

# VILLAGE OF GOLD RIVER

Committee of the Whole Meeting  
June 1, 2020 following Regular Council Meeting in the  
Council Chambers of the Village Office  
Agenda

## CALL TO ORDER

## APPROVAL OF AGENDA

## ADOPTION OF MINUTES

Minutes of the Committee of the Whole Meeting held December 16, 2019

## REPORTS

B. McRae – Code of Conduct Policy

## NEW BUSINESS

## MOTION TO ADJOURN IN CAMERA

## RISE AND REPORT

## TERMINATION

Minutes of the Committee of the Whole Meeting of the Village of Gold River held December 16, 2019 in Council Chambers, Municipal Hall, 499 Muchalat Drive, Gold River B.C. following the Regular Council meeting.

PRESENT: Mayor B. Unger  
Councillor K. Begon  
Councillor B. Patrick  
Councillor J. Sinclair  
Councillor R. Stratton

STAFF: B. McRae, Chief Administrative Officer

**CALL TO ORDER**

The meeting was called to order at 7:30 p.m.

**APPROVAL OF AGENDA**

MOVED THAT the agenda be approved.

CARRIED

**REPORTS**

B. McRae – Parks and Trails Masterplan

Presentation and discussion of Parks and Trails Masterplan.

**TERMINATION**

MOVED/SECONDED THAT the meeting terminate

CARRIED

Time: 8:05 p.m.

\_\_\_\_\_  
B. Unger Mayor

\_\_\_\_\_  
B. McRae Corporate Administrator

Certified by the Corporate Administrator:

\_\_\_\_\_  
B. McRae Corporate Administrator



# VILLAGE OF GOLD RIVER

## POLICY

### Code of Conduct

POLICY NO: HR-401

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## 1. Purpose

The Village of Gold River recognizes that it has a responsibility to assure public confidence in the integrity of the organization and its effective and fair operations. This policy is meant to clarify the Village's mission, values and principles by linking them with standards of professional conduct and spelling out acceptable and responsible behaviour in a way that it is clear to all members of Council, officials, officers, Employees, and agents of the Village.

## 2. SUMMARY

The effectiveness of the Code depends on its likelihood that it will influence a decision and effectively communicate the Village's intended ethical position. This policy offers an invaluable opportunity for the Village to create a positive public identity for the organization which can lead to an increased level of public confidence and trust among citizens and key stakeholders. We build trust from the inside out, starting with each other, and extending to our partners and the public. We strengthen our culture and lead by example each time we speak up and address situations that do not reflect the way we conduct business, or our values.

The governance of the Village relies on the cooperative efforts of its members of Council, its appointed officers and officials who advise the elected, and the Employees who implement and administer Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

The conduct of members of Council, Committee Members and Employees in the performance of their duties and responsibilities with the Village must be fair, open and honest. Members of Council, Committee Members, and Employees should treat one another, and others they come into contact with, while representing the Village with respect, and shall practice civility and decorum in discussions and debate, avoid personal comments that could offend others, and demonstrate effective problem-solving approaches.

## 3. SCOPE AND APPLICABILITY

This Code outlines the ethics and principles that should guide members of Council and Employees; and includes provisions for conflict of interest, gifts and benefits, and sanctions applicable to breaches of the Code.

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#### 4. DEFINITIONS

**CAO** means the Chief Administrative Officer for the Village of Gold River.

**CODE** means this Code of Conduct Policy.

**COMMITTEE MEMBER** means a person sitting on an advisory committee, task force, commission, working group, board, or other Council established body.

**CONFIDENTIAL INFORMATION** means information that could reasonably harm the interests of individuals or organizations, including the Village of Gold River, if disclosed to persons who are not authorized to access the information.

**CONFLICT OF INTEREST** means a situation in which a person has a private or personal interest sufficient to appear to influence the objective exercise of their official duties at the Village of Gold River.

**COUNCIL** means the Council for the Village of Gold River.

**VILLAGE** means the Village of Gold River.

**EMPLOYEES** shall include all Exempt Staff, unionized employees, non-union contract employees, and all volunteer fire fighters.

**EXEMPT STAFF** means a person appointed by Council as an officer or official, including their deputies, as defined by the Officer Appointment Bylaw.

**POLITICAL ACTIVITY** is applicable to the civic, regional, provincial, and national elections, and includes:

- Carrying on any activity in support of, within, or in opposition to a political party;
- Carrying on any activity in support of or in opposition to a candidate before or during an election period; or
- Seeking nomination as or being a candidate in an election before or during the election period.

#### 5. KEY PRINCIPLES

In keeping with Council’s objectives, within the Corporate Strategic Plan, of openness and transparency in public processes, and effective and responsive stewardship of public funds, the following key principles are intended to provide guidance on ethical issues and questions of right and wrong.

