



MEETING BRIEFING NOTE

Date: March 3, 2021

Prepared For: Honourable Josie Osborne, Minister of Municipal Affairs

Topic: Metro Vancouver - Infrastructure Partnership

Purpose: Metro Vancouver would like to present to the Minister a series of infrastructure projects.

Meeting With: Sav Dhaliwal, Chair, Metro Vancouver;
Jonathan Cote, Mayor, City of New Westminster, Metro Board Member;
Jerry Dobrovolsky, Commissioner/CAO, Metro Vancouver;
Heather Schoemaker, General Manager, External Relations, Metro Vancouver, and;
Heather McNell, General Manager, Regional Planning and Housing Services, Metro Vancouver on March 8, 2021

KEY MESSAGES:

- **Thank you for the update on the series of infrastructure projects that are being planned. I understand that these could be a significant part of the regional economic recovery.**
- **I also appreciate the update on larger infrastructure projects in the Metro region including their connections to our joint priorities like climate change, housing, and community safety.**
- **I am pleased that the province has been able to provide significant funding in the past to projects like the new North Shore Wastewater Treatment Project that is currently underway in Metro Vancouver.**
- **The province appreciates Metro's commitment to bring both the North Shore and the Iona treatment plants into compliance with the federal regulatory requirements as soon as possible.**
- **The province remains committed to delivering on StrongerBC and an effective recovery strategy. This being said, infrastructure funding programs are always significantly oversubscribed, and although we support as many projects as we can, we can never support all the important projects around the province.**

BACKGROUND:

s.16; s.17

Under Metro's current request, projects focus on several different objectives and benefits, including future development and growth. On the one hand, several of the projects focus on resilience and waste reduction. For instance, the Iona Island wastewater project is the last wastewater treatment plant in Metro that needs to be upgraded to provide at least the minimum of secondary treatment level required under the federal regulation by 2030. On the other hand, the two drinking water supply projects and the upgrades at the Langley wastewater treatment plant are primarily aimed at supporting future development and growth.

Traditionally, infrastructure programs administered by the Ministry of Municipal Affairs (MUNI) have not prioritized economic recovery or future development. Most MUNI programs have focused on protecting public health and the environment, meeting regulatory requirements, and increasing community sustainability and climate resilience. Although, it is recognized that the construction of infrastructure projects and the operational services they provide contribute to sustainable local economies.



In 2017, provincial funding of \$193 Million, and \$212 Million of federal funding, was awarded to Metro towards construction of the new North Shore Wastewater Treatment Plant (NSWWTP) which was estimated at a cost of over \$700 Million.

The project is currently under construction, with treatment to come online by the end of 2024, and a final completion expected by 2028. The new facility is required to meet the federal wastewater regulation and will replace the old Lions Gate plant.

DISCUSSION:

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NOTE: the last intakes for

Environmental Quality, CleanBC Communities Fund and Climate reserve are not yet approved, staff would need to assess if any of these projects could be considered. Metro's current rationale for their request differ from previous infrastructure funding requests as it is mostly focused on economic recovery. In parallel with this current request to the province, Metro is seeking funding support from the federal government.

s.13; s.16; s.17



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s.13; s.16; s.17

s.13; s.16

Infrastructure programs are consistently oversubscribed and have been challenged to support funding requests beyond \$50 Million. That being said, the province and/or the federal government have provided funding support to some large projects in recent years (see Table 2).

For instance, Metro's NSWWTP and Capital Regional District's McLoughlin WWTP have been accommodated outside of regular program intakes. In both cases, funding was directed towards some specific components rather than the entire project to reduce the eligible cost considered in the calculation of the funding amount. In general, a selected component might closely align with a provincial or federal objective such as resource recovery, greenhouse gas emission reduction, or exceeding a regulatory requirement.

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Table 2: Recent senior government funding of large projects.

Recipient	Project	Funding Awarded	Project Cost Estimate
Metro Vancouver	North Shore WWTP Tertiary treatment	Total: \$405 M Provincial: \$193 M (2017) Federal: \$212 M (2016) Program: LGGP	s.13; s.17
Capital Regional District	McLoughlin WWTP Project Tertiary treatment	Total: 459 Provincial: \$248 M (committed 2013 and 2017); Federal: \$ 211 Program: LGGP	s.13; s.17
Comox Valley Regional District	Drinking Water Treatment Plant	Total: \$63 M (2019) Provincial: \$28.5 M Federal: \$34.5 M Program: ICIP Green-EQ	s.13; s.17
City of Kelowna	Drinking Water System Upgrade Phase 1	Total: \$44 M (2016) Provincial: \$17.5 M Federal: \$26.5 M Program: CWWF	s.13; s.17
	Phase 2: Drinking Water Treatment Design	Provincial: \$12 M (2018) Program: LGGP	s.13; s.17
BC Hydro	PRES Electrification Project	Federal only: \$83.5 M (2018) ICIP Green GHG-Electricity	s.13; s.17
	PGTC Electrification Project	Federal Only: \$97 M (2020 pending) ICIP Green GHG-Electricity	s.13; s.17

GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:

The proposed projects would help build critical municipal infrastructure serving all residents of a community, including vulnerable populations Each project proposal could be reviewed using a GBA+ lens to ensure it remains inclusive.

FINANCIAL IMPLICATIONS:

Provision of funding for projects proposed by Metro would have financial implications to the provincial budget (operational).

Attachments:

1. January 22, 2021 Metro Vancouver Requests Meeting to Discuss Infrastructure Partnership
2. Metro document: "Economic Recovery - Shared Investments in Critical Infrastructure".

PREPARED BY:

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APPROVED BY:

Tara Faganello, Assistant Deputy Minister
Local Government Division

Okenge Yuma Morisho, Deputy Minister

DATE APPROVED:

March 1, 2021

March 3, 2021

From: Sue Mah <Sue.Mah@metrovancover.org>

Sent: January 22, 2021 1:10 PM

To: Minister, MUNI MUNI:EX <MUNI.Minister@gov.bc.ca>

Cc: White, Christine MUNI:EX <Christine.White@gov.bc.ca>; Heather Schoemaker

<Heather.Schoemaker@metrovancover.org>; Kris Etches <Kris.Etches@metrovancover.org>; Jean Lawson

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Subject: Metro Vancouver Requests Meeting to Discuss Infrastructure Partnership

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Dear Office of Minister Josie Osborne,

I'm contacting to arrange a meeting with Minister Osborne, as a follow-up to a letter from Metro Vancouver Chair Sav Dhaliwal dated December 11, 2020 (attached).

The intention of this meeting will be to discuss partnership opportunities for the Province and Metro Vancouver through strategic co-investments into critical infrastructure projects. [Chair Dhaliwal](#) and Commissioner Jerry Dobrovolsky would like to share information on the more than \$6 billion in infrastructure investments planned over the next five years, which will support economic recovery and resilience, create long-term, family-supporting jobs, mitigate climate change and protect the environment.

The Chair and the Commissioner would be most honoured to bring these items forward to the Minister's attention and if there is an opportunity to meet for 30 - 45 minutes, we would be pleased to find a suitable time that can work with the Minister's schedule.

Thank you in advance for your time and consideration. I look forward to your response. Please do not hesitate to contact me if you have any questions or require additional information.

Kindest regards,

Sue Mah

Office Manager and Assistant to General Manager

External Relations Department

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Economic Recovery – Shared Investments in Critical Infrastructure

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s.13 ; s.16 ; s.17



DECISION BRIEFING NOTE

Date: March 3, 2021

Prepared For: Okenge Yuma Morisho, Deputy Minister

Topic: Multicultural Helping House Society Contract ^{s.13; s.17}

Purpose: To make decision regarding a BC Settlement and Integration Services contract extension for the Multicultural Helping House Society

RECOMMENDED OPTION:

- **OPTION # 1: Proceed with a one-year contract extension to allow Multicultural Helping House Society to continue to deliver BC Settlement and Integration Services programming.**

BACKGROUND:

Multicultural Helping House Society (MHHS) is a registered non-profit society and charitable organization. MHHS is one of several organizations that the Immigration Policy and Integration Branch (Branch) funds to deliver BC Settlement and Integration Services (BCSIS) to newcomers in Vancouver, Burnaby and New Westminster. Funded services include assisting newcomers with finding a place to live, referral to language classes and short-term crisis counselling, among others. Eligible clients include temporary workers, international post-secondary students, naturalized Canadian citizens and refugee claimants.

The Branch has funded MHHS since April 2014 to provide settlement and integration support, with their current contract in place since July 2018. The current contract provides \$106,000 in funding for FY2020/2021 and ends on March 31, 2021. This contract can be extended for up to two years (one additional year per extension). All other BCSIS service contracts have been extended to March 2022. BCSIS funding comprises 17 per cent of MHHS' total annual budget. The majority of MHHS' funding is from Immigration, Refugees, and Citizenship Canada (IRCC), with additional funding coming from the City of Vancouver and the Community Gaming Branch (Gaming) in the Ministry of Municipal Affairs.

In August 2019, concerns surfaced in the public regarding MHHS' governance and the governance of the Multicultural Helping House Foundation (which owns the building that the Society operates out of), conflict of interest related to the board and how the board interacts with its clients, and service quality to clients. MLA Mable Elmore also flagged concerns about the governance and service delivery of MHHS. Immigration Policy and Integration Branch Executive Director Carling Helander and senior (Ministry of Jobs, Economic Development and Competitiveness) ministerial office staff met with MLA Elmore on August 21 and October 22, 2019, to discuss these concerns. MLA Elmore also wrote two letters in 2020 outlining her concerns (see Attachment 1).

DISCUSSION:

The Branch has worked closely with other key funders including IRCC, the City of Vancouver and Gaming, to better understand the concerns raised. The Branch conducted a site visit to MHHS in October 2019 and requested monthly reporting on key recommendations related to service delivery protocols, organizational governance and financial oversight. Key developments indicated in the monthly reports include the onboarding of new board members; the hiring of a new executive director in April 2020; and the recruitment of new settlement workers to fill vacancies. Throughout this process, the Branch has been working closely with the ministry's Management Services Division to ensure contracting and financial oversight policies are followed. A detailed summary of events is outlined in Attachment 2.



In December 2020, Branch staff conducted another site visit of MHHS and interviewed key program staff including the executive director, settlement workers and administrative coordinator. This site visit indicated that key concerns have been sufficiently addressed.

s.13; s.16

IRCC has extended their funding with MHHS for the coming fiscal year. At this time, the City of Vancouver has not publicly indicated its funding intentions. Gaming did fund MHHS's application for the 2019/20 fiscal year following a request for re-consideration from MHHS and an audit initiated by Gaming, and intends to continue its funding for this fiscal year.

On February 4, 2021, Immigration Services and Strategic Planning Division (Division) staff met with Minister Office staff and MLA Elmore. At the meeting, MLA Elmore outlined her continued concerns but acknowledged some of the changes that have taken place within the organization. The outstanding concerns relate primarily to matters outside of the scope of the BCSIS contract. Branch staff also offered to speak directly to clients who have had concerns with MHHS' service delivery. s.13

s.13

After discussions with procurement staff in Management Services Division, the Branch is recommending a one-year contract extension, with modifications made to the contract to require tighter controls and reporting mechanisms to address some of the service quality concerns received. This will include another site visit in the coming year to ensure that recommendations and requirements outlined by the Ministry have been actioned.

GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:

While services are open to all, MHHS is deeply connected to the Filipino community and serves a high number of Filipino clients. Filipinos comprised 481 of the 676 total BCSIS clients served by MHHS in FY19/20. Many of these clients are temporary foreign workers in caregiving occupations. Caregivers provide childcare, senior home support care or care of the disabled in private households. This client base faces unique challenges due to the nature of caregiving work, precarious status in Canada and dependence on their employer to secure permanent resident status.

FINANCIAL IMPLICATIONS:

Extending BCSIS funding to MHHS for the 2021/22 fiscal year would cost the Ministry \$107,984.96. This funding is built into Branch's base program budget.

OPTIONS:

- **Option 1 – Proceed with a one-year contract extension to allow Multicultural Helping House Society to deliver BC Settlement and Integration Services programming.**



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s.13

APPROVED - Option # 1 / NOT APPROVED

March 5, 2021

DM Okenge Yuma Morisho

Date

Attachments:

1. Attachment 1 – Correspondence from MLA Elmore to the Branch
2. Attachment 2 - Background of events regarding MHHS

PREPARED BY:

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Immigration Policy and Integration Branch

APPROVED BY:

Tamara Romanova, a/ADM

DATE APPROVED:

_March 4, 2021_____



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Attachment 1: Correspondence from MLA Elmore to the Branch



LEGISLATIVE ASSEMBLY
of BRITISH COLUMBIA



Honourable Michelle Mungall
Minister of Jobs, Economic Development and Competitiveness
Room 137 Parliament Buildings
Victoria, BC V8V 1X4

March 3, 2020

Dear Hon. Mungall,

Re: BC Settlement and Integration Services provided by Multicultural Helping House Society

I am writing to relay information brought to my attention recently by constituents about the quality of BC Settlement and Integration Services they received at the Multicultural Helping House.

Due to their vulnerable status, I recognize the courage it took for them to express their experience and I appreciate their reluctance to be identified in any formal complaints.

However in general, many of the constituents are caregivers and other newcomers who were clients of the MHHS. They explain they were provided incorrect information and advice regarding their immigration issues and as a result, the immigration status of some are in jeopardy. The clients that BCSIS programs serve are marginalized and their futures depend on receiving professional services that can assist them in their effort to successfully settle in Canada.

Considering these recent cases and complaints are in addition to ones my office and I have received over the years, I am compelled to bring them to your attention. I am concerned there may be a systemic inability by the MHHS to provide accurate, competent and professional immigration services to their clientele.

Thank you for reviewing these concerns and I hope that your office is able to act on them accordingly.

Sincerely,

Mable Elmore

Mable Elmore, MLA
Vancouver-Kensington

Vancouver-Kensington Constituency Office

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LEGISLATIVE ASSEMBLY
of BRITISH COLUMBIA



Honourable Michelle Mungall

Minister of Jobs, Economic Development and Competitiveness
Room 137 Parliament Buildings
Victoria, BC V8V 1X4

May 12, 2020

Dear Minister Mungall,

Re: Additional Issues with the Multicultural Helping House Society, MHHS Foundation & MHHS Co-op

Thank you for your response to my March 3rd letter concerning the BC Settlement and Integration Services provided by the Multicultural Helping House Society (MHHS).

For your reference, I present here additional issues brought to me by constituents who are previous clients, staff and volunteers of the MHHS and its related organizations: the Multicultural Helping House Foundation, which owns the land and building the MHHS is located in; and the MHHS Co-operative.

These issues are about:

- The poor quality of service delivery and breach of clients' privacy at the MHHS;
- the unethical treatment of clients as private business prospects; and
- the harassment, intimidation and threats against those who raised their concerns about the MHHS.

Regarding the poor quality of service, constituents are concerned about incorrect information and advice being provided to clients regarding various programs. It appears staff are not adequately trained or supervised to ensure accurate information about government and community programs is being provided. Instances of privacy breaches about client cases were also reported to me.

Considering the MHHS represents itself as a center for temporary foreign workers and newcomers who need various services, it is troubling that instead of assisting this vulnerable population, the MHHS may be harming them.

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Constituents also recount cases where they were approached by private agents in the MHHS building who were selling multi-level marketing (MLM) products. They recount they felt pressured to purchase the products so they could receive or continue to access MHHS services or so they can stay in the rental housing in the building's upper floor. Sometimes, they add they would be invited off the premises for the "pitch" about the product.

As such, even if contracts for the product are being signed outside the MHHS building, it is unethical for the MHHS to allow private agents the ability to target clients as potential prospects.

They further explain that as MHHS clients, they felt compelled to buy a MHHS "membership" before they could get any services; and they were also pressured to make donations, including bequeathing part of their life insurance to the MHHS. Clients were also regularly asked to buy shares in the MHHS Co-op and when they did, they reported difficulty in withdrawing their shares when they wanted to leave the Co-op. All of this created a "pay to play" atmosphere at the MHHS, they said.

Another issue brought to me by former staff and volunteers is how the MHHS misrepresented data when completing funding reports. For example, they say they know of instances when attendees of a certain workshop were counted as attending a different workshop as well just so that funding requirements can appear to be met on paper.

And when the clients, who often had precarious immigration status, tried to raise their concerns with MHHS staff or officers, they received various threats implying deportation and other intimidation tactics.

The MHHS is largely funded by taxpayers through grants from different levels of government. And some have already undertaken their own reviews of MHHS procedures. For example in 2019, the City of Vancouver stopped their funding for the MHHS.

Considering all of the alarming issues raised, it appears the MHHS does not have the capacity to deliver any type of community services. The reports about their unethical and unprofessional delivery of services is also deeply troubling – and as such, I am seriously concerned about how their continued operation is creating more harm among the clients they serve.

Thank you for reviewing my letter and please contact me if more information is needed.

Sincerely,

Mable Elmore, MLA
Vancouver-Kensington



LEGISLATIVE ASSEMBLY
of BRITISH COLUMBIA



Attachment 2: Background of events regarding MHHS

On Jul. 23, 2019, MHHS executive director Will Davis contacted Branch staff to disclose issues around the governance of the organization and shared that MHHS is facing scrutiny over its finances. The executive director maintained that the BCSIS services were not impacted by these issues, and, to his knowledge, these allegations have not included staff.

On Aug. 15, 2019, the Georgia Straight published an article detailing several unresolved issues that surrounded MHHS at that time; including questions around governance, conflict of interest claims (as it relates to the board) and how the board interacts with its clients.

On Aug 18, 2019, CTV News published an article in which former MHHS workers alleged that some members of the MHHS board would try to sell their clients, many of whom were Filipino caregivers, “expensive insurance policies” and that the clients felt purchase of these policies were necessary to receive services. The former MHHS workers demanded the resignation of some board members, the end of private businesses at MHHS, a forensic financial audit, and assessment of possible governance issues.

On Aug. 23, 2019, MHHS held their Annual General Meeting (AGM). There were members of the public demonstrating outside the building during the meeting. The Branch attended as an observer as well as representatives from other funders including IRCC and City of Vancouver.

At the AGM, financial statements were not presented, and only draft financial documents were provided at the AGM and then collected back by the Board. A motion was made to postpone this item; further discussion was deferred.

s.13; s.16

Concerns about governance were also raised by members at the AGM. The Board agreed to review governance issues later but made no firm commitments as to when they would discuss further with members.

The executive director of MHHS resigned a day before the AGM. Other resignations came before the AGM with board members Tomas Avendano, his son Benedicto and Tomas’ brother Demetrio resigning on July 31.

MLA Mable Elmore, who has been advocating for a change in board leadership and a governance audit, was refused admittance to the AGM. After the AGM,

s.13; s.16

s.13; s.16

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On Oct. 18, 2019 MLA Elmore provided the Branch with an article posted in Philippine Showbiz Today in which a MHHS client alleges online intimidation of caregiver clients by board members.

On Oct 29, 2019, the Branch conducted a site visit of MHHS business premises in Vancouver. On Nov. 15, 2019, the Ministry sent a follow-up letter to MHHS requesting that development of an action plan for implementing several recommendations to address the following key issues: service delivery protocol development; organizational practices; and financial oversight. On Nov. 27, 2019, MHHS responded in writing with an update on their efforts to comply with the recommendations.

On Dec 13, 2019, the Ministry informed MHHS in writing that they must provide monthly updates on their efforts to implement the recommended actions to address the above-noted key issues.

In March and May 2020, MLA Elmore sent letters to Minister Mungall regarding additional issues with MHHS, MHHS Foundation and MHHS Co-op, attached in Appendix 1.

On Jul 02, 2020, the Branch informed MHHS in writing that it did not intend to extend its contract for the 2021/2022 fiscal year at that time,

s.13; s.16

s.13; s.16; s.21

On February 4, 2021, staff from the Minister's office (Ministry of Municipal Affairs) and Branch staff met with MLA Elmore to discuss whether there continue to be concerns with the organization. MLA Elmore acknowledged improvement has occurred but raised continued concerns with certain aspects of the organization, particularly in relation to the housing units within the MHHS building (which are outside the scope of the BCSIS contract).

