

# Village of Cache Creek

## Policy No. A-1

### Code of Responsible Conduct for Council and Committee Members

**Date Approved by Council:**

February 21, 2023

**Effective:**

February 21, 2023

**Purpose:**

The purpose of this policy is to set clear standards of conduct for elected Council members and members of committees of Council for the Village of Cache Creek. Council recognizes that responsible conduct is essential to providing good governance.

**Policy Statement:**

Responsible conduct is based on the foundational principles of integrity, accountability, respect, leadership, and collaboration. Council requires each elected official to conduct themselves to the highest ethical standards by being an active participant in ensuring these foundational principles are followed. The standards of conduct and procedures set out in this policy and appendixes apply to all interactions with every person, including other members of Council, staff, and the public. The Code of Responsible Conduct applies at all times, whether in a meeting, at the office, in writing, online, or at another time.

**Definitions:**

For the purposes of interpretation of this policy, the following definitions will apply:

- “Members” includes elected Council members and members of Council committees including non-elected members of Council committees.
- “Council” includes both Council and committees of Council.
- “Council Members” includes elected Council members only
- “Elected Council Members” includes only publicly elected Council Members
- “Staff” includes all members of the Village of Cache Creek Staff, both union and non-union staff, statutory officers, senior staff, and any person working for, or on behalf of, the Village of Cache Creek. These persons also include on and off-site contractors, volunteers, employees; and persons employed or volunteering with other organizations who serve, directly or indirectly, the Village of Cache Creek.
- “Public” Includes all ages and anyone that does not fall into any of the above categories.

## **1. Application and Interpretation**

- 1.1 This Code of Responsible Conduct policy applies to elected Council Members of the Village of Cache Creek and members of Council committees. It is each member's individual responsibility to uphold both the letter and the spirit of this Code of Responsible Conduct in their dealings with other members, staff, and the public. It also applies to Members serving on external committees and organizations.
- 1.2 Elected officials must conduct themselves in accordance with the law. This Code of Responsible Conduct is intended to be developed, interpreted, and applied by Members in a manner that is consistent with all applicable Federal and Provincial Laws, as well as the bylaws and policies of the Village of Cache Creek, the common law and any other legal obligations that apply to members individually or as a collective Council. (Please refer to section 9 of this policy for examples).
- 1.3 Annually, or at the beginning of their term, Members will sign the statement (attached as Appendix A) affirming they have read, understood, and will abide by this policy. In addition, Council will review the Code of Responsible Conduct policy a minimum of every two years including within the first three months of a new term of elected office.

## **2. Foundational Principles**

- 2.1 Integrity – means being honest, open, and demonstrating strong ethical principles. Conduct under this principle upholds the public interest, is truthful and honourable.
- 2.2 Respect – means having due regard for others' perspectives, wishes and rights. It also means displaying deference to the offices of local government, and the role of local government in community decision making. Conduct under this principle is demonstrated when a Member fosters an environment of trust by demonstrating due regard for the perspectives, wishes, and rights of others and an understanding of the role of the local government.
- 2.3 Accountability – means an obligation and willingness to accept responsibility or to account for one's actions. Conduct under this principle is demonstrated when Members, individually and collectively, accept responsibility for their actions and decisions.
- 2.4 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. Conduct under this principle is demonstrated when a Member encourages individuals to work together in pursuit of collective objectives by leading, listening to, and positively influencing others.

### **3. Standards of Conduct**

Standards of conduct are demonstrated through the following:

#### **3.1 Integrity**

- (a) Members will be truthful, honest, and open in all dealings, including those with other members, staff, and the public.
- (b) Members will ensure their actions are consistent with the shared principles and values collectively agreed to by Council under this policy.
- (c) Members will follow through on their commitments, correct errors in a timely and transparent manner, and engage in positive communication with the community.
- (d) Members will direct their minds to the merits of the decisions before them, ensuring they act on the basis of relevant information and principles and in consideration of the consequences of those decisions.
- (e) Members will behave in a manner that promotes public confidence in all of their dealings.
- (f) Members will ensure they access and participate in opportunities to gain increased knowledge and understanding of their role and matters related to the governance of the Village of Cache Creek.
- (g) Members will be diligent in being truthful and honest in claims for remuneration, expenses, and per diem.
- (h) Members attending conferences or other events where expenses are paid for by the organization, or other organizations in their role, will be faithful to attend sessions to the best of their ability.
- (i) Members will follow the procedures for gifts as outlined in Appendix E – Procedures for the Handling of Gifts, Personal Benefits, and Fees.

