



City of Port Moody

Bylaw No. 3448

A Bylaw to govern the conduct of members of Council.

The Council of the City of Port Moody enacts as follows:

1. Citation

- 1.1 This Bylaw may be cited as “City of Port Moody Council Code of Conduct Bylaw, 2024, No. 3448”.

2. Repeal

- 2.1 City of Port Moody Council Code of Conduct Bylaw, 2023, No. 3396 and all amendments thereto are hereby repealed.

3. Definitions

- 3.1 In this Bylaw,

“Administration” means the administrative and operational arm of the Municipality, composed of various departments and business units and including all employees who operate under the leadership and supervision of the City Manager.

“Committee Member” means a person appointed to a committee, sub-committee, task force, commission, board, or other Council established body under the *Community Charter* or the *Local Government Act*.

“Complainant” means a person who has submitted a Complaint.

“Complaint” means a formal allegation, in accordance with the formal complaint process set out in section 20 of this Bylaw, that a Member has breached this Bylaw.

“City Manager” means the chief administrative officer of the Municipality, or any other person designated to act in the place of the City Manager.

“Investigator” means an independent third party with the necessary professional skills, knowledge, and experience to investigate a Complaint, appointed pursuant to section 20.6 of this Bylaw.

“Member” means a member of Council and includes a Councillor or the Mayor.

“Municipality” means the municipal corporation of the City of Port Moody.

“Respondent” means a Member whose Conduct is the subject of a Complaint.

“Staff” means an employee, volunteer, or contractor of the City.

4. Purpose and Application

- 4.1 The purpose of this Bylaw is to establish standards for the ethical conduct of Members relating to their roles and obligations as representatives of the Municipality and a procedure for the investigation and enforcement of those standards.
- 4.2 Unless otherwise provided, this Bylaw does not apply to the conduct of a Member in their personal life, except where such conduct could reasonably erode the public's trust in the City's governance.
- 4.3 Nothing in this Bylaw is intended to prevent or discourage Members, prior to the filing of a Complaint, from speaking to each other to resolve matters which may otherwise be captured by this Bylaw.

5. Representing the Municipality

- 5.1 Members shall:
 - a) act honestly and, in good faith, serve the welfare and interests of the Municipality as a whole;
 - b) perform their functions and duties in a conscientious and diligent manner with integrity, accountability and transparency;
 - c) conduct themselves in a professional manner with dignity and make every effort to participate diligently in the meetings of Council, committees of Council, and other bodies to which they are appointed by Council; and
 - d) arrange their private affairs and conduct themselves in a manner that promotes public confidence and will bear close public scrutiny.

6. Communicating on Behalf of the Municipality

- 6.1 A Member must not claim to speak on behalf of Council unless authorized to do so.
- 6.2 Unless Council directs otherwise, the Mayor is Council's official spokesperson and, in the absence of the Mayor, it is the Acting Mayor. All inquiries from the media regarding the official Council position on an issue shall be referred to Council's official spokesperson.
- 6.3 A Member who is authorized to act as Council's official spokesperson must ensure that their comments accurately reflect the official position and will of Council as a whole, even if the Member personally disagrees with Council's position.
- 6.4 No Member shall make a statement when they know that statement is false.

- 6.5 No Member shall make a statement with the intent to mislead Council or members of the public.
- 6.6 Member communication includes all forms of communication, including written, verbal, and social media.

7. Respecting the Decision-Making Process

- 7.1 Decision-making authority lies with Council, and not with any individual Member. Council may only act by bylaw or resolution passed at a Council meeting at which there is a quorum present. No Member shall, unless authorized by Council, attempt to bind the Municipality, or give direction to employees in the Administration, agents, contractors, consultants, or other service providers or prospective vendors to the Municipality.
- 7.2 Members shall conduct and convey Council business and all their duties in an open and transparent manner, other than for those matters which by law are authorized to be dealt with in a confidential manner in a closed session, and in so doing, allow the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.
- 7.3 Members shall accurately communicate the decisions of Council, even if they disagree with Council's decision, such that respect for the decision-making processes of Council is fostered.
- 7.4 Council Members have the right and responsibility to speak publicly and explain their position and agreement or disagreement with the overall Council decision.

8. Adherence to Policies, Procedures, and Bylaws

- 8.1 Members shall uphold the law established by the Parliament of Canada and the Legislature of British Columbia and the bylaws, policies, and procedures adopted by Council.
- 8.2 Members shall respect the Municipality as an institution, its bylaws, policies, and procedures, and shall encourage public respect for the Municipality, its bylaws, policies, and procedures.
- 8.3 A Member must not encourage disobedience of any bylaw, policy, or procedure of the Municipality in responding to a member of the public, as this undermines public confidence in the Municipality and in the rule of law.

