes.
- 18.2 Any use of District land, facilities, equipment, supplies, services, property, employees, or other resources for non-District Business must be under the same terms and conditions as available to the general public.
- 18.3 Members must not undertake federal, provincial or municipal election campaign related activities at Municipal Hall or on other premises owned by the District.

19. Leave of Absence

- 19.1 A Council Member who is running for elected office outside of a local government election should consider requesting a leave of absence from Council once the

writ is dropped for that election to avoid conflicts of interest or perceived conflicts of interest.

- 19.2 For certainty, this section does not apply should the Council Member no longer be running for the nomination or not be nominated. In those instances, the Council Member may resume the duties identified in those sections.

Part 2 – Investigation, Compliance, and Enforcement

20. Implementation

- 20.1 This Code of Conduct is intended to be self-enforcing and becomes most effective when Members are thoroughly familiar with it and embrace its provisions. For this reason, this Code must be provided as information to candidates for Council and Committees.

21. Informal Resolution

- 21.1 If a Member believes that they have observed another Member engaging in conduct that would breach this Bylaw, they must attempt to resolve the complaint directly with the other Member, if possible, prior to submitting a complaint under the complaint procedure.
- 21.2 If a Staff member believes that they have observed a Member engaging in conduct that would breach this Bylaw, and they wish to file a complaint, they must approach the CAO and the Corporate Officer on a confidential basis and inform the CAO and Corporate Officer of the alleged breach. Upon receipt of the confidential information in this section, the CAO and the Corporate Officer may:
- a) determine that no breach has occurred and inform the Staff member of that determination;
 - b) attempt to address the alleged breach with the Member and, if the circumstances warrant, the Staff member; or
 - c) request that Staff member file a complaint in accordance with the complaint procedure.

22. Complaint Procedure

- 22.1 A Member, Staff member or Resident may submit a complaint to the CAO and Corporate Officer. Alternatively, if the complainant is the CAO or Corporate Officer or the complaint involves the CAO or Corporate Officer, the complaint may be submitted to the other position alone.

- 22.2 A complaint must be in writing, must be submitted within 30 days of the alleged breach (or within 30 days of notification to the CAO and Corporate Officer, if applicable), and must include, with sufficient detail:
- a) the name of the complainant;
 - b) the name of the respondent Member(s);
 - c) the conduct that the complainant alleges was in breach of the Code;
 - d) the date of the alleged conduct;
 - e) the parts of the Code the alleged conduct breached;
 - f) the basis for the complainant's knowledge of the conduct; and
 - g) if a complaint is submitted by a Member, whether the Member attempted to resolve the complaint informally under this Bylaw.
- 22.3 A complaint that does not comply with all of the requirements of this section may be accepted if the CAO and Corporate Officer determine that there has been substantial compliance or if the circumstances otherwise warrant acceptance.
- 22.4 A complaint submitted outside the time limits set out in section 25 must be rejected, except that the CAO and Corporate Officer may grant an extension if the circumstances of the complaint are sufficiently serious.
- 22.5 In an election year, complaints submitted from the first day of the nomination period to the general voting day must be accepted and held in abeyance until after the new Council has taken office. At that time, complaints will only proceed if they relate to a Council Member who was re-elected in that election year. For certainty, if the Council Member who is the subject of the complaint is not re-elected, the complaint must be rejected. The same provision applies to a Council Member who is running in a federal or provincial election beginning at the time the writ is dropped. If the Council Member who is the subject of the complaint resigns from Council following the election, the complaint must be rejected.

23. Preliminary Assessment

- 23.1 On receipt of a complaint, the CAO and Corporate Officer must conduct a preliminary assessment of the complaint or forward the complaint to the District's Solicitor to conduct a preliminary assessment. If the CAO, Corporate Officer or Solicitor determines that any of the following circumstances apply, then they must notify the complainant and respondent Member in writing that the complaint will be closed, stating the reason(s) for the closure:
- a) the complaint is not with respect to a breach of this Bylaw;
 - b) the complaint is frivolous, vexatious, or not made in good faith;
 - c) the complaint would be more appropriately addressed through another process;

- d) the complaint was not in compliance with the complaint procedure, and the respondent Member will be prejudiced by the complainant's failure to comply;
- e) the complainant wishes to withdraw the complaint, and it would be appropriate to allow the complaint to be withdrawn;
- f) the complaint was submitted by a Member, and the Member ought to have first attempted to resolve the complaint informally under this Bylaw; or
- g) there are no possible grounds on which to conclude that a violation of this Bylaw has occurred.

