



COUNCIL CODE OF CONDUCT BYLAW, 2023

No. 3225

A Bylaw to regulate the conduct of Council members.

.....
WHEREAS Council Members are keepers of the public trust and must uphold the highest standards of ethical behaviour in order to build and inspire the public's trust and confidence in local government;

AND WHEREAS Council Members are expected to:

- (a) make decisions that benefit the well-being and interests of the municipality and its community;
- (b) act lawfully and within the authorities of the *Community Charter*, *Local Government Act* and other applicable enactments; and,
- (c) be free from undue influence and not act, or appear to act, to gain financial or other benefits for themselves, family, friends, or business interests;

AND WHEREAS Council wishes to conduct its business in a transparent, efficient, accountable, and respectful manner;

AND WHEREAS it is to the benefit of the community for Council to conduct its business in accordance with the City's values of community well-being, social unity, Respect, and inclusion;

AND WHEREAS Council Members intend to demonstrate their leadership in ethical behaviour and to promote the principles of transparency, Accountability and civility through their decisions, actions, and behaviour;

THEREFORE the Council of the City of Langley, in open meeting assembled, enacts as follows:

Citation

1. This Bylaw may be cited as the “Council Code of Conduct Bylaw, 2023, No. 3225”.

Definitions

2. In this Bylaw

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

“Alternate Deputy Mayor” means the first Council Member on the Deputy Mayor rotation schedule after the Current Deputy Mayor who is not the subject of, or implicated in the subject Complaint;

“Advisory Body” means a committee, task force, commission, board, or other body established or appointed by Council or by the Mayor;

“Advisory Body Member” means a person sitting on an Advisory Body, and includes a Council Member appointed to the body;

“Brand” means the visual representation of the City; it distinguishes the organization from others in the eyes of the community at large. The City’s Brand consists of Coat of Arms, Logo, Logo alternatives, colour standards, Brand architecture (department colours), typographic standards (typeface/font), Brand graphics, stationary, print and digital templates, City Signage, City Images, some graphic design rules, and elements.

“Bully and Harass” means:

- (a) any conduct that would be contrary to the City’s Respectful Workplace Policy;
- (b) any unwelcome or objectionable conduct or comment that would be considered discriminatory under the *Human Rights Code* if the conduct or comment was in respect of any of the following prohibited grounds: race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, age, or conviction for an offence;

- (c) any other unwelcome or objectionable conduct or comment by a Council Member toward another Council Member, which includes, but is not limited to, unwanted physical or sexual contact or comments, and/or any form of aggressive or threatening conduct, or behaviour that causes that individual to feel humiliated or intimidated;

“Campaign Period” means the period that begins on the 28th day before general voting day for the general local election and ending on the day of the general local election;

“Chief Administrative Officer” means the Municipal Officer position of the City’s Chief Administrative Officer;

“Child” means a person toward whom a Responsible Adult has demonstrated a settled intention to treat as a child of their family and includes a child born within or outside marriage, an adopted child, stepchild, or grandchild;

“City” means the City of Langley;

“City Business” means any City initiative, program, activity, policy, process, project, or undertaking;

“City Record” includes anything on which information is recorded or stored by graphic, electronic, mechanical, or other means in any format, but does not include a computer program or any other mechanism that produces records;

“Complainant” means a person who has submitted a complaint under Part 2 of this Bylaw.

“Complaint” means an allegation that a Council Member has contravened this Bylaw.

“Confidential Information” means information or a record that is marked confidential by Council or Staff, that is Personal Information, that could reasonably harm the interests of individuals or organizations including the City if disclosed to persons who are not authorized to access the information, or information or a record to which section 117 of the *Community Charter* applies, including, without limitation, any:

- (a) decisions, resolutions, or report contents forming part of the agenda for or from an *in-camera* meeting of Council until a Council decision has been made for the information to become public or otherwise released; and,
- (b) details on Council’s *in camera* deliberations or specific detail on whether an individual Council Member voted for or against a matter;

“Corporate Officer” means the Municipal Officer position of City Corporate Officer;

“Council Member” means the Mayor or a Councillor;

“Current Deputy Mayor” means the Council member currently serving as Deputy Mayor, in accordance with the Deputy Mayor rotation schedule approved by resolution of Council, at the time a Complaint is submitted;

