



VILLAGE OF HARRISON HOT SPRINGS NOTICE OF MEETING AND AGENDA

REGULAR COUNCIL MEETING

Date: Monday, June 5, 2023
Time: 7:00 p.m.
Location: Council Chambers,
Memorial Hall, 290 Esplanade Avenue,
Harrison Hot Springs, British Columbia

THIS MEETING WILL BE CONDUCTED IN-PERSON AND VIA ZOOM VIDEO CONFERENCE

1. CALL TO ORDER

Meeting called to order by Mayor Wood
Acknowledgment of Sts'ailes traditional territory.

2. INTRODUCTION OF LATE ITEMS

3. APPROVAL OF AGENDA

4. ADOPTION OF COUNCIL MINUTES

(a) THAT the Regular Council Meeting Minutes of May 15, 2023 be adopted.

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5. BUSINESS ARISING FROM THE MINUTES

6. CONSENT AGENDA

i. Bylaws	
ii. Agreements	
iii. Committee/ Commission Minutes	
iv. Correspondence	

7. DELEGATIONS/PETITIONS

(a) John Allen
Re: Off-Leash Dog Park

8. CORRESPONDENCE

(a) Letter dated May 1, 2023 from John Allen
Re: Dog Park Proposal

Page 9

(b) Email dated May 5, 2023 from Wallace Mah, District of Kent
Re: Invitation for Joint Council Meeting

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- | | |
|--|---------|
| (c) Email dated May 15, 2023 from Ross Buchanan
Re: Disaster Avoidance | Page 13 |
| (d) Letter dated May 23, 2023 from Jason Lum, Chair of the Fraser Valley Regional District
Re: Lower Mainland Traffic Services – Alteration to the Service Delivery Model for South Coast Highway Patrol services | Page 15 |
| (e) Letter dated May 23, 2023 from the Advisory Planning Commission Chair
Re: Resignation Letter | Page 17 |
| (f) Email dated May 30, 2023 from Ministry of Transportation and Infrastructure
Re: BC E-Bike Rebate Program | Page 19 |
| (g) Letter dated May 30, 2023 from the Allan Garneau
Re: Code of Conduct Bylaw 1189, 2023 | Page 21 |
| (h) Email dated May 31, 2023 from the BC Hydro
Re: UBCM Meeting Request Form | Page 25 |

9. BUSINESS ARISING FROM CORRESPONDENCE

10. REPORTS OF COUNCILLORS, COMMITTEES, COMMITTEE OF THE WHOLE AND COMMISSIONS

11. REPORTS FROM MAYOR

12. REPORTS FROM STAFF

- | | |
|--|---------|
| <p>(a) Report of Interim CAO/Acting CO– June 5, 2023
Re: Strategic Planning Session
See also report dated May 15, 2023 – Strategic Planning Session – June 26 and 27, 2023</p> <p>Recommendation:</p> <p>THAT That Council for the Village of Harrison Hot Springs approve rescheduling the Strategic Planning session with Mr. Ron Poole until the week of August 21, 2023 to allow for senior staff to be hired and in place.</p> | Page 27 |
| <p>(b) Report of Operations Manager/Acting DCAO – June 5, 2023
Re: Harrison Lake Dike Upgrade Project</p> <p>Recommendation:</p> <p>THAT Harrison Hot Springs Council authorize up to \$550,000.00 (excl. GST) of the Canada Community-Building Fund (CCBF) in British Columbia – Strategic Priorities Fund funding to complete the detailed design of the upgrade to the Harrison Lake protective dike, the Waste Water Treatment Plant (WWTP) Access Road and the area around the Waste Water Treatment Plant; and</p> | Page 31 |

THAT the Village retain the team assembled by Northwest Hydraulic Consultants that includes Northwest Hydraulic Consultants, Space2place Design Inc. and Thurber Engineering to prepare the detailed design for Harrison Lake protective dike, the Waste Water Treatment Plant (WWTP) Access Road and the area around the Waste Water Treatment Plant.

13. BYLAWS

- (a) Report from Interim CAO/ Acting CO – June 5, 2023
Re: Council Code of Conduct Bylaw 1189, 2023

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Recommendation:

THAT the Council for the Village of Harrison Hot Springs give the Council Code of Conduct Bylaw, 1189, 2023 First Three Readings; and

THAT the current Village of Harrison Hot Springs Code of Conduct Policy No. 1.33 be cancelled once Code of Conduct Bylaw No. 1189, 2023 is adopted.

