

# **Municipality of North Cowichan**

## **Official Community Plan Advisory Group**

### **AGENDA**

Wednesday, July 7, 2021, 5:00 p.m.

Electronically

**Pages**

#### **1. CALL TO ORDER**

This meeting, though electronic, is open to the public and all representations to the Official Community Plan Advisory Group form part of the public record. At this time, due to the COVID-19 Pandemic, public access to Council Chambers is not permitted, however, this meeting may be viewed on the District's live stream webcast at [www.northcowichan.ca/meetings](http://www.northcowichan.ca/meetings).

#### **2. APPROVAL OF AGENDA**

Recommendation:

That the Official Community Plan Advisory Group approve the agenda as circulated [or as amended].

#### **3. ADOPTION OF MINUTES**

##### **3.1. Official Community Plan Advisory Group Minutes**

3 - 4

Recommendation:

That the minutes of the meeting held April 28, 2021 be adopted.

#### **4. BUSINESS**

##### **4.1. Chair Nominations and Appointment**

5 - 6

Purpose: To appoint a new Chair. The Chair must be appointed by a majority vote of the Advisory Group.

##### **4.2. Legislative Services Open Meeting Rule and Standard of Conduct Review**

7 - 34

Purpose: To review the procedural rules in relation to open meetings, conflict of interest, and adherence to the Standard of Conduct Policy and the Respectful Spaces Bylaw by OCP Advisory Group members in carrying out their duties and functions.

##### **4.3. Welcome and Project Update**

##### **4.4. Presentation of Growth Management Survey Results**

*Note: The report from Modus with the survey results will be circulated by way of a Revised Agenda on Friday, July 2, 2021.*

##### **4.5. Wrap Up**

5. NEW BUSINESS

5.1. Revision to Draft Goal

6. ADJOURNMENT

# **Municipality of North Cowichan Official Community Plan Advisory Group MINUTES**

**April 28, 2021, 5:00 p.m.  
Electronically**

Members Present	Ender McDuff, Chair Cam Campbell Bernie Jones Mona Kaiser Rupert Koyote Sandy McPherson David Messier Nick Neisingh Tim Openshaw Brielle Varasteh Shannon Waters
Staff Present	Rob Conway, Director, Planning and Building Chris Hutton, Community Planning Coordinator Mairi Campeau, Community Planner David Conway, Director, Engineering Projects Clay Reitsma, Director, Engineering
Consultant	Rob Barrs, MODUS Suzy Lunn

## **1. CALL TO ORDER**

There being a quorum present, the Chair called the meeting to order at 5:10 p.m.

## **2. APPROVAL OF AGENDA**

IT WAS MOVED AND SECONDED:

That the Official Community Plan Advisory Group approve the agenda as circulated. CARRIED

## **3. ADOPTION OF MINUTES**

### **3.1 Official Community Plan Advisory Group Minutes**

IT WAS MOVED AND SECONDED:

That the minutes of the OCP Advisory Group meeting held February 24, 2021 be adopted. CARRIED

## **4. BUSINESS**

The attendees acknowledged the service of Chris Crowther and thanked him for his involvement with the OCP Advisory Group.

**4.1 Welcome - Project Update**

The Advisory Group advised that a report was put to Council about timing and resource needs. Council endorsed an extension to the timeline and Council will be reviewing the work plan next week.

**4.2 Update and Discussion on Growth Management**

MODUS provided a presentation on updated growth scenarios engagement materials and the OCP Advisory Group asked questions and provided input on those.

**4.3 Quamichan Watershed Stewardship Society - Response Letter**

IT WAS MOVED AND SECONDED:

That the OCP Advisory Group requests that Council direct staff to bring the response letters to the OCP Advisory Group once all referrals have been received. CARRIED

**4.4 North Cowichan Environmental Policy Review - For Information**

Staff provided a summary of the Environmental policy review and the document was discussed with no explicit recommendation to Council.

**4.5 Wrap Up and Next Steps**

Discussion of next steps regarding engagement on growth scenarios and community character.

**5. NEW BUSINESS**

None.

**6. ADJOURNMENT**

The meeting ended at 8:11 p.m.

---

Signed by Chair

---

Certified by Recording Secretary

## Advisory Group - Terms of Reference

### Purpose

To provide advice to the OCP steering committee through all phases of the community planning process. It will consist of community members with experience in key sectors. The Advisory Group will be comprised of up to fourteen members in total, in order to ensure meaningful engagement.

### Advisory Group Key Sectors

Each sector listed below should be represented by a member of the Advisory Group:

Climate	Education	Water
Small Business	Housing – Private	Community Design
Industry	Housing – Public / non-	Forestry
Transportation	profit	Heritage, Arts & Culture
Health	Agriculture	

### Appointments and Terms

- The Advisory Group serves the OCP Project in accordance with these terms from the date of appointment until the completion of the OCP Project.
- Should a member resign, they will advise the Chair and the Project Manager will determine the proper process to replace the member, if necessary.

### Principles

The Advisory Group will operate under the following principles in carrying out the functions and activities associated with advising formulation of the Official Community Plan for North Cowichan. Where a member breaks any of the principles, the chair will establish a mediation session to resolve the breach. The Advisory Group will address each situation on a case by case basis where a member is not amenable to mediation.

*Transparency* – Transparency is built on the free flow of information and ensures access to relevant, timely and reliable information.

*Respect* – Respect is the appreciation of individual participation in the Advisory Group process in a manner acceptable among members.

*Accountability* – Accountability is the requirement to accept responsibility for carrying out assigned roles.

*Consensus* – Consensus is a commitment to work towards general agreement on matters considered by the group.

*Communication* – Members will commit to regular meetings and will respond to any other communication in a timely manner.

**Commitment from Advisory Group Members:**

- Conduct affairs using the principles set out in these terms.
- Actively participate in all Advisory Group meetings.
- Assist in informing the community about the OCP Project process and encourage participation by all members of the community.
- Identify issues, provide insights and discuss experiences gained through local knowledge, and through the perspective of each of the areas of focus.
- Make recommendations to the Steering Committee.
- Review draft policies at various stages of the planning process.
- Provide advice on information presented to the public.
- Advise the Chair either prior to meetings or at meetings if they are unable to attend the entire meeting.

**Meetings**

- Meetings will be held at North Cowichan Municipal Hall.
- Meetings will occur at least quarterly and no more than monthly in the evenings.
- Meetings will be scheduled to accommodate members.
- The Chair will be appointed by a majority vote by the Advisory Group
- The Chair will be the primary contact between the Advisory Group and the Project Manager
- The Chair will conduct Advisory meetings
- The Project Coordinator will be the Secretary, preparing and distributing agendas and materials to Advisory Group members one week prior to the meeting and publishing minutes.