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s.13; s.16



INFORMATION BRIEFING NOTE

Date: March 5, 2021

Prepared For: Honourable Josie Osborne, Minister of Municipal Affairs

Topic: Working Group on Responsible Conduct (WGRC) – New Guide and Next Steps

Purpose: The WGRC is publishing a new guide for local governments, supporting compliance and enforcement of responsible conduct focused on codes of conduct. Union of BC Municipalities' Executive is expected to seek further discussion of next steps on the responsible conduct file in May with the Minister.

BACKGROUND:

The WGRC is a collaborative initiative between the Union of British Columbia Municipalities (UBCM), the Local Government Management Association (LGMA) and the Ministry of Municipal Affairs (MUNI). Since its formation in 2016, the staff-level WGRC has been working to explore issues related to responsible conduct, including the benefits and challenges of various approaches to strengthening responsible conduct to support the collective goal of effective governance.

Responsible conduct broadly refers to how local elected officials conduct themselves with their colleagues, with staff and with the public. Issues of responsible conduct include conflict among local elected officials on councils/boards, inappropriate behaviour towards staff, questionable behaviour at council/board meetings or interactions with the public, conflict of interest violations and alleged breaches of other procedures/rules such as open meetings.

The WGRC was created in response to a 2016 UBCM resolution calling on the province to empower local governments to appoint local independent integrity commissioners *"who would serve the public and elected officials in an advisory, educational and investigative role in the application and enforcement of Codes of Conduct"*. That resolution was referred to UBCM Executive and then the WGRC was established given the sensitivity, complexity and multi-faceted nature of these types of issues and a perceived lack of understanding or agreement on the appropriate "solution" (e.g. the role of codes of conduct; the nature of "integrity commissioners"; who determines when a breach has occurred; the scope of sanctions).

The WGRC was formed to explore approaches to deal with the spectrum of conduct-related matters that occur primarily while elected officials are at the council/board table and carrying out their duties of office. The WGRC has particularly focused on codes of conduct and the frameworks around such codes¹.

In addition to research, outreach and policy work, a key focus for the WGRC has been contributing to and publishing education opportunities/materials, including a Model Code of Conduct (see **Appendix 1** for key WGRC activities and publications). The WGRC's next publication will focus on the code framework – in particular, supporting compliance and enforcement of codes of conduct.

¹ A code of conduct is a written document that sets shared expectations for conduct or behavior; it is a proactive, responsible conduct tool that B.C. local governments can, if they choose, develop voluntarily within the existing legislative framework. A code framework is collectively all the elements around the code itself, such as the processes for its development, adoption and maintenance and its enforcement (e.g. the complaints process, investigations of breaches, sanctions/penalties).

**DISCUSSION:*****New Guide***

The WGRC's next publication -- *Forging the Path to Responsible Conduct in Your Local Government* – reflects input from WGRC members and a small selection of local government lawyers, local government elected officials and staff.

The new guide's purpose is to create further understanding of local governments' practical tools to prevent and deal with conduct issues, both informally and through formal enforcement processes. The guide's key message is that putting effort into prevention and informal resolution of conduct issues is worth it, as most local governments find more success with informal methods (especially because formal enforcement processes can be time consuming and divisive, making it hard to rebuild council/board relations and carry on with good governance). The guide is a significant step, as embedding compliance and enforcement processes, including sanctions, in codes of conduct is still relatively new among B.C. local governments and largely untested in the courts. s.13

As a result of the new guide, there will also be updates to the Model Code of Conduct and the Companion Guide documents, to reflect that a local government may choose to include additional provisions in its Code of Conduct to address matters such as voluntary compliance, formal enforcement processes and sanctions.

MUNI staff are advised that publishing the new guide was endorsed by UBCM Executive at its February meeting, and will also be reviewed by the LGMA Executive in early March.

Responsible Conduct Framework

As noted in Appendix 1, the WGRC focused on the new guide as part of its ongoing mandate but especially because of the emphasis on needed education and information coming out of the 2019 outreach by LGMA and UBCM to their members. While the WGRC's focus in 2018 was on laying the groundwork for a mandatory code of conduct framework, the 2019 survey showed no consensus on that approach, perhaps influenced by the turnover of elected officials in the 2018 general local elections and lesser first-hand experience with codes of conduct and responsible conduct issues. As a result, the WGRC focus shifted to compliance and enforcement education and,

s.12; s.13

s.16

As the WGRC has explored, there are many specific questions – from development process to sanctions – that need to be addressed in any code framework, as well as finding the right balance between local autonomy and provincial rules.

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UBCM Executive has a number of new members who may not be fully aware of the WGRC work since 2016 (e.g. 2017 policy report at UBCM Convention: 2018 and 2019 surveys of UBCM and LGMA members).

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UBCM Executive is expected to reach out to the Minister to discuss these issues when the Minister attends the May UBCM Executive meeting.

Linkages to Other Provincial Initiatives/Interests

While local governments already have a variety of tools available to them and, as noted above, s.12; s.13 and there is also other related work underway, including:

s.12; s.13

Next Steps

- WGRC publishes the new guide (likely in late March/April).

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GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:

Responsible conduct of elected officials is essential to the ability of local government councils and boards to collectively provide leadership for all members of their communities. Responsible conduct issues can involve both perceived or actual differential treatment on the basis of characteristics such as gender and gender identity, ethnicity, and age. The guide emphasizes that responsible conduct is a responsibility of councils/boards as a whole as well as each member of



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those bodies, and that collaboration is enhanced by embracing diverse ideas and conflicting views. The guide also emphasizes the importance of fairness in all processes, and ways to build trust-based, respectful relationships.

FINANCIAL IMPLICATIONS:

None

Attachments:

1. APPENDIX 1: Key WGRC Activities and Publications

s.13

PREPARED BY:

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ADMO, Local Government/LGPRL

APPROVED BY:

Tara Faganello, Assistant Deputy Minister
Local Government

Okenge Yuma Morisho, Deputy Minister

DATE APPROVED:

March 4, 2021

March 5, 2021



APPENDIX 1: Key WGRC Activities and Publications

2016	<ul style="list-style-type: none"> • UBCM Resolution B70 seeks legislation to enable local governments to appoint local independent integrity commissioners; resolution is referred to UBCM Executive for further exploration • WGRC formed (staff from UBCM, LGMA and Ministry)
2017	<ul style="list-style-type: none"> • March Consultation Paper published for UBCM and LGMA members; reflects WGRC research, providing overview of responsible conduct tools in BC and other Canadian jurisdictions and emerging trends • Spring presentations to/engagement with UBCM and LGMA members (e.g. through UBCM Area Associations and LGMA Chapter meetings) • Survey of UBCM and LGMA members (480 responses); agree there is general diminishment of responsible conduct due to various factors, and indicate interest in moving towards mandatory tools on some matters (e.g. set standards of conduct); results also indicate varied views on the most effective enforcement approaches • August Policy Report; recommends further WGRC work (e.g. articulate foundational principles of responsible conduct; enhance other guidance to embed foundational principles; develop model code of conduct and other education materials; continue policy work in a number of areas, including resources for elected officials facing challenging situations and embedding foundational principles in default oath of office; and develop policy options on matters such as code of conduct development/review, enforcement approaches and range of sanctions) • Policy Report discussed at September UBCM Convention and endorsed by UBCM membership
2018	<ul style="list-style-type: none"> • January LGLA Forum session (Moving from Principles to Action on Codes of Conduct) • February publication of Foundational Principles of Responsible Conduct • Principles embedded in 2018 general local election materials (e.g. Ministry videos on running for office; LGMA Election Officials Orientation Resource Kit for CAOs) and Ministry web pages on responsible conduct • March joint update (Minister; UBCM President; LGMA President) highlights Principles and flags WGRC's further work in developing a code of conduct framework ("<i>thoughtfully and carefully</i>") • August publication of Model Code of Conduct (general principles and standards of conduct) and Companion Guide (to help facilitate councils/boards discussions about codes of conduct) • WGRC Subcommittee develops informal process to keep Ministry/UBCM/LGMA apprised of emerging conduct issues • September UBCM Convention clinic on "Words into Action: Implementing Codes of Conduct"
2019	<ul style="list-style-type: none"> • Spring presentations to LGMA Chapter meetings and UBCM Area Associations on approach to code of conduct framework; WGRC consensus favours mandatory code of conduct with content/process primarily local government driven (only some prescribed standards) • Accompanying survey of members (147 responses) re experiences with codes of conduct, and views on right balance between standardized rules v. local flexibility <u>if local codes of conduct were a legislated requirement</u>. Results indicate no clear consensus on legislatively mandating codes of conduct for local governments but clear need for more targeted education around existing tools (e.g. managing conflict and enforcement) • Minister endorses (November) WGRC's resulting shift in approach -- legislation to require councils/boards to consider adopting a code of conduct plus more non-legislative tools (e.g. enforcement guidance); UBCM publishes (December) update on WGRC's focus, highlighting work to develop a guide to support enforcement and the availability of a list of consultants with expertise in supporting local governments dealing with conduct issues
2020	<ul style="list-style-type: none"> • WGRC work delayed due to COVID-19 priorities; consultant retained to develop compliance and enforcement guide • Ministry publishes Procedure Bylaw Guide, embedding responsible conduct principles and best practices (December)
2021	<ul style="list-style-type: none"> • Pending new Guide – Forging the Path to Responsible Conduct in Your Local Government – to further a continuous improvement approach (fostering responsible conduct, maintaining good governance and resolving conduct issues informally) and, where needed, code of conduct enforcement • February UBCM Executive meeting endorses new Guide publication (LGMA Executive review in early March); UBCM Executive also indicates interest in May conversation with Minister regarding mandatory codes of conduct and integrity commissioner • 2020 UBCM Resolution NR 6 referred by UBCM Executive to WGRC; Resolution asks provincial government to establish an independent Office of Integrity for local governments, "<i>to serve the public, elected officials and local government officials in an advisory, educational and investigative role in the development, application and enforcement of codes of conduct</i>".

Forging the Path to **RESPONSIBLE CONDUCT** In Your Local Government



WORKING GROUP ON RESPONSIBLE CONDUCT

MARCH 2021



THANK YOU TO ALL PROJECT PARTICIPANTS

We sincerely appreciate the valuable contributions of all those who assisted the Working Group on Responsible Conduct in developing this guide, *Forging the Path to Responsible Conduct in Your Local Government*.

The project greatly benefited from the support and involvement of these participants, including B.C. local government elected and staff officials, and the legal experts who advise them. These individuals, through their willingness to share their experiences, were absolutely central in showing us how leading local governments can manage conduct issues within the current B.C. context. They are truly forging the path to responsible conduct in their communities. It is our hope that in passing on the wisdom built through those experiences, the guide will provide others with practical ideas to allow them to do the same.

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INTRODUCTION

About this Guide

How local government elected officials conduct themselves matters. Conduct is central to governance and when conduct issues emerge, especially if allowed to fester, good governance can be impaired and public trust eroded. Yet dealing with conduct issues can sometimes be overwhelming and governing in the face of them enormously challenging.

The guide presents practical ways to help prevent conduct issues and to deal with them if they do arise. The guide does not represent legal advice, nor is it a substitute for that advice.

Guide Development

This guide was developed by the Working Group on Responsible Conduct (WGRC), a joint initiative by the Union of British Columbia Municipalities, the Local Government Management Association of British Columbia (LGMA), and the B.C. Ministry of Municipal Affairs. The staff-level Working Group undertakes collaborative research and policy work on the issue of responsible conduct of local government elected officials.

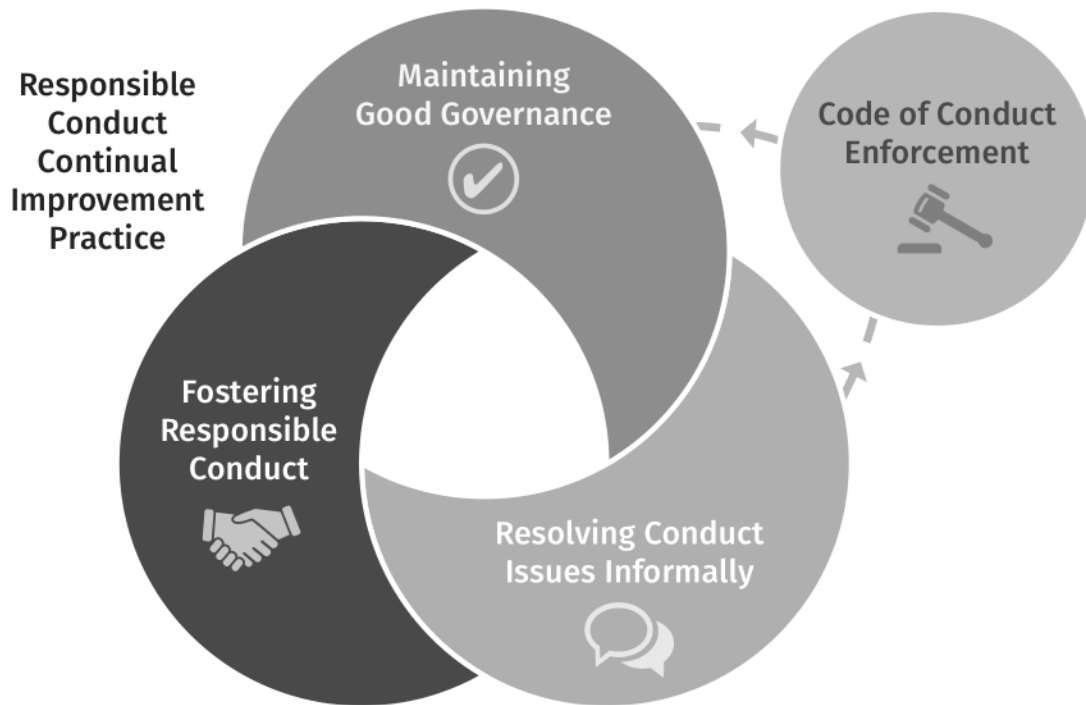
This guide builds on, and should be read in conjunction with, three previous WGRC publications: *Foundational Principles of Responsible Conduct for BC's Local Governments* along with *Getting Started on a Code of Conduct for Your Council/Board: Model Code of Conduct* and its *Companion Guide*.

The guide was informed by WGRC research, a review of a sample of B.C. local government codes of conduct that include enforcement provisions, and discussions with local government elected and staff officials and legal experts experienced in responsible conduct matters.

Our key take-away from those discussions was: **It's worth putting a lot of effort into prevention and informal resolution of conduct issues. There are enforcement processes if that doesn't work, but in practice, local governments are finding more success with informal methods.**

Watch for highlighted leading practice tips and quotes from trusted advisers that came to the WGRC during our research.

All resources noted in the chapters are linked in Chapter 6, Resources.



Guide Organization

The guide is organized around two central concepts:

- A continuous improvement practice to foster responsible conduct, maintain good governance, and resolve conduct issues informally; and
- Where it is needed, code of conduct enforcement.

The three continuous improvement topics do not represent a linear process, with a local government moving sequentially through each; instead, they are intertwined with activities in each undertaken iteratively, shaping an organizational culture of trust and respect, where participants work effectively together and councils and boards govern well.

There is a well-established body of practice in these areas, and the guide draws on this to provide examples, leading practice tips and links to further information and resources.

With these measures in place, conduct issues can be avoided, or managed early on, reducing the need for enforcement of a code of conduct. However, even within this context, there may occasionally be a need for a local government to enforce its code of conduct.

Articulating an enforcement process within a code of conduct is a relatively new practice in B.C. The guide draws on examples from leading local governments that have included enforcement in their codes to highlight both current practice and things a local government may wish to consider as it begins to design its own enforcement process.

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See Chapter 6, Resources for links to the publications and other resources referenced throughout this guide.

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CHAPTER 1

Fostering Responsible Conduct

What Kind of Conduct is Problematic and Why?

Some expectations of good conduct will be clear to most: things like a person not voting on something if they have a financial interest in it, not misusing local government funds, and keeping confidential information confidential.

Other behaviours – like respecting others at meetings or not criticizing colleagues, staff or members of the public on social media – may be less obvious to some; perhaps council or board members don't even agree on what conduct they expect of each other in these areas. For example, some may think that turning their back on a colleague when they are speaking or shouting at the chair are acceptable tactics to get their point across, or that intimidating staff when they won't give you what you want is a necessary way to get things done. However, this kind of conduct can be destructive.

Even subtle actions can become pervasive, escalate over time, erode relationships and impair the ability of the local government to fulfill its most basic responsibilities to make collective decisions in the interests of the community. Electors have entrusted elected officials, acting collectively as the local government's governing body, to govern in the public interest; any conduct that gets in the way of that is a problem.



What is Responsible Conduct?

In the context of this guide, responsible conduct refers to how local government elected officials conduct themselves with their elected colleagues, with staff and with the public. It is grounded in conducting oneself according to principles such as integrity, accountability, respect, and leadership and collaboration, in a way that furthers a local government's ability to provide good governance to its community.

As illustrated in the graphic, conduct expectations can take the form of unwritten norms, written principles, or local, provincial or federal policy or law.

Much of this guide is focused on local government policy and bylaws, such as a local government code of conduct because:

- Preventing conduct issues is difficult when relying on unwritten rules or general statements of principle developed by others and not endorsed by the local government; and
- Considerable guidance is provided elsewhere for conduct that is governed by federal or provincial law; this guide touches on that aspect but directs the reader to external resources for more information.



How Can We Build Responsible Conduct in Our Local Government?

Adopt a Code of Conduct or Other Conduct Policy

Avoiding conduct issues when rules are unwritten is hard because people don't know what is acceptable. Building a shared understanding of expected conduct and setting that out in a code of conduct will make expectations clearer and is a good way to prevent issues.

Many codes also include details about how alleged contraventions will be dealt with. This can be a preventative measure because it adds clarity about how an individual elected official will be held accountable for their conduct.

Adoption of a code of conduct is strongly recommended – as is the inclusion of an enforcement process to address alleged contraventions, and a range of sanctions that may be imposed by the Council or Board if a contravention is determined. Ideally, initiate discussions towards adoption of the code before conduct issues emerge.

If you already have a code, use Chapter 4, Essentials of Code of Conduct Enforcement, to support development of an enforcement process. If you haven't yet adopted a code, start with two previous WGRC publications (*Model Code of Conduct* and its *Companion Guide*). Both are linked in Chapter 6, Resources.

Align Policies, Procedures and Practices

Procedure bylaws are an important tool in supporting conduct in meetings and Council and Board decision-making. *The Procedure Guide: For B.C.'s Local Governments* by the LGMA and B.C. Ministry of Municipal Affairs aims to help local governments proactively consider and change their procedure bylaw to help address challenging situations and to support responsible conduct.

Local governments have many other policy and procedural tools that can be used to support responsible conduct, including such things as (see links to samples in Chapter 6, Resources):

- Oath of office
- Social media policies
- Information-sharing practices
- Conduct expectations for members of the public
- Checklists and educational tools

LEADING PRACTICE TIPS

It's easiest to have discussions about creating a code of conduct before conduct issues emerge. If your Council or Board is struggling to have those discussions, try starting incrementally and adopting the WGRC's Foundational Principles of Responsible Conduct as a statement of the Council/Board's commitment to those principles.

LEADING PRACTICE TIPS

Try a visual or verbal reminder of expected conduct at meetings, like printing the WGRC's Foundational Principles of Responsible Conduct on a placemat for every Council or Board member's place at the table or stating the oath of office at the beginning of every meeting.

Elected Official Leadership, Knowledge-sharing, Skills Development and Support

Leadership development can play a significant role in maintaining responsible conduct and good governance.

For example, respectful dialogue at a Council or Board meeting is more likely when all members understand that decisions are made collectively and not by the mayor/chair, electoral area director, or any other individual elected official. Additionally, trust and respect between elected and staff officials can be improved when everyone understands both their own role and how it fits with the roles of others.

Building a clear understanding about conduct rules and expectations early in a term – including those that are legislated (e.g., conflict of interest) and those that are established through codes of conduct – can be a key factor in elected officials meeting those expectations. In addition, compliance can be improved and conduct issues avoided if a local government provides its elected officials with trusted advice in response to their concerns about how they can comply with conduct rules.