14. NEW BUSINESS

- (a) Request from Councillor Facio
Re: Community Garden

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- (b) Request from Councillor Facio
Re: Age-Friendly Grants

15. QUESTIONS FROM THE PUBLIC (pertaining to agenda items only)

16. ADJOURNMENT



Kelly Ridley
Interim Chief Administrative Officer/
Acting Corporate Officer

**VILLAGE OF HARRISON HOT SPRINGS
MINUTES OF THE REGULAR MEETING OF COUNCIL**

4(a)

DATE: Monday, May 15, 2023
TIME: 7:00 p.m.
PLACE: Council Chambers, Memorial Hall
290 Esplanade Avenue, Harrison Hot Springs, BC

IN ATTENDANCE: Mayor Ed Wood
Councillor Allan Jackson
Councillor Michie Vidal

Interim Chief Administrative Officer/ Acting CO, Kelly Ridley
Finance Manager, Scott Schultz
Operations Manager/Deputy CAO, Tyson Koch
Planning Consultant, Ken Cossey

ABSENT: Councillor John Buckley
Councillor Leo Facio

1. CALL TO ORDER

Mayor Wood called the meeting to order at 7:00 p.m.
Mayor Wood acknowledged the traditional territory of Sts'ailes

2. INTRODUCTION OF LATE ITEMS

- Mayor Wood announced that the Community Services Manager/Deputy Corporate Officer had resigned. He also announced that the Interim Chief Administrative Officer/Acting Corporate Officer has given Council notice that her last day will be June 30, 2023.
- Mayor Wood requested the reconsideration of motions RC-2023-05-11 for the proposed Woods Park and RC-2023-05-13 for the Official Community Plan Open House from the May 1, 2023 Regular Council Meeting due to a staff shortage.

3. APPROVAL OF AGENDA

Moved by Councillor Jackson
Seconded by Councillor Vidal

THAT the agenda dated May 15, 2023 be approved as amended by adding reconsideration of Woods Park playground and authorizing staff to set up an OCP open house.

**CARRIED
UNANIMOUSLY**
RC-2023-05-27

*Village of Harrison Hot Springs
Minutes of the Regular Council Meeting
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Mayor Wood requested reconsideration of Resolution RC-2023-05-11. In light of the staff shortage, he would like to delay it to a later date.

THAT the proposed Woods Park playground be referred back to staff to look into available funding and research additional options for a natural looking playground and a report be brought back for Council's consideration at the June 5, 2023 Regular Council Meeting.

MOTION FAILED
OPPOSED MAYOR WOOD AND COUNCILLOR JACKSON

Mayor Wood requested reconsideration of Resolution RC-2023-05-13. In light of the staff shortage, he would like to delay it to a later date.

THAT staff be authorized to set up an open house.

There was no mover or seconder to this motion for reconsideration.

4. ADOPTION OF COUNCIL MINUTES

Moved by Councillor Jackson
Seconded by Councillor Vidal

THAT the Regular Council Meeting Minutes of May 1, 2023 be adopted as amended by changing motion RC-2023-05-11 to read

"THAT the proposed Woods Park playground be referred back to staff to look at available funding and research additional options for a natural looking playground and a report be brought back to council at a future date when staff are in place."

CARRIED
UNANIMOUSLY
RC-2023-05-28

5. BUSINESS ARISING FROM THE MINUTES

None

6. CONSENT AGENDA

None

7. DELEGATIONS/PETITIONS

- (a) Kim Halowski, FortisBC
Re: FortisBC's Low Carbon Transition Plan

Ms. Halowski provided a PowerPoint presentation to Council on FortisBC's Low Carbon Transition Plan.

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- (b) John Coles
Re: Proposed Emergency Evacuation Route through Sasquatch Park

Mr. Coles spoke to Mayor and Council regarding concerns with the proposed evacuation route through Sasquatch Provincial Park on the east side of Harrison Lake.

Moved by Mayor Wood
Seconded by Councillor Jackson

THAT the report provided by Mr. Coles as part of his delegation be received.

**CARRIED
UNANIMOUSLY**
RC-2023-05-29

8. CORRESPONDENCE

- (a) Letter dated May 8, 2023 to Premier Eby
Re: Opposition to Bill 43
- (b) Email dated May 9, 2023 from the Emergency Planning Secretariat
Re: Invitation to the Lower Fraser Floodplains Forum, Friday, June 9, 2023

Moved by Councillor Jackson
Seconded by Councillor Vidal

THAT the letter dated May 8, 2023 to Premier Eby and the email dated May 9, 2023 from the Emergency Planning Secretariat be received.