**Communications**

The Project Manager will apprise the Advisory Group, through the chairperson, of all communication related to the OCP

**Remuneration**

Membership on the Advisory Group is voluntary. Members will serve without compensation.

**Changes to Terms of Reference**

Changes to the Terms of Reference may be proposed by the Committee and are subject to review by the Steering Committee.

**Contact Information**

Project Manager

Co-Chair

Co-Chair

### **THE OPEN MEETING RULE**

At law, the Municipality of North Cowichan is a “creature of statute”. What this means is that the Municipality only has those powers that have been delegated to it by either Federal or Provincial statute, and must exercise those powers in accordance with the rules imposed on them in the statute.

In 2003, the Province enacted the *Community Charter*, delegating to local governments, including the Municipality, very broad legislative, regulatory, service, and administrative powers to ensure that local governments were afforded the powers they need to act in the best interests of their constituents. With this delegation of broad powers, the Province incorporated into the *Community Charter* various “checks and balances” to ensure that local governments were using their powers appropriately. The most significant of these “checks and balances” was the open meeting rule.

Under the open meeting rule, all meetings of the Municipality’s Council and its Committees must be open to the public, except in relation to certain enumerated classes of matters, which are set out in section 90 of the *Community Charter*. Section 90(2) sets out five limited classes of matters that must be considered at a meeting that is closed to the public. Section 90(1) sets out fifteen limited classes of matters that may be considered at a meeting that is closed to the public. Before holding a meeting that is closed to the public, the Council or Committee must, as an open meeting, pass a resolution closing the meeting to the public and setting out the basis under the applicable subsection of section 90 on which the meeting is being closed to the public.

The Supreme Court of Canada has said, of the open meeting rule:

“Municipal law was changed to require that municipal governments hold meetings that are open to the public, in order to imbue municipal governments with a robust democratic legitimacy. The democratic legitimacy of municipal decisions does not spring solely from periodic elections, but also from a decision-making process that is transparent, accessible to the public, and mandated by law. When a municipal government improperly acts with secrecy, this undermines the democratic legitimacy of its decision....”

Given the significance of the open meeting rule in ensuring that local government decision-making is transparent and that local governments are accountable to their constituents, the courts have strictly enforced the rule.

Where a local government is found to have violated the open meeting rule in making a decision, either on the basis that the meeting did not fall within the scope of the authority to close a meeting to the public (which authority the courts have viewed narrowly) or on the basis that the procedure for closing a meeting to the public had not strictly been followed, the courts will set aside the decision and require the local government to reconsider the matter in accordance with the open meeting rule. Violation of the open meeting rule can have significant consequences for

a local government. In one case, the court set aside a part of a local government's tax rates bylaw on the basis that the discussion and decision-making that led to that part of the bylaw did not take place at an open meeting. As a result of the part of the bylaw being set aside, the local government was left with a significant shortfall in funding, requiring the local government to revise its strategic priorities, and accordingly reallocate its available funding.

It is important to understand that the open meeting rule does not just apply at the time that a decision is actually made. The courts have held that the rule applies to the entire decision-making process, from the exchange of information and discussion, through to deliberations and the ultimate making of the decision. The courts have said that this is necessary to ensure transparency and public confidence in the decision.

What then are the requirements of the open meeting rule? The open meeting rule requires that all exchange of information, discussion, deliberations, and the ultimate making of a decision in relation to a matter be conducted by the Municipality's Council or Committee at a duly constituted meeting that is open to the public. This means that all statutory prerequisites for the valid holding of a meeting must be met (e.g., notice of the meeting must be given in accordance with the *Community Charter* and the Municipality's procedure bylaw. In addition, the public must be able to be in attendance at the meeting as it is taking place.

The courts have held that the open meeting rule applies to any gathering of a quorum of the members of local government council or committee where the matters discussed were within the jurisdiction of the council or committee and the business of the local government was moved forward in a meaningful way. Thus, for example, council or committee briefing sessions, workshops and retreats have all been found by the courts to be meetings that must be open to the public under the open meeting rule.

While discussions between members of the Municipality's Council or one of its Committees that take place online, whether by group email or through an online forum, may not be a "meeting" as the Council or Committee members may not be gathering, that does not mean that the open meeting rule does not apply to those discussions. The fundamental question is not whether a "meeting" has taken place in the absence of the public. Rather, it is whether the discussion ought to have been conducted at an open meeting. There is no doubt that online discussion between a quorum of Council or Committee members in relation to a matter to be decided by them are caught by the open meeting rule. Otherwise, Council or a Committee could avoid transparency and accountability requirements by having all discussions online and only address the ultimate decision at a meeting that is open to the public.

In order to avoid violating the open meeting rule, members of the Municipality's Council or its Committees should refrain from engaging in any information sharing, discussion, deliberations or decision-making outside of a duly constituted meeting. Where a member of Council or its Committees wishes to have provide information to their fellow Council or Committee members, the information should be submitted for inclusion in the agenda for the next meeting of Council



or their Committee, and all discussion, deliberations and decision-making in relation to that information should be conducted at that meeting. In this manner, the public is given the ability to be aware of what information is being discussed and to observe the entire decision-making process, as required by the open meeting rule.

As mentioned earlier, failure to follow the open meeting rule may result in a court invalidating the ultimate decision made by the Municipality's Council or Committee. Setting aside the significant legal costs associated with defending a judicial review proceeding brought on the basis of an allegation that the open meeting rule was violated, the repercussions to the Municipality could be far greater, including the loss of public confidence in the democratic process and the incurring of delay and cost arising from having to redo the process.

## COUNCIL POLICY STANDARDS OF CONDUCT

**Last Updated:** June 6, 2018

**Policy Category:** Administration

**Approved By:** Council

### CONTENTS

PREAMBLE FOR COUNCIL .....	2
PURPOSE .....	2
SCOPE .....	2
STATUTORY PROVISIONS .....	2
DEFINITIONS .....	3
INTERPRETATION .....	4
POLICY STATEMENTS.....	4
1. Foundational Principles .....	4
2. General Conduct .....	5
3. Roles and Responsibilities .....	6
4. Collection and Handling of Information .....	6
5. Conflict of Interest .....	7
6. Interactions with Staff .....	7
7. Use of Social Media .....	8
8. Interactions with the Public and Media .....	9
9. Gifts and Personal Benefits.....	9
10. Breaches, Complaint Handling and Disciplinary Action .....	10

## **PREAMBLE FOR COUNCIL**

Being a Member of Council answerable to the public, comes with standards of ethical behaviour that are different than the standards that may be found in one's other roles in the community. This Standards of Conduct policy is a guide to assist Council in decisions faced in the course of carrying out Council duties and to support them in being proactive toward ethical dilemmas that may arise in the course of Council activities.