Similarly, skill development in areas like effective communication, chairing a meeting, dispute resolution, and strategic thinking can support both good governance and responsible conduct. Leadership and skill development should be a priority for Councils and Boards as well as for both newly elected and veteran elected officials across B.C.

For participants in the decision-making process, shared power and decision-making puts a premium on leadership skills that help one's fellow leaders find common ground.

(From the Institute for Local Government webpage article Decision Making in the Collective Interest)

LEADING PRACTICE TIPS

Participate in the Local Government Leadership Academy's Annual Forum, which enables elected officials to learn formally from speakers, and informally through networking with colleagues from around the province. Relationships forged here can have ongoing benefit, as elected officials find they are not alone, and gain confidence to share ideas and seek advice from others who understand the challenges they may be facing.

Consider additional education, including:

- Scenario-based training where participants work through difficult situations or areas of conflict and practice skills to effectively deal with them;
- Confidential coaching or mentoring for individual members of the council or board; or
- Pre-election candidate orientation, so individuals considering running for office know what they're getting into.

Consider developing a process to involve your Council or Board in determining their leadership and skills development priorities.

FOOD FOR THOUGHT

- › How well are we prepared to deal with conduct issues if they begin to emerge?
- › Do we have a code of conduct? If not, why not?
- › Does our code include a process to address alleged contraventions? If not, why not?
- › What issues are emerging that aren't dealt with under our code? Do we have policies to deal with them (e.g., social media policy)? Can we strengthen compliance by referring to these policies in our code?
- › Have we allocated funding for elected officials' leadership development, skills building and support in our budget? Do elected officials know this is available? How do we know what support and skills building are important to members individually and collectively?
- › Where can our elected officials go if they have questions about their conduct or to get advice about how they can comply with conduct rules? Does that advice include both legislated rules like conflict of interest and duty to respect confidentiality, as well as our code of conduct?

CLICK HERE for links to resources referenced in this chapter.

CHAPTER 2

Maintaining Good Governance

Working Together Before, During, After – and Despite – Conduct issues

A Council or Board is entrusted by electors to govern in the best interests of the community and it can only do this as a collective. Individual members cannot independently govern or make decisions affecting their community, but they can participate and contribute towards collective decision-making, and collaborative good governance responsibilities.

Given this, Boards and Councils need to find ways to work together; to effectively cooperate, collaborate, and make decisions, regardless of things like conduct issues, strained relationships or conflicting views.

“We need to stop pretending that good governance is an accident; if you’re not doing this proactively, you’ll be doing it reactively.”

(A B.C. local government consultant, facilitator and lawyer)

Whose Job is it Anyway?

Everyone has a role to play in responsible conduct and good governance.

- **Every elected official** is accountable for their own conduct and must make sure they are always acting ethically and responsibly.
- **The mayor or chair** provides leadership and can lead by example, maintain order at meetings and propose policy changes, but they cannot, on their own, ensure the Council or Board operates as it should.
- **All Council or Board members** influence how the collective works, and in the interest of serving their community, all can take steps to work effectively together, including speaking up when problems arise.
- **Staff** provide professional advice to the Council or Board and carry out its decisions in an effective, efficient and non-partisan manner. The relationship between elected and staff officials is intertwined, so it is vital for both to understand and respect one another’s roles. Developing effective lines of communication, and trustful, respectful relationships between elected and staff officials supports good governance, even under challenging circumstances. The CAO is your one employee and your ally to help elected officials be successful.

“Local officials are grappling with difficult policy challenges... A goal is to create a culture of tolerance for differing points of view that credits everyone with having the best interests of the community in mind.”

(From the Institute for Local Government document Tips for Promoting Civility in Public Meetings)

Enhance Collaboration: Embrace Diverse Ideas and Conflicting Views

Councils and Boards that welcome healthy debate, diverse ideas and conflicting views make better decisions. Diversity of lived experience and fresh perspectives can provide valuable insights, uncover opportunities and bring out solutions that hadn't previously been considered and are more reflective of diverse community interests.

Productive conflict¹ – that is, conflict that leads to productive results, such as better decisions – can be a significant positive influence on good governance. Productive conflict is an open exchange of conflicting or differing ideas in which parties feel equally heard, respected and unafraid to voice dissenting opinions as they work toward a mutually comfortable solution.

On the other hand, unproductive conflict – characterized by frequent, unresolved arguments – can leave individuals feeling angry and frustrated, bringing about conduct issues and making good governance more difficult.

LEADING PRACTICE TIPS

Provide a way for elected officials to build informal relationships beyond the Council or Board table (it can be as easy as sharing a meal together).

The next time a contentious issue is under discussion, try a “no rebuttal round table session” where every member has an opportunity to state their position on the issue and explain its impact from their perspective, and no member can rebut someone else's statement (when it is their turn, they must speak only to their personal perspectives).

(Details of this process, including its successes, are provided in the Enhancing Collaboration in British Columbia's Regional Districts report, found in Chapter 6, Resources.)

¹ From *Unproductive Conflict vs. Productive Conflict*. See Chapter 6, Resources for link and details.

Individual strategies for productive conflict include:

- Separating the person from the issue;
- Moving the discussion from positions to interests; and
- Seeking win-win scenarios, where solutions can meet key mutual interests.

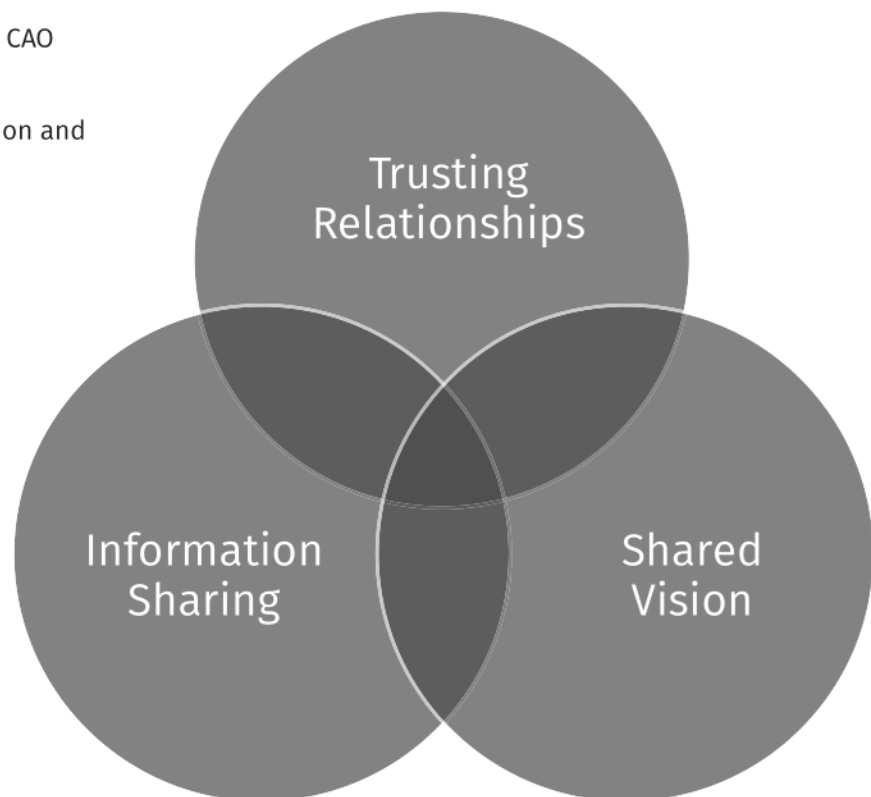
Developing these skills can be a catalyst to move from unproductive conflict, with parties entrenched in their positions, to a place where conflicting views become a pathway to better solutions.

Focusing on trusting relationships, strong information sharing practices and a shared vision can equip a local government to ensure conflict remains productive and improve collaboration. For example:²

- Organizing information seminars on complex issues;
- Maintaining a strong chair/mayor and CAO leadership team; and
- Preventing the spread of misinformation and establishing a common set of facts.

“Regional issues may be more obscure than in a municipality and it is important to give all directors, from municipalities and electoral areas, the support they need to appreciate their role in creating a regional vision.”

(A B.C. regional district CAO)



² Examples from *Enhancing Collaboration in British Columbia's Regional Districts*. See Chapter 6, Resources for link and details.

Contain Conduct Issues: Use Policy/Procedural Tools to Manage Meetings and Conduct, and Support Good Governance

Simply having policy and procedural tools in place are not enough; they will only be effective in managing conduct if they are used.

If the procedure bylaw supports responsible conduct or a code of conduct is in place, the mayor or chair can remind an elected official of their obligation to comply in real time when a conduct incident occurs at a meeting. Alternately, Councillors or Directors can raise a point of order in relation to the conduct.

If policy levers are not sufficient to support responsible conduct and good governance, any Council or Board member can propose an agenda item for a future meeting to discuss adoption or amendment of the needed policy.

Some examples that illustrate the range of policy levers that could be engaged are shown in the 'Align Policies, Procedures and Practices' section in the previous chapter.

“You might not be able to change behaviour, but you can change the local government’s practices and system framework around it.”

(A B.C. local government legal advisor)

LEADING PRACTICE TIPS

Using a procedure bylaw that specifically addresses conduct expectations, in combination with handbooks like Robert’s Rules of Order and *Local Government Act* and *Community Charter* provisions like the ability to expel someone acting improperly from a meeting, can be powerful tools to help contain conduct issues that arise during a meeting.

Developing a checklist for the Council or Board to evaluate its own effectiveness can be a good starting point for a check-in discussion. See Chapter 6, Resources for some sample checklists that can be customized.

Council/Board Check-ins: Find Ways to Work More Effectively Together

A Council or Board discussion – or check-in – about how to work together more effectively can identify and address areas of concern, including conduct or conflict, and can help build trusting relationships. It can also identify policy or procedural changes or learning topics to support both the collective and its individual participants to become more effective.

When negative conflict or conduct issues are present, these check-ins can help to clear the air, de-escalate unproductive conflict, improve communication, and help the Council or Board refocus on improving working relationships and removing barriers to its effectiveness.

These discussions can be challenging to start if a Council or Board is facing significant stress. Consider initiating them early in the term when tensions aren't high, and continue them on a regular basis after that.

Alternatively, some of the discussion can be woven into other processes, such as those in the graphic. Successes from these early discussions will reinforce the benefit of open dialogue aimed at improving relationships, and may help to create a willingness to participate in future dedicated check-ins.

Success of a dedicated check-in may depend on ensuring elected officials feel comfortable exploring their perspectives on barriers to their collective success without fear of reprisal, so that they can consider new approaches when current patterns of engaging with each other are not working.

In addition to considering external professional facilitation, Councils and Boards may wish to consider undertaking these sessions in the absence of the public, which can help to facilitate the open, honest discussion that will be needed to explore these issues.³



³ If you are discussing these matters in the absence of the public, make sure you don't also move towards making decisions, which you would need to do in an open meeting. See Chapter 6, Resources for useful resources from the Ministry of Municipal Affairs and the B.C. Ombudsperson.

LEADING PRACTICE TIPS

If you're getting stuck finding ways to work better together, especially if interpersonal dynamics are regularly getting in the way of making decisions, an external professional might be able to help. The combination of professional expertise and independence from the organization provides an opportunity for these professionals to bring new perspectives to the table and suggest approaches that may not have been considered before.

FOOD FOR THOUGHT

- › Is our Council or Board governing well? If we were to get a grade on that, what would it be? What's getting in the way? Do we regularly have discussions about this? Have we made provision for regular check-ins and getting some outside help if we need it?
- › What enhancements could be made to our policies or procedures to avoid conduct issues? Do we have specific issues that seem to be evolving that should be a priority (e.g., release of confidential information)? What can we put in place that would resolve these issues (e.g., does everyone understand their legal obligations, are there changes to our information-sharing practices that could help, and is this something the Council/Board should discuss in a check-in)?
- › What kinds of things are causing tension at the Council/Board table (e.g., whether something discussed in a closed meeting should have been in an open meeting; whether or not a member is in a conflict of interest in a particular matter)? Would fact-sharing from staff or an external expert help, either generally or on a case-by-case basis? Are there tips or tools that could be developed to support members? Is this something the Council/Board should discuss in a check-in?
- › As an individual, self-awareness is key. Ask yourself: Am I part of the problem? Am I contributing to dysfunction or to good governance? What steps can I take to help the Board or Council work better together? What support do I need to do that? How can I help to ensure our conflict is productive?

“If local governments did less in closed meetings, there would be fewer conduct issues.”

(A B.C. local government legal advisor)

CLICK HERE for links to resources referenced in this chapter.

CHAPTER 3

Resolving Conduct Issues Informally

When and Why to Consider an Informal Approach

Conduct issues can often be managed through prevention and good governance measures. Unfortunately, there are times where the issues are particularly significant or entrenched, and instead escalate or become more pervasive. In these cases, local governments may wish to consider taking additional steps to address the conduct issue.

Two approaches are available, and they are not mutually exclusive. Informal approaches are aimed at resolving conduct issues, through productive discussion toward mutually satisfactory solutions. Enforcement processes are aimed at determining whether there was a conduct contravention, and deciding on sanctions if a contravention is found.

Informal resolution can lead to better outcomes than enforcement processes because informal resolution tends to be:

- Quicker, leaving less time for the problematic conduct to remain unchecked and less time for relationships to erode further;
- Less divisive since parties are brought together to work towards solutions that work for all, helping to rebuild trust and repair relationships (whereas in enforcement processes, parties oppose each other to prove or disprove a contravention); and
- Less legalistic, cumbersome and complex, which can also mean they are considerably less costly.

“I have yet to see an enforcement process where the elected official accepted the findings, so we need to make every effort to manage things before it gets to that.”

(A B.C. CAO, mid-sized municipality)

Given these advantages, many local governments are finding that in most circumstances it is well worth pursuing informal approaches to the fullest extent possible to see if they can resolve the conduct issues. In general, they are only considering enforcement processes if those informal resolution efforts are not successful.

However, despite its potential for positive outcomes, informal resolution is not appropriate for all circumstances.

Local governments will want to consider specific circumstances carefully before deciding on a course of action (and seek appropriate legal advice before proceeding). Consider the following examples.

When conduct issues impact employees:

Local governments are responsible for the safety of their employees at work. If a complaint relates to matters covered by legislated provisions to address workplace bullying and harassment, the complaint must be dealt with in accordance with the *Workers Compensation Act* and Occupational Health and Safety policies established by WorkSafeBC.

There may also be other laws, local government policies, or employment arrangements that will govern how to respond when an employee indicates they have been subjected to unsafe working conditions or inappropriate behaviour.

When conduct represents actual or threatened significant or imminent harm to persons, property or the local government:

In these situations, local governments will need to consider how best to preserve safety and security within their community. In addition to legal advice, local governments may need to consult with law enforcement.

“It’s important to remember that trust is built around understanding and respect, not necessarily agreement.”

(From the Institute for Local Government document Attributes of Exceptional Councils)

How to Pursue an Informal Approach

Informal resolution focuses on involved parties working out their differences to come to a mutually acceptable resolution that restores responsible conduct. Fairness is key, and local governments will want to consider fairness elements appropriate to the circumstances, which may be different than what is appropriate for enforcement (e.g., there may not be a need to provide parties an opportunity to be represented in informal discussions). Fairness supports informal discussions since people will be more willing to work towards solutions if they are being treated fairly. In addition, it is important to ensure that informal resolution does not jeopardize subsequent enforcement processes should they be needed. Providing an appropriate standard of fairness in informal discussions will help to meet that objective.

LEADING PRACTICE TIPS

Consider fairness training or coaching for all Council or Board members to raise awareness of the need for fair process in everything they do. This can lead to fewer conduct issues in the first place, and support informal resolution discussions if issues do arise, potentially avoiding the need for all parties to default to legal positions in the early stages of those discussions.

Who is involved in these conversations, and how the process unfolds, will depend on the situation and in part, who is willing and able to work through the issues.

The following are some common approaches; local governments should consider their own unique circumstances in deciding what methods to try.

When You Demonstrated Poor Conduct

All elected officials are accountable for their conduct and the vast majority are responsible, but lapses do occur: someone snipes in the heat of the moment, someone hits send on a social media post when they're still angry, someone picks on a staff member because they don't like a report's recommendations, someone takes a colleague's comment out of context in a way it was never intended. Sometimes, that someone is you.

Many elected officials find themselves in these situations; what distinguishes them is how they deal with them. Owning your part in a misunderstanding or admitting you've made a mistake or acted inappropriately is not a sign of weakness; it is a sign of strength and it is a quality common to exceptional leaders. It's also a way to build trust and respect and to repair relationships – valuable activities in one's quest to serve the community and get things done.

When faced with these situations, consider sitting down with the individual impacted by your conduct. It's a good opportunity to clear the air, to make an apology if that's in order, and to get to know each other's perspectives. It also allows you both to work through the issue and decide what else is needed to avoid further incidents and to move on.

Depending on how wide the impact, consider whether to have this conversation with the full Council or Board, and/or whether a public apology is appropriate.

“In more than six years as the Ombudsman for British Columbia, I have witnessed, again and again, how one action can make a difference in a small but meaningful way. I have observed that a sincerely offered apology will often satisfy a person who has a complaint... An apology can restore self-respect and dignity. An apology acknowledges that a mistake has been made and that the offending party will not repeat the action in question. It can help re-establish trust and assurance that the offending action was not the person's fault.”

(From the BC Ombudsperson special report The Power of an Apology: Removing the Legal Barriers)

LEADING PRACTICE TIPS

If you're immersed in a conduct issue, try finding a personal sounding board – a confidante with whom you can test how your behaviour stacks up and who can give ideas about how you can resolve the issue. An elected official from another local government can be particularly helpful because they can understand what you're going through and may even have faced something similar, but can offer an impartial perspective because they are not directly involved in your situation.

When You Are on the Receiving End of Poor Conduct

An elected official impacted by the conduct of a colleague might consider meeting with them if they are willing. This can help to defuse the situation, understand other points of view, discover common ground and jointly problem solve ways to work better together. It is important to avoid accusations, so it may be prudent to prepare for the conversation by considering how best to share perspectives and find mutual interests, and by thinking about what might be needed to set things right.

Involvement of Another Person in Individual Discussions

Sometimes the two elected officials aren't able to resolve the issues themselves and having a facilitator can help. Choosing the right person depends on the situation. Typical choices include:

- The mayor or chair or their deputy;
- An official who provides advice or support in relation to conduct; or
- An independent third party with experience in dispute resolution.

The choice will depend on the nature and significance of the conduct issue, who has the needed skills, and whether all parties see the facilitator as neutral.

Many local governments avoid involving the CAO or other staff in a Council or Board conflict in this way so that staff are not seen as "taking sides," which may cause considerable damage to elected official and staff relations.

If initial facilitated discussions aren't successful, the local government may wish to consider additional efforts to reach resolution, including negotiation and/or mediation.

Where an Individual's Conduct Impacts All Members

Sometimes the conduct at issue is not directed towards an individual, but to all or part of the Council or Board. For this, the mayor or chair, or their deputy, could initiate a discussion with the elected official whose conduct is at issue. These discussions are similar to those noted above, and could be aimed at gaining a mutual understanding of the various perspectives, identifying solutions to avoid further incident, and perhaps exploring new ways to work more effectively together. Depending on the nature and significance of the conduct, consider a facilitator for these discussions (e.g., an independent third party).

TIPS FOR THESE DISCUSSIONS

Regardless of who initiates or is involved in the conversation, there are a number of elements that can help make the discussions successful, such as:

- › Ensure all discussions treat people fairly; be respectful, honest and accountable; be clear about what brought you to the discussion and what you would like to achieve; and give people an opportunity to respond;
- › Have the conversation in private, and keep the discussion confidential;
- › Try to start from a place of neutrality, aiming to gain an understanding of individual perspectives, intentions and impacts;
- › Try not to judge; separate the problem from the person, actively listen, ask questions, seek clarification, and build on your understanding;
- › Remain open to views about what you or others could have done differently;
- › Seek common ground/mutual interests and use these as a basis for joint problem-solving to find solutions that everyone can accept; and
- › Recognize that resolution may take some time and potentially a series of discussions; don't try and do this all at once as people need time to think through issues and discover solutions, and they may need time to work through complex emotions that the discussions reveal.