9. Respectful Interactions with Council Members, Staff, the Public, and Others

- 9.1 Members shall act in a manner that demonstrates fairness, respect for individual differences and opinions, and an intention to work together for the common good and in furtherance of the public interest.
- 9.2 Members shall treat one another, Staff, and members of the public with courtesy, dignity, and respect and without abuse, bullying, or intimidation.

- 9.3 No Member shall use or direct indecent, abusive, or insulting words, expressions, gestures, or images toward another Member, Staff, or any member of the public.
- 9.4 No Member shall communicate in a manner that is discriminatory to any individual based on the person's Indigenous identity, race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, source of income, or age of that person or that group or class of persons.
- 9.5 Members shall respect the fact that employees in the Administration work for the Municipality as a corporate body and are charged with making recommendations that reflect their professional expertise and a corporate perspective, and that employees are required to do so without undue influence from any Member or group of Members.
- 9.6 Members must not:
- a) involve themselves in matters of Administration, which fall within the jurisdiction of the City Manager;
 - b) use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any Staff with the intent of interfering in their duties; or
 - c) maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of Staff.

10. Confidential Information

- 10.1 Members must keep in confidence matters discussed in private at a Council or Council Committee meeting until the matter is discussed at a meeting held in public or until disclosure has been lawfully authorized.
- 10.2 Members shall refrain from disclosing or releasing any confidential information acquired by virtue of their office, except when required by law or authorized by Council to do so.
- 10.3 No Member shall use confidential information for personal benefit or for the benefit of any other individual organization.
- 10.4 Confidential information includes information in the possession of, or received in confidence by, the Municipality that the Municipality is prohibited from disclosing pursuant to legislation, court order, or by contract, or is required to refuse to disclose under the *Freedom of Information and Privacy Protection Act* or any other legislation, or any other information that pertains to the business of the Municipality, and is generally considered to be of a confidential nature, including but not limited to information concerning:
- a) personal information;
 - b) labour relations or other employee relations;

- c) the security of the property of the Municipality;
- d) a proposed or pending acquisition or disposition of land or other property;
- e) law enforcement matters;
- f) litigation or potential litigation, including matters before administrative tribunals;
- g) advice subject to solicitor-client privilege;
- h) contract negotiations and discussions respecting the proposed provision of a service; and
- i) discussions with other levels of government.

11. Use of Social Media

- 11.1 Without limitation, this Bylaw applies to the use of a Member's personal and official social media accounts.
- 11.2 Members must regularly monitor their social media accounts and immediately take measures to remove, or otherwise deal with, the publication of comments, messages, or postings by others that violate the provisions of this Bylaw.

12. Conflicts of Interest

- 12.1 Members have a statutory duty to comply with the Conflict-of-Interest provisions set out in the *Community Charter*.
- 12.2 Members may request that the City Manager seek a legal opinion from the City Solicitor with respect to situations that may result in a real or perceived conflict of interest.
- 12.3 Members are to be free from undue influence and not act or appear to act to gain financial or other benefits for themselves, family, friends, or associates, business or otherwise.
- 12.4 Members shall approach decision-making with an open mind that is capable of persuasion.

13. Improper Use of Influence

- 13.1 No Member shall use the influence of the Member's office for any purpose other than for the exercise of the Member's official duties.
- 13.2 No Member shall act as a paid agent to advocate on behalf of any individual, organization, or corporate entity before Council or a committee of Council or any other body established by Council.
- 13.3 Members shall not contact or otherwise attempt to influence members of any adjudicative body regarding any matter before it relating to the Municipality.

- 13.4 Members shall refrain from using their positions to obtain employment with the Municipality for themselves, family members, or close associates. Members are ineligible to apply or be considered for any position with the Municipality while they hold their elected position and for one year after leaving office.

14. Use of Municipal Assets and Services

- 14.1 Members shall use municipal property, equipment, services, supplies, and staff resources only for the performance of their duties as a Member, subject to the following limited exceptions:
- a) municipal property, equipment, service, supplies, and staff resources that are available to the general public may be used by a Member for personal use upon the same terms and conditions as members of the general public, including booking and payment of any applicable fees or charges; and
 - b) electronic communication devices, including but not limited to desktop computers, laptops, tablets, and smartphones, which are supplied by the Municipality to a Member, may be used by the Member for personal use, provided that the use is not offensive, inappropriate, or for personal gain.

15. Orientation and Other Training Attendance

- 15.1 Every newly elected member must attend the orientation training offered by the Municipality within 90 days after the Member takes the oath of office. Re-elected members of Council in a consecutive term are encouraged, but not required, to attend.
- 15.2 Unless excused by Council, every Member must attend any other training organized at the direction of Council for the benefit of Members throughout the Council term.