This policy does not cover every possible situation Council may face so it is important that actions are in harmony with the spirit and intent of these Standards of Conduct.

## **PURPOSE**

To set the expectation that District of North Cowichan ("District") Council and Committee Members adhere to these Standards of Conduct in carrying out their duties and functions.

## **SCOPE**

This policy applies to District Council and Committee Members. This Standards of Conduct applies to all interactions of Council and Committee Members in relation to District matters whether in duly constituted meetings, interactions with Staff or the public and during their use of social media.

## **STATUTORY PROVISIONS**

The Standards of Conduct policy is a supplement to the existing statutes, laws and policies governing the conduct of Council and Committee Members including but not limited to:

- *The British Columbia Human Rights Code;*
- *The British Columbia Community Charter;*
- *The British Columbia Local Government Act;*
- *The British Columbia Local Elections Campaign Finance Act;*
- *The Worker's Compensation Act of British Columbia;*
- *The Freedom of Information and Protection of Privacy Act;*
- *The District's Respectful Workplace Policy; and,*
- *The Criminal Code of Canada.*

Council and Committee Members must familiarize themselves with, and recognize that their behaviour is governed by, these statutes, laws and policies.

Provincial legislation and other statutory obligations supersede this Council policy.

## DEFINITIONS

<b>Committee Member</b>	A person appointed to a District committee, subcommittee, task force, commission, board, or other Council established body under the <i>Community Charter</i> or <i>Local Government Act</i> .
<b>Confidential Information</b>	Information or records that could reasonably harm the interests of individuals or organizations, including the District, if disclosed to persons who are not authorized to access the information, as well as information to which section 117 of the <i>Community Charter</i> applies. For clarity, this includes all information and records from closed meetings of Council until publicly released.
<b>Conflict of Interest</b>	A conflict of interest exists when an individual is, or could be, influenced, by a personal interest, financial or otherwise, when carrying out their public duty. Personal interest can include direct or indirect financial interest, bias, pre-judgment, close-mindedness or undue influence.
<b>Council</b>	The Mayor and Councillors.
<b>Gifts and Personal Benefits</b>	Gifts and personal benefits are items or services of value that are received by Council and Committee Members for personal use. These would include, but are not limited to, cash, gift cards, tickets to events, items of clothing, jewellery, pens, food or beverages, discounts or rebates on purchases, free or subsidized drinks or meals, entertainment and admission fees to social functions.
<b>Immediate Relative</b>	A spouse (including common-law spouse), parent, parent-in-law, child, brother, sister, brother-in-law or sister-in-law, grandparent, grandparent-in-law or grandchild.
<b>Municipal Officer</b>	A member of Staff designated as an officer under section 146 of the <i>Community Charter</i> .
<b>Personal Information</b>	As defined in the <i>Freedom of Information and Protection of Privacy Act</i> .
<b>Staff</b>	An employee or contractor of the District. For the purposes of this policy, volunteers are also defined as Staff. Council are not Staff of the District.

## INTERPRETATION

In this policy, a reference to a person who holds an office includes a reference to the persons appointed as deputy or appointed to act for that person from time to time.

## POLICY STATEMENTS

### 1. Foundational Principles

These foundational principles provide a basis for how Council and Committee Members fulfill their roles and responsibilities, including in their relationships with each other, Staff and with the public.

**1.1 Integrity:** being honest and demonstrating strong ethical principles.

Council and Committee Members are expected to act with **integrity** by:

- (a) Behaving in a manner that promotes public confidence in the District, including actively avoiding any perceptions of Conflicts of interest, improper use of office or unethical conduct.
- (b) Being truthful, honest and open in all dealings.
- (c) Upholding the public interest and making decisions in the best interests of the community.
- (d) Following through on commitments, engaging in positive communication with the community and correcting errors in a timely and transparent manner.
- (e) Acting lawfully and within the authority of the *Community Charter, Local Government Act, Workers Compensation Act of B.C. and B.C. Human Rights Code*.

**1.2 Accountability:** an obligation and willingness to accept responsibility or to account for one's actions.

Council and Committee Members are expected to act with **accountability** by:

- (a) Being transparent in how they individually and collectively conduct business and carry out their duties.
- (b) Ensuring information is accessible, and that citizens can view the process and rationale behind each decision and action, while protecting confidentiality where appropriate or necessary.
- (c) Accepting and upholding that they are collectively accountable for local government decisions, and that individually elected or appointed officials are responsible and accountable for the decisions they make in fulfilling their roles.
- (d) Listening to and considering the opinions and needs of the community in all decision making, and allowing for respectful discourse and feedback.

**1.3 Respect:** having due regard for others' perspectives, wishes and rights; displaying deference to the offices of local government, and the role of local government in community decision-making.

Council and Committee Members are expected to act with **respect** by:

- (a) Treating every person, including other Council or Committee Members, Staff and the public with dignity.
- (b) Showing consideration for colleagues and Staff.
- (c) Creating an environment of trust, including displaying awareness and sensitivity around comments and language that may be perceived as derogatory.
- (d) Valuing the role of diverse perspectives and debate in decision making.
- (e) Acting in a way that is respectful of the roles and responsibilities of the office of Mayor and Council.
- (f) Valuing the distinct roles and responsibilities of local government Staff and the community in local government considerations and operations, and committing to fostering a positive working relationship between Staff, the public and elected officials.

**1.4 Leadership and Collaboration:** an ability to lead, listen to, and positively influence others; coming together to create or meet a common goal through collective efforts.

Council and Committee Members are expected to demonstrate **leadership and collaboration** by:

- (a) Demonstrating behaviour that builds and inspires public trust and confidence in local government.
- (b) Calmly facing challenges and providing considered direction of the issues of the day, and enabling colleagues and Staff to do the same.
- (c) Creating space for open expression by others, taking responsibility for one's own actions and reactions and accepting the decisions of the majority.
- (d) Accepting that it is the equal responsibility of the Council individually and collectively to work together to achieve common goals. Committee Members must also work together individually and collectively to achieve common goals.
- (e) Being an active participant in ensuring these Foundational Principles and the Standards of Conduct are followed.