“Individuals sometimes ignore rules, and toxic personalities sometimes create challenges... difficult personalities on the Council create a challenging and uncomfortable environment for the Council itself... In the end, the Council must manage its own behavior and seek compliance from its own members.”

(From the Public Management article Preparing Councils for their Work by Julia Novak and John Nalbandian, August 2009, pg. 27)

Where the Conduct Issues are Systemic or Widespread

Some types of conduct lend themselves to discussions with the full Council or Board (e.g., certain elected officials are repeatedly interrupted by others; conduct is markedly different in closed meetings than in open ones; or grandstanding becomes an issue when the public is particularly engaged and vocal at the Council or Board meeting). In addition, individual discussions noted above may reveal areas that are causing friction (e.g., a lack of a common set of facts on matters discussed; gaps in the local government's social media policy).

This presents an opportunity for the Council or Board to engage in continuous improvement with broader discussions about how to work more effectively together. This could involve processes discussed in Chapter 1, Fostering Responsible Conduct and Chapter 2, Maintaining Good Governance, and it is well-suited to discussion as part of a Council or Board's next check-in.

Professional Advice from Staff

While ultimately it is up to elected officials to restore responsible conduct of their members, senior staff can provide key support to that process. For example, they are well-positioned to:

- Provide advice about approaches to resolve conduct issues, including resolution at an individual level and potential structural, system or policy realignment;
- Provide process and technical support to individual elected officials on informal resolution and/or enforcement processes;
- Provide advice on how to ensure informal resolution processes are fair to all participants and where expert fairness advice may be needed; and
- Provide advice about when to involve a facilitator in discussions and the skills that will be important to the success of that role, and/or what other external support or advice could be considered (e.g., legal advice; involvement of law enforcement).

FOOD FOR THOUGHT

- › Is there anything in this situation that should prevent it from being considered for an informal resolution process?
- › Who is best positioned to initiate a conversation or to facilitate one if needed?
- › What support could the local government offer to elected officials who have conduct questions or concerns, or who want to better understand the process to try and deal with issues informally?
- › What is being done to support relationship-building? If this were enhanced, might it be easier for elected officials to sort out conduct issues informally? Are there lessons to be learned from this process that could apply more generally to elected officials' relationships?
- › At an individual level: What triggers a change in my conduct? How can I manage that? What support do I need to make a change or to sort out a conduct issue with my colleagues?

CLICK HERE for links to resources referenced in this chapter.

CHAPTER 4

Essentials of Code of Conduct Enforcement

When to Consider Enforcement

In most cases local governments find it is worth exerting considerable effort towards informal resolution, and considering enforcement only if those efforts prove unsuccessful. Conduct is often about relationships, and with the collective governance model of local governments, good working relations are critical to good governance. Informal resolution can help to maintain relationships. Enforcement processes – being lengthy, protracted affairs that sometimes pit colleagues against each other – can serve to erode relationships as well as public trust in the process and the local government.

For this reason, local governments generally find informal resolution more effective, and are more satisfied with its outcomes (see Chapter 3, 'Resolving Conduct Issues Informally' for details). If informal resolution is not attainable, local governments may wish to consider enforcement.

A local government can hold its elected officials accountable for their conduct through an enforcement process articulated within its code of conduct, so long as that process is fair. This chapter focuses on characteristics of these code of conduct enforcement processes, and what to consider in their development, but first, it points to enforcement approaches outside of a code of conduct that may be applicable.



Overview of Other Enforcement Approaches

Specific Statutory Processes

Various federal or provincial laws provide specific accountability or enforcement processes for certain conduct matters, for example:

- **Incidents and complaints regarding bullying and harassment of an employee and/or other conduct that affects employees:** Local governments are responsible for the safety of their employees at work. If a complaint relates to matters covered by legislated provisions to address workplace bullying and harassment, the complaint **must** be dealt with in accordance with the *Workers Compensation Act* and Occupational Health and Safety policies established by WorkSafeBC. There may also be other laws, local government policies or employment arrangements that will govern how to respond when an employee indicates they have been subjected to unsafe working conditions or inappropriate behaviour.
- **Application to court for a declaration of disqualification and forfeiture of financial gain for contraventions of conflict of interest and other ethical conduct requirements:** The *Community Charter*, *Local Government Act* and related legislation provide rules for conflicts of interest, inside influence, outside influence, gifts, contracts and insider information. Contraventions result in disqualifications and may result in forfeiture of any financial gain that resulted. Electors or the local government may apply to the Supreme Court for a declaration of disqualification and for an order to forfeit financial gain.

- **Prosecution of an offence:** Some contraventions of legal requirements are offences which may, at the discretion of the provincial Crown Counsel, be prosecuted in court, and convictions may result in fines and/or imprisonment (e.g., unauthorized disclosure of personal information under the *Freedom of Information and Protection of Privacy Act*, and unauthorized disclosure of certain confidential information under the *Community Charter*, *Local Government Act* and related statutes).

Local Government Process to Decide on a Specific Alleged Conduct Contravention and Impose Related Sanctions

The courts have found that a local government has an ability to control conduct of its members in some circumstances, and local governments have relied on this to impose sanctions for contraventions on a case-by-case basis.

These case-by-case processes are similar to enforcement processes articulated within a code of conduct: both can result in sanctions; both must be undertaken using a high standard of fairness; and both are complex from a legal perspective.

However, an important distinction between them relates to whether the process is established in advance (as it is for processes articulated within a code of conduct), or whether it is developed each time it is needed (as it is for case-by-case processes).

An enforcement process articulated within a code of conduct has several advantages over a case-by-case enforcement process, as illustrated in the graphic, and is strongly recommended.

LEADING PRACTICE TIPS

Before getting into a situation where misconduct of a Council or Board member becomes an issue, develop a code of conduct to set standards of conduct, and include within the code the process that will be used to deal with alleged contraventions.

ADVANTAGES OF CODE OF CONDUCT ENFORCEMENT

ENHANCED CERTAINTY AND TRANSPARENCY IN THE PROCESS

- Everyone understands the process by which officials will be held accountable for their conduct
- Improved public confidence

IMPROVED COMPLIANCE

- Those who are subject to a code may be more likely to comply if there are known consequences for contraventions

ADMINISTRATIVE EFFICIENCIES

- Once the process is developed, using it for a subsequent contravention allegations will eliminate the need to “reinvent the wheel” each time an allegation is made

ENHANCED FAIRNESS

- Consistent use of the same process helps to ensure everyone is treated fairly
- Can help to overcome perceptions of bias in decisions about the process itself

Obtaining Legal, Law Enforcement and Other Advice About Enforcement Processes

Conduct enforcement is a complex and evolving area of law; while this guide is intended to help support local government decision-making in relation to conduct matters, it does not provide legal advice, and it is not a substitute for that advice.

Code of conduct enforcement does not replace other enforcement approaches that may be available or required, such as those described above. As a local government begins to explore what enforcement processes are available for a particular conduct contravention, it may want to consider discussing the matter with their legal advisors and, in some circumstances, with law enforcement or other agencies (e.g., WorkSafe BC for matters in which the conduct affects an employee).

Code of conduct enforcement is a complex process and its outcomes can be significant, so it is important for local governments to give considerable thought to how to ensure its process is sound. Articulating an enforcement process within a code of conduct is also a relatively new practice in B.C. and largely untested in the courts, which represents some legal uncertainties. These factors give rise to a critical need to seek legal advice on details of the process as it is being designed and when it is implemented.

This guide should not be used as a template for designing a code enforcement process, because some elements (e.g., what is an appropriate standard of fairness; what would comply with open and closed meeting rules; how to ensure that informal processes do not jeopardize a subsequent enforcement process; what complaints can be dismissed; what sanctions may be imposed) can vary considerably depending on specific circumstances. The considerations and current practice set out in the guide are intended to support a local government's initial thinking about these processes and as a starting point for it to have an informed discussion with its legal advisors about how to design an enforcement process that will meet its unique circumstances and needs.

Code of Conduct Enforcement: Overarching Considerations

Ensuring a Fair Process

Code of conduct enforcement processes have two stages: determining if there has been a contravention (e.g., taking complaints; conducting investigations; making determinations), and if so, making decisions on what, if any, sanctions to impose (e.g., recommendations from investigation and/or a Council/Board decision on sanctions). Fair process in both of these stages is critical.

A local government is obligated to ensure its decision processes are fair, particularly where the decision affects the interests of a specific individual.

Given the significance of these processes to elected officials, local governments need to consider how they can meet a high standard of fairness, including finding ways to ensure throughout the process that:

- The person affected by a decision is able to participate in the process before the decision is made (e.g., is notified of allegations, findings and recommendations and provided all documents and information that will be relied on by decision-makers, is provided with an opportunity to respond and sufficient time to prepare, and is given an opportunity to be represented by legal counsel at the appropriate stage);
- The decision-makers are open-minded (i.e., they have neither a conflict of interest nor a predetermined bias); and
- The decision is based on relevant evidence and, where applicable, the justification for the decision is given to the person(s) affected by it.

LEADING PRACTICE TIPS

Build timelines into the various steps of your enforcement process. This will enhance fairness, and can avoid eroding relationships further as the process drags on.

Build an informal resolution component into your code of conduct enforcement process.

Consider carefully managing the extent to which staff are involved in enforcement processes. Given the nature of these processes, critical staff-elected official working relationships can be significantly affected.

Consider specifically referring to legislated confidentiality requirements in your code of conduct, so members know how they will be held accountable for contraventions of those provisions.

Ensuring the Investigator has Sufficient Independence, Expertise and Authority

It can be extremely challenging to ensure the person conducting an investigation is free from bias or the perception of bias when investigating a colleague (i.e., where a Council/Board or one of its committees is investigating the conduct of a Council/Board member) or when there is an employer/employee relationship (e.g., where a CAO is investigating the conduct of a Council or Board member).

In order to remove this perception of bias, improve fairness, and enhance public trust in the process, investigations are most often assigned to an independent third party.

Balancing Transparency and Confidentiality

Local government legislation provides rules around what must be dealt with in open meetings, and what may or must be dealt with in closed meetings. The *Freedom of Information and Protection of Privacy Act* provide rights of access to certain records, as well as a requirement to protect personal information. A local government will need to ensure compliance with these laws as it develops and implements its enforcement processes.

Within these legislated parameters, there may be some discretion for local governments to make choices about whether to conduct some parts of the enforcement process in open or not. Where there is sufficient discretion, local governments may wish to consider where confidentiality is needed to support a fair process, where transparency is needed to enhance public confidence in the process, and how to balance these two objectives in each step of the process and overall.

For example, to protect the privacy of the individuals involved and ensure investigations are free from bias, most local governments maintain confidentiality throughout the complaint and investigation processes (e.g., notifying only those involved and requiring them to maintain confidentiality). Once the investigation is complete, and if it finds there was a contravention, the balance can sometimes shift towards transparency by providing for consideration of, and decisions on, investigators' reports and sanctions in an open Council or Board meeting. This is typically because the legislation requires this (i.e., the subject matter does not meet the criteria for discussion in a closed meeting) and/or the local government considers the public interest is best served by making these decisions transparently.

Matters of Cost, Capacity, Efficiency and Effectiveness

Decisions around process will have an impact on financial and human resource capacity. For example, decisions about who can make a complaint (e.g., elected officials, staff or the public) can significantly affect the volume of complaints and investigations. This will affect resources that will need to be dedicated to the enforcement process, since investigations can be time consuming and require people with highly specialized skills.

These considerations can help to sharpen the focus on various design elements and implementation strategies, not just for enforcement but for all elements of building and restoring responsible conduct. In addition, they may encourage reconsideration of alternative measures (e.g., prevention activities or informal resolution of conduct issues) that may have been previously discarded because of their associated costs (yet may be much less costly – both financially and in relationship impacts – than code of conduct enforcement).

INITIATION: What triggers the process?

<p>How is the enforcement process initiated and who can make a complaint?</p>	<p>The process is typically initiated by a complaint, and complaints are allowed from any member of the Council or Board. In some cases, committee members and/or staff may also make a complaint, and in a few cases, complaints are accepted from “any person,” which would include all of the above as well as members of the public.</p>
<p>How is the complaint made, and what must it contain?</p>	<p>Typically, the complaint must be in writing, and most require these to be signed and dated by the complainant. There are varying degrees of specificity in the detail to be provided, with some codes saying nothing about this, and others requiring more specifics (e.g., detailed description of the conduct, witnesses and supporting documents).</p>
<p>To whom is the complaint made?</p>	<p>Most are delivered to the mayor/chair and/or a staff official (e.g. CAO), with provision that if the mayor/chair is involved, delivery is to the acting mayor/chair. In a few cases, delivery is to mayor and council/chair and board, and in some cases, complaints go to an investigator if one has been appointed.</p>

Considerations:

- › **Fair process/cost and capacity:** Fairness would dictate that at a minimum, anyone subject to a code of conduct should be allowed to make a complaint. From a public trust perspective, consideration could be given to allowing complaints from anyone impacted by the conduct (e.g., members of the public who are impacted by the erosion of good governance resulting from the conduct). The volume, and perhaps the complexity, of complaints tends to increase as the number of potential complainants increases, which will have cost and capacity impacts.
- › **Fair process:** Consider timelines for making a complaint. Existing practice examples: some codes don't explicitly provide a deadline, while others tie a deadline to the breach (e.g., as soon as possible after, or within six months of).
- › **Fair process:** Consider how much detail to require in a complaint. Part of a fair process is enabling the respondent to respond, which would be difficult without sufficient detail as to the allegation. To be clear about process, consider explicitly stating that the respondent is to be provided notice of the allegations and an opportunity to respond before a decision to proceed to an investigation is made, perhaps with some deadlines. Existing practice examples: some codes do not provide this explicitly, while others do and provide deadlines (e.g. must respond within 14 days of notification).
- › **Confidentiality/transparency:** Consider measures to ensure confidentiality until an investigation of the allegations is complete.

INFORMAL RESOLUTION: What informal resolution processes are available?

<p>When does informal resolution occur and how is it triggered?</p>	<p>Most codes explicitly provide for informal resolution. Some create an informal complaint process, and encourage complainants and respondents to try informal resolution before a formal complaint is made. Some other codes encourage an attempt at informal resolution after a formal complaint has been submitted and before the complaint review process; in these cases, the CAO and/or mayor/chair become involved in that informal resolution step.</p>
<p>What is the informal resolution process?</p>	<p>Some codes that provide for informal resolution are silent as to the process. However, most others call for the complainant to address the issue directly with the respondent to encourage compliance, and/or to request the assistance of the mayor/chair to attempt to resolve the issue. In one case, a senior staff official could be called on to assist the complainant in that process, and third-party mediation is an option if these steps aren't successful in reaching resolution.</p>
<p>What are the timelines and fair process provisions?</p>	<p>There is no deadline for informal resolution where it occurs prior to receiving a formal complaint, because the defacto deadline is when a formal complaint is made. Most codes that encourage informal resolution after a formal complaint is made set a 30-day deadline to attempt informal resolution prior to an investigator being appointed. Most do not have specific fair process or transparency/confidentiality provisions for this informal stage. However, in some cases, there are specific provisions for confidentiality, and where mediation is part of the process, legal or other representation for the complainant and respondent are offered for that part of the process.</p>

Considerations:

- › **Cost/capacity/efficiency/effectiveness:** Local governments may want to consider encouraging informal resolution because that can be less costly and lead to better outcomes than investigation and sanction processes (see Chapter 3, Resolving Conduct Issues Informally).
- › **Confidentiality/transparency:** Consider measures to keep informal resolution processes confidential.

APPOINTMENT OF INVESTIGATOR: Who is appointed to investigate and how are appointments made?

<p>Who is the investigator, who makes the appointment, and on what basis?</p>	<p>In the majority of cases, the investigator is an independent third party, typically appointed by either the mayor/chair, the person acting in their place, or jointly by the mayor/chair and CAO. Exceptions include when the code assigns investigator duties to a position (e.g., senior staff official), or when the investigator is defined as the Council/Board or an individual or body appointed by the Council/Board. In cases where a senior staff official is assigned in the code as investigator, the code also provides for that individual to appoint an independent third party to investigate instead of the senior staff official.</p>
<p>What duties does the investigator perform?</p>	<p>Typically, investigators undertake the complaint review process, investigation and reporting of findings. In at least one case, a senior staff official is responsible for the complaint review process, and the investigator is appointed only after the complaint review process is complete, if needed. In one case, the investigator is assigned a broader range of responsibilities.⁴</p>
<p>What are the timelines and fair process provisions?</p>	<p>Several jurisdictions require the investigator be appointed within 30 days of receipt of a formal complaint (unless the matter is resolved informally within that time frame). See “Who is the Investigator” above for fair process provisions.</p>

Considerations:

- **Fair process/investigator independence, expertise and authority:** Choosing an investigator who is free from bias is critical. This would indicate a need to appoint an independent third party, and/or ensure other mechanisms are in place to protect investigator independence. Assigning an investigation to a senior staff position, such as a CAO, is not recommended for most investigations as it would be very difficult to achieve the needed level of independence, and because the investigation could harm the staff-council/board relationship, compromising both the ability of the council/board to provide good governance and the CAO's ability to effectively perform their duties. Providing for input from the complainant and respondent on the choice of investigator can help ensure all parties agree the investigator is unbiased and qualified; this effect can be enhanced by provisions that refer to the need for investigators to have professional skills/expertise.
- **Confidentiality/transparency:** The choice of who appoints the investigator (e.g., Council/Board, mayor/chair and/or CAO) may impact when complaint information becomes public, since Council/Board decisions may need to be made in an open meeting.

⁴ City of Surrey Bylaw 20018 creates an Ethics Commissioner position and assigns a number of roles to the position, including providing advice and delivering training. See link in Chapter 6, Resources.

COMPLAINT-REVIEW PROCESS: How are complaints initially dealt with and by whom?

What is the complaint review process and who carries it out?	If informal resolution is not reached, complaints undergo an initial assessment and are either dismissed or proceed to investigation. Almost always, the investigator is responsible for the initial assessment, although in at least one code of conduct, this role is assigned to a senior staff official.
On what basis can a complaint be dismissed?	Reasons that a complaint may be dismissed are usually provided, but there is some variation on the grounds for dismissal. Many refer to complaints that are frivolous, vexatious and/or not made in good faith. Several also mention complaints that are unfounded, based on insufficient grounds, unlikely to succeed and/or beyond the jurisdiction of the code or other conduct policy.
What is the process if a complaint is dismissed?	Many do not provide a specific process. Where one is provided, there is a requirement to inform the complainant and, in at least one code of conduct, the Council or Board.
What are the timelines and fair process provisions?	Codes don't typically set timelines for this step. Some codes provide that the respondent must be notified and given an opportunity to provide an initial response prior to the complaint review process; of these, a few provide deadlines for the initial response (e.g., within 14 days of notification).

Considerations:

- › **Cost, capacity, efficiency, effectiveness:** Local governments will want to consider some form of complaint-review process, to ensure that investigations aren't required when not warranted by the nature of the complaint.
- › **Fair process:** Both fair process and public trust can be enhanced by being clear about the types of complaints that can be dismissed, while providing some discretion for investigators to make decisions based on their professional judgement and specific circumstance. Local governments may also want to consider whether to provide some deterrents for vexatious complaints (see Other Enforcement-Related Provisions table).
- › **Confidentiality/transparency:** For complaints that are dismissed, local governments will want to consider how to treat the involved parties fairly when making decisions about whether or not to provide notification about the complaint and the reasons it has been dismissed, and the extent of that notification. For complaints that proceed to investigation, fair process would require notification to both the complainant and respondent, and opportunities for the respondent to respond during the investigation (see the Investigation table below).

INVESTIGATION: How are complaints investigated?