“Designate” means the individual responsible for fulfilling the duties of a Municipal Officer in that Municipal Officer’s absence for purposes of fulfilling any of the requirements of Part 2 of this Bylaw;

“Family Member” means a Spouse, a Child, a Responsible Adult, and siblings;

“Instructing Individual” means the Mayor, Current Deputy Mayor, or Alternate Deputy Mayor tasked with fulfilling the responsibilities of the Instructing Individual with respect to the Formal Complaint Procedure identified in this Bylaw;

“Integrity” means being honest and demonstrating strong ethical principles and sound judgment;

“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;

“Legislated Duties” means the responsibilities of Council Members and Mayor as set out in the *Community Charter, Local Government Act*, and any other applicable enactments;

“Mayor” means the Mayor of the City of Langley;

“Media” means a diverse collection of media technologies that reach a large audience which includes print media (mass media, traditional news media, books, magazines, newspapers, and pamphlets), broadcast media (films, radio, recorded video/music, or television), and digital news media (websites, blogs, internet-based radio, podcasts, and television).

“Municipal Officer” means a member of Staff designated as an officer under section 146 of the *Community Charter* or a bylaw under that section;

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

“Respect” in terms of one of four key foundational principles, means having due regard for others’ perspectives, wishes and rights. It also means displaying deference to the offices of municipal government, and the role of municipal government in community decision making;

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

“Responsible Adult” means a person who has demonstrated a settled intention to treat a Child as a member of their family whether or not that person is the biological parent of the Child;

“Social Media” means any electronic application that enables users to create and share content or to participate in social networking sites and includes, without limitation, Twitter, Facebook and Instagram;

“Spouse” means a person to whom the person is married or with whom the person is living in a marriage-like relationship, and includes a former spouse;

“Staff” means a Municipal Officer or employee, or a contractor, consultant, or other service provider retained by the City of Langley to fulfill duties of Staff, as described in this bylaw, as required;

“Volunteer” means a person serving the City who is a not a Council Member, member of Staff or an Advisory Board Member;

“Workplace” includes, but is not limited to, work sites owned, operated, or controlled by the City, including the municipal hall, operations centres, fire hall, parks locations and buildings, construction or maintenance sites, business related social functions, work locations away from the foregoing venues, work related conferences and training sessions, work related travel, telephone conversations, voice mail or electronic messaging.

Interpretation

3. In this Bylaw, a reference to the Mayor, a chair, or Staff includes, in the absence of the Mayor, chair or Staff member, a reference to the person appointed as deputy or appointed to act in the place of that person from time to time.

4. Without limitation, this Bylaw applies in respect of the Workplace and elsewhere, and without limitation applies to speaking to members of the public and Media and the use of Social Media by a Council Member.

PART 1 – CONDUCT OF ELECTED OFFICIALS

General Conduct

5. A Council Member shall not:
 - (a) contravene this Bylaw, as amended or replaced;
 - (b) contravene any other City bylaw or policy, as amended or replaced;
 - (c) breach their oath sworn upon taking office as a Council Member;
 - (d) Bully or Harass another person;
 - (e) defame another person;
 - (f) abuse their office.
6. A Council Member shall align their conduct with the key foundational principles of Accountability, Integrity, Respect, Leadership, and Collaboration.

Interactions of Council Members with Staff, Volunteers, and Advisory Body Members

7. With the exception of the Mayor's authority under the *Community Charter* to suspend officers and employees if deemed necessary, a Council Member shall not issue instructions or directions to Staff regarding City Business except through the Chief Administrative Officer or the appropriate department manager.
8. Before, during, or after a procurement process, a Council Member shall not issue instructions or directions to a contractor, tenderer, proponent, consultant, or other service provider. Outside of a Council or committee meeting, a Council Member shall not communicate with a tenderer or proponent regarding the subject matter of the procurement.

9. A Council Member shall not interfere with, hinder or obstruct Staff, a Volunteer, or an Advisory Body Member in the exercise or performance of their roles, responsibilities, powers, duties, or functions.

Conduct at Council and Advisory Body Meetings

10. A Council Member must act with decorum at Council and Advisory Body meetings in accordance with this Bylaw and the *Council Procedure Bylaw No. 3193, 2021*, as amended or replaced from time to time.
11. Council Members shall make every effort to participate diligently in the activities of Council and Advisory Bodies or other bodies to which they are appointed by the City or by virtue of being an elected official, including intergovernmental meetings. To “participate diligently” means that a Council Member shall not be absent from meetings of Council or Advisory Body meetings, or from those of other bodies to which they are appointed by virtue of their status as a Council Member, without reasonable justification (such as illness of the Council Member, family circumstance, regional government business).