#### **3.2 Respect**

- (a) Members will treat every person with dignity, understanding, and respect.
- (b) Members will show consideration for every person's values, beliefs, experiences and contributions to discussions.
- (c) Members will demonstrate awareness of their own conduct, and consider how their words or actions may be, or may be perceived as, offensive or demeaning.
- (d) Members will not engage in behaviour that is indecent, insulting or abusive. This behaviour includes verbal slurs such as racist remarks, unwanted physical contact, or other aggressive actions that are harmful or threatening.
- (e) Members will ensure that statements that concern other elected officials past and present, government bodies, staff, and the public are respectful.

### 3.3 Accountability

- (a) Members will be responsible for the decisions that they make and be accountable for their own actions and the actions of the collective Council.
- (b) Members will hear and consider the opinions and needs of the community in all decision-making and allow for appropriate opportunities for discourse and feedback.
- (c) Members will carry out their duties in an open and transparent manner so that the public can understand the process and rationale used to reach decisions and the reasons for taking certain actions.

### 3.4 Leadership and Collaboration

- (a) Members will behave in a manner that builds public trust and confidence in the governance and operations of the Village of Cache Creek. Members will do so in consideration with the different interests of the people who make up the community.
- (b) Members will consider the issues before them and make decisions as a collective body. As such, members will actively participate in debate about the merits of a decision. After a decision has been made, all Members will recognize the democratic majority, ideally acknowledging its rationale, when articulating their opinions on a decision.
- (c) Members will recognize that debate is an essential part of the democratic process and encourage constructive discourse while empowering other members and staff to provide their perspectives on relevant issues.
- (d) As leaders of their communities, Members will calmly face challenges, and provide considered direction on issues they face as part of their roles and responsibilities while empowering their colleagues and staff to do the same.
- (e) Members will recognize, respect and value the distinct roles and responsibilities others play in providing good governance and commit to fostering a positive working relationship with and among other members, staff, and the public.
- (f) Members will recognize the importance of the role of the Chair of meetings and treat that person with respect at all times.
- (g) Members will commit to building mutually beneficial working relationships with local First Nations to advance reconciliation.

## 4. Confidential Information, Collection and Handling of Information

### 4.1 Information Handling Requirements are Ongoing

- (a) Members will adhere to the requirements outlined in Section 4 including when they are no longer a Member of Council or of a Council Committee.

#### 4.2 Confidential Information

- (a) Members will collect, use and disclose personal information in accordance with the British Columbia Freedom of Information and Protection of Privacy Act and the policies and guidelines as established by the Village.
- (b) Members will take care to protect and to keep confidential information that is marked or known to be confidential, information marked or known to be personal information, and any other material identified or understood to be confidential in nature.
- (c) Members will refrain from discussing or disclosing confidential information with staff or with persons outside the organization, except as authorized.
- (d) Members will refrain from discussing or disclosing any personal information with or to other Council Members, staff, or with persons outside the organization except in a manner consistent with the duty to protect personal information under the British Columbia Freedom of Information and Protection of Privacy Act.
- (e) Members will take reasonable care to prevent the examination of, including accidental examination of, confidential material and personal information by unauthorized individuals.
- (f) Members will use confidential information only for the purpose for which it is intended to be used.
- (g) Elected Council Members may request printed copies of closed and confidential meeting agendas if requested in advance. These materials will be returned to the Chief Administrative Officer of the Village promptly once the meeting is concluded. Such printed copies, if any, will remain securely held at the office for access by Council Members.
- (h) Members will not disclose decisions, resolutions, or reports forming part of the Council agenda for or from a closed meeting of Council until a decision of Council has been made for the information to become public. Members will respect that such communication will come forth from the Village first.
- (i) Council Members will not disclose details on Council's closed meeting deliberations or specific details on whether individual Council Members voted for or against an issue.