What is the purpose of the investigation and how is it conducted?	Investigations tend to be described quite generally (e.g., independent, impartial investigation of complaint; determine the facts, review relevant documents, conduct interviews), which provides considerable room for investigators to use their professional judgement to adapt the investigative process to meet the circumstances. Specific provisions relate to fair process, described below.
What are the timelines?	Some codes do not provide timelines. Where they are provided, timelines can refer to when the investigation begins (e.g., within 10 days, or as quickly as possible), when updates are provided (e.g., updates within 90 days after investigator's appointment) and/or when the investigation finishes (e.g., within 30 days, with extensions possible).
What are the fair process provisions?	Codes typically provide for confidential investigations and require participants to respect that confidentiality. All codes have investigation fair process provisions, that are either general (e.g., investigate in a manner that is fair, timely, confidential and otherwise accords with the principles of due process and natural justice), or more specific (e.g., complainant and respondent are provided notice, and relevant documents, respondents must be given opportunity to respond, and participants may be represented (including legal counsel)).

Considerations:

- **Fair process:** Whether or not specific provisions are included in the code, participants must be afforded fair process. Local governments will need to consider how they will provide key fairness elements, like:
 - How respondents will be able to effectively participate, including how and when they will be provided with relevant documents, how and when they can respond (ensuring they are given sufficient time to prepare that response); and when are respondents and potentially others given an opportunity to be represented and by whom; and
 - How to ensure the decision is based on relevant information (e.g., considerations around things like documentation of evidence, findings and decisions).

In addition, local governments will want to consider how much of this to detail within their code. More detail helps to ensure processes are consistently applied and things don't get missed, but may make the process less flexible and more difficult to adapt to emerging circumstances.

- **Confidentiality/transparency:** Considerations typically relate to how to ensure allegations and evidence remain confidential during the investigation process.

REPORTING FINDINGS: How are investigation findings and recommendations reported and to whom?

What must be in the investigator's report?	Reports must provide investigation findings. In some cases, there is a specific requirement to include findings as to whether there has been a contravention, and/or recommendations on resolution of the complaint.
Can sanctions be recommended if there has been a contravention?	There are two approaches: specific authority for the recommendations of sanctions from among a list of potential sanctions in the code; OR no specific mention of the ability to recommend sanctions, even though the code lists potential sanctions.
Can additional recommendations be made in the report?	A number of codes specifically allow any recommendation an investigator deems appropriate and also specifically provide for a recommendation that the complaint be dismissed.
To whom is the report delivered?	There are two general approaches, with some slight variation: to the Council/Board, with some also provided to a staff official; OR to the mayor/chair (with provision for the acting mayor/chair if that person is involved) with most also being provided to a staff official.
What are the timelines and fair process provisions?	There are few timelines for reporting (see Investigation table above for details). In many cases, there are explicit provisions for reports to be provided to both the complainants and respondents. A few state that the report to the mayor/chair is confidential, and in one case, there is explicit provision that if there is insufficient evidence in an investigation, the investigator reports that finding but there is to be no permanent record of the complaint.

Considerations:

- › **Fair process:** Consider how and when the complainant and respondent are informed of the findings of the investigation. Consider whether different approaches are needed if no contravention has been found as opposed to if the findings indicate a contravention.
- › **Confidentiality/transparency:** Consider whether the investigator's report is provided confidentially or not. The choice of who receives the investigator's report may impact the extent to which the report is confidential, since if the report is delivered to the Council/Board, this may be in an open meeting. Where reports are not confidential, consider whether some information must be severed to comply with legislated privacy rules. Consider whether different approaches are needed if no contravention has been found as opposed to if the findings indicate a contravention.

FINAL RESOLUTION: What actions can be taken once findings have been reported and by whom?

If the investigator's report goes to mayor/chair, does it also go to Council or Board?	Some codes require the mayor/chair to provide the report, or a summary of it, to the Council/Board, others allow that person to decide whether it should go to the Council/Board, and the remainder do not give direction to the mayor/chair as to whether or not the report should be provided to the Council/Board.
What happens if the investigation finds a contravention?	Some codes state that the decision about whether there was a contravention rests with the Council/Board. Others are less explicit, stating only that the investigator's report must state whether there has been a contravention.
If there was a contravention, who imposes sanctions and what are the parameters around that?	In no case can an investigator impose sanctions. That decision rests with the Council/Board. Codes describe what sanctions may be imposed, and in many cases, a Council/Board can choose from among those provided. In some cases, the only sanctions that can be imposed are some or all of those recommended by the investigator. In at least one case, the Council/Board is directed to consider specified factors (e.g., nature or impact of the conduct).
What are the timelines and fair process provisions?	Some codes do not articulate fair process. Others do, including: notification to the respondent prior to Council/Board consideration, stating that the respondent is entitled to respond and given time to prepare response (e.g., two weeks), stating that the respondent is entitled to be represented, including by legal counsel (some have indemnification; see 'Other Enforcement-related Provisions' table below). Some codes provide for Council/Board consideration in open meetings, while others provide for closed meetings for this.

Considerations:

- › **Fair process:** Whether or not specific provisions are included in the code, participants must be afforded fair process. Local governments will need to consider how they will provide key fairness elements and how much to detail this within their code. **Refer to the fair process discussion in the 'Investigation' table above, which is relevant for this step also.** In addition, consider how to ensure an unbiased decision on sanctions. Some local governments find that limiting Council/board discretion (e.g. may only impose sanctions recommended by investigator, or must consider specific factors) can help to reduce the potential for bias and/or ensure the decision is based on relevant information.
- › **Confidentiality/transparency:** Consider relevant meeting rules and the nature of the matter. If these matters are dealt with in open meetings, consider whether some personal information should be severed; if dealt with in closed meetings, consider when and how the respondent is informed of decisions, and when and to what extent information is made available to the public (as a void of information can ultimately be filled by misinformation). Consider also whether different approaches are needed if no contravention has been found as opposed to if the findings indicate a contravention.

OTHER ENFORCEMENT-RELATED PROVISIONS: A sample of other key enforcement provisions that may be included in a code.

<p>What enforcement provisions are there for different groups that are subject to a code?</p>	<p>Many codes apply only to members of the Council/Board; some also include committee members and/or staff. Where these other groups are included, codes tend to modify enforcement provisions (e.g., who deals with complaints and how this is done; what sanctions may be imposed) for each group.</p>
<p>Do codes provide for reimbursement of legal costs for a person involved in an enforcement process?</p>	<p>Some codes make provisions for reimbursement of a respondent's legal costs under certain circumstances, and with certain limits (e.g., if the person did not act in a dishonest, grossly negligent or malicious way; for the first occurrence, but not subsequently unless agreed in advance; upon request; only reasonable costs are reimbursed, sometimes with specified dollar limits).</p>
<p>What are the responsibilities of persons subject to the code?</p>	<p>Most codes require that members refrain from discussing allegations at open meetings until after investigations and Council/Board decisions on them.</p> <p>Some codes require that members endeavour to resolve disputes in good faith, cooperate with informal resolution and/or not obstruct the Council/Board in investigations.</p> <p>Some also require that members not act or threaten reprisal/retaliation against involved persons (i.e., complainant, respondent, witness, staff). In at least one case, for complaints that are vexatious, malicious or in bad faith, complainants are subject to disciplinary action, including sanctions in the code.</p>

Considerations:

- **When code applies to committee members and/or staff:** All processes must be fair, and all will need to consider the confidentiality/transparency balance, but how these are applied is often different for each group. There may also be different legal or contractual requirements that would guide enforcement processes that must be considered (particularly with respect to staff).
- **Reimbursement:** Fairness can be enhanced by providing clear policy in the code, rather than dealing with reimbursement of legal costs on a case-by-case basis. In considering the potential to offer reimbursement of legal costs and limitations around that, local governments may wish to consider whether their indemnification policy could inadvertently act as a deterrent to trying to work things out informally.
- **Responsibilities:** Local governments may wish to consider whether the fairness and/or effectiveness of their enforcement processes could be enhanced by provisions such as these.

Sanctions

As described in the 'Final Resolution' table above, if the findings of an investigation indicate that there has been a conduct contravention, a Council or Board may consider what, if any, sanctions to impose.

As with other elements of a code of conduct enforcement process, legal advice is recommended as sanctions are being designed and when they are imposed.

Current Practice for Sanctions

Codes of conduct that provide details of an enforcement process also typically set out a range of sanctions that the Council or Board could impose for contraventions.

Sanctions are stated specifically, generally, or as a combination of these. For example, some codes say that the Council/Board "may impose sanctions" and follow this with a few examples, while others provide a specific list of sanctions, sometimes followed with a general provision for "any other sanction considered appropriate" by the investigator in some cases and the Council/Board in others.

Some codes also provide overarching statements that sanctions may only be imposed if they do not prevent the member from fulfilling their legislated duties of elected office.

Specific sanctions included in a sampling of B.C. codes of conduct are:

- Request letter of apology
- Mandatory education, training, coaching or counselling
- Suspension/removal from some or all committees or other bodies
- Public censure
- Letter of reprimand or formal warning
- Publication of reprimand or request for apology and member's response
- Suspension or removal as deputy/acting mayor/chair
- Restrictions on representing the local government or attending events or conferences
- Limits on travel/expenses beyond those in corporate policies
- Limiting access to certain local government facilities
- Requirement to return local government property provided for convenience
- Restrictions on how documents are provided to the member
- Reduction in compensation (in accordance with remuneration bylaw)⁵
- Written pledge promising to comply

Readers are cautioned that this listing merely presents a compilation of sanctions currently included within B.C. local government codes of conduct. They should be considered in the context of evolving law and the legal uncertainty that is discussed above. Given this, legal advice is advised on sanctions as well as other elements of a code of conduct enforcement process.

⁵ This sanction is provided for in the District of North Cowichan's code of conduct, and it is specifically linked to its Council remuneration bylaw. See Chapter 6, Resources for link.

Considerations When Imposing Sanctions

- **Fair process:** Fairness can be enhanced and the potential for bias reduced by providing direction to the Council or Board about what it must consider in making sanction decisions, or limiting Council/Board discretion to only imposing some or all of the sanctions recommended by the third-party investigator.
- **Effectiveness:** While sanctions can be imposed as a way of distancing the Council or Board from the member's conduct (e.g., public rebuke) or to penalize the member for the contravention (e.g., reduction in remuneration, imposing limits on travel or suspension of committee appointments), local governments may also wish to consider how sanctions may be used to support a return to responsible conduct and to prevent conduct issues in the future. For example, providing coaching, skills building or training can help to avoid conduct issues that stem from a misunderstanding about roles and responsibilities, or frustration with an inability to get one's point across at a meeting. Additionally, restricting how documents are provided to the member can help to prevent a recurrence of a contravention of a duty of confidentiality.
- **Legal risk:** Sanctions are not specifically mentioned in B.C. local government legislation but local governments have been found by the courts to have the ability to manage conduct; this may include the ability to sanction in cases of the misconduct of a Council or Board member. The edges of that authority – in terms of what specific sanctions may be imposed – aren't yet clear, but some key questions to think about in imposing sanctions are set out in this graphic. Ensuring that each question can be answered with a "yes" may mean that the legal risk related to the proposed sanction is lower.

Could the sanction fall within the local government's legislated powers?

(e.g. CC/LGA fundamental and included powers; power to rescind appointments.)



If the sanction were imposed, would the elected official still be capable of fulfilling their duties of office?

(e.g., a suspension or disqualification from office would mean the elected official could not fulfill their duties of office; removal from rotation as acting mayor/chair or from a committee would not have that effect.)



Is the sanction consistent with other policies and procedures of the local government?

(e.g., do policies related to compensation allow for reduced remuneration if an elected official is found to have contravened the code of conduct?)



Were processes to determine the contravention and impose sanctions procedurally fair, with due regard to natural justice?

(e.g. notice, opportunity to be heard, open-minded decision-making, and consideration of relevant facts?)

How to Improve the Post-sanction Environment

Disqualification is not a sanction that can be imposed by a local government. Consequently, an elected official found to be in contravention of a code of conduct will continue to be a Council or Board member. By the time formal complaints are made, relationships among Council or Board members may be very strained, and the investigation and sanction process will likely further damage these relationships.

Finding effective ways to work together will become even more important, and local governments may wish to consider what specific support could be provided to the elected official found to be in contravention, and to the collective to facilitate them working effectively together again. In addition, consideration may be given to whether policy or procedure changes could support a return to responsible conduct. Local governments may also wish to consider whether to give the investigator an ability to make these types of restorative and support recommendations, which could help to move away from a singular focus on sanctions.



FOOD FOR THOUGHT

- › Is informal resolution something that would be suitable for the conduct issue at hand? If so, have we attempted that? If not, why not?
- › What enforcement processes and sanctions does our code of conduct include? Are they sufficient?
- › Do we have a process in place to review our code of conduct and what it covers? What can we learn from what we have just gone through for any future situations?
- › Does our code refer to legislated conduct rules? If so, is it clear about which enforcement processes refer to what code provisions? (e.g., court-based processes for conflict of interest, WorkSafe BC processes for bullying and harassment involving an employee, code of conduct enforcement for all others).
- › Have we done everything we can to make sure investigations and decisions are free from bias and administratively fair, and that the entire enforcement process reduces the potential for the process to be used for purely political purposes?
- › Are we providing the same standard of fairness to everyone?

“Justice Crawford sounded one important note of caution on the right of an elected council to take action regarding a council member’s misconduct. The power to decide whether a council member’s conduct falls below the expected standard of conduct must be exercised with great care and discretion:

‘Far too easily, this could turn into an abuse of process for cheap political gain, and any council that sets out in this direction must be careful in what it is doing.’”

(From the Young Anderson paper Controlling Councillor Conduct)

CLICK HERE for links to resources referenced in this chapter.

CHAPTER 5

Conclusion

Forging the Path to Responsible Conduct

Local governments are finding that putting sustained effort towards fostering responsible conduct and resolving conduct issues informally is an effective way to avoid lengthy, divisive enforcement processes, and is also necessary to sustain and maintain good governance.

Key success factors include:

- Initiating discussions towards adoption of a code of conduct before conduct issues emerge;
- Adopting a code of conduct, including details of the enforcement process to be used to address alleged contraventions of the code and the range of sanctions that may be imposed by the Council or Board if a contravention is determined;
- Building supporting structures, including policy alignment, and supporting elected official leadership and skills development;
- Finding ways to work effectively together and to build trustful, respectful working relationships, through such means as regular Council or Board check-ins; and
- Not allowing conduct issues to fester, but rather taking steps to resolve them informally early on.

“The time to adopt a code of conduct is not when you’re in the middle of a crisis – it’s when things are going well, and when it can be aspirational.”

(A B.C. regional district CAO)

When enforcement processes are needed, local governments are well served by having articulated their process within their code of conduct in advance. Key factors to consider include ensuring a high standard of fairness throughout the process (e.g., the person affected by the decision is able to participate in the process before the decision is made, the decision-maker is open-minded, and the decision is based on relevant information).

Subsequent to enforcement processes, local government have found a need to take a renewed interest in improving working relationships among the Council or Board that tend to have further eroded during the enforcement process. Efforts towards continuous improvement in fostering responsible conduct and maintaining good governance are helpful – in particular, rebuilding respectful and trustful relationships.

CHAPTER 6

Resources

Click the name of the resource in dark blue to link to the website.

Please note: the following links were up-to-date at time of publication. If the links do not work, most of these resources can be found by conducting a web search using the name and organization listed below.

Chapter 1: Fostering Responsible Conduct

Featured Resources

- Working Group on Responsible Conduct materials:
 - *Foundational Principles of Responsible Conduct for BC Local Governments* describes key principles to guide elected officials' conduct.
 - *Getting Started on a Model Code of Conduct for Your Council/Board: Model Code of Conduct* and its *Companion Guide* provide a model code that local governments can modify to meet their needs, and describes things to think about when developing a code; the Companion Guide provides links to numerous resources, including several B.C. local government codes of conduct.
 - The Ministry of Municipal Affairs and Local Government Management Association publication *Procedure Bylaw Guide: For B.C.'s Local Governments* explains legislative requirements, provides best practices, and sets out questions to consider in developing procedure bylaw amendments.
- Other local government resources:
 - Oath of office: [City of Kelowna](#)
 - Social media policies: [District of Saanich Code of Conduct, s.6](#)
 - Information-sharing practices: [District of North Vancouver policy Staff Handling of Individual Council Member Requests for Information](#)
 - Conduct expectations for the public: [District of North Cowichan Public Input and Meeting Conduct Policy and Respectful Places Bylaw](#)
 - Checklists and educational tools: [District of Sparwood Code of Conduct Quick Reference Guide to Accepting and Disclosing Gifts](#)

Click the name of the resource in dark blue to link to the website.

Other Resources

- [Local Government Leadership Academy website](#)
- [Local Government Management Association resources webpage](#)
- Institute for Local Government (California) publications:
 - [Developing a Local Agency Ethics Code: A Process-oriented Guide](#)
 - [Ethics Code Menu/Worksheet](#)
- Province of B.C. video [Roles and Responsibilities of a Locally Elected Official](#)
- Province of B.C. video [Characteristics of Effective Locally Elected Officials](#)

Chapter 2: Maintaining Good Governance

Featured Resources

- *Enhancing Collaboration in British Columbia's Regional Districts* (2014, by Jennie Aitken of the University of Victoria in collaboration with the Ministry of Community, Sport & Cultural Development, Union of B.C. Municipalities and LGMA) is a research study with findings that show what can support collaboration, and it provides a number of recommendations in relation to this; a [checklist](#) summarizes these recommendations.
- [Local Government External Resource Database](#) provides areas of speciality and contact information for professionals who work with local governments on governance and other critical issues.
- The Province of B.C.'s short videos [What Contributes to Effective Local Government Decision-making](#) and [Roles and Responsibilities of a Locally Elected Official](#) focus on key elements related to effective governance.
- [Sample customizable self-evaluation checklists for Councils and Boards.](#)

Other Resources

- Ministry of Municipal Affairs webpage [Local Government Open Meeting Rules](#)
- B.C. Ombudsperson special report *[Open Meetings: Best Practices Guide for Local Governments](#)*
- Candice Martin presentation on Prezi.com [Unproductive Conflict vs. Productive Conflict](#)
- Institute for Local Government (California) publications:
 - [Leadership & Governance: Tips for Success](#)
 - [Tips for Promoting Civility in Public Meetings](#)
 - [Understanding the Role of the Chair](#)
 - [Working Together to Achieve Ones' Goals](#)
 - [Dealing with Bumps in the Road](#)

Click the name of the resource in dark blue to link to the website.

Chapter 3: Resolving Conduct Issues Informally

Featured Resources

- B.C. Ombudsperson report *The Power of an Apology: Removing the Legal Barriers* and *Quick Tips on Apologies*
- *Public Management* article *Preparing Councils for their Work*, Julia Novak and John Nalbandian (August 2009, pg. 27)
- **Local Government External Resource Database** provides areas of speciality and contact information for professionals who work with local governments on governance and other critical issues.
- Institute for Local Government (California) publication *Dealing with Bumps in the Road* provides strategies for dealing with elected official and staff relationship challenges, which may also be useful when taking informal steps to resolve conduct issues among elected officials informally.

Resources

- *Getting to Yes: Negotiating an Agreement Without Giving In*; Roger Fisher and William Ury, with Bruce Patton, Editor
- Institute for Local Government (California) publication: *Attributes of Exceptional Councils*

Chapter 4: Essentials of Code of Conduct Enforcement

Featured Resources

- *Getting Started on a Model Code of Conduct for Your Council/Board: Model Code of Conduct* and its *Companion Guide* – of particular interest to enforcement are links to several B.C. local government codes of conduct, many of which articulate enforcement provisions, located within the *Companion Guide*.
- **City of Surrey Bylaw 20018** creates an Ethics Commissioner position and assigns a number of roles to the position, including providing advice and delivering training.
- District of North Cowichan's code of conduct provides for a sanction to reduce remuneration, noted in its **Council remuneration bylaw**.