Improper Use of Influence

12. A Council Member shall only use the influence of their office in the good faith exercise of their official duties.

Election Activities

13. A Council Member shall not use the City's employees, property, or resources for election campaign or fundraising activities at any point during a term of office, unless those resources are similarly available to all candidates and the fees associated with the use of the employees, property or resources has been paid for with election campaign funds. Without limiting the generality of the foregoing, this prohibition applies to:
 - (a) data sets and Personal Information collected and maintained by the City;
 - (b) office space;
 - (c) City websites or external websites paid for by the City; and
 - (d) City Brand and Social Media accounts.
14. A Council Member may include a link on their campaign website to the City's website or an external website paid for by the City.
15. During the Campaign Period, a Council Member shall not:
 - (a) use the City's Brand in any election communication material
 - (b) deliver City funded newsletters or conduct open houses funded by the City;
 - (c) distribute mass e-mails from the Council Member's City e-mail address, unless the communication arises from an emergency and the communication is authorized by the Chief Administrative Officer;
 - (d) update websites that are either City hosted or paid for by the City;
 - (e) use the City's Brand and Social Media in the Council Member's personal name, unless those accounts include a disclaimer that they are not City-funded and do not reflect City policy; nor
 - (f) request that City employees work on an election campaign during hours in which the employee receives compensation from the City, unless the work both unavoidably overlaps with the regular duties of the employee and is minor and infrequent, such as redirecting citizens with campaign questions to campaign staff.

Conflicts of Interest

16. A Council Member has a statutory duty to comply with the conflict-of-interest provisions as set out in the *Community Charter* and shall rigorously avoid situations which may result in complaints of actual or perceived pecuniary or non-pecuniary conflicts of interest or bias.
17. A Council Member must disclose any conflict of interest in accordance with sections 100 and 107 of the *Community Charter*, as applicable, and, if conflicted, must refrain from participating in a meeting in accordance with section 101 of the *Community Charter*.
18. In respect of each matter before Council, a Council Member shall:
 - (a) assess whether they have a conflict of interest, if necessary; and,
 - (b) determine whether it is necessary to seek independent legal advice with respect to any situation which may result in a conflict of interest, at their own cost, except where the Chief Administrative Officer approves the cost if concerned about the validity of an affected bylaw or resolution.
19. If a Council Member believes they may have or may reasonably be perceived to have a conflict of interest in respect of a matter in a Council or committee meeting, the Council Member shall:
 - (a) notify the Mayor or the Chair of the meeting that the Council Member has a conflict of interest prior to the matter being considered, and the Council Member shall restate the conflict of interest each time the matter arises before Council;
 - (b) refrain from discussing the matter with any other Council Member publicly or privately; and
 - (c) leave the meeting room if the matter is discussed and not return until discussion has ended or voting on the matter has been concluded.

Outside Activities and Business Relations

20. A Council Member who engages in another profession, business, or occupation concurrently with holding office shall not allow such outside employment to affect the Council Member's Integrity, independence, or competence. Examples of this may include:
- (a) acting as an officer or director for a business that receives municipal funds in the form of grants or payments for goods or services;
 - (b) acting as an officer or director for a business that lobbies the City;
 - (c) allowing the prospect of future employment by an entity other than the City to affect the Council Member's performance of their duties to the City;
 - (d) borrowing money from any person who regularly does business with the City, unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money, such as a credit union;
 - (e) acting as a paid agent before Council or an Advisory Body;
 - (f) receiving compensation for referrals to a specific business;
 - (g) receiving compensation that is dependent on the business being awarded a contract with the City.

Council Members' Use of Municipal Assets and Services

21. A Council Member shall not use, or permit the use of, City land, facilities, equipment, supplies, services, property, employees, or other resources for activities other than City Business unless the use or the permission is on the same terms and conditions that the land, facilities, equipment, supplies, services, property, employees or other resources are available to the general public. Accordingly, a Council Member shall not obtain personal gain from the use or sale of City-developed intellectual property, including all discoveries, inventions, know-how, improvements, developments, processes, technology, compositions, designs, techniques, methods, industrial designs, compositions, prototypes, models, literary work, research, drawings, software and trade secrets whether or not capable of patent, copyright or trademark protection, or any other type of

protection. Council Members acknowledge and do not dispute that all such property that a Council Member may prepare, use or encounter while holding office will be and remains the City's exclusive property.