16. Remuneration and Expenses

- 16.1 Members are stewards of public resources and shall avoid waste, abuse, and extravagance in the use of public resources.
- 16.2 Members shall be transparent and accountable with respect to all expenditures and strictly comply with all municipal bylaws, policies, and procedures regarding claims for remuneration and expenses.

17. Gifts and Hospitality

- 17.1 Members have a statutory duty to comply with provisions of the *Community Charter* on restrictions on accepting gifts.
- 17.2 Members shall not accept gifts, hospitality, or other benefits that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved.

- 17.3 Gifts received by a Member on behalf of the Municipality as a matter of official protocol which have significance or historical value for the Municipality shall be left with the Municipality when the Member ceases to hold office.

18. Election Campaigns

- 18.1 No Member shall use any facilities, equipment, supplies, services, municipal logo, or other resources of the Municipality for any election campaign or campaign-related activity.

19. Informal Complaint Process

- 19.1 Any Member, Committee Member, or Staff who has identified or witnessed conduct by a Member that they reasonably believe, in good faith, is in contravention of this Bylaw, may address the prohibited conduct by:
- a) advising the Member that the conduct violates this Bylaw and encouraging the Member to stop; or
 - b) requesting the Mayor, or City Manager (or their designates) assist in informal, and confidential discussion of the alleged contravention with the Member in an attempt to resolve the issue. If the Mayor is the subject of, or is implicated in an alleged contravention, the person may request the assistance of the City Manager or the Acting Mayor.
- 19.2 Members, Committee Members, or Staff are encouraged to pursue this informal complaint procedure as the first means of remedying conduct that they believe violates this Bylaw; however, an individual is not required to complete this informal complaint procedure prior to pursuing this Bylaw's formal complaint process.

20. Formal Complaint Process

- 20.1 Any Member, Committee Member, or Staff who has identified or witnessed conduct by a Member that they reasonably believe, in good faith, is in contravention of this Bylaw may file a formal complaint by submitting a Complaint in writing to both the Mayor and the City Manager.
- 20.2 If the Mayor is the Respondent, or a witness to the Complaint, the Complaint shall be addressed to the Acting Mayor and the City Manager. If both the Mayor and the Acting Mayor are Respondents, or witnesses to the Complaint, the Complaint shall be submitted to the City Manager who will contact the City's solicitor to assist in place of the Mayor. If the City Manager is the Complainant or a witness to the Complaint, any reference to the City Manager shall be read to mean the General Manager of Corporate Services.
- 20.3 A Complaint must be submitted within six (6) months of the alleged breach by the Respondent or of a continuing contravention. The Mayor and City Manager (or their delegates) are authorized to extend this period if they determine it appropriate in the circumstances.

- 20.4 A Complaint must be in writing and contain the following information:
- a) the name of the Complainant(s);
 - b) the name of the Respondent(s);
 - c) a detailed description of the alleged conduct that is alleged to contravene the Bylaw;
 - d) the date of the alleged conduct;
 - e) the sections of the Bylaw that are alleged to have been breached; and
 - f) the basis for the Complainant's knowledge about the alleged conduct.
- 20.5 The Mayor and the City Manager (or their delegates) may accept a Complaint that does not meet the requirements of section 20.4 if they determine appropriate in the circumstances.
- 20.6 Upon receipt of a Complaint under this section, the Mayor and City Manager (or their delegates) shall consider whether there is an opportunity for the parties to resolve the Complaint informally. Preference shall be given to an informal resolution where possible. If the Mayor and City Manager (or their delegates) determine informal resolution is not appropriate or where an informal resolution is not achieved within thirty (30) days of receipt of the Complaint, the City Manager (or their delegate) shall take steps to appoint an Investigator.
- 20.7 The thirty (30) day period in section 20.6 above can be extended by written agreement of the Complainant and the Respondent, to allow additional time to pursue an informal process.
- 20.8 The City Manager (or their delegate) is authorized and directed to retain and provide instructions to the Investigator and take any action reasonably required to facilitate an investigation pursuant to this section of the Bylaw.
- 20.9 Upon appointment of the Investigator, the Respondent shall receive a copy of the Complaint. Prior to the Investigator making a decision about proceeding with the investigation pursuant to section 20.10, the Respondent shall have the opportunity to provide an initial response to the Complaint to the Investigator.
- 20.10 The Investigator shall review the Complaint, including any initial response by the Respondent, and decide whether to proceed to investigate the Complaint. If the Investigator concludes that a Complaint does not come within the scope of this Bylaw, is frivolous, is vexatious, is not made in good faith, or that there are no grounds or insufficient grounds for pursuing an investigation, the Investigator may choose not to investigate. If an investigation is already commenced, the Investigator may terminate any investigation, or may dispose of the Complaint in a summary manner. In that event, the Complainant, Respondent, and Council shall be notified in writing of the Investigator's decision.