Other Resources

- B.C. Ombudsperson resources *Fairness in Practice Guide*, along with *Fairness by Design* and *Quick Tips: Essentials of Procedural Fairness*
- Young Anderson report *Controlling Councillor Conduct* by Barry Williamson, 2013.
- B.C. Ministry of Municipal Affairs webpage *Ethical Standards for Locally Elected Officials*
- Union of British Columbia Municipalities fact sheet *Conflict of Interest*
- WorkSafe BC's *bullying and harassment resource toolkit* along with *A Handbook on Addressing Workplace Bullying and Harassment*

WORKING GROUP ON RESPONSIBLE CONDUCT

The Working Group on Responsible Conduct is a joint initiative between the Union of BC Municipalities, the Local Government Management Association of British Columbia, and the B.C. Ministry of Municipal Affairs. The group was formed to undertake collaborative research and policy work around issues of responsible conduct of local government elected officials.



INFORMATION BRIEFING NOTE

Date: March 9, 2021

Prepared For: Premier John Horgan

Topic: COVID-19 Safe Restart Grant for Local Governments s.13; s.17

Purpose: Provide background and information to the Premier on Ministry of Municipal Affairs' decision to allocate \$10 million in COVID-19 Restart Money to the 27 Regional Districts.

BACKGROUND:

In late Summer, 2020, the federal and provincial governments ratified the *Safe Restart Agreement*, which provided funding for local governments and transit. The local government component of funding (approximately \$540 million) was equally shared between the federal government and the province. The province committed to direct transfers to local governments with no claw backs before the end of the 2020/21 fiscal year.

s.12; s.13

DISCUSSION:

On March 3, 2021, the Minister of Municipal Affairs (Minister), elected to allocate the \$10 million s.13; s.17 to the province's 27 regional districts. This decision was made in accordance with her authority to determine grant payments under s.36 of the *Local Government Grants Regulations* (BC Reg 221/95).

The rationale for this funding decision was that the November installment of the Restart Grant (\$415M) focused primarily on municipalities; regional districts only received \$21M (or five percent) of the total grant allocation. As a result, several regional district board members have expressed concerns with the low level of funding under the Restart Grant.

The \$10 million will be allocated as follows: \$2 million will be apportioned over the “total regional district population” (including population in municipal and rural participating areas of a regional district) and the remaining \$8 million will be allocated over “rural regional district population”.

This method will provide more funding to large regional districts like Metro Vancouver, but it will also provide higher per capita funding to smaller and rural regional districts in recognition the increased costs of providing services to remote rural areas.

The allocation is provided in

Appendix 1.

However,^{s.13} regional district boards will still have full discretion in allocating these funds to various services and regional participants like electoral areas as was the case for the first round of funding.

GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:

This funding will be provided to local governments for costs and decreased revenues due to the pandemic. All local governments are accountable for their spending decision making and in ensuring all residents of their communities can benefit from the down stream impacts of the funding. The options presented here do not attach to any cohort of the population in particular in their application, rather the funding goes direct to local governments.

FINANCIAL IMPLICATIONS:

No net new financial implication as the \$10 million s.13; s.17 was cleared for eventual use before the end of the 2020/21 fiscal year. However, the commitment and payments need to be made prior to March 31, 2021 to be in accordance with the restart agreement and approved provincial funding.



Ministry of
Municipal Affairs

Attachments:

s.13

PREPARED BY:

Sean Grant, Director
Local Government Infrastructure and
Finance Branch

APPROVED BY:

Tara Faganello, ADM
Local Government Division

Okenge Yuma Morisho,
Deputy Minister

DATE APPROVED:

March 8, 2021

March 9, 2021

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Withheld pursuant to/removed as

s.13 ; s.16 ; s.17



MEETING BRIEFING NOTE

Date: March 16, 2021

Prepared For: Premier John Horgan
Honourable Josie Osborne, Minister of Municipal Affairs

Topic: Metro Vancouver - Infrastructure Partnership

Purpose: Metro Vancouver would like to present to the Premier a series of infrastructure projects

Meeting With: Sav Dhaliwal – Chair, Metro Vancouver Board on March 19, 2021.

KEY MESSAGES:

- **Thank you for the update on the series of infrastructure projects that are being planned. I understand that these could be a significant part of the regional economic recovery.**
- **I also appreciate the update on larger infrastructure projects in the Metro region including their connections to our joint priorities like climate change, housing, and community safety.**
- **The province remains committed to delivering on StrongerBC and an effective recovery strategy for the people and communities of British Columbia.**
- **The request, presented today, is significant in scope and will need to be weighed against other Economic Recovery requests.**
- **Although we support as many key infrastructure projects as we can, we can never support all the important projects around the province.**
- **As with past provincial support to large scale projects, such as the North Shore Wastewater Treatment Plant, any discussions on opportunities to partner and cost-share will need to involve the Ministry of Finance as well as the Ministry of Municipal Affairs.**

BACKGROUND:

s.16; s.17

Under Metro's current request, projects focus on several different objectives and benefits, including future development and growth. On the one hand, several of the projects focus on resilience and waste reduction. For instance, the Iona Island wastewater project is the last wastewater treatment plant in Metro that needs to be upgraded to provide at least the minimum of secondary treatment level required under the federal regulation by 2030. On the other hand, the two drinking water supply projects and the upgrades at the Langley wastewater treatment plant are primarily aimed at supporting future development and growth.

Traditionally, infrastructure programs administered by the Ministry of Municipal Affairs (MUNI) have not prioritized economic recovery (except for StrongerBC) or future development. Most



MUNI programs rather have focused on protecting public health and the environment, meeting regulatory requirements, and increasing community sustainability and climate resilience. Although it is recognized that the construction of infrastructure projects and the operational services they provide contribute to sustainable local economies, the top provincial priority is maintaining environmentally sensitive core services (i.e. water, wastewater, storm water, land fills etc.).

In 2017, provincial funding of \$193 Million, and \$212 Million of federal funding, was awarded to Metro towards construction of the new North Shore Wastewater Treatment Plant (NSWWTP) which was estimated at a cost of over \$700 Million.

The project is currently under construction, with treatment to come online by the end of 2024, and a final completion expected by 2028. The new facility is required to meet the federal wastewater regulation and will replace the old Lions Gate plant. Metro released a recent update indicating final costs will be \$1.06 Billion with the escalation due mainly to geotechnical challenges, project delays and COVID-related complications. Metro has indicated the increase will be managed within the existing budget.

DISCUSSION:

s.13; s.16; s.17

intakes for Environmental Quality, CleanBC Communities Fund and Climate reserve are not yet approved; staff would need to assess if any of these projects could be considered. Metro's current rationale for their request differ from previous infrastructure funding requests as it is mostly focused on economic recovery. In parallel with this current request to the province, Metro is seeking funding support from the federal government.

NOTE: The last

s.13; s.16; s.17

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s.13; s.16

Infrastructure programs are consistently oversubscribed and have been challenged to support funding requests beyond \$50 Million. That being said, the province and/or the federal government have provided funding support to some large projects in recent years (see **Table 2**). For instance, Metro's NSWWTP and Capital Regional District's McLoughlin WWTP have been accommodated outside of regular program intakes. In both cases, funding was directed towards some specific components rather than the entire project to reduce the eligible cost considered in the calculation of the funding amount. In general, a selected component might closely align with a provincial or federal objective such as resource recovery, greenhouse gas emission reduction, or exceeding a regulatory requirement.

s.13; s.16

Table 2: Recent senior government funding of large projects.

Recipient	Project	Funding Awarded	Project Cost Estimate
Metro Vancouver	North Shore WWTP Tertiary treatment	Total: \$405 Million Provincial: \$193 Million (2017) Federal: \$212 Million (2016) Program: Local Government Grant	s.13; s.17
Capital Regional District	McLoughlin WWTP Project Tertiary treatment	Total: \$459 Million Provincial: \$248 Million (committed 2013 and 2017); Federal: \$ 211 Million Program: Local Government Grant	
Comox Valley Regional District	Drinking Water Treatment Plant	Total: \$63 Million (2019) Provincial: \$28.5 Million Federal: \$34.5 Million Program: ICIP-Environmental Quality	



City of Kelowna	Drinking Water System Upgrade Phase 1	Total: \$44 Million (2016) Provincial: \$17.5 Million Federal: \$26.5 Million Program: CWWF	s.13; s.17
	Phase 2: Drinking Water Treatment Design	Provincial: \$12 Million (2018) Program: Local Government Grant	
BC Hydro	PRES Electrification Project	Federal only: \$83.5 Million (2018) ICIP Green GHG-Electricity	
	PGTC Electrification Project	Federal Only: \$97 Million (2020 approved/not announced) ICIP GHG-Electricity Program	

GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:

The proposed projects would help build critical municipal infrastructure serving all residents of a community, including vulnerable populations. Each project proposal could be reviewed using a GBA+ lens to ensure it remains inclusive.

Attachments:

1. Regional-Provincial Partnership to Support BC Recovery and Resiliency -Letter Feb 2021 s.13

PREPARED BY:

Brian Bedford, Executive Director
Local Government Infrastructure and
Finance
(778) 698-3232

APPROVED BY:

Tara Faganello, Assistant Deputy
Minister
Local Government Division

Okenge Yuma Morisho, Deputy Minister

DATE APPROVED:

March 7, 2021

March 16, 2021

FEB 11 2021

File: CR-07-08

The Honourable John Horgan, M.L.A.
Premier of British Columbia
Province of British Columbia
PO Box 9041, Stn Prov Govt
Victoria, BC V8W 9E1
VIA EMAIL: Premier@gov.bc.ca

Dear Premier Horgan: *John,*

Regional-Provincial Partnership to Support B.C.'s Recovery and Resiliency

On behalf of the Metro Vancouver Board of Directors, I want to take the opportunity to wish you a Happy New Year, and request a meeting with you to discuss opportunities for collaboration between our region and your government in 2021.

We greatly appreciate the important work your government has done to support municipalities in addressing the challenges of COVID-19, in addition to securing funding and other support from the federal government to relieve the burden on our communities during this pandemic.

As we enter 2021, I believe we have an opportunity to further advance our regional-provincial partnership. The priorities of Metro Vancouver and the Government of British Columbia are closely aligned. We are well-positioned to work together on the complex issues facing the region, including economic recovery, prosperity, resilience and social equity, reconciliation, investments in critical infrastructure, housing, climate change and the environment. Furthermore, you also have Metro Vancouver's continued commitment in supporting the emergency measures implemented by your government to deal with the immediate COVID-19 public health crisis.

Our governments share a responsibility to the communities we serve to continue addressing the impacts of the pandemic and to prepare for recovery. Our region of 2.7 million people represents 61% of BC's GDP and approximately 1.3 million jobs which will be at the forefront of driving economic growth for British Columbia in the years ahead. We want to be working in partnership with the Province to achieve our shared goals.

Metro Vancouver is in the process of seeking meetings with members of your cabinet in the coming weeks, beginning with the Minister of Municipal Affairs to discuss specific priorities and initiatives. For new members of your cabinet and newly elected MLAs, we will share information on how Metro Vancouver plays a critical role in serving the needs of over half of B.C.'s population, including the

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provision of utility services, regional parks, affordable housing, air quality regulation, regional growth planning and political leadership on important regional issues. We will also highlight the more than \$6 billion in shovel-worthy critical infrastructure investments Metro Vancouver has planned over the next five years. These projects will mitigate climate change and protect the environment - creating more than 100 thousand long-term, family supporting jobs – while subsequently reducing GHGs by more than 100 thousand tonnes per year.

To make recovery possible for our region and for our province, our governments will need to work side-by-side in advocating for federal investments in infrastructure, housing and other priorities that we share. Securing support from the Government of Canada will be critical to B.C.'s recovery and future prosperity, and will require provincial and local governments to demonstrate our alignment as we engage the federal government.

Premier, I trust you share my vision for a renewed relationship between the Government of B.C. and Metro Vancouver and I look forward to discussing this with you and with members of your cabinet. Metro Vancouver staff will be contacting officials in your office to schedule a time to meet.

Yours sincerely,



Sav Dhaliwal
Chair, Metro Vancouver Board

SD/HS/ke

cc: The Honourable Josie Osborne, M.L.A., Minister of Municipal Affairs

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INFORMATION BRIEFING NOTE

Date: March 22, 2021

Prepared For: Honourable Josie Osborne, Minister of Municipal Affairs

Topic: Municipal Lobbyist Registries

Purpose: Overview of different models of municipal lobbyist registries and their advantages and disadvantages

BACKGROUND:

In 1996, a provincial lobbyist registry was created under the provincial *Lobbyist Registration Act* (LRA). The provincial lobbyist registry does not apply to local governments nor do local governments currently have specific legal authority to establish mandatory lobbyist registries and enforce local rules.

Over the last few years, local governments have expressed interest in mandatory lobbyist registries and their enforcement, most recently in 2021 the cities of Victoria and Vancouver.

There are also two UBCM resolutions, the most recent in 2019. In the resolutions, UBCM asks the province to provide municipalities with the ability to register lobbyists, create rules for their conduct in interactions with elected officials and public servants, and the ability to enforce these rules.

In addition, in December 2018, the City of Vancouver (Vancouver) sent a letter to the Minister of Municipal Affairs requesting the province's support respecting their objective to regulate municipal lobbyists. Vancouver is proposing to either amend the provincial LRA to extend the provincial lobbyist registry to interested municipalities or to amend the *Vancouver Charter* to allow Vancouver to establish its own registry and enforce its rules.

The province indicated in its responses to UBCM, Vancouver, and Victoria that it is willing to discuss the matter further, recognizing that developing a framework for mandatory registration should work in any local government in BC and as such would require time and consultation.

DISCUSSION:

There are **three main types of municipal lobbyist registries** across Canada: Voluntary, decentralized legislated and centralized legislated (see Attachment 1 for a more detailed overview of the three models). Currently, in BC the legislation allows for the establishment of a voluntary municipal lobbyist registry.

The review of municipal lobbyist registries in other jurisdictions shows that lobbyist registries usually **form part of a broader local government accountability framework**. For example, in Ontario, along with a municipal lobbyist registry, there are also other mandated local accountability features such as a municipal integrity commissioner and mandatory local codes of conduct.

BC has a local government accountability framework with both voluntary and legislated tools; beyond the legislative framework which sets out ethical standards for elected officials respecting matters such as conflict of interest, accepting gifts, and outsider and inside influence, local



governments have the authority to voluntarily establish their own policies with respect to the behaviour and ethics of locally elected officials, which may include creating an ethics commissioner and codes of conduct. Ministry of Municipal Affairs (MUNI) staff have been exploring ways to strengthen the accountability framework in partnership with UBCM and the Local Government Management Association as part of a Working Group on Responsible Conduct.

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Voluntary municipal lobbyist registries (current BC model)

This approach would continue to encourage local governments in developing voluntary municipal lobbyist registries. Voluntary municipal lobbyist registries are effective tools that help to promote and improve transparency and accountability of lobbying activities at the local level.

A voluntary registry does generally not require legislative amendments and implementation costs are minimal. Voluntary registries are consistent with the current accountability framework for local governments in BC and allow the opportunity for legislation at a later date if desired.

For example, the City of Surrey established a voluntary lobbyist registry in 2009 that, although limited to individuals lobbying for rezoning, a development permit or an official community plan amendment, has seen increased registration since its inception. Surrey has not undertaken any formal evaluation of their voluntary registry to determine its impacts but the increasing number of registered lobbyists suggests that it is gaining support from lobbyists and the administrative burden of registering is not seen as overly onerous. Note that in July 2020, the City of Surrey also established a Surrey Ethics Commissioner Office. The Ethics Commissioner is a neutral, independent officer who oversees the conduct of elected officials at the City of Surrey and operates independently of City Council and City Administration.

There are some constraints to voluntary registries as they have no method for enforcement and therefore, their effectiveness may be limited. Councillors and senior officials are required to self-report lobbying activities and there are no consequences to City staff or members of Council if dealing with unregistered lobbyists. However, these constraints can be mitigated by ensuring staff are trained to provide lobbyists, including former council or former staff members no greater information than any other member of the public can access. Additionally, there are legislated restrictions on the use of insider information and requirements for contract disclosure that also apply to former council members.

Decentralized legislated lobbyist registry

Establishment of a decentralized lobbyist registry could largely follow the approach taken by Ontario with respect to municipal lobbyist registries. Amendments could be made to the *Community Charter* and to the *Vancouver Charter* to incorporate the legislative authority for mandatory municipal lobbyist registries into the existing legislation.



For a municipal lobbyist registry to be effective, it requires separation from other city departments to ensure an independent decision-making process and transparency of all business conducted at the municipality. Most cities across Canada that have implemented lobbyist registries have set up a public office and an online service for registration that is free to search and easily accessible to the public. They have also created the position of a registrar.

The provincial legislative framework would outline the general role, purpose, and the scope of the lobbyist registry as well as the general functions and powers of the Registrar of Lobbyists. The administration of the registry and the governance framework of the Registrar of Lobbyists would be established through municipal bylaws. Municipalities would have greater authority to enforce compliance with the registries, resulting in greater transparency and integrity of lobbying activities than in a voluntary model.

However, the development of a legislative framework would be time-consuming and resource-intensive for both the province and interested municipalities. Designing a system for mandatory municipal lobbyist registries would require a clear understanding of what local governments expect a mandatory registry to achieve for them and who it should apply to. A “one size fits all” approach may not work as it would not provide enough flexibility to apply across all local governments in B.C.

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Other challenges to this approach may include increased administrative costs to municipalities as well as potential lack of uptake by municipalities.

An effective municipal lobbyist registry also requires enforcement capabilities such as the legal authority to impose fines, withdraw access privileges, or impose other penalties for non-compliance. To ensure fairness, such enforcement mechanisms also require some form of review or appeal process. (The extent to which this may place an additional burden on the courts would require careful consideration and consultation through the Ministry of Attorney General.)

Note that in Ontario, besides Toronto that is required to establish a lobbyist registry, only four other municipalities have established mandatory lobbyist registries in their jurisdictions. It is currently unknown how many other cities in BC outside of Vancouver and Victoria would seek to establish a mandatory municipal lobbyist registry, if granted the legislative authority.

Centralized legislated lobbyist registry

This model would largely follow the approach taken by Quebec. The provincial *Lobbyist Registration Act*, would be amended so that the individuals lobbying municipalities would be required to register with the provincial Registrar of Lobbyists. This would result in lobbyists at the municipal and provincial level being subject to the same set of rules and the same enforcement mechanisms would apply to both types of lobbyists.

This approach would greatly expand the scope of the role and the authorities of the provincial Registrar of Lobbyists and would depend on the support of the Office of the Registrar of Lobbyists.



Potential issues include the cost of administering an expanded lobbyist registry and whether this cost would be borne by municipal governments or the provincial government.

Additionally, while having a centralized lobbyist registry may be convenient in terms of administering the registry and ensuring consistency in approaches between local governments as well as the provincial government, a centralized registry would impact local government autonomy. Given the more autonomous nature of local governments in BC, this centralized approach may not be viewed favourably by all municipal governments and may not be appropriate in meeting the needs of different municipalities.

GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

A centralized legislated lobbyist registry model may have cost implications for the province due to the increased scope of provincial lobbyist registration.

Attachments:

1. Attachment 1: Overview of the types of municipal lobbyist registries in Canada

PREPARED BY:

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LG Policy, Research & Legislation
Branch

APPROVED BY:

Tara Faganello, Assistant Deputy Minister
Local Government Division
Okenge Yuma Morisho, Deputy Minister
Ministry of Municipal Affairs

DATE

APPROVED:

March 16, 2021

March 22, 2021



Attachment 1: Overview of the types of municipal lobbyist registries in Canada

Voluntary

Voluntary registries are intended to promote and encourage the transparency and integrity of lobbying conducted within a local government. There is no requirement for lobbyists to register or to disclose their lobbying activities, nor is there any mechanism to enforce the registry.

At a minimum, voluntary lobbyist registries can provide a greater degree of transparency, integrity and accountability of lobbying activities at the municipal level. Although voluntary registries cannot provide as comprehensive a framework as legislated lobbyist registries, voluntary registries are less expensive to maintain and do not necessarily require the establishment of a greater accountability framework, which is often the case in jurisdictions with legislated registries.