The following key principles apply to all members of Council, Committee Members and Employees, unless indicated otherwise.

##### 5.1. Act in the public interest

Recognizing that stewardship of public funds must be their primary concern, members of Council and Committee Members will work for the common good of the residents of Gold River and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and business coming before Council, committees, boards or commissions.

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### **5.2. Act independently and responsibly**

Members of Council, Committee Members and Employees must perform their duties in a manner that is free and independent from their own interests. Individuals must avoid all forms of discrimination prohibited by the Human Rights Code and any decisions or recommendations that may exclude or favour somebody based on race, colour, sex, sexual orientation, marital status, age, except for measures relating to reasonable and justifiable requirements, legal provisions, religion, political beliefs, language, ethnic or national origin, social condition, disabilities excepting the use of a means to mitigate these disabilities.

Members of Council, Committee Members and Employees must act responsibly, within the law and within the authority of the Community Charter, Local Government Act, Village bylaws and policies, and this Code. This means disclosing actual or potential Conflict of Interest relating to their public duties and taking steps to resolve the conflict for the protection of the public interest; following the letter and spirit of policies and procedures; and exercising all conferred power strictly for the purpose for which the powers have been conferred.

### **5.3. Act with honesty and integrity**

Members of Council and Committee Members are keepers of the public trust and must uphold the highest standards of ethical behaviours and are expected to:

- make decisions that benefit the community;
- act lawfully and within the authorities of the Community Charter, Local Government Act, Freedom of Information and Protection of Personal Privacy Act, all Provincial and Federal laws and regulations, and Village bylaws and policies; and
- be free from undue influence and not act, or appear to act, in order to gain financial or other benefits for themselves, family, friends or business interests.

### **5.4. Act with discretion and restraint**

Members of Council, Committee Members and Employees must maintain the confidentiality of facts and information they become aware of and that are of a confidential nature. They shall respect the confidentiality of information concerning the property, personnel or affairs of the Village, which have been considered in meetings closed to the public under Section 90 of the Community Charter.

After expiration of their term of office or employment, all members of Council, Committee Members and Employees must respect the confidentiality of all information, debates, exchanges and discussions of which they became aware while performing their duties and that were of a confidential nature.

Members of Council and Committee Members should base their decisions on the merits of the matter at hand, rather than on unrelated considerations, except where such considerations benefit the broader public interest.

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**5.5. Act without political partisanship**

Members of Council must avoid any political partisanship while making a decision on issues referred to the Council or speaking on behalf of the Village.

All Employees who intend to stand as a candidate for an elected public office, must submit a request in writing to the CAO to take a leave of absence in accordance with Section 67 of the Election Act.

Such leave of absence shall be renewed each year during his or her term of office in accordance with the Collective Agreement. If intending to stand as a candidate for the office of Mayor or Councillor, Employees must obtain approval to take a leave of absence commencing once they formally declare that they are seeking the nomination, by either filing for nomination or publicly announcing their intention to seek the nomination, and ending the latter of nomination day or election day; and resign if elected in accordance with Section 82 of the Local Government Act.

**5.6. Act openly and accountably**

Members of Council and Committee Members are obligated to answer for a responsibility that has been entrusted to them and have a duty to be as open as possible about their decisions or actions. Decision-making processes must be transparent and subject to public scrutiny.

Members of Council and Employees will communicate appropriate information openly to the public about decision-making processes and issues being considered; encouraging appropriate public participation; communicating clearly; and providing appropriate means for recourse and feedback.

The Village will ensure that proper records are kept and audit trails are in place when required or appropriate.

**5.7. Act with respect and dignity**

Members of Council and Committee Members must conduct Village business efficiently, and with decorum.

Members of Council, Committee Members and Employees, while exercising their duties, must:

- treat each other and others with respect at all times;
- be above reproach and avoid even the appearance of impropriety;
- refrain from abusive conduct, derogatory language, personal charges or verbal attacks upon the character or motives of other members, employees, or the public, whether that be verbal, in writing, or by any means of electronic communication;
- respect the rights of other people, treating people with courtesy and recognizing the different roles others play in local government decision making;
- commit to respecting the rules governing meeting procedures, as such, recognizing the authority of the Council and the autonomy of the meeting;
- while participating in a Council or committee meeting, maintain an attitude of respect and dignity in front of various audiences;
- respect the integrity and good faith of their colleagues. In any case where a Council member wishes to express doubt with regard to the integrity and good faith of a colleague or any other person, they must request to do so in-camera.