24. Referral to Third-Party Investigator

- 24.1 If the CAO, Corporate Officer or Solicitor determines that the complaint should be accepted for investigation, they must refer the complaint to a neutral and independent third-party Investigator of their choosing to conduct an investigation and they must notify the complainant and respondent Member of the referral.
- 24.2 The Investigator must have all of the same ability to dismiss a complaint on a preliminary basis as set out in this Bylaw.
- 24.3 An Investigator, once retained, may only be dismissed for cause.

25. Criminal Conduct

- 25.1 If, at any stage in the complaint procedure, the CAO, Corporate Officer, Solicitor or Investigator determines that there are reasonable grounds to believe that there has been a contravention of the Criminal Code, or learns that there is an ongoing police investigation into the conduct that gave rise to the complaint, then they must immediately refer the matter to the appropriate authorities and suspend any investigation into the complaint until any resulting police investigation and charge have been finally disposed of, and will report the suspension to Council, the complainant, and the respondent Member.
- 25.2 For certainty, a complaint must be suspended while the respondent is on a mandatory leave of absence under section 109.3(1) of the *Community Charter*, and may be re-commenced only once the mandatory leave of absence ends pursuant to section 109.3(1)(b) of the *Community Charter*.

26. Formal Resolution

- 26.1 Once retained, the Investigator must deliver the complaint to the respondent Member, along with a request that the respondent Member provide a written

response to the complaint, together with any submissions that the respondent Member chooses to make, within 10 days.

26.2 The Investigator may, at their discretion, deliver the respondent Member's written response and submissions to the complainant and request a reply in writing within 10 days.

26.3 The Investigator may:

- a) speak to anyone relevant to the complaint;
- b) request disclosure of documents relevant to the complaint;
- c) access any record in the custody or control of the District, within the meaning of FIPPA, with the exception of records subject to solicitor-client privilege; and
- d) extend the timelines established in this section, at their discretion.

26.4 The Investigator has the discretion to conduct the investigation as they deem appropriate, while ensuring that the investigation adheres to the principles of procedural fairness and natural justice pertinent to the specific circumstances of the complaint.

27. Adjudication and Reporting

27.1 The Investigator must conclude the investigation and make a determination regarding the alleged breach within 90 days of referral under this Bylaw, unless the Investigator determines that doing so is not practicable, in which case the Investigator must notify the complainant and respondent Member of the delay and provide a revised decision date.

27.2 The revised decision date may be extended by periods of up to 30 days at a time on provision of written notice to the complainant and respondent Member.

27.3 If, after reviewing all the material information, the Investigator determines that a Member did not violate this Bylaw, then the Investigator must:

- a) prepare a written investigation report providing reasons for their determination, which will include a determination of whether the complaint was submitted frivolously, vexatiously or in bad faith; and
- b) deliver a copy of the investigation report to the complainant, respondent Member, and Council.

27.4 If, after reviewing all the material information, the Investigator determines that a Member did violate this Bylaw, then the Investigator must:

- a) prepare a written investigation report providing reasons for their determination, which must include:

- i) a summary of the factual findings of the Investigator;
 - ii) an application of the Bylaw, and any other applicable law, to the facts;
 - iii) a recommendation of the appropriate sanction, subject to subsection (iv); and
 - iv) if applicable, a determination of whether the respondent Member took all reasonable steps to avoid the breach or whether the breach was trivial, inadvertent or due to an error in judgment made in good faith, in which case the Investigator may recommend that no sanction be imposed;
- b) deliver a copy of the investigation report to the respondent Council Member; and
- c) 48 hours after the delivery of the investigation report to the respondent Member, deliver a copy of the investigation report to Council.

28. Final Determination by Council

- 28.1 Council must, within 45 days of the Investigator's delivery of the investigation report and recommendations, decide on the appropriate measures, if any, that are warranted by a breach of this Bylaw.
- 28.2 Prior to making any decision regarding the findings and recommendations set out in the investigation report, the respondent Member must be provided with an opportunity, either in person or in writing, to comment to Council on the Investigator's determinations and recommendations.
- 28.3 While an investigation report may be considered in a closed meeting, if the circumstances warrant, when Council deliberates and votes on the Investigator's recommendation, it must generally do so in an open meeting.
- 28.4 Within 30 days of Council's final decision about an investigation, it must, subject to the District's obligations under FIPPA, release to the public the investigation report, or a summary thereof, along with a summary of Council's decision.