## **2. General Conduct**

- 2.1 Council and Committee Members must adhere to the Foundational Principles and the provisions of this Standards of Conduct policy.
- 2.2 Council and Committee Members have an obligation to consider issues and exercise powers, duties and functions in an impartial manner that avoids arbitrary and unreasonable decisions.

2.3 Council and Committee Members must avoid behaviour that could constitute an act of disorder or misbehaviour. Specifically, Council and Committee Members must avoid conduct that:

- Contravenes this policy;
- Contravenes the law including District bylaws; or
- Is an abuse of power or otherwise amounts to improper discrimination, intimidation, harassment or verbal abuse of others.

### **3. Roles and Responsibilities**

3.1 Council is the governing body of the District. It has the responsibility to govern the District in accordance with the *Community Charter* and other applicable legislation.

3.2 The Mayor is the head and chief executive officer of the District and has a statutory responsibility to provide leadership to the Council and to provide general direction to Municipal Officers respecting District policies, programs and other directions of the Council as set out in the *Community Charter*.

### **4. Collection and Handling of Information**

4.1 Council and Committee Members must:

- (a) Collect, use and disclose personal information in accordance with the *Freedom of Information and Protection of Privacy Act* and the policies and guidelines as established by the District;
- (b) Protect and not disclose publicly Confidential Information;
- (c) Refrain from discussing or disclosing Confidential Information with Staff, or with persons outside the organization except as authorized;
- (d) Take reasonable care to prevent the examination of Confidential Information by unauthorized individuals;
- (e) Not use Confidential Information to cause harm to Council, the District, or any other person;
- (f) Only access information held by the District needed for District business;
- (g) Not disclose decisions, resolutions or reports forming part of the Council agenda for or from a closed meeting of Council until a corporate decision has been made for the information to become public;
- (h) Not disclose details on Council's closed meeting deliberations or specific detail on whether individual Councillors voted for or against an issue;
- (i) Not alter District records unless expressly authorized to do so; and,
- (j) Adhere to the requirements outlined in this Section when they are no longer a Council or Committee Member.

## **5. Conflict of Interest**

- 5.1 Conflict of Interest is dealt with under sections 100, 101 and 104 of the *Community Charter*. Ultimately, the interpretation of these sections is a matter for the courts. This Standard of Conduct policy is intended to provide additional guidance to Council and Committee Members.
- 5.2 Council and Committee Members are expected to make decisions that benefit the community. They are to be free from undue influence and not act, or appear to act, in order to gain financial or other benefits for themselves, family, friends or business interests.
- 5.3 Council and Committee Members must attempt to resolve any conflict or incompatibility between their personal interests and the impartial performance of their duties. Council Members must ensure they are observing the statutory requirements of the *Community Charter*.
- 5.4 Council and Committee Members are expected to be aware of appearances and strive to conduct themselves in a manner that upholds or increases the public trust by taking steps to reduce or eliminate the possible appearance of a conflict of interest.
- 5.5 Council and Committee Members should not seek or accept the Chair of a Committee or sub-committee whose business is related to an interest of the Council or Committee Member or with an Immediate Relative.

## **6. Interactions with Staff**

- 6.1 Council and Committee Members are only to contact Staff (including Municipal Officers), according to the procedures authorized by Council and the District's Chief Administrative Officer regarding the interaction of Council and Committee Members and Staff.
- 6.2 Council and Committee Members are to direct inquiries regarding departmental issues or questions to the District's Chief Administrative Officer or the department head (Director) of the appropriate department and refrain from contacting Staff directly unless the communication is minor and of a day-to-day operational nature.
- 6.3 Advice to Council and Committees from Staff will be vetted and approved by the Chief Administrative Officer.
- 6.4 Council and Committee Members are not to issue instructions to any of the District's contractors, tenderers, consultants or other service providers unless expressly authorized to do so.



- 6.5 Council and Committee Members must not publish or report information or make statements attacking or reflecting negatively on Staff, Council or Committee Members. Any complaint should be brought to the attention of the Chief Administrative Officer for follow up.
- 6.6 Information obtained by any Member of Council, which is likely to be used in a Council or political debate, should be provided to all other Council Members, and to the Chief Administrative Officer as soon as possible.
- 6.7 Council and Committee Members must treat members of the public, Council, Committee Members and Staff with respect and without bullying, abuse or intimidation.

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

- 7.1 Council or Committee Members must not purport to speak on behalf of the District or Council unless expressly authorized to do so.
- 7.2 Council and Committee Members will use caution in reporting Council decision-making by way of their social media profiles and websites before the District has released any formal communication.
- 7.3 When speaking for themselves as individual Councillors or Committee Members on social media or to the press, a Councillor or Committee Member will include “in my opinion” or use a similar disclaimer to ensure it is expressly clear they are speaking for themselves and not the District or Council as a whole.
- 7.4 Council and Committee Members will refrain from using or permitting the use of their social media accounts for purposes that include:
  - (a) defamatory remarks, obscenities, profane language or sexual content;
  - (b) negative statements disparaging Staff or calling into question the professional capabilities of Staff;
  - (c) content that endorses, promotes, or perpetuates discrimination or mistreatment on the basis of race, religion or belief, age, gender, marital status, national origin, physical or mental disability or sexual orientation;
  - (d) statements that indicate a closed-mind in relation to a matter that is to be the subject of a statutory or other public hearing; or,
  - (e) promotion of illegal activity.
- 7.5 Council and Committee Members must regularly monitor their social media accounts and

immediately take measures to deal with the publication of messages or postings by others that violate the terms of these Standards of Conduct.

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

- 8.1 In an effort to promote respect and integrity for Council decision-making, Council and Committee Members will communicate accurately the decisions of the Council, even if they disagree with the majority decision of the Council or Committee.
- 8.2 When discussing publicly whether a Councillor or Committee Member did not support a decision, or voted against the decision, or that another Council or Committee Member did not support a decision or voted against a decision, a Council or Committee Member will refrain from making disparaging comments about other Council or Committee Members.