Decentralized legislated

In Ontario, there is a legislative framework established under the Municipal Act (equivalent to the Community Charter) that provides municipalities with the authority to establish municipal lobbyist registries. Under this framework, municipalities are given the authority to establish municipal lobbyist registries through bylaws. For the City of Toronto, there is a mandatory requirement to establish a lobbyist registry under the Toronto Charter (equivalent to the Vancouver Charter). The legislative authorities provided to municipalities in Ontario outline the broad requirements of the registry and the investigative and other powers of the registrar. Municipalities are given the authority to establish the powers and duties of the Lobbyist Registrar by bylaw and are responsible for administering the registry in a way that suits the needs of the municipality.

Five cities in Ontario – including Toronto – have established a lobbyist registry. In each of these cities the lobbyist registry is a component of a broader local government accountability framework. In Ontario, municipalities are required to establish a code of conduct and an integrity commissioner. An integrity commissioner can serve multiple municipalities allowing a group of municipalities to pool resources and share an integrity commissioner. In addition to the lobbyist registry, municipalities can establish an ombudsperson and an auditor general.

While Toronto is the only municipality to have established each of those components of the accountability framework – because it is required to do so – other municipalities have adopted the other components of the framework to various degrees. Some of these municipalities even have a code of conduct that extends to lobbyists.

The decentralized legislated lobbyist registry framework provides municipalities with the legal authority to establish and enforce a lobbyist registry but also provides flexibility for the registry to meet the needs of the municipality and fit within the municipalities' broader accountability framework. Decentralized legislated frameworks provide a greater level of transparency, integrity and accountability but come at a cost. The lobbyist registry for the City of Hamilton has an estimated cost of \$115,000 a year while the lobbyist registry in Toronto has an annual budget of \$1.1 million. For comparison purposes, the City of Hamilton and the City of Toronto have populations similar to Victoria and Vancouver, respectively.



Centralized legislated

The approach to municipal lobbyist registries in Quebec can be described as a centralized legislated framework. Quebec is the only province where the provincial lobbyist registry is extended to include, and apply to, all municipalities in the province. This centralized approach to a municipal lobbyist registry ensures that all municipalities are captured in the framework but are not required to maintain and develop their own registry. The province bears the cost of the registry but municipalities do not have the flexibility to ensure that the provincial registry fits their needs.

This centralized approach to lobbyist registries is consistent with the general municipal accountability framework in Quebec. Municipalities are required by law to have a code of conduct for their elected officials and adherence to the code of conduct is enforced by the Municipal Commission of Quebec. The Municipal Commission was established in 1932 with the original purpose of providing financial oversight over municipalities. It has evolved over the years to play a greater role in municipal affairs including as it relates to ethics and responsible conduct of elected officials and audits for municipalities with a population of 100,000 or less.

The centralized legislated approach establishes a province-wide lobbyist registry that applies at both the provincial and municipal level. Having a single registry ensures conformity across the province at different levels of government and keeps the cost of maintaining, updating, and enforcing the registry at the provincial level. However, this approach removes the autonomy of a municipality and its flexibility to develop a registry that better suits the needs of the municipality.



MEETING BRIEFING NOTE

Date: March 24, 2021
Prepared For: Honourable Josie Osborne, Minister of Municipal Affairs
Topic: Auditor General for Local Government (AGLG)
Purpose: Final closure meeting with the A/Auditor General for Local Government
Meeting With: Mike Furey, A/Auditor General for Local Government on March 31, 2021

KEY MESSAGES:

- **Thank you for your service to local governments in your tenure as the Auditor General for Local Government.**
- **The Ministry of Municipal Affairs and the Province of British Columbia appreciate your efforts to improve the work and reputation of the office and provide valuable audits and other resources to support local governments.**
- **I understand your team's high degree of professionalism was essential for achieving a smooth and efficient closure process.**
- **I wish to express my appreciation for leading the successful wind down of the AGLG office.**

BACKGROUND:

The Office of the Auditor General for Local Government (AGLG) was established in April 2012 by legislation to conduct performance audits of local governments. In 2015, the Union of BC Municipalities (UBCM) endorsed a resolution calling on government to eliminate the AGLG. The UBCM opposed the office, saying it was imposed upon them without consultation and insinuated that local governments were poor fiscal managers.

In February 2020, government made the decision to close the AGLG office.

The current Acting AGLG is Mike Furey, appointed September 17, 2020.

DISCUSSION:

The AGLG office successfully completed all mandated activities by March 31, 2021 including audit related work, producing good practices booklets, and publishing its final Annual Report. Key operational activities have also been completed including vacating the physical office space, budget transfer to the Ministry of Municipal Affairs (MUNI) and human resource tasks such as investigating employment opportunities for AGLG staff.



MUNI has consulted with the Crown Agencies and Board Resourcing Office to ensure closure activities have been conducted in a manner that is consistent with best practices for dissolving agencies and public reporting.

After March 31, two AGLG staff who remain on contract will work closely with MUNI staff on final administrative activities including:

- Financial Management: The AGLG office will have 2021/22 expenses of up to \$602K, the largest expense is for the office lease;
- Office lease takeover: Work with the Ministry of Citizens' Services to find tenants for the vacated office space. The office lease expires June 2022 and government is responsible for continuing to pay lease costs; and,
- Publications: The 32 performance audits and 10 good practices booklets produced by the AGLG will be posted and made available through MUNI's website. Stakeholders will be notified on where they can access these resources.

No public communications are planned regarding the closure of the AGLG office.

NEXT STEPS

With the AGLG office now officially closed, MUNI can now complete the following tasks:

- There is a requirement for the MUNI Minister to inform the Minister of Finance in writing that the office has closed. The communication will include the AGLG's final Annual Report;
- MUNI Minister or Deputy Minister to provide thank you letters to the A/AGLG and Audit Council members;
- Manage the AGLG's records in accordance with the *Information Management Act* and provide access to information in a manner that is consistent with *the Freedom of Information and Protection of Privacy Act*;
- Orders-in-Council are scheduled to be passed in April that will rescind appointments for the AGLG and Audit Council members; and,
- The *Auditor General for Local Government Act* will need to be repealed. The repeal of the Act is not time sensitive and will likely be included in one of the MUNI's future Miscellaneous Bills, as priorities allow. The tentative target date for repealing this Act is spring 2022.

GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

The AGLG's 2021/22 budget of \$602K is included in MUNI's budget appropriation rather than under its own Vote as has been the case previously.



Ministry of
Municipal Affairs

PREPARED BY:

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APPROVED BY:

Tamara Romanova, CFO and A/ADM
Management Services Division

Okenge Yuma Morisho, Deputy Minister

DATE**APPROVED:**

March 24, 2021

March 24, 2021



MEETING BRIEFING NOTE

Date: March 24, 2021

Prepared For: Honourable Josie Osborne, Minister of Municipal Affairs

Topic: Local Elections Campaign Financing and Request for a Mandatory Lobbyist Registry

Purpose: City of Vancouver Mayor Kennedy Stewart wishes to discuss recent amendments to the *Local Elections Campaign Financing Act* (LECFA) as well as to make a request for amendments to the *Vancouver Charter* to enable the City of Vancouver to establish a mandatory lobbyist registry.

Meeting With: Kennedy Stewart, Mayor, City of Vancouver on March 31, 2021 at 8:00 am.

KEY MESSAGES:

Amendments to the LECFA

- Thank you for providing your feedback on the recent amendments to LECFA. These amendments build off this government's work to remove the influence of Big Money from local elections by further enhancing the transparency and accountability of campaign financing in local elections. These amendments will apply to the 2022 general local elections so as not to impact any ongoing and scheduled by-elections.
- One key element of improving transparency and accountability is establishing the requirement that elector organizations register with Elections BC and file annual financial reports. This requirement will more closely align elector organizations with provincial political parties.
- The annual financial reporting requirement is not being extended to candidates due to the significant administrative burden this would place on individual candidates as well as on Elections BC
- The rules established in LECFA are intended to apply equally to all local elections' participants across all communities in BC. Establishing special rules for particular elections or particular areas, or requiring candidates who reach a certain threshold to comply with different reporting requirements, would be inconsistent with LECFA and may be a barrier to participation in local elections.
- The campaign financing rules in LECFA require that all candidates finance their election campaigns using campaign contributions in both election and non-election years. Campaign contributions are subject to annual limits and can only be made by eligible individuals. Candidates are prohibited from accepting any funds from organizations to fund any costs of an election campaign.



Request for amendments to the *Vancouver Charter* to establish a mandatory lobbyist registry for the City of Vancouver (Vancouver)

- The province believes in openness and transparency. This is why a provincial lobbyist registry was created in 1996.
- Currently, local governments can take a number of voluntary approaches to this issue and are encouraged to do so if they are interested. The City of Surrey has successfully established a voluntary lobbyist registry in its jurisdiction, and I encourage you to take a look at the City of Surrey's model.
- The province has indicated that it is willing to discuss the matter of mandatory municipal lobbyist registries further, recognizing that a framework for mandatory registration would need to work in any local government in BC and as such would require significant time and consultation. A "one size fits all" approach may not work as it would not provide enough flexibility to apply across all local governments in BC.
- If Vancouver wishes to pursue amendments to the *Vancouver Charter* to implement a mandatory lobbyist registry, please have Vancouver staff connect directly with ministry staff. Vancouver and my ministry have established a formal process for *Vancouver Charter* amendment requests and the ministry has not yet received such a request through this formal process.
- Once a formal *Vancouver Charter* amendment request with respect to a mandatory lobbyist registry for Vancouver is received, ministry staff would assess and review the request to understand the rationale and complexity, the full range of implications and how the request fits with the many competing priorities across government before any commitments can be made.

BACKGROUND:

Amendments to Local Elections Campaign Financing Act (LECFA)

The *Local Elections Statutes Amendments Act*, 2021 (Bill 9) included several amendments that will improve the transparency and accountability of local elections. These amendments include:

- Establishing a 60-day pre-campaign period where election advertising must include the information of the sponsor of the advertising.
- Establishing sponsorship contribution limits for donations to third party sponsors that mirror the \$1,200 campaign contribution limit to candidates and elector organizations.
- Registration and annual financial reporting requirements for elector organizations – including a prohibition on the use of any contributions, other than campaign contributions, to pay operational and administrative expenses in non-election years; and
- Creating new investigative authorities for Elections BC. and new administrative monetary penalties for contraventions of the LECFA.

The amendments respond to issues identified by Ministry of Municipal Affairs' (MUNI) staff as part of the monitoring work undertaken during the 2018 general local elections and/or reflect recommendations made by the BC Chief Electoral Officer as well as some of the interests



expressed by local governments through Union of BC Municipalities (UBCM) Resolutions (e.g. SR3, 2020).

The new rules will apply to all local elections, beginning with the 2022 General Local Elections (GLE). The amendments will not apply to any by-elections between now and then so as not to impact any ongoing or scheduled by-elections. Elector organizations that intend to endorse candidates in the 2022 GLE will be required to register before they can accept any campaign contributions or incur any election expenses in relation to these elections. The first annual financial report of an elector organization will be due at the end of March 2022 and will be in relation to the 2021 calendar year.

Request for amendments to the *Vancouver Charter* to establish a mandatory lobbyist registry for Vancouver

In 1996, a provincial lobbyist registry was created under the provincial *Lobbyist Registration Act* (LRA). The provincial lobbyist registry does not apply to local governments nor do local governments currently have specific legal authority to establish mandatory lobbyist registries and enforce local rules.

Over the last few years, local governments have expressed interest in mandatory lobbyist registries, and their enforcement, most recently in 2021 the cities of Victoria and Vancouver.

In December 2018, Vancouver sent a letter to the Minister of Municipal Affairs and Housing that asked for the province's support respecting Vancouver's objective to regulate municipal lobbyists in Vancouver. Although the letter asks for the province's support in establishing a mandatory lobbyist registry for Vancouver, MUNI did not receive a formal *Vancouver Charter* amendment request with respect to a mandatory lobbyist registry from Vancouver. A formal request is required for MUNI staff to assess and review the issue before any commitments can be made.

There are also two relevant UBCM resolutions, the most recent in 2019. In the resolutions, UBCM asks the province to provide municipalities with the ability to register lobbyists, create rules for their conduct in interactions with elected officials and public servants, and the ability to enforce these rules. The province indicated in its responses to UBCM, Vancouver, and Victoria that it is willing to discuss the matter further, recognizing that developing a framework for mandatory registration would need to work in any local government in BC and as such would require significant time and consultation.

DISCUSSION:

Amendments to LECFA

In the 2018 GLE, there were 44 elector organizations active in 13 communities in BC – primarily in the Lower Mainland. Despite being active in only a handful of communities, elector organizations can have a significant influence in local elections in these communities. Elector organizations vary in size and sophistication, with some elector organizations campaigning and maintaining their presence in a community in non-election years, while others do not. Elector organizations also typically endorse multiple candidates for multiple jurisdictions (council, park board, school board).



These features of an elector organization differentiate it from the typical candidate in local elections. Most candidates in local elections are independent, but few run for office in multiple jurisdictions and fewer still have election campaigns that equal the size and sophistication of the election campaign of an elector organization.

The amendments to establish registration and annual financial reporting requirements respond to issues identified by MUNI staff, recommendations made by the BC Chief Electoral Officer as well as to a request made by the UBCM. These amendments will increase the transparency and accountability of elector organizations and will more closely align requirements for elector organizations with those for political provincial parties.

Establishing annual financial reporting requirements for candidates would be a significant administrative burden for Elections BC., which would be responsible for reviewing the reports for compliance and may also present a barrier to entry for candidates interested in participating in local government. Candidates are not required to file annual financial reports in relation to provincial elections under the *Election Act*.

Requiring that candidates who run for certain elected office, or that candidates who reach a certain threshold of campaign contributions, comply with annual financial reporting requirements would be inconsistent with LECFA. The campaign financing rules in LECFA are intended to apply equally to all local elections in BC, so that local elections participants are subject to the same rules, irrespective of which community the elections are held in. Applying special rules in certain circumstances may result in a patchwork of rules that apply to different communities, which could result in confusion for local elections participants and the public and could create compliance and enforcement challenges for Elections BC.

Candidates must report all campaign contribution received for their election campaign as part of the disclosure statement filed following an election.

Candidates are prohibited under LECFA from receiving any form of money or in-kind support from an organization and must fund all campaign expenses through campaign contributions by eligible individuals – which are subject to \$1,200 annual contribution limits. Any potential non-compliance with the Act could be investigated and enforced following the submission of the candidate's election disclosure statement.

Request for amendments to the *Vancouver Charter* to establish a mandatory lobbyist registry for Vancouver

In general, lobbyist registries are intended to provide openness and transparency for interactions between public servants, elected officials and lobbyists. Lobbyist registries ensure that these interactions are a matter of public record and are publicly accessible.

There are **three main types of municipal lobbyist registries** across Canada: Voluntary, decentralized legislated and centralized legislated (see attached briefing note – Cliff #265687, for a more comprehensive overview). Currently in BC, municipal corporate powers and the lack of explicit provisions in the legislation mean that local governments can establish a voluntary municipal lobbyist registry.



The review of municipal lobbyist registries in other jurisdictions shows that lobbyist registries usually **form part of a broader local government accountability framework**. For example, in Ontario, along with a municipal lobbyist registry, there are also other mandated local accountability features such as a municipal integrity commissioner and mandatory local codes of conduct. Therefore, significant thought would have to be given to how to develop and integrate a mandatory lobbyist registry in existing legislation before other, more significant components of an accountability framework, such as a code of conduct, are developed.

The establishment of a **decentralized mandatory lobbyist registry** as currently proposed by Vancouver Mayor Stewart and the City of Victoria could largely follow the approach taken by Ontario with respect to municipal lobbyist registries. Amendments could be made to the *Vancouver Charter* and the *Community Charter* to incorporate the legislative authority for mandatory lobbyist registries into the existing legislation. The provincial legislative framework would outline the general role, purpose, and the scope of the lobbyist registry as well as the general functions and powers of the Registrar of Lobbyists.

The administration of the registry and the governance framework of the Registrar of Lobbyists would be established through municipal bylaws. For a municipal lobbyist registry to be effective, it requires separation from other city departments to ensure an independent decision-making process and transparency of all business conducted at the municipality.

However, the development of a legislative framework would be time-consuming and resource-intensive for both the province and interested municipalities. Designing a system for mandatory lobbyist registries would require a clear understanding of what local governments expect a mandatory registry to achieve for them and to whom it should apply. A “one size fits all” approach may not work as it would not provide enough flexibility to apply across all local governments in BC.

MUNI has encouraged interested local governments to develop **voluntary municipal lobbyist registries**. A voluntary registry does generally not require legislative amendments and implementation costs are minimal. Voluntary registries are consistent with the current accountability framework for local governments in BC.

For example, the City of Surrey successfully established a voluntary lobbyist registry in 2009 that has seen increased registration since its inception. The lack of uptake in establishing voluntary lobbyist registries in other municipalities in BC, given Surrey’s success, may relate to issues surrounding the lack of interest, rather than effectiveness.

There are some constraints to voluntary registries as they have no method for enforcement and therefore, their effectiveness may be limited. Councillors and senior officials are required to self-report lobbying activities and there are no consequences to City staff or members of Council if dealing with unregistered lobbyists. However, these constraints can be mitigated by ensuring staff are trained to provide lobbyists, including former council or former staff members, no greater information than any other member of the public can access. Additionally, there are legislated restrictions on the use of insider information and requirements for contract disclosure that also apply to former council members.



Ministry of
Municipal Affairs

GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

None

Attachments:

1. Information Briefing Note Municipal Lobbyist Registry

PREPARED BY:

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Patrick Glanc, Senior Policy Analyst
Local Government, Policy, Research
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APPROVED BY:

Nicola Marotz, Acting Assistant Deputy
Minister
Local Government Division

Okenge Yuma Morisho, Deputy Minister

DATE APPROVED:

March 22, 2021

March 24, 2021



MEETING BRIEFING NOTE

Date: March 24, 2021

Prepared For: Premier John Horgan

Topic: Abbotsford's Development Costs Charges, New Fiscal Framework and Economic Recovery

Purpose: Mayor Braun and Abbotsford Council would like to meet with Premier Horgan to discuss 1) Hwy #1 Widening, 2) Development Cost Charges (DCCs), 3) BC Urban Mayors' Caucus New Fiscal Framework, and 4) Economic Recovery.

Meeting With: His Worship Henry Braun, Mayor, and Abbotsford Council on March 26, 2021 at 12:30pm.

KEY MESSAGES:

Development Cost Charges (DCCs)

- The Province of British Columbia has initiated the Development Approvals Process Review (DAPR).

s.13

- Unfortunately, provincial highways are not an eligible use of municipal DCC funds. Such an expansion of costs may adversely impact the affordability of new developments. The province is open to exploring this issue; however, it is best done through the established consultation processes involving the multi-stakeholder Development Finance Review Committee.

New Fiscal Framework

- UBCM announced the re-establishment of a Select Committee on Local Government Finance to undertake a review of the 2013 Strong Fiscal Futures Report. The Ministry of Municipal Affairs remains committed to dialogue and consultation with UBCM as they undertake this work and on any new fiscal measures they propose.

Economic Recovery

- The Province's StrongerBC recovery plan is key to supporting people and communities move towards economic recovery from the impacts of the pandemic.
- There are several programs for local governments including the COVID-19 Safe Restart Grant that provided \$425 million in direct grants to local governments, including \$8.4 million in direct grants to Abbotsford.
- In addition, the province has funded several application-based programs including two programs being administered through UBCM ("Strengthening Communities" and "Development Services") and a further two programs operated directly through the



province (“COVID-19 Resilience Infrastructure” and “Community Economic Recovery Infrastructure Program”).

- For information on these programs, please contact staff in the Local Government Infrastructure and Finance Branch, Ministry of Municipal Affairs.

BACKGROUND:

The City of Abbotsford would like to discuss three issues:

1. **Development Cost Charges (DCCs)** including expanding opportunities to fund needed infrastructure upgrades and using municipal DCCs to pay for provincial infrastructure (including widening provincial highways and building provincial interchanges).
2. **New Fiscal Framework (BC Urban Mayors’ Caucus) and Strong Fiscal Futures (UBCM)** - Developing a new fiscal framework beyond the current system of grant funding.
3. **Economic Recovery** – Information on COVID-19 recovery programs including Safe Restart and other programs.