The City's Policy CO-64 Use of Corporate Identity & Brand provides guidance to Council Members in appropriate use of the City's Coat of Arms, Logo, City Images, and other City branding.

22. A Council Member shall not request Staff to undertake personal or private work on behalf of the Council Member, nor shall a Council Member accept such work from Staff.

Employment of Council Family Members

23. A Council Member shall not attempt to influence personnel decisions regarding the decision to hire, transfer, promote, demote, discipline, or terminate a member of Staff or a candidate for employment with the City. This prohibition includes giving references to any person applying for a position at the City and forwarding copies of an applicant's resume to any person hiring for any position at the City.
24. A Council Member shall not attempt to obtain a benefit from the City for a Family Member.

Gifts

25. For the purpose of this Bylaw, a gift or benefit is an item or service of value that is received by a Council Member for their personal use, including, but is not limited to money, gift cards, tickets to events, clothing, jewelry, pens, food or beverages, discounts/rebates on personal purchases, free or subsidized drinks or meals, entertainment, participation in sport and recreation activities, and invitations to social functions.
26. A Council Member must comply with the restrictions on accepting gifts in section 105 of the *Community Charter* and must disclose any permitted gifts over \$250 in accordance with section 106 of the *Community Charter*.

The City's Policy CO-45 Solicited or Unsolicited Gifts or Benefits Received by Members of City Council provides guidance to Council Members in meeting their responsibilities in this regard.

27. A gift or benefit provided to a Council Member's Family Member in relation to City Business is deemed to be a gift or benefit to that Council Member.

Collection and Handling of Information

28. A Council Member shall not release any Confidential Information either verbally or in written form, unless the Council 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; or
 - (b) authorized discussion of the Confidential Information at a meeting that is open to the public; or
 - (c) lawful authorization under separate legal authority.
29. A Council Member must not discuss or disclose Personal Information of others to any person, except in a manner that complies with the duty to protect Personal Information under the *Freedom of Information and Protection of Privacy Act*.
30. A Council Member shall take reasonable care to prevent unauthorized access to Confidential Information or Personal Information by unauthorized persons. If a Council Member learns of unauthorized access to Confidential Information or Personal Information, the Council Member shall report this information to the Chief Administrative Officer as soon as possible.
31. A Council Member shall comply with the directions of the Corporate Officer respecting the collection, use, retention, and disposal of City Records.

Interactions with Members of the Public and the Media

32. When interacting with members of the public or the Media whether in-person, by telephone, in writing, or through Social Media:
- (a) a Council Member shall accurately and in a positive manner, communicate the decisions of the Council, even if they disagree with the majority decision of Council, so that there is respect for and Integrity in the decision-making processes of Council.
 - (b) when discussing the fact that they did not support a decision, or voted against the decision, a Council Member shall refrain from making disparaging comments about other Council Members or about Council's processes and decisions.
 - (c) a Council Member shall not:
 - i. make negative statements disparaging Council members;
 - ii. use offensive language, gestures, or signs;
 - iii. engage in rude or offensive conduct;
 - iv. make statements that indicate an attitudinal bias in relation to a matter that is to be the subject of a statutory or other public hearing.
 - (d) a Council Member will include an "in my opinion" or similar disclaimer, as appropriate, when speaking on City related business.

Use of Social Media

33. Without limiting any other obligation imposed by this Bylaw, a Council Member shall not use or allow the use of their personal Social Media accounts for purposes that include content that:
- (a) Bullies and Harasses, or defames another Council Member, an Advisory Body Member, a Volunteer, Staff, or a member of the public;
 - (b) endorses, promotes, or perpetuates discrimination or mistreatment as identified under the prohibited grounds of discrimination in the BC *Human Rights Code*, such as race, place of origin, ancestry, colour, religion, age, sex, sexual orientation, gender identity or expression, physical or mental disability, marital status, family status, political belief, or conviction for an offence for which a pardon has been granted or in respect of which a record of suspension has been ordered;
 - (c) promotes misinformation;
 - (d) promotes or incites illegal activity;
 - (e) compromises the safety or security of the public or public systems.
34. A Council Member will regularly monitor their Social Media accounts and immediately take measures to deal with the publication of messages or postings by others that violates this Bylaw.
35. Nothing in this Bylaw is intended to affect a Council Member's rights under the *Charter of Rights and Freedoms*.