29. Remedies

- 29.1 Remedies that may be imposed by Council for a violation of this Bylaw include the following:
- a) a letter of reprimand from Council, addressed to the respondent Member;
 - b) a request from the Council that the respondent Member issue a letter of apology;
 - c) the publication of the letters contemplated in subsections (a) and (b), along with the respondent Member's response, if any;

- d) directions to the CAO and Corporate Officer regarding the method of providing documents that contain confidential information to the respondent Member;
- e) a requirement that the respondent Member attend specific training;
- f) a recommendation that the respondent Member attend counselling;
- g) limitations on access to certain District facilities;
- h) prohibition from representing the District at events and/or attending conferences;
- i) suspension or removal of the respondent Council Member from the Deputy Mayor rotation;
- j) suspension or removal of the respondent Committee Member from their committee appointment;
- k) a temporary reduction in remuneration;
- l) public censure of the respondent Member; or
- m) any other sanction recommended by the Investigator, so long as that sanction is within the authority of Council.

29.2 Council must consider the following factors when determining whether to impose a sanction on a Member:

- a) the degree and nature of the conduct;
- b) whether the contravention was a single or repeated act;
- c) whether the Member knowingly contravened the Code;
- d) whether the Member took steps to mitigate or remedy the contravention;
- e) the Member's history of other contraventions; and
- f) if applicable, the Investigator's finding that the respondent Council Member took all reasonable steps to avoid the breach, or that the breach was trivial or done inadvertently or because of an error in judgment.

29.3 If a Member fails to attend required training as determined by Council, Council must meet to consider whether to impose additional measures in accordance with this section.

30. Confidentiality and Protection from Retaliation

30.1 The CAO, Corporate Officer, Solicitor and Investigator must make all reasonable efforts to process and investigate complaints in a confidential manner and in accordance with FIPPA.

30.2 The Investigator and every person acting under the Investigator's 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 otherwise required by law.

30.3 No Member, Staff, or Resident is to retaliate against a person who, in good faith, reports a breach or suspected breach of this Bylaw.

30.4 Any form of retaliation against an individual for participating in the complaint process is strictly prohibited and will be subject to disciplinary action.

31. Obstruction and Frivolous and Vexatious Complaints

31.1 No Member, Staff or Resident shall obstruct the Investigator, Solicitor, CAO or Corporate Officer in relation to the administration of this Bylaw or the investigation of a complaint. Without limitation, the following constitutes obstruction:

- a) uttering of threats against any person involved in the complaint;
- b) destruction of relevant records or documents; and
- c) refusal to cooperate with the Investigator.

31.2 A person who is found to have obstructed the Investigator, CAO, Corporate Officer, or Solicitor or any individual covered by this Bylaw who makes a complaint that is subsequently found to have been made in a deliberately frivolous, vexatious or malicious manner, or otherwise made in bad faith, will be subject to appropriate disciplinary action, which may include, but is not limited to:

- a) in the case of Members, sanctions and remedies as described in this Bylaw;
- b) in the case of Staff, disciplinary action up to and including termination, as applicable;
- c) in the case of any complainant, prohibition from filing complaints under this Code for a specified period of time as determined by the CAO or Corporate Officer in writing.

32. Reimbursement of Costs

32.1 A Council Member may make a request to Council for reimbursement of the costs of legal advice and representation in responding to the formal complaint process outlined in this Bylaw. If appropriate, after considering all of the circumstances, Council may resolve to reimburse legal fees reasonably incurred by a Council Member, provided that all of the following are met:

- a) the Council Member has not previously been found to have breached the Code; and
- b) the amount claimed does not exceed \$10,000.

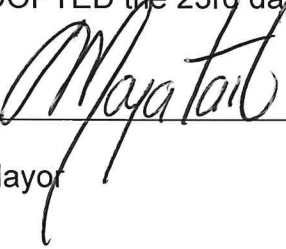
33. SEVERABILITY

33.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion will be severed and the remainder of this bylaw is deemed to

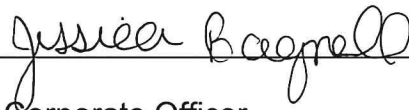
have been adopted without the severed part, section, subsection, paragraph, subparagraph, clause, or phrase.

READ a FIRST, SECOND, and THIRD time the 9th day of September, 2024.

ADOPTED the 23rd day of September, 2024.



Mayor



Corporate Officer