**CARRIED
UNANIMOUSLY**
RC-2023-05-30

9. BUSINESS ARISING FROM CORRESPONDENCE

None

10. REPORTS OF COUNCILLORS, COMMITTEES, COMMITTEE OF THE WHOLE AND COMMISSIONS

Councillor Jackson

- Fraser Valley Regional Library Board (Municipal Director) – No Report
- Tourism Harrison – No Report
- Attended the LMLGA Conference in the Village on May 3-5, 2023

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Councillor Vidal

- Community Futures North Fraser Board of Directors
 - Attended a meeting on April 25, 2023
- Corrections Canada Citizen's Advisory Committee – No Report
- Kent Harrison Joint Emergency Program Committee
 - Attended a meeting on April 19, 2023
- Attended the LMLGA Conference in the Village on May 3-5, 2023
- Delivered a post-community welcome to the modular housing association conference in the Village on May 9, 2023
- On behalf on LMLGA, presented a cheque to AHCS in the amount approximately \$3500.00 on May 11, 2023

11. MAYOR'S REPORT

- Acknowledged Teresa Omelus for her recent charity work. Teresa walked with the District of Kent Mayor to raise funds for the Lets'emot aquatic center and raised approximately \$2280.00 towards the new pool.
- Reported on the current Transit strike
- Reported that Mayor and Council are still working with third-party facilitator with Ministry of Municipal Affairs
- Reported on how the flood gates and screw pump work
- Reported on the current freshet update

12. REPORTS FROM STAFF

- (a) Report of Operations Manager/Acting DCAO – May 15, 2023
Re: Public Works Buildings – Vermiculite Abatement

Moved by Councillor Vidal

Seconded by Councillor Jackson

THAT Council authorize the addition of \$15,000.00 to the initial budget of \$30,000.00 for the Public Works Building vermiculite abatement project at a total value of \$45,000.00 to be funded from Public Works Reserves; and

THAT Council award the Public Works Building vermiculite abatement project to PCS Pre-Construction Services at a value of up to \$45,000.00.

**CARRIED
UNANIMOUSLY**
RC-2023-05-31

*Village of Harrison Hot Springs
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- (b) Report of Operations Manager/Acting DCAO – May 15, 2023
Re: Off-Leash Dog Park

Moved by Councillor Vidal
Seconded by Councillor Jackson

THAT Council authorize staff to install a temporary dog park in the overflow parking lot in September 2023 for a term of 6 months.

THAT Council authorize staff to fund eligible expenses up to \$10,000.00 from the parkland reserves for the temporary dog park.

That Council authorize staff to add \$5,000.00 to the operational budget for the temporary dog park.

THAT Staff report back to council, in the spring of 2024, with a review of the trial period to include operational, communal and financial information.

MOTION FAILED
OPPOSED BY MAYOR WOOD AND COUNCILLOR JACKSON

- (c) Report of Interim CAO/Acting CO – May 15, 2023
Re: Strategic Planning Session – June 26 and 27, 2023

Moved by Councillor Vidal
Seconded by Councillor Jackson

THAT the Strategic Planning Session report be referred back to staff to work with Mr. Poole and provide other options for meeting times.

CARRIED
UNANIMOUSLY
RC-2023-05-32

*Village of Harrison Hot Springs
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- (d) Report of Operations Manager/Acting DCAO – May 15, 2023
Re: Code of Conduct Bylaw No. 1189, 2023

The Operations Manager brought to Council's attention clerical items that had to be changed.

On page 77, under sec 4.1.1, the blue coloured changes should read "Deputy CAO" and not "Deputy CO" in three places.

On Page 84, the very first sentence reads "the publication of the letters contemplated in subsections (i) and (ii)" be changed by removing "and (ii)".

On Page 88, sec 5.1.1 be changed from "The CAO shall..." to "The CAO may..."

Moved by Councillor Vidal
Seconded by Councillor Jackson

THAT the Code of Conduct Bylaw No. 1189, 2023 be referred back to staff to bring the report back at the next Regular Council Meeting.

**CARRIED
UNANIMOUSLY**
RC-2023-05-33

13. BYLAWS

- (a) Highway and Traffic Amendment Bylaw No. 1191, 2023

Moved by Councillor Vidal
Seconded by Councillor Jackson

THAT Highway and Traffic Amendment Bylaw No. 1191, 2023 be given final reading and adoption.

**CARRIED
UNANIMOUSLY**
RC-2023-05-34

- (b) Parks Regulation Amendment Bylaw No. 1192, 2023

Moved by Councillor Jackson
Seconded by Councillor Vidal

THAT Parks Regulation Amendment Bylaw No. 1192, 2023 be given final reading and adoption.