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**5.8. Act to create a safe and positive environment**

Members of Council, Committee Members and Employees must demonstrate and promote the key principles of the Code through their decisions, actions and behaviour. Their behaviour must build and inspire the public’s trust and confidence in local government.

Members of Council shall support the maintenance of a positive work place environment for Village Employees and for citizens and businesses dealing with the Village. This is an environment that is free from harassment, violence or discrimination of any type in accordance with the Village’s Bullying or Harassment Policy. Members of Council shall recognize their special role in dealings with Employees to in no way create the perception of inappropriate direction to staff.

**5.9. Adhere to the Council-CAO structure of the Village of Gold River**

Members of Council shall respect and adhere to the Council - CAO structure of the Village. In this structure, Council determines the policies of the Village with the advice, information and analysis provided by Exempt Staff, and Committee Members. Except as provided by the Community Charter, members of Council shall not interfere with the administrative functions of the Village or the professional duties of Employees, nor shall they impair the ability of Employees to implement Council policy decisions in accordance with Section 153 of the Community Charter.

Employees shall respect and adhere to the Council - CAO structure of the Village and shall not interfere in Council’s determination of which policies to implement, other than to provide their advice and recommendations.

Members of Council shall endeavor to ensure that the differing roles and responsibilities of local government elected officials and local government staff are clearly understood by all participants.

**6. RESPONSIBILITIES**

**6.1. General Conduct**

The General Conduct section of the Code is designed to describe the manner in which Council, Committee Members, and Employees should treat one another and others that they come into contact with in representing the Village. The constant consistent theme through all of the conduct guidelines is “respect”. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Council, Employees and Committee Members to do the right thing in even the most difficult situations.

**6.1.1. Adherence to key principles**

Adhere to the key principles and provisions of the Code.

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### 6.1.2. Acts of disorder or misbehaviour

Avoid behaviour that could constitute an act of disorder or misbehaviour. Specifically, they must avoid conduct that:

- contravenes the law, including the BC Human Rights Code, the Community Charter, Local Government Act, Freedom of Information and Protection of Personal Privacy Act, and other Federal or Provincial acts or regulations, and Village bylaws and policies;
- is an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse, or the adverse treatment of others; or
- prejudices the provision of a service or services to the community.

### 6.1.3. Undue influence

Because of the value of the independent advice of boards and commissions to the public decision process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of Council appointed board and commission meetings.

### 6.1.4. Unethical or unlawful acts

Members of Council, Committee Members, and Employees are obliged to question any request to act or make a decision that they think may be unethical or unlawful. Should there be uncertainty about the ethical issues around a conduct or decision, individuals should consider the following:

- Is the conduct or decision lawful?
- Is the conduct or decision consistent with Village policy, Council's objectives and the Code?
- Will the outcome of the decision or conduct provide a private benefit for the individual, family, friends or business interests?
- Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

### 6.1.5. Public meetings

#### (a) USE OF FORMAL TITLES

Always address members of Council by their title in accordance with the Council Procedure Bylaw.

#### (b) PRACTICE CIVILITY AND DECORUM IN DISCUSSIONS AND DEBATE

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow for anyone to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

#### (c) FOLLOW PROCEDURAL RULES AND PROCESSES

Members of Council, Committee Members and Employees shall perform their duties in accordance with the processes and rules of order established by Council, including meaningful involvement of the public.

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### (d) BE PREPARED

Members of Council and Committee Members shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the Council or committee meeting, and focus on the business at hand. They shall refrain from interrupting other speakers, inappropriate body language, making personal comments not germane to the business of the Council or committee meeting, or otherwise interfering with the orderly conduct of meetings that disregard the Village's Ground Rules for Meeting Conduct.

Members of Council and Committee Members recognize the importance of preparation. Poor preparation can slow meetings down with questions that are often covered in the agenda package and increase the potential damage from impromptu motions.

Before or during a meeting, members of Council and Committee Members shall:

- Commit to attending;
- Notify the Mayor, CAO or Corporate Officer if unavailable to attend;
- Read the agenda in advance to become familiar with the content and ask questions if necessary;
- Prepare in advance for possibilities or potential outcomes during debate of issues;
- Notify the Mayor, Council, CAO and Corporate Officer prior to a Council meeting before introducing significant items or information at a Council meeting;
- Generate quality decisions together and within a reasonable amount of time; and
- Accept collective decisions of Council in accordance with Section 115 of the Community Charter.

