

EXECUTIVE COMMITTEE OF COUNCIL

TO: MAYOR AND COUNCILLORS

SUBJECT: UPDATE TO CODE OF CONDUCT FOR COUNCIL AND COMMITTEE MEMBERS

RECOMMENDATION:

1. **THAT** Council authorize the City Solicitor to bring forward the Burnaby Code of Conduct Bylaw, including the changes outlined in the report titled "Update to Code of Conduct for Council and Committee Members" and subsequent attachments dated February 16, 2023.

REPORT

The Executive Committee of Council, at its Open meeting held on March 1, 2023, received and adopted the *attached* report providing an update to the draft Code of Conduct for Council and Committee members, originally presented at the February 1, 2023 Executive Committee, and seeking authority to bring forward the Burnaby Code of Conduct Bylaw to Council.

Respectfully submitted,

Councillor S. Dhaliwal
Chair

Councillor R. Lee
Vice Chair

TO: CHAIR AND MEMBERS
EXECUTIVE COMMITTEE **DATE:** February 16, 2023

FROM: GENERAL MANAGER
CORPORATE SERVICES **FILE:** 02400

SUBJECT: UPDATE TO CODE OF CONDUCT FOR COUNCIL AND COMMITTEE MEMBERS

PURPOSE: To provide an update to the draft Code of Conduct for Council and Committee members, originally presented at the February 1, 2023 Executive Committee, and to seek authority to bring forward the Burnaby Code of Conduct Bylaw to Council.

RECOMMENDATION:

1. THAT the Executive Committee recommend Council authorize the City Solicitor to bring forward the Burnaby Code of Conduct Bylaw, including the changes outlined in the report titled "Update to Code of Conduct for Council and Committee Members" and subsequent attachments dated February 16, 2023.

REPORT

1.0 BACKGROUND

In 2016, a joint Working Group on Responsible Conduct (WGRC) between the Union of B.C. Municipalities (UBCM), the Ministry of Municipal Affairs and the Local Government Management Association (LGMA) was formed to better understand issues related to responsible conduct of elected officials and to explore how B.C.'s responsible conduct framework could be further strengthened.

In September 2017, UBCM members endorsed the Policy Report of the WGRC that included several recommendations to strengthen B.C.'s responsible conduct framework.

On Nov 25, 2021 the *Municipal Affairs Statutes Amendments Act (No. 2), 2021* was adopted by the B.C. legislature, which added sections 113.1 and 113.2 to the *Community Charter* to require all local governments to publicly consider whether to establish a new code of conduct or revise an existing one within six months of a general local election. The last B.C. general local election was held on October 15, 2022.

At the February 1, 2023 Executive Committee of Council meeting, members discussed the draft Burnaby Code of Conduct Bylaw (“Bylaw”) and requested additional review of the Bylaw be undertaken. The report forwarded at the February 1, 2023 meeting is included as **Attachment #1**. Following the meeting, additional input was sought from members of Council on an individual basis.

2.0 DISCUSSION

To address comments made during and following the February 1, 2023 Executive Committee of Council meeting, the following changes are provided to the Committee for consideration (shown in italicized and underlined):

Replace 3.2.1 (c)(iv) with the following:

3.2.1 (c)(iv) **Members** will refrain from any form of discriminatory or defamatory conduct against another member, City staff and volunteers, or the public.

Remove 4.2.1 in its entirety and renumber section 4.2 accordingly.

Replace 4.3.1 with the following:

4.3.1 A **member** shall communicate with the public and media when representing themselves as an individual **member**. A **member** shall not communicate, or imply that the **member** is communicating, on behalf of Council as a whole or of the City unless expressly authorized to do so (i.e. Acting Mayor).

In addition to the above, staff will create a graphically designed, succinct document which highlights the four (4) foundational principles included in the Bylaw, for easy reference. The one-page document will include a signature line for members of Council and a link to the full bylaw.

General consensus among individual members of Council was that non-Council members of committees should be held to a similar standard of Council members. However, in order to simplify the process for non-Council members of committee, it is recommended that a Committee Code of Conduct policy, for non-Council members of committees, be developed. Non-Council members that have been found to breach the Committee Code of Conduct could be removed from the committee, in accordance with current City policies and bylaws. As a result, it is recommended that all reference to Committees be removed from the bylaw.

3.0 POLICY SECTION

The proposed bylaw aligns with the goals of the Burnaby Strategic Plan (2022).

4.0 RECOMMENDATION

To meet the new requirements under the *Community Charter* for a code of conduct, it is recommended that Committee recommend Council authorize the City Solicitor to bring

*To: Executive Committee of Council:
From: General Manager Corporate Services
Re: Update to Code of Conduct Bylaw for Council and Committee Members
March 1, 2023*

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forward the Burnaby Code of Conduct Bylaw, including the changes outlined in the report titled "Update to Code of Conduct for Council and Committee Members" and subsequent attachments dated February 16, 2023. Following adoption of the proposed bylaw, staff will provide Council and Committee members training and resources on the Code of Conduct.

Once the Burnaby Code of Conduct Bylaw is adopted, Council will be required within six (6) months after every general local election to determine whether it should be reviewed. At any time, Council can request staff to bring forward amendments to the bylaw.



**Juli Halliwell, General Manager
CORPORATE SERVICES**

Attachment 1 – Report titled "Code of Conduct for Council and Committee Members" dated January 23, 2023
Attachment 2 – XXXXX.Burnaby Code of Conduct Bylaw 2023 FINAL DRAFT