Communication Protocol

36. Council may appoint a spokesperson to speak on behalf of Council. Once a spokesperson has been appointed, a Council Member that is not appointed as the spokesperson shall ensure that inquiries from members of the public and Media on the Council's position are directed to the spokesperson. A Council Member communicating their own opinion shall ensure that the communication clearly indicates that it is the Council Member's own position. Nothing in this section prevents Council from appointing multiple spokespersons or changing the appointed spokesperson. Where no spokesperson has been appointed, the Mayor shall act as the spokesperson.

Council Policy CO-63 Media Relations provides further guidance to Council Members in this regard.

Orientation and Training Attendance

37. After being elected, a Council Member shall attend all sessions of orientation training on City Business unless doing so is not practically possible.
38. A Council Member shall attend any sessions of training on City Business that are identified as mandatory by Council, the Chief Administrative Officer, or the Corporate Officer unless doing so is not practically possible in which case absent Council Members will be provided with the training materials provided at the training session and, if required and practicable, an additional training session will be provided for the absent Council member(s)

PART 2 – PROCESS FOR COMPLAINTS

39. Council Members are encouraged to utilize the informal Complaint procedure as the first means of remedying conduct that they believe contravenes this Bylaw; however, a Council Member is not required to complete the informal Complaint procedure prior to pursuing the formal Complaint procedure.
40. A Council Member shall initiate the informal Complaint procedure or formal Complaint procedure no more than 90 days after the Council Member knew or reasonably ought to have known of the alleged contravention of this Bylaw.

Informal Complaint Procedure

41. Any Council Member who has identified or witnessed conduct by a Council Member that the Council Member reasonably believes, in good faith, is in contravention of this Bylaw, may address the conduct informally using one or more of the following methods:
 - (a) advising the Council Member the conduct contravenes this Bylaw and encouraging the Council Member to stop;
 - (b) requesting another Council Member assist in informal discussion of the Complaint with the Respondent Council Member in order to resolve the Complaint between the parties;
 - (c) requesting the Chief Administrative Officer, or other Staff as authorized by the Chief Administrative Officer, assist in informal discussion of the Complaint with the Respondent Council Member in order to resolve the Complaint between the parties.

Formal Complaint Procedure

42. Any Council Member who has identified or witnessed conduct by a Council Member that the person reasonably believes, in good faith, is in contravention of this Bylaw, may submit a formal Complaint.
43. Multiple Complaints concerning the same incident shall not be accepted. In the event the Instructing Individual receives more than one Complaint concerning the same incident, the Instructing Individual must proceed with the first Complaint accepted for investigation but may expand the Complaint and/or add Complainants for the purpose of conducting the investigation.

44. A formal Complaint:
- (a) must be made in writing using the Member Request for Inquiry form identified as Schedule A, attached to, and forming part of this Bylaw.
 - (b) must set out a detailed description of the facts as they are known giving rise to the allegation that the Respondent Council Member has contravened this Bylaw and shall include the names of people involved, witnesses and their contact information, where and when the incident(s) occurred and what behaviour led to the Complaint. Any supporting documents such as, but not limited to emails, handwritten notes, or photographs should be attached. If possible, include the impact of the behaviour complained of on the Complainant and/or others, as well as any steps that may already have been taken under the informal complaint procedure and the outcome of those steps.
 - (c) must be submitted to the Mayor, who will assume the role of Instructing Individual, and copied to the Chief Administrative Officer, or their Designate, if the Chief Administrative Officer is a witness to a Complaint and cannot/ should not be involved in adjudicating the Complaint
45. Despite section 44(c):
- (a) in the event the Mayor is the subject of, or is implicated in a Complaint, the Complaint shall be submitted to the Current Deputy Mayor who will assume the role of the Instructing Individual for purposes of fulfilling the requirements of the formal Complaint process.
 - (b) in the event both the Mayor and Current Deputy Mayor are the subject of, or are implicated in a Complaint, the Complaint shall be submitted to the Alternate Deputy Mayor who will assume the role of the Instructing Individual for purposes of fulfilling the requirements of the formal Complaint process.
46. The Council Member alleged to have contravened this Bylaw shall be entitled to receive a copy of the Complainant's Member Request for Inquiry form and shall be given the opportunity to provide an initial response to the Complaint prior to the Instructing Individual, in consultation with the Chief Administrative Officer, or their Designate, making a decision on whether or not to investigate the Complaint.
47. Upon receipt of a Complaint under this Bylaw, the Instructing Individual, in consultation with the Chief Administrative Officer, or their Designate, shall review the Complaint, including any initial response by the Council Member who is the

subject of the Complaint to determine if the conduct alleged in the Complaint constitutes a violation of this Bylaw.