### (e) HONOUR THE ROLE OF THE CHAIR IN MAINTAINING ORDER

It is the responsibility of the Chair to keep the comments of members on track during public meetings. Members should honour efforts made by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason, following the procedures under the Council Procedure Bylaw or Roberts Rules of Order. During the meeting, the Mayor or Chair shall:

- Open the meeting on time;
- Adhere to the agenda;
- Run the meeting in an orderly and timely fashion;
- Restrict emotional and tactless remarks;
- Restrict discussion of opinions and experiences whenever facts are available;
- Not abuse the powers vested in the Chair by the Council or group;
- Be impartial when assigning the floor;
- Enforce the rules of debate, order and decorum;
- Ensure that each side of an issue is fully and fairly stated and that no member of Council or Committee Member dominates the discussion;
- Execute his or her responsibilities judiciously.

Employees shall refrain from participating in debate during Council meetings, except when responding to a point of information by the Mayor or Acting Mayor.

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**6.1.6. Private encounters of Council or Committee Members**

Excepting during the period from the close of nominations for elections for Mayor and Councillor and the election date, outside of formal Council or committee meetings, individual Council or Committee Members are not authorized to represent the Village, Council, committee, board or commission unless specifically designated by the Council, committee, board or commission to do so for a particular purpose. All members shall represent the official policies or positions of their Council, committee, board or commission.

The same level of respect and consideration of differing points of view that is deemed appropriate for public meetings/discussions should be maintained in private conversations.

**6.1.7. Limits on freedom of expression**

It is important to understand the difference between the private sector and the public sector when it comes to freedom of expression. The right to “freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication,” while guaranteed by Section 2 (b) of the Canadian Charter of Rights and Freedoms, is not an unfettered right. An employer may place some limits on this freedom both inside and outside of the workplace.

Employees are expected to be unbiased and are required to avoid Conflict of Interest. Their actions, where they are likely to be connected with the government may be restrained. Any restriction on an Employee must be rationally linked to the Employee’s duties and must not exceed what is required to achieve the objective of an impartial and effective public service.

**6.1.8. Off-duty disparaging remarks**

The Village prohibits disparaging remarks made by an Employee or a Committee Member about a member of Council, the Village, or a business connected with the Village. If an Employee makes negative remarks about the Village or Council even while off duty, the Employee may be disciplined or discharged if the comments are made publicly which are intended to harm the reputation of the Village or a member of Council. This includes comments made on social media platforms or other electronic media.

The Village also has the right to limit some expression during work hours if the expression will be adverse to the Village. For public employees, the limits placed on them may be more restrictive than for private employees, but there should be a balance between freedom of expression and the legitimate concerns of the Council or the Village.

**6.1.9. On-duty limits to expression**

The Village can limit the expression of its Employees while they are on-duty, even where the expression is not overtly negative. The test is whether the expression will be reasonably likely to have an adverse effect on the Village, such that the right to free expression while at work must give way to the right of the Village not to have its legitimate interests harmed by expressions by its Employees while at work.

While on duty, Employees shall not make any disparaging remarks, either verbally or in any form of media, regarding the Mayor, Council, Committee Member, or another Employee, or express any opinion contrary

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to any official position of the Village that may reasonably be expected to have an adverse effect on the Village.

**6.1.10. Employee’s personal points of view**

Employees may express personal points of view on matters that are not connected to their employment duties with the Village while off duty which may conflict with the Village’s official position, provided that such expressions do not create a reasonable impression that the Employee is acting partially, with bias, or in a Conflict of Interest with respect to the performance of their employment duties.

Personal opinions must not be expressed using Village letterhead, email addresses or online accounts, excepting opinions provided within the scope of an Employee’s regular job duties. If an Employee expresses his or her personal opinion during a public discussion, he or she must identify himself or herself as a Village Employee, and state that his or her views do not represent the views of the Village, but rather, are the Employee’s personally held opinions. Employees should use a similar disclaimer when expressing personal opinions in public while off duty.

**6.1.11. Avoidance of preferential treatment**

Exempt Staff are responsible for demonstrating objectivity and impartiality in the exercise of their duties and in their decision-making, whether related to staffing, financial awards or penalties to external parties, transfer payments, program operations or any other exercise of responsibility.

This means that they are prohibited from granting preferential treatment or advantages to family, friends or any other person or entity. They are not to offer extraordinary assistance to any entity or persons already dealing with the Village without the knowledge and support of the CAO. They also are not to disadvantage any entity or persons dealing with the Village because of personal antagonism or bias.

Providing information that is publicly accessible is not considered preferential treatment.

**6.1.12. Interactions of Council, Employees and Committee Members**

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behaviour towards anyone is not acceptable.