#### 4.2 Collection and Handling of Information

- (a) Members will access information held by the Village only as required for Village business.
- (b) Members will not alter Village records unless expressly authorized to do so.
- (c) Members will not attempt to overload or intentionally seek new or non-existent information in a way that puts undue pressure on Village staff.
- (d) Requests for information by Members that requires excessive staff time require the support of Council at a meeting.

- (e) All requests for information shall be submitted to the Chief Administrative Officer as outlined in section 6.2.

## **5. Conflict of Interest**

- 5.1 Conflict of Interest is dealt with under sections of the Community Charter. Ultimately, the interpretation of these sections is a matter for the courts. This Code of Responsible Conduct policy is intended to provide additional guidance to Council members.
- 5.2 Members are expected to make decisions that benefit the community. They are to be free from undue influence and not act, or appear to act, in order to gain financial or other benefits for themselves, family, friends, business interests, or affiliated community associations and societies.
- 5.3 Members must attempt to resolve any conflict or incompatibility between their personal interests and the impartial performance of their duties.
- 5.4 Members must ensure they are observing the statutory requirements of the Community Charter.
- 5.5 Members hold their own individual responsibility to declare their conflict of interest and to take the appropriate action when required.
- 5.6 When one Member observes another Member in a position that they believe may be a conflict of interest, it is incumbent upon the observer to point out their concern in the meeting, or if not in a meeting, by utilizing the process outlined in Appendix B and C.

## **6. Member Interactions with Staff**

- 6.1 Members are only to contact staff, including Municipal Officers, according to the procedures authorized or agreed upon by Council and the Village's Chief Administrative Officer regarding the interaction of Members and staff.
- 6.2 Members are to direct inquiries regarding departmental issues or questions to the Village's Chief Administrative Officer and refrain from contacting staff directly.
- 6.3 Advice to Members from staff will be vetted and approved by the Chief Administrative Officer.
- 6.4 Individual Members are not to issue instructions to any of the Village's contractors, tenderers, consultants or other service providers unless expressly authorized to do so.
- 6.5 Members must not publish or report information or make statements attacking or reflecting negatively on staff or Council members. Any complaint will be brought to the attention of the Chief Administrative Officer for follow up.

- 6.6 Information obtained by any member of Council, which is likely to be used in a Council Meeting or political debate, should be provided to all other Council Members, and to the Chief Administrative Officer as soon as possible.
- 6.7 Internal Information requested by any member of Council will be distributed to the rest of Council as soon as possible.
- 6.8 Information requests that require significant staff time that are not supported by Council may be requested through FOIPPA, but the Member making the request will be responsible for all costs.
- 6.9 Members must treat members of the Village staff, Council, press, and public with respect and without bullying, abuse, harassment, or intimidation.

## **7. Use of Social Media/other Media**

### **7.1 Reporting of Information**

- (a) Members must not purport to speak on behalf of the Village or Council unless expressly authorized to do so.
- (b) It is not the role of individual Members to report directly to the public or others on Village related business. This is the role of the Mayor (or designate) and/or Administration depending on the information.
- (c) Members will use caution in reporting decision-making by way of their social media profiles and websites or other media and publications before the Village has released any formal communication.
- (d) When speaking for themselves as individual Council or Committee members, Members will include “in my opinion” or use a similar disclaimer to ensure it is expressly clear they are speaking for themselves and not the Village or Council.

### **7.2 Oversight and use of Social Media Accounts**

Members will refrain from using or permitting the use of their social media accounts for purposes that include:

- (a) Defamatory remarks, obscenities, profane language or sexual content.
- (b) Negative statements disparaging staff or calling into question the professional capabilities of staff.
- (c) Content that endorses, promotes, or perpetuates discrimination or mistreatment on the basis of race, religion or belief, age, gender, marital status, national origin, physical or mental disability or sexual orientation.
- (d) Statements that indicate a closed-mind in relation to a matter that is to be the subject of a statutory or other public hearing.