## **9. Gifts and Personal Benefits**

- 9.1 For Council, the receipt and reporting of gifts and personal benefits is dealt with under sections 105 and 106 of the *Community Charter*. Ultimately, the interpretation of those sections is a matter for the courts. This Standards of Conduct policy is intended to provide additional guidance to Council and Committee Members.
- 9.2 Council and Committee Members must not accept a gift or personal benefit that could reasonably be expected to result in a real or perceived conflict of interest, and to assist in avoiding that situation, Council and Committee Members will not accept gifts or personal benefits from business or commercial enterprises having a value that exceeds \$50.00 or, where the total value of such gifts and benefits, received directly or indirectly from one source in any twelve (12) month period, would exceed \$250.00.
- 9.3 For clarity, the following are not considered gifts or personal benefits:
  - (a) Compensation authorized under section 105(2)(b) of the *Community Charter*;
  - (b) Reimbursement for out of pocket costs incurred for authorized travel, living and accommodation expenses associated with attendance at an event or in connection with authorized travel;
  - (c) A lawful contribution made to a Council Member who is a candidate for election conducted under the *Local Government Act*; and
  - (d) A random draw prize at an event attended by a Council or Committee Member.
- 9.4 Council and Committee Members must disclose to the Corporate Officer any gifts or personal benefits accepted in compliance with Section 9.2 of this policy.
- 9.5 The content of the disclosure must comply with section 106(2) of the *Community Charter* and the Corporate Officer must be notified "as soon as reasonably practicable".

- 9.6 For the purposes of this Standards of Conduct, the value of each gift or personal benefit shall be determined by its replacement cost, i.e. how much would it cost to replace the item?

## **10. Breaches, Complaint Handling and Disciplinary Action**

- 10.1 Council and Committee Members must abide by the requirements of the Standards of Conduct policy and shall endeavour to resolve disputes in good faith, recognizing that interpersonal rancour does not facilitate good governance.
- 10.2 An alleged breach of this Standard of Conduct policy may be submitted by a Council or Committee Member or Staff. Complaints shall be submitted simultaneously in writing to the Mayor and the Chief Administrative Officer within six (6) months of the last alleged breach. The Mayor and Chief Administrative Officer are authorized to extend this six (6) month deadline if circumstances warrant an extension.
- 10.3 In the event that the Mayor is the subject of, or is implicated in the complaint, the complaint shall be addressed to the current Acting Mayor and Chief Administrative Officer unless that individual is the subject of, or implicated in the complaint.
- 10.4 Upon receipt of a complaint under section 10.2, the Mayor, or Acting Mayor, and the Chief Administrative Officer shall, if they are not able to resolve the matter informally, within thirty (30) days, appoint an independent third party identified and agreed between the Complainant(s) and Respondent(s) who has the necessary professional skills, knowledge and experience to investigate the complaint (the "Third Party Investigator").
- 10.5 If the parties cannot agree on the choice of investigator, a single nominee of the Complainant(s) and the Respondent(s) shall jointly select a suitable Third Party Investigator. If this nominee cannot select the Third Party Inspector, the District's solicitor will select this person.
- 10.6 The Third Party Investigator must conduct a preliminary assessment of the complaint, at the conclusion of which the investigator may determine whether to continue the investigation or make a written recommendation that the complaint be dismissed as unfounded, beyond the jurisdiction of the Standards of Conduct policy or unlikely to succeed.
- 10.7 If the Third Party Investigator determines to continue the investigation, the Third Party Investigator shall:

- (a) Conduct an independent and impartial investigation of the complaint in a manner that is fair, timely, confidential and otherwise accords with the principles of due process and natural justice;
- (b) Provide an investigation update within ninety (90) days of their appointment to the Mayor or Acting Mayor, as applicable, and to the Complainant and the Respondent;
- (c) Provide a written, confidential report (the "Report") of the findings of the investigation, including findings as to whether there has been a breach of this Standards of Conduct, to the Mayor or Acting Mayor, as applicable, and to the Complainant and the Respondent; and,
- (d) Provide recommendations in the Report as to the appropriate resolution of the complaint. Recommendations may include:
  - i. dismissal of the complaint;
  - ii. censure;
  - iii. removal from committee membership;
  - iv. prohibition from representing the District at events and/or attending conferences or seminars;
  - v. reduction in compensation in accordance with the Council Remuneration By-Law;
  - vi. a recommendation that an apology be given;
  - vii. counselling and/or coaching; or,
  - viii. such other recommendations as are deemed appropriate in the judgment of the Third Party Investigator.

10.8 The Mayor or Acting Mayor shall provide the Report or a summary of the Report to Council.

10.9 If a Report or a summary of a Report is presented to Council, Council will decide whether the recommendations in the Report, whether in whole or part, will be imposed.

10.11 The Director of Human Resources will receive and retain all Reports.

10.12 Where a Council or Committee Member alleges a breach of this Standards of Conduct by another Council or Committee Member all Council and Committee Members shall refrain from commenting on such allegations at open meetings of Council, or Committees, pending the conclusion of the Report and any decision of Council on the Report.



The Corporation of the District of North Cowichan

## **Respectful Spaces Bylaw, 2020**

Bylaw 3796

### *Contents*

- 1 Citation
- 2 Severability
- 3 Definitions
- 4 Interpretation
- 5 Scope
- 6 Respectful Behaviour
- 7 Responding to Incidents
- 8 Appeal Process
- 9 Probationary Period and Subsequent Suspensions
- 10 Offence and Penalty

### Schedules

Appendix A – Incident Procedures: Incidents Originating from the Public

Appendix A.1 – Incident Procedures: Incidents Originating from Municipal Staff

Appendix B – Inappropriate Behaviour Enforcement Guidelines

Appendix C – Appeal Procedure

WHEREAS the District of North Cowichan wishes to provide an inclusive environment whether it be in municipal facilities or the delivery of municipal services in which all individuals have the right to be free of harassment, bullying, intimidation, violence, and discrimination, and where they are treated with mutual respect and dignity;

NOW THEREFORE the Council of The Corporation of the District of North Cowichan enacts as follows:

### **Citation**

- 1 This Bylaw may be cited as "Respectful Spaces Bylaw No. 3796, 2020".

### **Severability**

- 2 If any provision of this Bylaw is, for any reason, found invalid by a court of competent jurisdiction, the provision must be severed and the remainder of the Bylaw left valid and enforceable.