**(a) COUNCIL INTERACTIONS**

Council has the responsibility to govern the Village in accordance with the Community Charter, Local Government Act, and Village bylaws and policies and other legislation. As members of Council, they must:

- Act in accordance with the Council Procedure Bylaw and the conduct guidelines outlined in this Code.
- Contact Employees according to the procedures authorized by the CAO regarding the interaction of Council members and Employees. As a general guide, inquiries are to be directed to the CAO. Direct access to Employees within a department is at the CAO’s discretion and practicality.
- Not direct or influence, or attempt to direct or influence, any Employee or Committee Member in the exercise of their duties or functions.
- Not contact or issue instructions to any of the Village contractors, tenderers, consultants or other service providers.

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- Not make public statements attacking or reflecting negatively on Employees or invoke Employee matters for political purposes (e.g. Member's intention of ensuring that a particular Employee is terminated if re-elected).
- Not approach Employee organizations about personal matters of individual Employee (e.g. approaching members of the Golf Course Society to obtain personal information about an Employee).

### (b) EMPLOYEE INTERACTIONS

The CAO is responsible for the efficient and effective operation of the Village organization and for ensuring the implementation of the decisions of the Council.

Exempt Staff shall:

- Provide members of Council with information sufficient to enable them to carry out their civic duties;

Employees shall:

- Give their attention to the business of the Village while on duty;
- Ensure that their work is carried out efficiently, economically and effectively;
- Carry out lawful directions given by any person having authority to give such directions;
- Seek the advice and approval of their supervisor prior to responding to a direct request from a member of Council;
- Provide information and professional advice through regular Village processes and are not to lobby members of Council on any matter;
- Be equally helpful to all members of Council, and should avoid close alliance, or the appearance of close alliance, with any particular member. Information and advice is to be provided as requested, within the limitations of this Code; and
- Provide significant information which has been provided to any member of Council, which is likely to be used in Council or in political debate, to all other members of Council and the CAO.

### (c) COMMITTEE MEMBER INTERACTIONS

Advisory bodies provide Council and Employees with input on a wide variety of subjects through discussion, presentations and recommendations. Their input essential to the efficient and effective operation of the Village. Committee Members must:

- Act in accordance with the relevant sections of the Procedure Bylaw and the conduct guidelines outlined in this Code;
- Not inappropriately direct or influence, or attempt to direct or influence, any Employee in the exercise of their duties or functions except where such direction or influence is necessary to fulfill the specific mandate of the advisory body; and
- Not make public statements unfairly attacking or reflecting negatively on the Village, Council, individual Council members or Employees.

#### 6.1.13. Public engagement

Employees must carry out their duties in a manner that allows Council members and the public to remain informed about local government activity and practices.

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## 6.2. Conflict of Interest

Members of Council, Employees and Committee Members are expected to make decisions that benefit the community. They are to be free from partiality and not act or appear to act in order to gain financial or other benefits for themselves, family, friends, or business interests.

A Conflict of Interest exists when an individual is, or could be, influenced, or appear to be influenced, by a personal interest, financial (pecuniary) or otherwise, when carrying out their public duty. Personal interest can include direct or indirect pecuniary interest, bias, pre-judgement, close-mindedness or undue influence.

Members of Council, Employees and Committee Members must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their public or professional duties in accordance with statutory requirements. When considering whether or not a Conflict of Interest exists, it is important to consider whether there are any grounds for a reasonable person to think that a conflict exists.

### 6.2.1. Mitigate conflicts of potential conflicts

Exempt Staff shall take all possible steps to recognize, prevent, report, and resolve any real, apparent or potential conflicts of interest between their official responsibilities and any of their private affairs. Unless otherwise permitted in this Code, refrain from having private interests, which would be unduly affected by Village actions in which they participate, or of which they have knowledge or information.

- (a) Not knowingly taking advantage of, or benefiting from, information that is obtained in the course of their duties that is not available to the public;
- (b) Not interfering in the dealings of private entities or persons with the government in order to inappropriately influence the outcome;
- (c) Refrain from accepting or participating as a director on a board or organization which has a direct relationship with the Village;
- (d) Maintaining the impartiality of the public service and not engaging in any outside or political activities that impair or could be seen to impair their ability to perform their duties in an objective or impartial manner; and
- (e) Ensuring that any real, apparent or potential conflict that arises between their private activities and their official responsibilities as a public servant is resolved in the public interest.

All Employees shall:

- (a) refrain from leveraging their position or relationship with the Village for the purpose of obtaining a financial gain which materially enriches themselves, their immediate family, or another organization in which they are a member or affiliated;
- (b) refrain from leveraging their position or relationship with the Village to coerce anything of actual pecuniary value from another person, business, organization, etc.; and
- (c) adhere to the values and norms of ethical behaviour when involved in contracting with suppliers for goods or services in accordance with the Purchasing Policy.

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**6.2.2. Outside employment or activities**

Exempt Staff shall not engage in employment or active business interests outside of their employment with the Village nor take part in outside activities that may be deemed to conflict with the interests of the Village or the performance of his or her duties excepting with the prior consent from the CAO.