48. Following this preliminary assessment of the Complaint, the Instructing Individual, may:
 - (a) direct the Chief Administrative Officer, or their Designate, as required, to conduct an investigation of the Complaint;
 - (b) dismiss the Complaint; or,
 - (c) in the event there are reasonable grounds to believe there has been a contravention of the *Criminal Code* (Canada), refer the Complaint to the appropriate authorities for investigation.
49. If the Instructing Individual, in consultation with the Chief Administrative Officer, or their Designate, decides not to conduct an investigation, the Complainant and Respondent will be informed in writing of the reasons.
50. If an investigation is determined necessary, the procedures are outlined below:
 - (a) The Chief Administrative Officer, or their Designate, will determine Staff resources required to complete the investigation. The decision on what kind of Staff resources are required will depend on the overall complexity of the facts and law related to the Complaint, the parties to the Complaint, the anticipated length of time necessary to conduct the investigation, the potential severity of the outcome of the investigation to the Respondent Council Member should the Complaint be substantiated, and any other relevant considerations.
 - (b) the Chief Administrative Officer, or their Designate will report directly to the Instructing Individual.
 - (c) In cases where the Instructing Individual is the Current or Alternate Deputy Mayor and the Complaint carries on past their Deputy Mayor term, the Instructing Individual may:
 - i. continue as the Instructing Individual throughout the course of the investigation and resolution of the Complaint; or
 - ii. have the Council Member that is next on the Deputy Mayor rotation schedule take over as the Instructing Individual for the investigation and resolution of the Complaint.

- (d) An investigation will be conducted as quickly as possible to determine the facts of the situation, with the utmost confidentiality of the process, investigation and resulting discussion with Council being maintained throughout.
- (e) The Chief Administrative Officer, or their Designate, or Staff, as directed by the Chief Administrative Officer, or their Designate, shall review all relevant documents, and conduct interviews with the Complainant, the Respondent and any witnesses that may have relevant information.
- (f) Each party has the right to be accompanied by legal counsel. All participants will be asked and expected to maintain confidentiality and sign a confidentiality agreement.
- (g) Following the completion of the investigation, the Chief Administrative Officer, or their Designate, or other Staff as appropriate, will provide a written report of the results of the investigation to the Instructing Individual.
- (h) The Instructing Individual will direct the Chief Administrative Officer, or their Designate, to provide a copy of the report to Council and the Respondent Council Member who is the subject of the Complaint.
- (i) The Instructing Individual will direct the Chief Administrative Officer, or their Designate to schedule a closed Council Meeting for Council to consider the findings of the report of the investigation into the Complaint and to determine the measure, if any, that it will impose in accordance with section 54 of this Bylaw.

Fairness Procedures Applicable to Council Determination of Measures

51. The Instructing Individual will direct the Chief Administrative Officer, or their Designate, to prepare a notice to the Respondent Council Member that Council will be considering their conduct at a closed meeting. The Notice to Council Member of Council Consideration of Contravention of the Council Code of Conduct Bylaw is set out in Schedule B, attached to, and forming part of this Bylaw. The notice must be delivered at least seven (7) business days in advance of the closed meeting at which Council will consider the measure, if any, that it will impose in accordance with section 54 of this Bylaw. The Corporate Officer will ensure that the matter is placed on the agenda of the closed meeting. At the closed meeting, the Respondent Council Member may be represented by legal counsel.