## Definitions

3 In this Bylaw:

**“Abusive Language”** includes:

- profane, obscene, abusive, threatening, derogatory, or discriminatory language,
- language that may be perceived as inciting violence, or
- words that are intended to or may be perceived to abuse or do violence towards another party’s integrity;

**“Charter of Rights and Freedoms”** means the *Canadian Charter of Rights and Freedoms*, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11;

**“Chief Administrative Officer”** means the municipal officer appointed by Council under section 147 [Chief administrative officer] of the *Community Charter*, SBC 2003 c. 26;

**“Code of Conduct”** means a document posted in a Municipal Facility that outlines the roles, rights and responsibilities of Municipal Staff and patrons;

**“Council”** means the Council of The Corporation of the District of North Cowichan;

**“Director”** means the director of the department of the Municipality involved in the Incident;

**“Harassment”** means conduct, actions or behaviour that a person knew or reasonably ought to have known would cause another person to be humiliated or intimidated or would be objectionable and unwelcome;

**“Human Rights Code”** means the *Human Rights Code*, RSBC 1996 c. 210;

**“Inappropriate Behaviour”** means behaviour that obstructs or interferes with the lawful free use and enjoyment of Municipal Facilities or participation in Municipal Services, programs or events, or that compromises the safety and well-being of others, including Municipal Staff, volunteers and members of the public. For the purposes of this Bylaw, Inappropriate Behaviour includes:

- Abusive Language,
- Vandalism,
- Violence,
- Harassment,
- possession of weapons,
- theft of property, and
- contravention of Codes of Conduct or posted rules;

Inappropriate Behaviour does not include decisions made by Bylaw enforcement staff made in the course of their duties.

**“Incident”** means any occurrence involving one or more individuals engaging in Inappropriate Behaviour;

**“Manager”** means a person employed by the Municipality as the manager in the relevant department of the Municipality involved in the Incident;

**“Municipality”** means The Corporation of the District of North Cowichan;

**“Municipal Facility”** means facilities owned, leased, rented, allocated, programmed, operated or managed by the Municipality, intended for public or Municipal Staff use. This includes, but is not limited to, parks and trails, recreation facilities, staff offices and workspaces, meeting rooms, community meeting spaces, Municipal Hall, and spaces where Municipal Services are provided, but does not include facilities or portions thereof that are occupied by the RCMP or police department;

**“Municipal Services”** means all services provided by the Municipality. This includes but is not limited to, utility services, waste collection, bylaw enforcement, building inspections, front counter services, and volunteer events, but does not include the RCMP and other police services and Municipal Staff employed for the purpose of supporting the RCMP and other police services;

**“Municipal Staff”** means a person employed by the Municipality and includes volunteers and contractors authorized to act on behalf of the Municipality, appointed representatives (committees appointed by Council), and the Mayor and Council members;

**“Supervisor”** means the person employed by the Municipality as a supervisor in the relevant department of the Municipality involved in the Incident;

**“Suspension”** means the prohibition of an individual from entering all or specified Municipal Facilities for a specified duration of time;

**“Vandalism”** means the malicious, wilful or deliberate destruction, damaging or defacing of Municipal Facilities or other Municipal-owned property, including equipment, vehicles, materials and furniture; and,

**“Violence”** includes:

- throwing articles or objects in a deliberate or aggressive manner that may endanger or cause injury or damage to any persons or property,
- physically aggressive or threatening behaviour,
- threats or attempts to intimidate, and,
- attempts to goad or incite violence.

## **Interpretation**

- 4** In this Bylaw, a reference to the Chief Administrative Officer, Director, Manager, and Supervisor includes a reference to the person appointed as deputy or appointed to act in the place of that person from time to time.

## **Scope**

### **5**

- (1) This Bylaw applies to all persons, including members of the public and Municipal Staff. This Bylaw also applies within Municipal Facilities and any space in which Municipal Services are provided and where Municipal programs or events are being held. Allegations of Inappropriate Behaviour originating from Mayor and Council shall be dealt with in accordance with the Council Standards of Conduct Policy.
- (2) This Bylaw applies to Incidents that either originate from the public or from Municipal Staff in their dealings with the public.
- (3) This Bylaw does not apply to RCMP detachment or staff, including Municipal Staff employed for the purpose of supporting the RCMP and other police services.
- (4) This Bylaw does not apply to Incidents between Municipal Staff.

## **Respectful Behaviour**

### **6**

- (1) All persons using Municipal Facilities have a duty to:
  - a. treat others with respect, courtesy, fairness, and equality;
  - b. use Municipal Facilities and equipment in a safe and respectful manner; and
  - c. comply with all posted policies and rules regarding the use of Municipal Facilities and equipment.
- (2) A person must not commit or engage in Inappropriate Behaviour in a Municipal Facility.
- (3) A person must not commit or engage in Inappropriate Behaviour in any space in which Municipal Services are provided.

## **Responding to Incidents**

### **7**

- (1) When a member of the public witnesses an Incident and wishes to bring the Incident to the attention of the Municipality, they must follow the procedures set out in Appendix A of this Bylaw.
- (2) When Municipal Staff witness or receive a report regarding Inappropriate Behaviour originating from a member(s) of the public, they must follow the procedures set out in Appendix A of this Bylaw.
- (3) When a member of the public witnesses or is subject to Inappropriate Behaviour originating from Municipal Staff and wishes to make a complaint, they must follow the procedures set out in Appendix A.1 of this Bylaw.
- (4) The Manager of Fire and Bylaw Services is authorized to issue a Suspension to any person who is not in compliance with this Bylaw for a period of up to eighteen (18) months or issue a fine of up to \$1000 per Incident, or issue both a suspension and fine. In exercising their discretion under this section, the Manager of Fire and Bylaw



Services must consider the factors set out in Appendix B of this Bylaw.

- (5) A person that is subject to a Suspension under this Bylaw must not access, enter or use any Municipal Facility included in the Suspension, subject to the terms and conditions of the Suspension.
- (6) All Municipal Staff will exercise their power and authority under this Bylaw fairly and equitably and in accordance with the *Human Rights Code*, the *Charter of Rights and Freedoms*, and all other applicable enactments.
- (7) The Municipality is responsible for providing a safe work environment for Municipal Staff, in accordance with the General Safety Regulations of WorkSafeBC and the British Columbia Occupational Health and Safety Act. This includes providing a safe work environment within Council meetings. If the Chief Administrative Officer or the Corporate Officer believes the health or safety of Municipal Staff is at risk in a Council meeting due to Inappropriate Behaviour, either of those senior officials may direct Municipal Staff to leave a Council meeting.

## **Appeal Process**

### **8**

- (1) A person subject to a Suspension under this Bylaw may request a review of the decision by the Chief Administrative Officer. Requests for review of a Suspension must be made in writing and must be delivered to the office of the Chief Administrative Officer within ten (10) business days of the date the notice of Suspension was issued.
- (2) In exercising their discretion under this section, the Chief Administrative Officer must consider the factors set out in Appendix B of this Bylaw.
- (3) Appeal hearings will be held by the Chief Administrative Officer in accordance with Appendix C of this Bylaw.
- (4) The decision of the Chief Administrative Officer with regards to a Suspension is final.