- (e) Promotion of illegal activity.
- (f) Members may not impersonate or create groups or social media personalities that falsely represent the Council or others in the Village organization.
- (g) Posting on social media platforms, groups or pages that promote or allow perspectives that may be broadly understood to promote attitudes or actions that are not in alignment with this policy including the Standards of Conduct referred to in section 3 of this policy.

### 7.3 Monitoring Responsibility

- (a) Members must regularly monitor their social media accounts and groups and immediately take measures to deal with the publication of messages or postings by others that violate the terms of this Code of Responsible Conduct.

## **8. Interactions with the Public and Media**

### 8.1 Accurate Reporting

- (a) Members will communicate accurately the decisions of the Council, even if they disagree with the majority decision made, and by so doing affirm the respect for and integrity in the decision-making processes of Council.

### 8.2 Council Decisions

- (a) When discussing publicly whether a Member did not support a decision, or voted against the decision, or that another Member did not support a decision or voted against a decision, a Member will refrain from making disparaging comments about other Members or about Council processes and decisions.

## **9. Statutory Provisions**

### 9.1 Legislation and Statutes

The Code of Responsible Conduct policy applies to Council Members and Council Committee members. This policy applies alongside existing statutes, laws and policies of Canada, British Columbia, affiliated associations (UBCM, SILGA, TNRD, etc.) and policies of the Village of Cache Creek. Council Members are expected to understand and abide by all statutes, laws, and policies that apply to their role/s. Provincial legislation and other statutory obligations will supersede the Village of Cache Creek Code of Responsible Conduct for Council Members policy.

The following list is for reference and is not exhaustive:

- The British Columbia Human Rights Code
- The British Columbia Community Charter
- The British Columbia Local Government Act



- The British Columbia Local Elections Campaign Finance Act
- The Worker’s Compensation Act of British Columbia
- The Freedom of Information and Protection of Privacy Act
- The Village of Cache Creek Respectful Workplace Policy (A-11)
- The Village of Cache Creek Website Privacy Policy (A-13)
- The Village of Cache Creek Technology and Cyber Security Policy (C-10)
- The Village of Cache Creek Procedural Bylaw (818-2020)
- The Village of Cache Creek Council Oath of Office
- The Criminal Code of Canada
- Work Safe BC Regulations

## **10. Appendices**

Appendix A: Statement of Agreement for Members

Appendix B: Informal Complaint Process

Appendix C: Formal Complaint Process

Appendix D: Complaint Form (to raise a concern)

Appendix E: Remedies and Sanctions

Appendix F: No Reprisal or Retaliation, Unfounded Complaints, Vexatious Allegations and Complaints

Appendix G: Sample Letters of Apology

Appendix H: Rules for Acceptance of Gifts for Council Members

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#### Appendix A – Statement of Agreement

##### Member Statement

Village of Cache Creek Council Members and Members of Council Committees

As a member, I agree to:

- Uphold the Code of Responsible Conduct policy that has been adopted by Council and conduct myself in accordance with the foundational principles of integrity, respect, accountability, leadership, and collaboration.
- Protect confidential information, personal information, and other information that has been made available to me by virtue of my role as a member, in accordance with legislation and the provisions outlined in the Code of Responsible Conduct Policy.
- Avoid any real or perceived conflict of interest and declare at the earliest opportunity any interest that is or may be in conflict with the business of the Village of Cache Creek in which I am participating.
- Ensure all my interactions with staff, the public, the media, and my use of social media is respectful and in accordance with the provisions of the Code of Responsible Conduct policy.

This document will remain as an administrative document within the Village of Cache Creek and may be accessed by the public upon request.

I affirm that I have read and understood the Village of Cache Creek Code of Responsible Conduct for Council Members and Members of Council Committees and that I will abide by this policy.