Exempt Staff are required to provide a report to their CAO when their outside employment or activities might subject them to demands incompatible with their official duties, or cast doubt on their ability to perform their duties or responsibilities in a completely objective manner. The CAO may require that the outside activities be modified or terminated if it is determined that a real, apparent or potential Conflict of Interest exists.

Exempt Staff who receive a benefit or income either directly or indirectly from a contract with the Village are required to report to their CAO on such contractual or other arrangements. The CAO will determine whether the arrangement presents a real, apparent or potential Conflict of Interest, and may require that the contract be modified or terminated.

**6.2.3. Private interests**

In keeping with their role as stewards of public funds, members of Council shall not appear on behalf of the private interests of third parties before Council or committee meetings on matters related to the areas of service for their bodies, excluding those bodies which they have been appointed to by Council.

**6.3. Solicitation**

With the exception of fundraising for charitable or non-profit organizations, or such officially supported activities, members of Council, Employees and Committee Members may not solicit gifts, hospitality, other benefits or transfers of economic value from a person, group or organization.

**6.3.1. Fundraising for official activities**

When fundraising for such official activities, as duly authorized by Council or the CAO, members of Council, Employees and Committee Members should ensure that they have prior written authorization from Council or the CAO in order to solicit donations, prizes or contributions in kind from external organizations or individuals.

**6.3.2. Fundraising for personal or private activities**

When fundraising for personal or private purposes, or on behalf of a local organization, members of Council, Employees and Committee Members should ensure that Village letterhead, email addresses, phones, or online accounts are not used when soliciting benefits or donations.

Employees shall not conduct private or personal fundraising business during Village work hours.

**6.3.3. Donations by outside entities**

Similarly, if an outside individual or entity, with whom the Village has past, present or potential official dealings, offers a benefit to the Village such as funding for an event or a donation of equipment, Exempt

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Staff are to consider whether any real, apparent or potential Conflict of Interest exists, and obtain the consent in writing of the Council or the CAO prior to accepting any such benefit.

#### **6.3.4. Requirement for activities to be modified or terminated**

The CAO may require that the activities be modified or terminated where it is determined that there is a real, potential or apparent Conflict of Interest or an obligation to the donor. These provisions are designed to ensure that this policy is consistent with paragraph 121(1) (c) [Frauds on the government] of the Criminal Code.

### **6.4. Handling of Information**

#### **6.4.1. Confidential information**

Members of Council, Employees and Committee Members must:

- Protect information that is specifically marked confidential and other material understood to be confidential in nature, or is otherwise protected from disclosure by the Freedom of Information and Protection of Privacy Act (“Confidential Information”);
- Refrain from discussing/disclosing any Confidential Information with/to other Employees, or with persons outside the organization except as authorized;
- Take reasonable care to prevent the examination of Confidential Information by unauthorized individuals;
- Not use Confidential Information with the intention to cause harm or detriment to Council or any other person or body;
- Only access information needed for Village of Gold River business;
- Only use Confidential Information for the purpose it is intended to be used;
- Only release information in accordance with established Village policies and procedures and in compliance with the Freedom of Information and Protection of Privacy Act;
- Not disclose decisions, resolutions or report contents from an in-camera meeting of Council until a corporate decision has been made for the information to become public; and
- Not disclose detail on Council’s in-camera deliberations or specific detail on whether individual Councillors voted for or against an issue.

#### **6.4.2. Restriction on altering records or documents**

Members of Council, Employees and Committee Members must not in any way change or alter Village of Gold River records or documents, except when authorized to make a correction by their supervisor or the CAO.

#### **6.4.3. Personal information**

When dealing with personal information or Confidential Information, members of Council, Employees and Committee Members must comply fully with the provisions of the Freedom of Information and Protection of Privacy Act. All reasonable and necessary measures must be taken to ensure that the personal or private business information of individuals is protected. Personal information is information or an opinion about a person whose identity is apparent, or can be determined from the information or opinion.

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### 6.5. Assets and Liabilities

Exempt Staff are required to evaluate their assets and liabilities, taking into consideration the nature of their official duties and the characteristics of their assets. If there is any real, apparent or potential Conflict of Interest between the carrying out of their official duties and their assets or liabilities, they are to report this matter to the CAO in a timely manner.

The types of assets and liabilities that should be reported and the procedures for reporting and managing such assets and liabilities are set out in the Financial Disclosure Act and the provincial Statement of Disclosure form.