## **Probationary Period and Subsequent Suspensions**

### **9**

- (1) Once a Suspension has been completed, regardless of the duration, the person subject to the Suspension will be subject to a six (6) month probationary period with the following conditions:
  - a. if an Incident occurs during the probationary period, the Manager of Fire and Bylaw Compliance will impose a subsequent Suspension of equal or greater duration than the initial Suspension;
  - b. a subsequent Suspension issued under this section may be for a duration of up to three (3) years;
  - c. a subsequent Suspension under this section must be issued by the Manager of Fire and Bylaw Services or the Municipality's Legal Counsel in writing; and,

- d. notwithstanding section 8 (1) of this Bylaw, a person subject to a subsequent Suspension under this section is not entitled to appeal that Suspension, regardless of whether the person requested an appeal of the initial Suspension.

## **Offence and Penalty**

### **10**

(1) Every person who violates a provision of this Bylaw or who neglects to or refrains from doing anything required to be done by a provision of this Bylaw is guilty of an offence and is liable to the penalties imposed under this Bylaw, and is guilty of a separate offence each day that a violation continues to exist.

(2) Every person who commits an offence is liable on summary conviction to a fine or imprisonment, or to both a fine and imprisonment, not exceeding the maximum allowed by the *Offence Act*.

## **SCHEDULES**

Appendix A – Incident Procedure – Incidents Originating from the Public

Appendix A.1 – Incident Procedure – Incidents Originating from Municipal Staff

Appendix B – Inappropriate Behaviour Enforcement Guidelines

Appendix C – Appeal Procedure

---

READ a first time on October 7, 2020

READ a second time on October 7, 2020

READ a third time on October 7, 2020

ADOPTED on October 21, 2020

---

CORPORATE OFFICER

---

PRESIDING MEMBER

## **Appendix A – Incident Procedures**

### **Incidents Originating from the Public**

1. This procedure is to be followed by members of the public who observe an Incident or by Municipal Staff when Municipal Staff observe an Incident, have reason to believe that an Incident has occurred in a Municipal Facility, or receive a complaint of an Incident by a member or members of the public.
2. The Municipality's primary concern is the safety of members of the public and Municipal Staff. If at any time Municipal Staff feel that the safety of any person is at risk, they will request police assistance. Municipal Staff are not expected to jeopardize their safety or that of others in responding to an Incident.
3. Municipal Staff are expected to act in accordance with this Bylaw fairly and equitably and in accordance with the *Human Rights Code*, the *Charter of Rights and Freedoms*, and all other applicable enactments.
4. Where possible, Municipal Staff will attempt to explain to the person or persons engaging in the Inappropriate Behaviour that their behaviour is unacceptable and ask that the behaviour cease. Municipal Staff may also attempt to de-escalate the situation, where appropriate.
5. If the Inappropriate Behaviour continues, and depending on the severity of the Inappropriate Behaviour, Municipal Staff may require the person to leave the Municipal Facility immediately and the Supervisor may issue the person a temporary suspension of up to ten (10) days. If the person refuses to leave the Municipal Facility, Municipal Staff may request police assistance.
6. If the Incident involves alleged Inappropriate Behaviour by a minor, Municipal Staff will make reasonable attempts to notify the parent(s) or guardian of the minor as soon as reasonably possible following the Incident.
7. As soon as is reasonably possible following the Incident, Municipal Staff will complete an Incident Report which will include the following:
  - a. details of the Incident;
  - b. the names and contact information of the person(s) who engaged in the Inappropriate Behaviour;
  - c. the names and contact information of any witnesses; and,
  - d. any written statement provided by any witnesses.Municipal Staff will submit the completed Incident Report to their Supervisor who will provide a copy to their Manager and to the Director of Human Resources.
8. If the complainant of Inappropriate Behaviour is a member of the public, the

complainant must contact a Manager and explain the Incident in as much detail as possible. The details should include, but are not limited to, the time and location of the Incident. The complainant must also provide as many details of the Inappropriate Behaviour as well as sufficient details for the Municipality to identify the individual(s) engaged in the Inappropriate Behaviour.

9. All Incidents will be reviewed and investigated. When a Manager receives an Incident Report, they will consult with the Director of Human Resources and Corporate Planning. If the Director of Human Resources and Corporate Planning is aware of previous Incidents involving the person, the Director of Human Resources and Corporate Planning may consult with the Municipal Staff who reported or were involved in the previous Incidents. After considering the Incident Report and other available information as well as the Guidelines set out in Appendix B of this Bylaw, the Director of Human Resources and Corporate Planning and Manager will jointly take such action as they consider appropriate in the circumstances, which may include:
  - a. determining that the Incident did not constitute a violation of this Bylaw and take no further action;
  - b. determining that the Incident constituted a violation of this Bylaw but decide that no further action is required in the circumstances;
  - c. determining that the Incident constituted a violation of this Bylaw and take further action, including:
    - i. issuing a written warning letter or letter of expectation;
    - ii. requiring that the person meet with the Manager or the Director, including that the person not enter or use any Municipal Facility until they meet with the Manager or Director; and
    - iii. recommending that the Manager of Fire and Bylaw Services impose a fine, Suspension, or both a fine and a Suspension.
10. If the Director of Human Resources and Corporate Planning and Manager believe that a fine and/or a Suspension is appropriate, they will compile and forward all information gathered during their investigation to the Manager of Fire and Bylaw Services. The Director of Human Resources and Corporate Planning will make recommendations to the Manager of Fire and Bylaw Services regarding the proposed scope and duration of the Suspension and any terms and conditions.
11. The Manager of Fire and Bylaw Services will review the information and take such action as they consider appropriate after considering the factors set out in Appendix B of this Bylaw. The Manager of Fire and Bylaw Services may refuse to impose a fine and/or a Suspension or, if a Suspension is imposed, establish the scope and duration of the Suspension and any terms and conditions.
12. If a Suspension is issued, the Manager of Fire and Bylaw Services or the Municipality's legal counsel must notify the person in writing of the terms and conditions of the Suspension and of their right to appeal under this Bylaw.