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Council or Committee Member

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Date

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Chief Administrative Officer

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Date

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#### Appendix B: Informal Complaint Procedure

##### Process

Any person (complainant) who has identified or witnessed conduct by a Member that the complainant reasonably believes, in good faith, is in contravention of this Policy may address the prohibited conduct by:

1. Confidentially advising the Member, in person or by telephone, the conduct violates this Policy and encouraging the Member to stop; or
2. Requesting the Mayor to assist in informal discussion of the alleged complaint with the Member in an attempt to resolve the issue.
  - a. In the event the Mayor is the subject of, or is implicated in a complaint, the complainant may request the assistance of the Deputy Mayor.
  - b. In the event the Mayor and Deputy Mayor are the subject of, or are implicated in a complaint, the complainant may request the assistance of the Chief Administrative Officer.
3. This matter will be treated as a personnel matter and will be kept confidential.

Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying conduct that they believe violates this Policy; however, a complainant is not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure outlined in Appendix C.

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#### Appendix C: Formal Complaint Procedure

##### Process

Any person who has identified or witnessed conduct by a Council Member that the person reasonably believes, in good faith, is in contravention of this Policy may file a formal complaint in accordance with the following procedure:

1. All complaints will be addressed to the Chief Administrative Officer (or their designate) who may, subject to any other section in this part, either appoint a third-party investigator or investigate the complaint themselves.
2. Incidents or complaints must be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated and addressed promptly.
3. All complaints must be made in writing using the form provided in Appendix D and must be dated and signed by the person making the complaint.
4. The complaint must set out a detailed description of the facts as they are known giving rise to the allegation that the respondent Member has contravened this Policy. The description may include the names of people involved, witnesses, where and when the incidents occurred and what behaviour led to the complaint. Supporting documents such as but not limited to emails, handwritten notes, or photographs must 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.
5. Upon receipt of a complaint under this Policy, the Chief Administrative Officer (or their designate) must review the complaint, including any initial response by the Member who is the subject of the complaint, and exercise their discretion to either conduct an investigation themselves, appoint a neutral third-party to investigate the complaint, or dismiss the complaint if it would not constitute a violation of this Policy.
6. If the Chief Administrative Officer (or their designate) decides not to conduct an investigation, they will inform the complainant in writing of the reasons.
7. If an investigation is determined necessary, the procedures are outlined below:
  - (a) The Chief Administrative Officer (or their designate) will decide whether to conduct the investigation themselves or retain a neutral third-party investigator. The decision on whether to retain an external investigator 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 Member if the complaint is substantiated, and any other relevant considerations.

- (b) In cases involving a Member as respondent the Chief Administrative Officer (or their designate) or the investigator will report directly to the Mayor.
  - (c) In cases involving the Mayor as respondent, the Chief Administrative Officer (or their designate) or the investigator will report directly to the Deputy Mayor.
  - (d) In cases involving both the Mayor and Deputy Mayor, the Chief Administrative Officer must report to the rest of Council.
8. 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.
  9. The Chief Administrative Officer (or their designate) or the investigator will review all relevant documents and conduct interviews with the complainant, the respondent and any witnesses that may have relevant information.
  10. Each party has the right to be accompanied by legal counsel. All participants will be asked and expected to maintain confidentiality and sign off accordingly.
  11. The Member alleged to have breached this Policy is entitled to receive a copy of the complainant's name and information on the particulars of the complaint and must be given the opportunity to provide an initial response to the complaint prior to the making of a decision on whether or not to investigate under this section.
  12. The investigation will normally commence within two (2) weeks of the filing of the complaint and be completed within thirty (30) business days following such time. Completion time may be reasonably extended beyond those timelines in order to ensure a thorough investigation has been conducted.
  13. Following the completion of the investigation, the Chief Administrative Officer (or their designate) or the investigator will provide a written report of the results of the investigation to the instructing individual (Mayor, Deputy Mayor, or their designate) for Council's consideration.
  14. The instructing individual (Mayor, Deputy Mayor, or their designate) will provide a copy of the report to Council and the respondent Member who is the subject of the complaint.
  15. Determining culpability and possible remedy or sanction will be the sole responsibility of the Council.
  16. A Member who is the subject of a complaint and investigation under this Policy must be afforded procedural fairness, including an opportunity to respond to the conclusions of the investigation report before Council deliberates and makes any decision on culpability or any remedies or sanction are considered and imposed.