### 6.6. Political Activity

Employees enjoy broad political freedoms and should be able to engage in democratic politics with few restrictions. However, such broad freedoms must be exercised so as not to call into question their ability to perform their employment duties in a professional and impartial manner. Any Employee considering involvement in political activity should seek the advice of their department head or the CAO before acting.

### 6.7. Gifts and Personal Benefits

Members of Council, Committee Members and Employees are expected to use their best judgment to avoid situations of real, apparent or potential Conflict of Interest by considering the following criteria on gifts, hospitality and other benefits and in keeping with the “Values and Ethics Code” for the Public Sector, and this Code.

#### 6.7.1. Prohibition against accepting gifts or favours

Members of Council, Committee Members and Employees shall not take any special advantage of services or opportunities for personal gain, by virtue of their office or employment with the Village, that are not available to the public in general. They shall refrain from accepting any gifts, favours or promises of future benefits which might have a real, apparent or potential influence on their objectivity in carrying out their official duties and responsibilities or that may place them under obligation to the donor.

(a) WHAT ARE GIFTS AND PERSONAL BENEFITS?

Gifts and personal benefits are items or services of value that are received by members of Council, Committee Members and Employees for their personal use. Gifts and personal benefits include, but are not limited to, cash, gift cards, tickets to events, items of clothing, jewelry, pens, food or beverages, discounts/rebates on personal purchases, free or subsidized drinks or meals, entertainment, and invitations to social functions organized by groups or community organizations.

(b) GIFTS THAT ARE INTENDED TO INFLUENCE PERFORMANCE

Members of Council, Committee Members and Employees must not, directly or indirectly, accept a gift or personal benefit that is intended to influence the member’s performance of their respective official duties related to the Village.

No Employee shall accept a gift or benefit, other than incidents of protocol in accordance with Section 6.7.2(b) below, from an individual or company who seeks official action by the Village,

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does business with the Village, seeks to do business with the Village, or would otherwise affect or perceive to affect the Employee's performance of his or her duties.

(c) DISCOUNTS/REBATES ON PERSONAL PURCHASES

Employees may not take advantage of discounts/rebates on personal purchases from suppliers having an existing business relationship with the Village, unless those suppliers offer the same discounts/rebates to the general public or those discounts/rebates are offered to staff of other large employers (public and private) on a no-strings-attached basis to the employer.

(d) GIFTS MADE TO IMMEDIATE FAMILY MEMBERS

Members of Council, Committee Members and Employees must take all reasonable steps to ensure that their immediate family members do not receive gifts or personal benefits that could appear to an impartial observer to be an attempt to subvert this Code or to influence or secure a favour from the member of Council, Committee Member and Employees. Immediate family members include parents, spouses, children and siblings.

(e) ITEMS NOT CONSIDERED TO BE A GIFT OR PERSONAL BENEFIT

The following are not considered to be gifts or personal benefits for the purposes of this policy:

- Compensation authorized by law,
- Reimbursement for out-of-pocket costs incurred for authorized travel, living and accommodation expenses associated with attendance at an event, and
- A lawful contribution made to a Council member who is a candidate for election.

(f) GIFTS THAT MAY NEVER BE ACCEPTED

Notwithstanding Section 6.7.2, members of Council, Committee Members and Employees must NEVER accept:

- A gift of cash (for the purpose of this Code, gift cards constitute cash); or
- A gift or personal benefit that could reasonably be expected to result in a real or perceived Conflict of Interest as set out in section 6.2 of this Code.

**6.7.2. Gifts and personal benefits that may be accepted**

The acceptance of gifts, hospitality and other benefits is permissible if they are infrequent and of minimal value, within the normal standards of courtesy or protocol, arise out of activities or events related to the official duties of the public servant concerned, and do not compromise or appear to compromise the integrity of the public servant concerned or the Village.

- (a) Council members may accept gifts and personal benefits received as an incident of the protocol or social obligations that normally accompany the responsibilities of elected office.
- (b) Employees or Committee Members may accept a gift or personal benefit that is received as an incident of protocol or as a Village representative on activities such as speaking engagements, technical presentations, business meetings and social obligations reasonably related to their role with the Village.
- (c) All gifts and benefits received by an Employee or a Committee Member must be placed into a draw so that all members of that Committee or department are equally eligible to receive the gift or benefit. Prizes won through attendance at events or conferences may be retained by the Employee, Council or Committee Member

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## **7. BREACHES, COMPLAINT HANDLING AND DISCIPLINARY ACTION**

### **7.1. General**

Members of Council, Committee Members and Employees are to abide by the requirements of the Community Charter and this Code, and shall endeavour to resolve interpersonal disputes in good faith.