DISCUSSION:

Development Cost Charges (DCCs)

In 2018, the Province of British Columbia (province) initiated the Development Approvals Process Review (DAPR) to help streamline development approvals and accelerate new construction to meet the needs of a growing population.

As part of this process, the Ministry of Municipal Affairs (MUNI) engaged a broad range of stakeholders to identify opportunities for enhancing the current development system.

Stakeholders identified development finance (including DCCs) as a major area under DAPR. s.13

Due to the COVID-19 pandemic, this review process was delayed; however, in the coming year, the province intends to engage UBCM and other key stakeholders on next steps. The final report from the stakeholder engagement is available online at: https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/local-governments/planning-land-use/dapr_2019_report.pdf.

Aside from this general review of DCCs, Abbotsford may have specific concerns with using municipal DCCs to pay for provincial highway interchanges and widening existing provincial highways. Current legislation and best practices limit the use of DCCs for local government infrastructure only, not provincial infrastructure. Expanding the scope of DCCs to include provincial infrastructure would involve a major shift in development finance and may place additional cost burdens on developers, who would pass all or part of these cost onto new homeowners. This may have a negative impact on housing affordability.

The Ministry of Transportation and Infrastructure (MoTI) is interested in pursuing cost sharing for provincial interchanges. However, this may be perceived as provincial downloading by some local governments. MUNI staff have met with MoTI staff and informed them that any changes to the current DCC framework would require considerable analysis and consultation with local



governments and the development community. The forum for this consultation is the Development Finance Review Committee (DFRC), which will be meeting later in 2021. DFRC is a permanent committee made up of representatives from the province, local governments, and the development industry. It reviews and recommends potential policy and legislative changes to the current system of development finance. MoTI will be invited to present their proposal at the next DFRC meeting.

In the meantime, while municipalities cannot cost share projects using DCC reserves, they may use other sources of financing like accumulated surplus.

New fiscal framework

In January 2021, the BC Urban Mayors' Caucus released its "Blueprint for British Columbia's Urban Future" (Appendix 1). Included in the document was a call for a "New Fiscal Framework" (Framework) with the provincial government. This Framework includes two major points:

- Convene an implementation committee comprised of local and provincial government officials to revisit and implement relevant recommendations in the UBCM's "**Strong Fiscal Futures Document**"; and
- Provide municipalities with a **broader range of funding tools**.

Regarding Strong Fiscal Futures, in 2019, UBCM announced the re-establishment of a Select Committee on Local Government Finance to undertake a review of the 2013 Strong Fiscal Futures Report. Due to the COVID-19 pandemic, the committee's work was put on hold until 2021.

The province remains committed to dialogue and consultation with UBCM and has indicated to UBCM that it is pleased to dedicate staff to assist with UBCM's upcoming work on Strong Fiscal Futures.

Most recently, the UBCM Executive reported that it had received an update on the work of the Select Committee on Local Government Finance noting three sub-committees have been established focused on housing, climate change and community safety, with a timeline to deliver a report to Executive in July 2021.

Regarding new funding tools for local governments, during the Community Charter process in the early 2000s, the province offered local governments potential new revenue tools, including an entertainment tax and signage tax. However, local governments opted against these tools. The province has not explored new revenue options since that time. Ministry of Finance and MUNI are open to engaging on the topic of new revenue tools.

Economic Recovery from COVID-19

The province has provided several supports to local governments over the last year, including:

- Reduction of school property tax by \$720 million.
- Delaying remittance of school taxes to the province until the end of the 2020 calendar year.
- Authorizing local governments to borrow for capital reserves to cover operational shortfalls.
- Authorizing local governments to delay the 2020 tax sale by one year.



- Providing \$425 million in direct grants to local governments under the COVID-19 Safe Restart Grant for Local Governments. This included \$8.4 million to Abbotsford and a further \$1.8 million to the Fraser Valley Regional District.
- In addition, the province has initiated a number of application-based programs related to COVID-19, including:
 - **Strengthening Communities Services Program** (\$100 million) to support unsheltered homeless populations and address related community impacts. Applications close on April 16, 2021. This program is administered through UBCM.
 - **Local Government Development Approvals Program** (\$15 million) to support the implementation of established best practices and test innovative approaches to improve development approvals processes while meeting local government planning and policy objectives. Applications close on May 7, 2021. This program is administered through UBCM.
 - **COVID-19 Resilience Infrastructure Stream** (\$80 million) – for a range of infrastructure projects to address COVID-19 impacts (e.g. retrofits; active transportation; improving infrastructure resiliency in preventing spread of COVID-19; disaster mitigation). Applications are closed with decisions expected in Spring 2021. This is administered through MUNI.
 - **Community Economic Recovery Infrastructure Program (CERIP)** (\$90 million) – for Community Economic Resilience, Destination Development, Heritage Infrastructure, and Rural Economic Recovery. Funding decisions announced in February/March. This program is administered through MUNI.

Attachments:

1. BC Urban Mayors Caucus 2020 Blueprint for BC Urban Future

PREPARED BY:

Sean Grant, Director
Local Government Infrastructure and
Finance

APPROVED BY:

Nicola Marotz, A/ADM
Local Government Division

Okenge Yuma Morisho, Deputy Minister

DATE

APPROVED:

March 23, 2021

March 24, 2021

BC Urban Mayors' Caucus 2020 Blueprint for British Columbia's Urban Future

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Page 138 of 167 to/à Page 150 of 167

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s.12 ; s.13 ; s.17



MEETING BRIEFING NOTE

Date: March 26, 2021

Prepared For: Honourable Josie Osborne, Minister of Municipal Affairs

Topic: Development Approvals Process Review (DAPR) and Community Focused Housing

Purpose: The Co-operative Housing Federation of British Columbia (CHFBC) would like to discuss DAPR, rental zoning, Community Lands Trust, and opportunities to partner with local governments on community focused housing.

Meeting With: Thom Armstrong, Chief Executive Officer CHFBC, Community Land Trust Foundation on March 31, 2021

KEY MESSAGES:

- The province is committed to working with all orders of government, and the private and non-profit sectors to increase the supply of affordable housing.
- I recognize the important work of your members in contributing to the provision of diverse housing options in communities.

Development Approvals Process Review (DAPR)

- As you may know, the ministry led comprehensive consultations to identify issues and opportunities for improving the local government development approvals process.
- The ministry's ongoing work on DAPR will be fully informed by the knowledge and experience of those directly impacted by the development approvals processes.
- DAPR is a provincial priority, and housing development and construction will be key to supporting British Columbia's economic recovery in response to COVID-19.

Housing Needs Reports and Rental Zoning

- The province has also implemented other tools to support local governments in their work to deliver needed housing. This includes the requirement that all local governments regularly complete housing needs reports, which play a critical role in better understanding and responding to current and anticipated local housing needs.
- The province also provided a new rental zoning authority to help preserve and increase the overall supply of rental homes. It is up to local governments to determine whether and where rental zoning would help address local housing needs.

BACKGROUND:

The CHFBC was established in 1982 in response to the need for a unified voice for housing co-ops in the province. CHFBC's purpose is to expand non-profit co-op housing; promote better housing conditions in B.C.; share skills and information within the co-op housing sector; represent co-op housing to governments and the public; and, promote the co-op movement and co-op principles



across B.C. CHFBC is also responsible for creating the Community Land Trust (CLT), which is a non-profit, social-purpose real estate developer and asset steward.

A housing co-op is an organization incorporated under the *Cooperative Association Act* that provides housing to its members. Members purchase a share to join and elect directors to govern the co-op. Most housing co-ops in B.C. are non-profit co-ops with a rental (not equity) model of housing, though a few equity co-ops also exist. There are more than 260 non-profit housing co-ops in B.C. Most are in Metro Vancouver and on Vancouver Island.

Development Approvals Process Review

The Ministry of Municipal Affairs (MUNI) initiated DAPR to identify opportunities for making local government development approval processes more effective and efficient. MUNI led the initial consultation (late 2018 to early 2019) and released a report in Fall 2019 that summarized ideas from stakeholders about challenges with the processes and opportunities to address them.

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The province supports local governments as they work to improve their processes through a \$15 million grant program. See Appendix A for more information.

Housing Needs Reports

New legislation took effect in April 2019 that requires local governments to collect data, analyze trends and present housing needs reports every five years that describe current and anticipated housing needs. The province continues to support local governments as they work to meet these new requirements through a \$5 million grant program along with data and guidance. Among the several datasets provided to local governments is a dataset provided by CHFBC containing the total number of units of co-op housing by location.

Residential Rental Tenure Zoning (Rental Zoning)

The *Local Government Act* and *Vancouver Charter* were amended in May 2018 to allow local governments to require new housing in multi-family residential areas to be developed as rental units or preserve existing rental in residential areas through their zoning bylaws. The province provided this authority in response to requests from UBCM and municipalities such as Burnaby and Vancouver.

DISCUSSION:

Development Approvals Process Review

While CHFBC was not one of the stakeholders that MUNI engaged with during DAPR consultations, MUNI consulted with the BC Non-Profit Housing Association, which has close links with CHFBC. Future opportunities for engagement on initiatives under DAPR may be available as they move into the implementation phase. See Appendix B for a summary of planned initiatives.

Housing Needs Reports

Media coverage in communities across B.C. demonstrates that the development and approval of reports is improving and broadening understanding of local housing needs, sparking important



community conversations about how best to address these needs. Completed reports usually include recommended follow-up steps, involving planning, zoning, and other measures. In some cases, the reports also include information on the number of cooperative housing units, examples of co-op housing, or indicate support for additional co-op housing in their community. For example, the City of Langley's report discusses how co-ops could meet certain housing needs using the funding offered through the National Housing Strategy, and the Fort St. James report discusses the need for low income supplements and subsidies for tenants in co-ops.

Residential Rental Tenure Zoning (Rental Zoning)

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Though their approaches differ, local governments appear to be using rental zoning in two broad ways:: 1), by applying rental zoning to existing rental properties, through local government-initiated planning processes, to preserve rental status if redevelopment occurs; 2) by applying rental zoning to new projects, because of a developer-initiated rezoning and redevelopment application that results in additional density.

GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:

None.

FINANCIAL IMPLICATIONS:

None.

Attachments:

1. Summary of Planned DAPR Initiatives
2. Summary of Housing Initiatives

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APPROVED BY:

Nicola Marotz, A/ Assistant Deputy
Minister
Local Government Division

DATE

APPROVED:

March 24, 2021

Okenge Yuma Morisho, Deputy Minister

March 26, 2021



Attachment 1 – Summary of Planned DAPR Initiatives

The following initiatives are being proposed, based on feedback received during DAPR consultations.

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Streamlining Approvals

- ✓ The Local Government Development Approvals Program (LGDAP) is administered by the Union of British Columbia Municipalities (UBCM) and funded through \$15 million allocated to the Development Services stream of the Municipal Restart Program. The initiative will fund projects that streamline local government development approval processes and support timely movement of developments to market. The application-based program was launched on March 5, 2021; program intake closes on May 7, 2021. Local governments may partner with non-profits, the development sector, and other stakeholders on projects. All information about the program can be found on the UBCM website.

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- ✓ Provincial portal - development of a single-window provincial permitting platform formed one of the government's 2020 election commitments.

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Attachment 2 – Summary of Housing Initiatives

Housing Needs Reports

- Over 140 local governments have accessed funding through the Housing Needs Reports Program, which is administered by UBCM. Many have already completed their reports including Ashcroft, Bowen Island, Campbell River, Cowichan Valley Regional District, Harrison Hot Springs, Houston, Kamloops, Kitimat, Masset, McBride, Mission, Oak Bay, Oliver, Princeton, Sidney, and Sooke.
- Most others are in the development process. A few local governments are developing reports without applying to the funding program.
- Treaty First Nations are now eligible and seven have received funding for housing needs reports through the third funding intake including Tsawwassen, Tla'amin, Nisga'a and four members of the Maa-nulth Nation.
- Reports that include information on co-ops in the community were produced by a few municipalities include Bowen Island, Fort St. James, Langley, Maple Ridge, Southern Gulf Islands, Squamish, and Vancouver.
- A fourth and final program intake for the small number of remaining local governments likely to apply will occur in Spring 2021.

Rental Zoning

- To date, several municipalities – including Burnaby, Kelowna, Ladysmith, New Westminster, Squamish, and Victoria – have adopted rental zoning bylaws. In addition, MUNI staff are aware of several municipalities considering using rental zoning^{s.16} as part of broader strategies to address housing needs in their communities.

Guidance

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INFORMATION BRIEFING NOTE

Date: March 29, 2021

Prepared For: Honourable Josie Osborne, Minister of Municipal Affairs

Topic: s.13; s.17

Purpose: Proposed roll-out and communications plan for final year of CARIP reporting and grant program.

BACKGROUND:

Since 2010, local government signatories to the British Columbia Climate Action Charter (Charter) who report annually on their actions to reduce Green-House Gas (GHG) emissions have been eligible for a Climate Action Revenue Incentive Program (CARIP) grant equivalent to 100 percent of the carbon taxes they paid directly to provide services.

Reporting requirements have included:

- a carbon tax calculation form,
- a completed survey of climate actions, and
- an attestation that a report of their climate actions was made public.

The Ministry of Municipal Affairs (MUNI) has summarized and published the survey results in an annual report and the joint Provincial-UBCM Green Communities Committee (GCC) has recognized every local government that reports based on different levels of progress towards achieving corporate carbon neutrality. The program typically launches early in the new year, with reporting due June 1, and annual report complete in advance of the annual UBCM convention.

In 2020, for the 2019 reporting year, all reporting requirements for the program were waived and eligible local governments received grants equal to carbon tax paid in 2018.

DISCUSSION:

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Communications Plan and Proposed Program Roll-out

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Withheld pursuant to/removed as

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Final Year Reporting Requirements

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GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:

None.

FINANCIAL IMPLICATIONS:

s.13; s.17

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APPROVED BY:

Nicola Marotz, A/Assistant Deputy Minister
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**DATE
APPROVED:**

March 26, 2021

Okenge Yuma Morisho, Deputy Minister

March 29, 2021



B U L L E T S

Date: March 26, 2021

Prepared For: Honourable Josie Osborne, Minister of Municipal Affairs

Topic: s.13 Strengthening Communities' Services and Development Approvals Funding Programs

SUMMARY:

Strengthening Communities' Services (SCS) Program

- The SCS Program provides \$100 million in funding to help B.C. communities address the impacts of homelessness, support people and strengthen community health and safety. The program is application based and open to all local governments and First Nations in B.C with modern treaties.
- The Union of British Columbia Municipalities (UBCM) is administering the program on behalf of the province and will accept applications until April 16, 2021, with approvals expected later in the spring.
- As the program administrator, UBCM serves as the point of contact for all inquires and questions from applicants.
- The SCS program was launched with a promotional news release on February 18, 2021. The program has since been highlighted in UBCM's weekly newsletter, The Compass.
- ADM Faganello sent an email to local government CAOs and Treaty First Nation staff advising them of program details, and it is anticipated she will speak about the program at UBCM's upcoming Regional District Chair and CAO forum.
- The BC Non-Profit Housing Association has also indicated to MUNI staff that they will disseminate program information to their members.
- Program details will also be included in an upcoming email to the Association of Regional District Planning Managers (ARDPM).
- Until UBCM determines the applicants that meet the program criteria, the province will not know the full extent of program uptake.
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-
- Under the terms of the SCS Program, local governments are able to submit applications for funding in excess of the funding guidelines,s.13
- First Nations with modern treaties are also eligible to apply. In

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Local Government Development Approvals Program (LGDAP)

- The \$15 million Local Government Development Approvals Program (LGDAP) supports local governments in implementing best practices and testing innovative approaches to improve the effectiveness and efficiency in their development approvals processes. The program is application based and open to all local governments and the Islands Trust.
- The UBCM is administering the program on behalf of the province and will accept applications until May 7, 2021, with approval expected in the summer.
- The program was highlighted in UBCM's weekly newsletter, the Compass, and in a news release by CivicInfo and in the BC Chapter of the Canadian Homebuilders Association newsletter.
- ADM Faganello has sent an email to local government CAOs advising them of program details and it is anticipated she will speak about the program at UBCM's upcoming Regional District Chair and CAO forum.
- Information about the program will also be included in an upcoming email to the Association of Regional District Planning Managers (ARDPM).
- Prior to launch, MUNI staff had received inquiries from local governments interested in the funding opportunities, given it was announced as the Development Services stream of the Canada – BC Safe Restart Agreement when that overall agreement was announced

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DATE

APPROVED:

March 26, 2021

March 29, 2021



DECISION BRIEFING NOTE

Date: March 30, 2021

Prepared For: Honourable Josie Osborne, Minister of Municipal Affairs

Topic: s.13

Purpose: Provincial appointment, resource implications and next steps for the committee.

RECOMMENDED OPTION: Option 1

BACKGROUND:

Ocean Falls is a small community located at the head of Cousins Inlet, west of Bella Coola in the Central Coast Regional District (CCRD) with a core of approximately 35-60 residents; in the summer, the population increases to 150 (see appendix 1 for more information).

CCRD – Ocean Falls Revitalization Committee (committee)

The committee was created by the CCRD, (through an economic development services function) following the 2019 Union of BC Municipalities convention, when the CCRD met with Premier Horgan on the issue of derelict buildings in the community. In December 2019, the CCRD invited the province to join the committee and appoint a provincial representative to serve on the committee.

Committee representatives are to be from the CCRD, the Ocean Fall Improvement District (OFID), the business community, the province, the government of Canada, the Heiltsuk Nation, and the Nuxalk Nation. The committee's mandate, while still taking shape, is to include the development of a revitalization plan for Ocean Falls focusing on derelict buildings.

The formation of the committee was delayed due to the COVID-19 pandemic. On February 24, 2021, Minister Osborne met with CCRD representatives to discuss re-engaging with the CCRD on the committee.

DISCUSSION:

Committee Timing/ Appointments/Roles

The committee's purpose is to "collaboratively develop a Revitalization Plan [for Ocean Falls] for action by [the] respective organizations and departments". s.13

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Ministry of
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DATE APPROVED:

March 27, 2021

Okenge Yuma Morisho, Deputy Minister

March 30, 2021



Appendix 1 – Ocean Falls Background

Ocean Falls is a small community located in the Central Coast Regional District (CCRD). The core population is estimated at 35-60 residents; in the summer the population increases to 150. The Ocean Falls Improvement District (OFID) (a local service authority) provides services to the community including water, sanitary sewer, storm sewer, fire protection, garbage collection and disposal and a cemetery.

In 1912, a Crown grant was entered into between the province and Ocean Falls Co Ltd to operate a pulp and paper mill. In 1973, the mill owners ceased mill operations and the land reverted back to the province along with the school, courthouse, hotel, and other structures. The province operated the mill until 1980 and then demolished many of the structures.

In 1986, the OFID was incorporated and the land and remaining buildings were transferred from the province to the improvement district. The OFID then sold most of the former townsite property to private individuals to collect property taxes to cover the cost of services.

In 2010, the Ministry of Forests, Lands Natural Resource Operations and Rural Development (FLNRORD) oversaw the removal and disposal of hazardous building materials and the demolition of a Crown-owned building at the former pulp and paper mill. FLNRORD continues to monitor the two closed landfills associated with this work. In response to concerns related to the deteriorating Ocean Falls wharf structure, a site investigation and an assessment of the wharf were completed in 2017 and 2018 for FLNRORD.

Ocean Falls Improvement District

The OFID and the broader community of Ocean Falls will be key partners in any Ocean Fall revitalization efforts. The OFID has been experiencing governance challenges since July 2020, including conflict among trustees and the resignation of three trustees and the administrator.

Following resignations of two trustees in January, the OFID lost quorum. MUNI staff prepared procedures for an election which was ordered by the Inspector of Municipalities (MUNI ADM of Local Government).

With support from MUNI staff, the OFID held an election on March 11, 2021 and elected three new trustees. The first meeting of the new board is scheduled for March 29, 2021 to select a new chair and discuss the hiring of a permanent administrator. The election Returning Officer and current temporary administrator intend to continue to support the board through this transition period and will likely become the permanent administrator.