17. A Member who is the subject of a complaint and investigation is entitled to retain, be advised, and be represented by legal counsel during the investigation stage and at the Council meeting where any decision on culpability is to be made or any remedy or sanction is considered and imposed.

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#### Appendix D: Complaint Form

The Village of Cache Creek believes that all members of council, staff, and the community have the right to reside in an environment that is safe, secure, and supportive. All members of Council are responsible for conducting themselves as outlined in the Code of Responsible Conduct. If you have specific concerns relating to a breach in this policy, please complete this form.

NAME OF THE COMPLAINANT:

I, \_\_\_\_\_, OF \_\_\_\_\_

(Full name of individual signing and filing this Complaint) (Community)

HEREBY MAKE THIS COMPLAINT AGAINST:

(Name of Member(s) of Council or Member of Council Committee alleged to have contravened the Council Code of Responsible Conduct of the Village of Cache Creek)

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I AM (circle one):

A member of Council – An employee – A resident – Other: \_\_\_\_\_

I HAVE REASONABLE AND PROBABLE GROUNDS TO BELIEVE THAT THE FOLLOWING SECTIONS OF THE CODE OF RESPONSIBLE CONDUCT WERE CONTRAVENED:

Contravention: please state which section(s) of the Code of Responsible Conduct Policy A-1 you believe have been breached:

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NOTE: The Code of Responsible Conduct is available at Village of Cache Creek website. You may also request a copy by phone, email, or in person through the Cache Creek Village Office at 250-457-6237.





Email address: \_\_\_\_\_ Phone number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ Province: \_\_\_\_\_ Postal code: \_\_\_\_\_

This Statement of Complaint is made and filed for the purpose of making a complaint regarding the conduct of one or more members of the Village or Members of Council Committees.

I UNDERSTAND THAT:

This form may be sent to the Member of Council; supporting documentation relevant to this complaint may be sent to the Member of Council; this form and supporting documents may be sent to an external investigator.

Personal information on this form is collected pursuant to the Government of BC Freedom of Information and Protection of Privacy Act. This act will be used to review, assess, and potentially investigate the details of the complaint.

Any questions related to the collection and use of the information contained in this complaint submission should be directed to the CAO, Village of Cache Creek.

I CERTIFY THAT I HAVE PERSONAL KNOWLEDGE of the facts as laid out in this form and I DECLARE THAT:

The information in this form is true and accurate to the best of my knowledge and belief.

I will keep the information contained in this form confidential.

Signature of Complainant \_\_\_\_\_ Date \_\_\_\_\_

Please submit the original copy of the completed complaint in a sealed envelope to:

Village Of Cache Creek

Attn: Chief Administrative Officer

Re: Code of Responsible Conduct Complaint

Box 7

Cache Creek, BC

V0K 1H0

Your envelope may instead be delivered in person to the Cache Creek Village Office during regular business hours.

Forms submitted electronically will not be accepted.

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#### Appendix E: Remedies and Sanctions

##### 1. Remedies and Sanctions

Sanctions that may be imposed on a Member, by Council, upon a finding that the Member has breached this Policy may include:

- 1.1 A letter of reprimand addressed to the Member.
- 1.2 A request that the Member issue a letter of apology to the affected individual(s).
- 1.3 The publication of a letter of reprimand or letter of apology and the Member's response.
- 1.4 A requirement to attend remedial education and training.
- 1.5 Re-orientation to this Policy and its purpose.
- 1.6 Suspension or removal of the appointment of a Council Member as the Deputy Mayor.
- 1.7 Suspension or removal from some or all internal and external Village committees and bodies to which Council has the right to appoint members.
- 1.8 Restricting the Member from attending events as a representative of Council or the Village.
- 1.9 Imposing further limits related travel or expenses beyond those set out in the Village's corporate policies.
- 1.10 Requiring the return of Village property provided for convenience.
- 1.11 Limiting access to certain Village facilities.
- 1.12 Restricting how documents are provided to the Member.
- 1.13 Adjustment or removal of future remuneration for the member's position.
- 1.13 Any other remedy or sanction Council deems reasonable and appropriate in the circumstances, provided that the remedy or sanction does not prevent a member from fulfilling the legislated duties of a member and that the remedy or sanction is not contrary to provincial legislation.

##### 2. Reference to Third Party

- 2.1 If council is unable to make a decision on a matter, they may refer the matter to a third party for recommendation or resolution.
- 2.2 If Council is unable to deliberate on a subject due to loss of quorum, the Chief Administrative Officer may refer the matter to a third party for recommendation or resolution.

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#### Appendix F: No Reprisal or Retaliation, Unfounded Complaints, Vexatious Allegations and Complaints

##### 1. No Reprisal or Retaliation

- 1.1 The Council and the Village will not tolerate threats or acts of reprisal or retaliation against any complainant, witness, respondent, or employee of the Village responsible for implementing and carrying out the objectives or requirements of this Policy and procedure, who in good faith;
  - (a) makes a complaint under this Policy;
  - (b) identifies or opposes a practice or conduct that they reasonably believe to constitute a violation of this policy
  - (c) implements or participates in an investigation, proceeding or hearing of any kind under this Policy.
- 1.2 Members must not take or threaten to take any act of reprisal or retaliation against a complainant, witness, respondent, or employee of the Village, or any other person responsible for implementing and carrying out the objectives or requirements of this Policy and procedure in good faith.
- 1.3 Any individual covered by this Policy who is found to have engaged in any reprisal or retaliation in violation of this Policy will be subject to appropriate disciplinary action, which action may include, and is not limited to, the remedies and sanctions described in Appendix E, as appropriate.

##### 2. Unfounded Complaints

- 2.1 If the Chief Administrative Officer (or their designate) or investigator finds insufficient evidence to support the complainant's allegations, the Chief Administrative Officer (or their designate) or investigator will submit their finding. There will be no permanent 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.

##### 3. Vexatious Complaints

- 3.1 Any individual covered by this Policy who makes an allegation or complaint under this Policy 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 and sanctions described in Appendix E.

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#### Appendix G: Sample Letters

##### Template 1 – Proactive Apology by Member

[DATE]

**[Name of Recipient]**

**[Title]**

**Village of Cache Creek**

[Address]

[City, Province Postal Code]

**Dear [title] [last name]:**

**Re: Apology [subject]**

As you know, on *[date]*, I *[briefly set out the nature of the offending conduct. It is recommended you provide dates, times, and a description of the conduct at issue as you understand it]*.

On *[date]*, you confronted me about my behaviour/conduct and expressed *[describe briefly the conduct complained of and how it affected the offended person]*. I acknowledge that my conduct / actions made you feel *[describe how it affected the offended person]* and I admit that my *[actions / conduct]* were *[reformulate why your actions were wrong in your own words – ex: offensive, derogatory, belittling, in poor taste, defamatory, wrong, discriminatory, callous, harmful to your reputation etc.]*.

Having reflected on *[your complaint / our conversation]*, I take full responsibility for my *[actions / conduct]* and wish to apologize for the harm that I have caused you. My behaviour was not in keeping with the key principles of the Village of Cache Creek's Code of Responsible Conduct. In particular, I acknowledge that my conduct was in violation of *[identify the section(s) of the Code of Responsible Conduct breached]*.

Going forward, I commit to being more careful in my *[words / actions]* and to making better efforts to respect and abide by my obligations set out in the Code of Responsible Conduct.

Please accept my heartfelt apology.