52. The process at the closed meeting may vary depending on the situation, but the following elements will be incorporated:
 - (a) Council will read the Chief Administrative Officer's, or their Designate's, or other Staff's determination of whether a contravention of this Bylaw occurred;

 - (b) The Respondent Council Member will be provided with reasonable notice in accordance with section 51 and given the opportunity to make submissions to Council, with legal counsel if the Council Member desires, which submissions, without limitation, may include explanations for the impugned behavior or suggestions on the measures that Council might impose as a result of the conduct;

 - (c) after the Respondent Council Member has made their submissions to Council, the Council Member will leave the meeting room and those Council Members without a conflict of interest will consider the remedies, if any, to impose in accordance with section 54 of this Bylaw; and

 - (d) written notice of the decision will be provided to the Respondent Council Member and the Complainant.

53. Determining culpability and possible sanction will be the sole responsibility of Council.

Remedies

54. Remedies that may be imposed on a Council Member, by Council, upon a finding that the Council Member has contravened this Bylaw may include:
- (a) a letter of reprimand addressed to the Council Member;
 - (b) a request that the Council Member issue a letter of apology to the affected individual(s);
 - (c) the publication of a letter of reprimand or letter of apology and the Council Member's response;
 - (d) a requirement to attend remedial education and training;
 - (e) re-orientation to this Bylaw and its purpose;
 - (f) suspension or removal of the appointment of a Council Member as the Deputy Mayor;
 - (g) suspension or removal from some or all internal and external Council committees and bodies to which Council has the right to appoint members;
 - (h) restricting the Council Member from attending events as a representative of Council;
 - (i) restricting the Council Member from attending conferences or seminars;
 - (j) imposing further limits related travel or expenses beyond those set out in the City's corporate policies;
 - (k) requiring the return of City property provided for convenience;
 - (l) limiting access to certain City facilities;
 - (m) restricting how documents are provided to the Council Member; and
 - (n) any other sanction Council deems reasonable and appropriate in the circumstances, provided that the sanction does not prevent a Council Member from fulfilling the Legislated Duties of a Council Member and the sanction is not contrary to provincial legislation.

Obstruction

55. It is a contravention of this Bylaw to obstruct the Chief Administrative Officer, or their Designate, or other Staff in the carrying out of their responsibilities, as for example, by the destruction of documents or the erasing of electronic communications relevant to a Complaint.

Legal Fees

56. Council may reimburse a Council Member for legal fees reasonably incurred if a Council Member is subjected to the procedures set out in this Bylaw, provided that:
- (a) the Chief Administrative Officer, or their Designate, or other Staff ultimately does not determine that the Council member acted with dishonesty, gross negligence, or malicious or willful misconduct or,
 - (b) in any event, if Council so resolves after considering all the circumstances;
 - (c) the Council Member files a written request for reimbursement with the Chief Administrative Officer, or their Designate, within three (3) months of any final disposition of a Complaint under this Bylaw.

No Reprisal Or Retaliation

57. The Council and the City will not tolerate threats or acts of reprisal or retaliation against any Complainant, witness, Respondent, or Staff responsible for implementing and carrying out the objectives or requirements of this Bylaw and procedure, who in good faith:
- (a) makes a Complaint under this Bylaw;
 - (b) identifies or opposes a practice or conduct that they reasonably believe to constitute a violation of this Bylaw;
 - (c) implements or participates in an investigation, proceeding, or hearing of any kind under this Bylaw.
58. Council Members shall not take or threaten to take any act of reprisal or retaliation against a Complainant, witness, Respondent, Staff, or any other person responsible for implementing and carrying out the objectives or requirements of this Bylaw and procedure in good faith.

59. Any individual covered by this Bylaw who is found to have engaged in any reprisal or retaliation in violation of this Bylaw will be subject to appropriate disciplinary action, which action may include, and is not limited to, the remedies described in Section 54 of this Bylaw.

Unfounded Complaints

60. If, following the investigation, it is found there is insufficient evidence to support the Complainant's allegations, the Chief Administrative Officer, or their Designate, will submit that finding. There will be no record of the Complaint and there will be no penalty to anyone concerning the incident. A finding of no evidence is a simple reflection of an absence of evidence to support the claim and nothing more.

Vexatious Allegations and Complaints

61. Any individual covered by this Bylaw who makes an allegation or Complaint under this Bylaw that is subsequently found to have been made in a deliberately vexatious or malicious manner, or otherwise to have been made in bad faith, will be subject to appropriate disciplinary action, which action may include, but is not limited to, the remedies described in Section 54 of this Bylaw.