### **7.2. Members of Council Officials**

Alleged breaches of this Code by members of Council shall be submitted in a written complaint addressed to the Mayor and/or the CAO within six (6) months of the last alleged breach. If the Mayor is the subject of, or is implicated in a complaint, the complaint shall be addressed to the Acting Mayor.

#### **7.2.1. Third-Party Investigator**

Upon receipt of a complaint, the Mayor or Acting Mayor shall, within thirty (30) days, appoint an independent third party identified and agreed between the Complainant(s) and Respondent(s) as having the necessary professional skills, knowledge and experience to investigate the complaint (the “Third-Party Investigator”).

If the parties cannot agree on the choice of investigator, a single nominee of the Complainant(s) and the Respondent(s) shall jointly select a suitable Third-Party Investigator. If these nominees cannot select the Third-Party Investigator, the District’s solicitor will select this person.

#### **7.2.2. Investigations into allegations / complaints**

The Third-Party Investigator:

- May conduct a preliminary assessment of the complaint, at the conclusion of which the Third-Party Investigator may determine to continue the investigation or make a written recommendation that the complaint be dismissed as unfounded, beyond jurisdiction or unlikely to succeed.

If the Third-Party Investigator determines to continue with the complaint, the Third-Party Investigator shall:

- Conduct an independent and impartial investigation of the complaint in a manner that is fair, timely, confidential and otherwise accords with the principles of due process and natural justice;
- Provide an investigation update within ninety (90) days of his or her appointment to the Mayor or Acting Mayor, as applicable, and to the Complainant and the Respondent;
- Provide a written, confidential report (the “Report”) of the findings of the investigation, including findings as to whether there has been a breach of this Code, to the Mayor or Acting Mayor, as applicable, and to the Complainant and the Respondent; and
- Provide recommendations in the Report as to the appropriate resolution of the complaint, which recommendations may include:
  - Dismissal of the complaint; or
  - Public censure of the member(s) of Council for misbehaviour or a breach of this Code;
  - A requirement that the member(s) of Council apologize to any person adversely affected by a breach of this Code of Conduct;

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- Counseling of the member(s) of Council, and/or
- Such other recommendations as are deemed appropriate in the professional judgment of the Third-Party Investigator.

### **7.2.3. Third-Party investigator reports**

The Village's Corporate Officer will receive and retain all Reports prepared under Sections 7.2.1 and 7.2.2.

### **7.2.4. Allegations by a member of Council**

Where a member of Council alleges a breach of this Code by a fellow member of Council, all members of Council shall refrain from commenting on such allegations at meetings of Council.

### **7.3. Committee Members**

Alleged breaches of this Code by Committee Members shall be submitted in a written complaint addressed to the Mayor within six (6) months of the last alleged breach.

#### **7.3.1. Consideration of complaint by the Mayor**

The Mayor shall consider alleged breaches of this Code by Committee Members, direct that any enquiries he or she considers appropriate or desirable be undertaken, and recommend appropriate disciplinary action to Council.

#### **7.3.2. Recommendations to Council**

The Mayor may recommend that Council take any actions provided for in the Code that the Mayor considers reasonable in the circumstances.

#### **7.3.3. Decisions by Council**

Where Council finds that a Committee Member has breached this Code, Council may decide by resolution to:

- Censure the Committee Member for misbehaviour;
- Require the Committee Member to apologize to any person adversely affected by the breach;
- Counsel the Committee Member;
- Terminate the Committee Member's appointment; or
- Implement such other measures as Council deems appropriate.

### **7.4. Village Staff and Contract Employees**

Alleged breaches of this Code by Employees shall be reported in writing to the CAO or his or her equivalent.

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**7.4.1. Unionized Employees**

Breaches of this Code by Employees party to collective agreements will be handled through existing collective agreements including identified grievance and arbitration processes. These mechanisms include the ability for the Village to take appropriate disciplinary action up to and including dismissal.

**7.4.2. Exempt Staff**

Breaches of this Code by Exempt Staff will be handled through existing processes and in accordance with current employment law. The CAO or equivalent shall review alleged breaches, make any necessary inquiries and determine appropriate disciplinary action.

**7.4.3. Volunteer Fire Fighters**

Breaches of this Code by Volunteer Fire Fighters will be handled through existing processes and in accordance with current employment law. The CAO or equivalent shall review alleged breaches, make any necessary inquiries and determine appropriate disciplinary action.

**7.4.4. Contract Employees**

Consequences associated with breaches of this Code by contract Employees are incorporated in the contracts under which they are retained, and will be dealt with in accordance with the conditions outlined therein.

**8. EXCEPTIONS**

Unless otherwise addressed, exceptions to the following section may be allowable:

**8.1. Exception to 6.2.4 private interest**

Exceptions will be allowed by resolution of Council prior to appearance before Council or committee meeting.

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