Sincerely,

**[name]**

**[title]**

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#### Appendix G: Sample Letters

##### Template 2 – If held by Council to have violated Code of Responsible Conduct

[DATE]

**[Name of Recipient]**

**[Title]**

**Village of Cache Creek**

[Address]

[City, Province Postal Code]

**Dear [title] [last name]:**

**Re: Apology [subject]**

As you know, on *[date]*, I *[briefly set out the nature of the offending conduct. It is recommended you provide dates, times, and a description of the conduct at issue as you understand it]*.

On *[date]*, you confronted me about my behaviour/conduct and expressed *[describe briefly the conduct complained of and how it affected the offended person]*. In light of Council having concluded that my conduct constituted a violation of the Village's Code of Responsible Conduct, I acknowledge that my conduct / actions made you feel *[describe how it affected the offended person]* and I admit that my *[actions / conduct]* were *[reformulate why your actions were wrong in your own words – ex: offensive, derogatory, belittling, in poor taste, defamatory, wrong, discriminatory, callous, harmful to your reputation etc.]*

Having reflected on *[the decision of Council]*, I take full responsibility for my *[actions / conduct]* and wish to apologize for the harm that I have caused you. My behaviour was not in keeping with the key principles of our Villages' Code of Responsible Conduct. In particular, I acknowledge that my conduct was in violation of *[identify the section(s) of the Code of Responsible Conduct breached]*.

Going forward, I commit to being more careful in my *[words / actions]* and to making better efforts to respect and abide by my obligations set out in the Code of Responsible Conduct.

Please accept my heartfelt apology.

Sincerely,

**[name]**

**[title]**

# Village of Cache Creek

## Policy No. A-1

### Code of Responsible Conduct for Council and Committee Members

#### Appendix H: Procedure for the Handling of Gifts, Personal Benefits, and Fees

Council Members are governed by sections 105 and 106 of the Community Charter for the receipt and reporting of fees, gifts, and personal benefits. Ultimately, the interpretation of those sections is a matter for the courts. This appendix to the Code of Responsible Conduct policy for Village of Cache Creek Council and Committee Members is intended to provide additional guidance to Members when serving at the request of Council to both external and internal committees and other duties connected with the duties of office.

1. Council and Committee Members must not accept gifts or personal benefits that could reasonably be expected to result in a real or perceived conflict of interest. Members will not accept gifts or personal benefits from business or commercial enterprises having a value that exceeds \$50.00 or where the total value of such gifts and benefits received directly or indirectly from one source in any twelve (12) month period, would exceed \$250.00.
2. Gifts offered where there may be an expectation or perception of political influence on the Member in their role or external roles in connection with their role as a Member must not be accepted.
3. For clarity, the following are *not* considered gifts or personal benefits:
  - i) Compensation authorized under section 105(2)(b) of the Community Charter
  - ii) Reimbursement for out of pocket costs incurred for authorized travel, living and accommodation expenses associated with attendance at an event or in connection with authorized travel;
  - iii) A lawful contribution made to a Council Member who is a candidate for election conducted under the Local Government Act;
  - iv) A random draw prize at an event attended by a Member while on duty in their role and;
  - v) Merchandising items of nominal value
4. A Member must disclose to the CAO any gifts or personal benefits accepted in compliance with Section 1 of this Policy.
5. The content of the disclosure must comply with section 106(2) of the Community Charter and the CAO (or designate) must be notified "as soon as reasonably practicable", or within thirty (30) days.
6. The CAO (or designate) will maintain accurate records of Member gifts and personal benefits disclosures and be diligent to track the disclosures of each Member, including the nature of the gift or benefit, the source, when it was received, and the circumstances it was given and accepted. This record is available for public inspection.
7. The CAO does not hold responsibility to inform Members near the annual threshold as per this Policy. Responsibility rests with the Member.
8. For the purpose of this Policy, the value of each gift or personal benefit shall be determined by the replacement value.
9. Breaches of this Appendix H of the Code of Responsible Conduct Policy may result in Council discipline, implementation of remedies or sanctions and may be reported to the government of British Columbia.