Receipt of Complaints During an Election Year

62. Despite the requirements of Part 2 Process for Complaints of this Bylaw, no Complaints will be received regarding a Council Member seeking re-election in the period from the first day of the nomination period to the general voting day.
63. Despite the requirements of Part 2 Process for Complaints of this Bylaw, at the direction of the Instructing Individual, in the 90 days prior to general voting day, investigations of complaints that are underway may be suspended.

General

- 64. The Corporate Officer will cause
 - (a) this Bylaw to be visible and accessible on the City’s website, and
 - (b) electronic copies of this Bylaw to be made available to Council Members .

- 65. If any portion of this Bylaw is inconsistent with a binding collective agreement with the City or federal or provincial legislation, that portion and only that portion of this Bylaw will have no application to the extent of that inconsistency and all other portions of the Bylaw will continue in full force and effect.

READ A FIRST, SECOND AND THIRD TIME this third day of April, 2023.

FINALLY ADOPTED this day of , .

MAYOR

CORPORATE OFFICER

Schedule A

Member Request for Inquiry

I, _____ hereby request an inquiry be conducted with respect to whether or not the following Member(s) of the City Council has (have) contravened the following section(s) of the Council Code of Conduct Bylaw applicable to the Member(s):

Name(s) of Council Members: _____

Sections of Code of Conduct Bylaw alleged to have been contravened:

I have reasonable and probable grounds to believe that the above Member(s) has (have) contravened the Council Code of Conduct Bylaw by reason of the following:

(Please insert date, time, and location of conduct, together with particulars and names of all persons involved, and of all witnesses and their contact information.

If possible, include the impact of the behaviour complained of on yourself and/or others, as well as any steps that may already have been taken under the informal complaint procedure and the outcome of those steps.

If more space is required, please attach additional pages as needed. Also attach copies of any documents and records relevant to the requested inquiry.)

Schedule A

Date: _____

(Signature of Requester)

Name: _____

Address: _____

Telephone: _____

E-mail: _____

Please mail, e-mail, or otherwise deliver this form to the attention of the Mayor, Current Deputy Mayor, or Alternate Deputy Mayor, as appropriate, with copy to the Chief Administrative Officer, or their Designate, as appropriate, per the Code of Conduct Bylaw No. 3225.

NOTICE: Personal information requested on this FORM is collected under the authority of Section 26(c) of the Freedom of Information and Protection of Privacy Act, as amended. Unless otherwise specified, the information gathered will be used by the City of Langley for the purpose of investigating possible contravention to the City of Langley's Council Code of Conduct Bylaw. Questions about the collection, use, and disclosure of this information should be directed to the Head for Freedom of Information and Protection of Privacy, City of Langley, 20399 Douglas Crescent, Langley, BC, V3A 4B3, 604-514-4591.

Schedule B

NOTICE TO COUNCIL MEMBER OF COUNCIL CONSIDERATION OF CONTRAVENTION OF THE COUNCIL CODE OF CONDUCT BYLAW

CONFIDENTIAL

Date

Dear [*Insert Name of Subject Council Member*],

Please be advised that, following an investigation into a Complaint from a fellow Council Member, a finding has been made that you have contravened **Council Code of Conduct Bylaw, 2023, No. 3225**. I am placing this matter on the agenda of the Council closed meeting to be held on [*Insert date - must be at least seven business days from date this is delivered to member*].

The reason for the meeting is to consider the investigation report and recommendations.

Enclosed is a copy of the investigation report and recommendations that will be considered at the meeting for discussion, debate, and a vote. Note that one of the possible ultimate outcomes of the process described in the Resolution is that Council may be considering imposing sanctions flowing from the contravention, including removing you from your appointment to committees or other appointments, censuring you, requiring an apology, requiring training, referral to a prosecutor or police, seeking damages, releasing a public statement, or following any other recommendation in the investigation report.

I wish to expressly notify you that you may retain legal counsel to represent your interests in this matter. Prior to Council voting at the closed meeting to determine which sanction they wish to invoke, if any, you will be provided with the opportunity to address Council regarding the contents of the investigation report and recommendations.

Following any submissions, you (or your legal counsel) make at the closed meeting, Council will retreat and consider this matter. We will attempt to decide what measure or measures (if any) are appropriate under the Bylaw.

Regarding any Council decisions, we will provide you with written reasons for our decision(s).

Sincerely,
(Mayor or Current Deputy Mayor or Alternate Deputy Mayor as appropriate)

Encl.