**CARRIED
UNANIMOUSLY**
RC-2023-05-35

*Village of Harrison Hot Springs
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- (c) Report of Planning Consultant – May 15, 2023
Re: Rezoning Amendment Bylaw

Moved by Councillor Vidal
Seconded by Councillor Jackson

THAT Zoning Amendment Bylaw 1193, 2023 be given first and second reading; and

THAT staff be authorized to refer the application to the Advisory Planning Commission, Harrison Hot Springs Fire Department, and the Ministry of Transportation and Infrastructure, and the FVRD; and

THAT staff be authorized to schedule a public hearing.

**CARRIED
UNANIMOUSLY**
RC-2023-05-36

Mayor Wood requested to see drawings and reports prior to moving forward

The Planning Consultant advised Council that he is working towards amending the development process to allow for the developers to make a presentation on the development when the bylaw comes forward for first and second reading.

- (d) Code of Conduct Bylaw No 1189, 2023

Item 13.(d) was removed from the agenda as Item 12. (d) was referred back to staff to be brought to the next Regular Council Meeting.

14. NEW BUSINESS

None

15. QUESTIONS FROM THE PUBLIC (pertaining to agenda items only)

Questions from the public were entertained.

Mayor Wood requested That the OCP Open house be held at the Memorial Hall instead of The Village Office. Councillor Vidal voiced her opposition.

*Village of Harrison Hot Springs
Minutes of the Regular Council Meeting
May 15, 2023*

16. ADJOURNMENT

Moved by Councillor Jackson
Seconded by Councillor Vidal

THAT the meeting be adjourned at 9:20 p.m.

**CARRIED
UNANIMOUSLY**
RC-2023-05-37

Ed Wood
Mayor

Kelly Ridley
Interim Chief Administrative Officer/
Acting Corporate Officer

John J. Allen

PO Box 201, Harrison Hot Springs , V0M 1K0

Mayor & Council

Village of Harrison

By Hand

April 30th 2023.

Re Dog Park Proposal

Dear Council.

While I approve of Councillor Buckley's suggestion for an off-leash dog run North of the Village Office, I think it can be much better with a few changes. I'm suggesting a low-cost trial to test the concept . We have most of the material required already in stock in the works yard.

Dogs need a place to run and that requires a longer space, rather than a square space. So the dog run should be placed East-West along the Southern end of the open space, from Hot Springs Road to Park Street. A lot of this space is useless for parking , anyway but is ideal for dogs. It even has a fire hydrant. The buildings and works yard North fence already provide most of one secure perimeter on the South side.

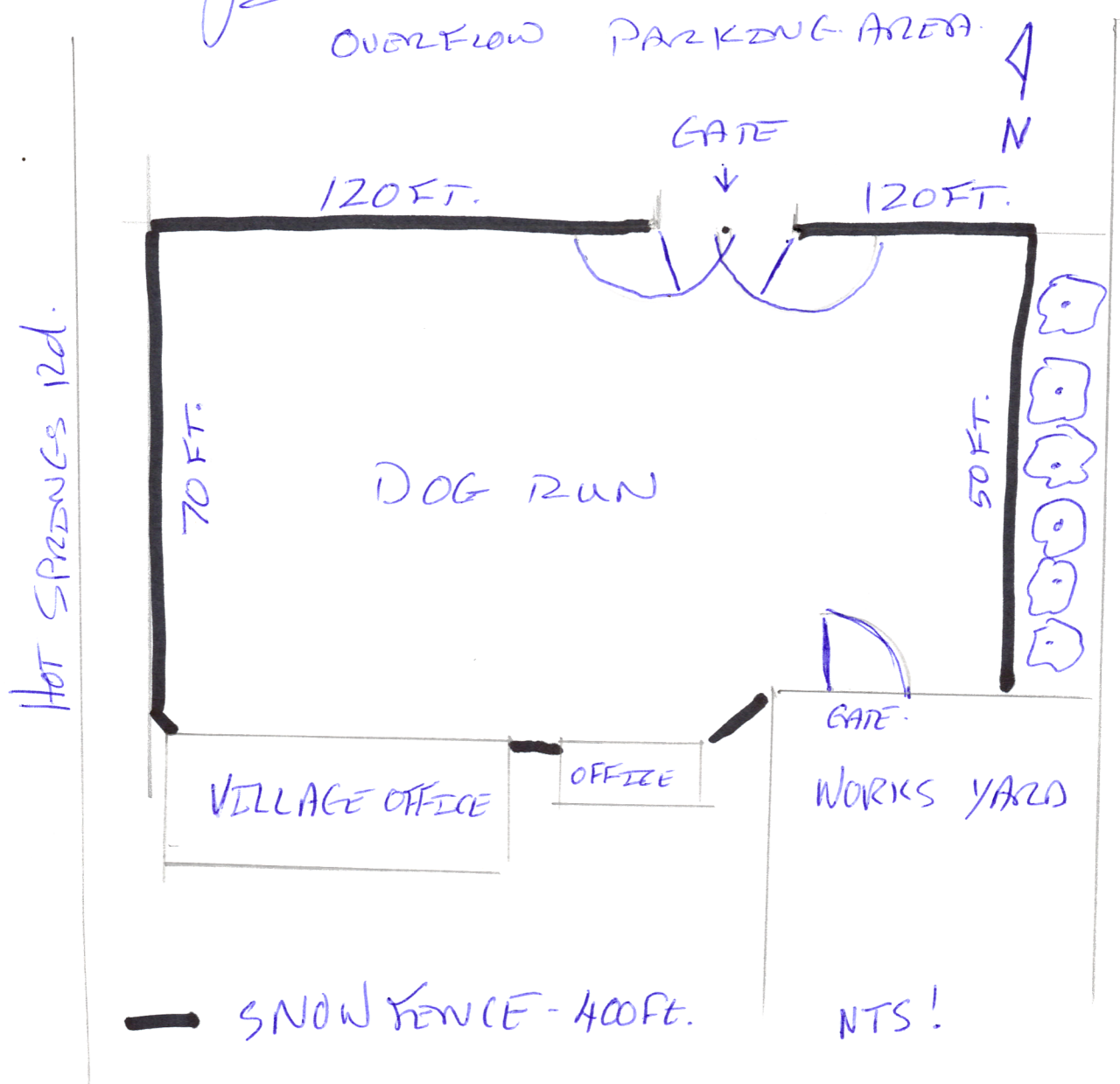
My proposal is for an enclosed space about 250 ft wide and about 65 feet deep. [250 ft as about as far as you can throw a slobber-ball for a dog .] The enclosure fence required should be the snow fencing which we use every winter on the beach. We only need to use about 400 feet of it to secure the West, North and East boundaries. The only material we need to buy is a couple of 12 ft. farm gates to create an entrance in the North fence line.