- 20.11 If the Investigator proceeds to investigate the Complaint, the Investigator shall conduct an independent and impartial investigation of the Complaint in a manner that is fair, timely, confidential, and otherwise accords with the principles of procedural fairness.
- 20.12 The Investigator shall, upon conclusion of the investigation, prepare and provide the Mayor and City Manager (or their delegates) with a written confidential report of the findings of the investigation, including whether there has been a breach of the Bylaw (the "Report"). The Mayor and the City Manager (or their delegates) will promptly provide Council, the Respondent and the Complainant with the Report, or a confidential summary of the investigation results. Any confidential summary of the investigation results will include the factual findings and a determination of whether there has been a breach of the Bylaw.
- 20.13 The Respondent shall be afforded procedural fairness, including an opportunity to respond to the investigation results at the time of receipt by Council of the Report, or the summary of the investigation results, and before Council deliberates and makes any decision on whether any sanction ought to be imposed.
- 20.14 The Respondent is entitled to be represented by legal counsel throughout the formal complaint process. The Respondent may make a request, in writing, to Council for reimbursement of the reasonable costs of legal representation. After considering all the circumstances, Council may resolve to reimburse reasonable costs of legal representation to the Respondent, up to a maximum of \$7,500.00.

21. Compliance and Enforcement

- 21.1 Members shall uphold the letter, the spirit, and the intent of this Bylaw.
- 21.2 Members are expected to cooperate in every way possible in securing compliance with the application and enforcement of this Bylaw.
- 21.3 No Member shall:
- a) undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to Council or to any other person; or
 - b) obstruct Council, or any other person, in carrying out the objectives or requirements of this Bylaw.
- 21.4 Sanctions that may be imposed on a Member, by Council, upon a finding that the Member has breached this Bylaw may include:
- a) a letter of reprimand addressed to the Member;
 - b) requesting that the Member issue a letter of apology;
 - c) publication of a letter of reprimand or request for apology and the Member's response;

- d) requirement to attend training;
- e) suspension or removal of the appointment of a Member as the Acting Mayor;
- f) suspension or removal from some or all internal and external Council committees and bodies to which Council has the right to appoint Members;
- g) restricting the Member from attending events as a representative of Council;
- h) imposing further limits on Council related travel or expenses beyond those set out in Corporate Policies;
- i) requiring the return of Municipal property provided for convenience;
- j) limiting access to certain municipal facilities;
- k) restricting how documents are provided to the Member; and
- l) any other sanction Council deems reasonable and appropriate in the circumstances, provided that the sanction does not prevent a Member from fulfilling the legislated duties of a Member and the sanction is not contrary to Provincial Legislation.

22. Review

- 22.1 This Bylaw shall be brought forward for review at the beginning of each term of Council and at any other time that Council considers appropriate to ensure that it remains current and continues to accurately reflect the standards of ethical conduct expected of Members.

23. Attachments and Schedules

- 23.1 The following schedules are attached to and form part of this Bylaw:

- Schedule A – Council Member Statement and Declaration.

24. Severability

- 24.1 If a portion of this Bylaw is found invalid by a court, it will be severed, and the remainder of the Bylaw will remain in effect.

Read a first time this 27th day of February, 2024.

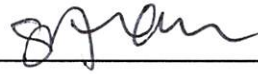
Read a second time this 27th day of February, 2024.

Read a third time this 27th day of February, 2024.

Adopted this 12th day of March, 2024.



M. Lahti
Mayor



S. Lam
City Clerk

COUNCIL MEMBER STATEMENT AND DECLARATION

As a member of Port Moody City Council or of a City of Port Moody committee, I agree to uphold the code of ethics adopted by the City and to conduct myself by the following model of excellence:

I will:

- Recognize the diversity of backgrounds, interests, and views in our community.
- Help create an atmosphere of open and responsive government.
- Conduct public affairs with integrity and in a fair, honest, and open manner.
- Respect other members and the unique role and contribution each of us has in making the City of Port Moody a better place to work and live.
- Strive to keep the decision-making processes open, accessible, participatory, understandable, timely, just, and fair.
- Avoid and discourage conduct which is not in the best interest of the City of Port Moody.
- Treat all people with whom I come into contact in the way in which I would wish to be treated.

I affirm that I have read and understood the City of Port Moody code of ethics.

Council Member Name

Council Member Signature

Date