13. Once an investigation is completed, the complainant must be notified that a formal investigation has been carried out.
14. If a Suspension is issued, a confidential memorandum regarding the Suspension will also be sent from the Director of Human Resources and Corporate Planning to Municipal Staff for whom the information is necessary for the performance of their duties. Further confidential memoranda may be issued to notify Municipal Staff of changes to or extensions of the Suspension and upon completion of the Suspension.
15. Except where prohibited by law, the Director of Human Resources and Corporate Planning may, pursuant to any information sharing agreements between the Municipality and other local governments, public bodies, RCMP and police, share the confidential memorandum and any information involved in the investigation.
16. The Manager of Fire and Bylaw Services may extend the duration of a Suspension where the person breaches the terms and conditions of the Suspension or where there are further Incidents involving the person.

## **Appendix A.1 – Incident Procedures**

### **Incidents Originating from Municipal Staff**

1. For the purposes of this Appendix:  
    **“Committee”** means the employer of the Respondent, the direct supervisor of the Respondent, and the Director of Human Resources and Corporate Planning or their designate;  
    **“Employer Decision Report”** means a report prepared by the Committee outlining the complaint, the Committee’s findings and decision, and further actions to be taken; and,  
    **“Respondent”** means the member of Municipal Staff who is the subject of the complaint.
2. Inappropriate Behaviour (as defined in this Bylaw) originating from Mayor or Council will be deemed to be a contravention of Section 2 of the Council Standards of Conduct Policy. Complaints that are raised by members of the public about Inappropriate Behaviour originating from Mayor or Council members must be brought forward by the Director of Human Resources and Corporate Planning and the complaint must be reviewed in accordance with section 10 of the Council Standards of Conduct Policy.
3. If a member of the public believes that they have been subject to Inappropriate Behaviour originating from Municipal Staff other than the Mayor or Council members, they will follow the process set out below.
4. A complaint must be made in writing and delivered to the Director of Human Resources and Corporate Planning. Once a formal written complaint of Inappropriate Behaviour is made, the Director of Human Resources and Corporate Planning must review the complaint and decide whether it is appropriate to commence an investigation. Formal Investigations may include the engagement of an external investigator.
5. If a member of the public makes a verbal complaint to a Supervisor or Manager, the Supervisor or Manager must inform the complainant that they must make a written complaint to be delivered to the Director of Human Resources and Corporate Planning. The Supervisor or Manager must advise the Department of Human Resources immediately of any verbal complaint.
6. All persons interviewed by the investigator may be accompanied by a representative (union representative or representative from the Municipality’s Human Resources Department) should they wish to be accompanied. At the conclusion of the investigation, the investigator must document their findings and any recommendations for the resolution of the Inappropriate Behaviour. Findings must be presented to the Committee. The Committee will review the findings and decide, based on the factors

set out in Appendix B of this Bylaw, whether the findings indicate that the Respondent engaged in Inappropriate Behaviour. The Committee must then prepare an Employer Decision Report. The severity and duration of the Inappropriate Behaviour will be considered in determining appropriate corrective action, up to and including dismissal for just cause.

7. A copy of the Employer Decision Report must be provided to the Respondent on a confidential basis. Information collected and retained during the course of the investigation process is confidential and must not be disclosed to a complainant or witnesses except as otherwise may be required by law.
8. Once an investigation is completed, the complainant must be notified that a formal investigation has been carried out.
9. Unionized employees may dispute the Employer Decision Report under the provisions of the appropriate collective agreement under the grievance process.
10. Non-unionized employees may appeal the Employer Decision Report within fifteen (15) days of the Decision to the Chief Administrative Officer. The Chief Administrative Officer (or designate) must review the appeal, determine whether the decision of the Committee to make a finding of Inappropriate Behaviour was reasonable (taking into consideration the factors in Appendix B of this Bylaw), and issue a decision. The Decision of the Chief Administrative Officer (or designate) on the appeal is final.
11. If a complaint is found to be filed for malicious or vexatious purposes, the Director of Human Resources and Corporate Planning may determine that the person making the complaint has engaged in Inappropriate Behaviour under this Bylaw. Complaints filed for malicious or vexatious purposes may include, but are not limited to, complaints regarding decisions of Bylaw enforcement staff which the complainant seeks to overturn.

## **Appendix B – Inappropriate Behaviours Enforcement Guidelines**

In determining the appropriate measures to deal with a contravention of this Bylaw, Municipal Staff will consider the following factors:

1. the nature and severity of the Inappropriate Behaviour;
2. whether the Inappropriate Behaviour was a single or repeated act;
3. whether the person was told that the behaviour was inappropriate and nonetheless continued the behaviour;
4. the impact of the Inappropriate Behaviour on members of the public and Municipal Staff;
5. the person's acknowledgement of wrongdoing; and
6. the person's history of other contraventions.



## **Appendix C – Appeal Procedure**

1. Requests for review of a Suspension under this Bylaw must be made in writing and must be delivered to the office of the Chief Administrative Officer within ten (10) business days.
2. Within ten (10) business days of receiving a request for review under section 8(1) of this Bylaw, the Chief Administrative Officer will notify the person subject to the Suspension of the date for their hearing.
3. The person appointed as the District of North Cowichan's Privacy Officer will provide the person subject to the Suspension with copies of all materials that will be considered by the Chief Administrative Officer a minimum of ten (10) business days prior to the hearing. The materials will be redacted as necessary to comply with the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165 and any other applicable enactments.
4. The person subject to the Suspension may attend the hearing and may be accompanied by a representative of their choice, including legal counsel.
5. The Director of Human Resources and Corporate Planning will attend the hearing on behalf of Municipal Staff.
6. The Chief Administrative Officer may request the attendance of any other person at the hearing, including a member of Municipal Staff or Municipal legal counsel.
7. At the hearing, the person subject to the Suspension will have ten (10) minutes to address the Chief Administrative Officer. This time may be extended if deemed necessary by the Chief Administrative Officer due to the complexity of the issues or the severity of the allegations.
8. The Chief Administrative Officer will notify the person subject to the Suspension of their decision in writing within ten (10) business days of the hearing.
9. The decision of the Chief Administrative Officer with regards to a Suspension is final.
10. The Chief Administrative Officer will notify the Mayor and Council of appealed Suspensions.

---

**Standards of Conduct Council Policy and Respectful Spaces Bylaw No. 3796 –  
Acknowledgement and Agreement**

---

I, (Name) \_\_\_\_\_, acknowledge that I have read and understand the Standards of Conduct Council Policy, and the Respectful Spaces Bylaw No. 3796, 2020, and agree to adhere to the provisions and guiding principles contained within them. I understand that if I violate the provisions outlined in the above noted documents, I may face disciplinary action, up to and including suspension and/or removal from committee membership.

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_