These two gates will provide the main entrance and, on busy weekends, can be opened to allow the dogpark area to be used for vehicle parking. They cost about \$150 each. They should be installed across the laneway which runs North-South up the middle of the open area and have a small overlap where they meet in the middle. They will also provide easy access for mowers and the poop-sweeper which the Village uses on the beach area. This maintenance equipment can also access the dog run directly from the works yard as there is a gate in the North fence of that yard.

If you want to provide additional access points, small man-gates can be provided at other points such as from the Village Office parking area. There is no need to remove the no-post concrete barriers as dogs seem to enjoy running around such obstacles. The fence along Hot Springs Road should be put in the bottom of the swale there and run up to the sign structure used by the festival. On the East side, it can be inside (West of) the cedar trees on Park St.

The attached rough sketch will, I hope , illustrate the design adequately. Overall, this is a low-cost installation using existing resources and equipment. If it proves successful, a more visually-attractive, permanent fence can be considered in future budgets.

Yours,



Admin

From: Wallace Mah <wmah@kentbc.ca>
Sent: May 5, 2023 5:05 PM
To: Kelly Ridley <kridley@harrisonhotsprings.ca>
Cc: Sylvia Pranger <spranger@kentbc.ca>
Subject: Lets'emot Regional Aquatic Center

Kelly:

Mayor Pranger has requested a meeting be arranged to meet with your Council to talk about the new Lets'emot Regional Pool. As you may know the future of the proposed aquatic center will provide an opportunity for people of all ages and abilities to use the aquatic center including people with disabilities, and for those that require therapeutic rehabilitation. The pool is here to serve everyone, and our Council would to have some dialogue with your Council to ascertain what your municipality would like to contribute to the pool from a capital and operating perspective of the regional pool.

Did you know that approximately 48% of the users of our recreation facility is from Harrison Hot Springs? And 22% have active memberships at the gym.

The District of Kent as you may know share joint services with Harrison Hot Springs to improve the overall cost efficiencies of some of our operations. We have mutual aid on fire services, joint service on emergency planning, search and rescue to name a few. We have worked together on the arts and music festival, tourism, special events, and in planning emergency evacuation route together.

I would like to propose the District host a lunch to meet as soon as we can, or alternatively on June 20, 21, 22, or 23rd. If we can secure the date we can work out the time as well.

Please advise if these dates will work with your Council. If not, I be happy to hear what dates will work for Harrison Hot Springs.

Best Regards



Wallace Mah, CAO
(604) 796-2235
wmah@kentbc.ca
www.kentbc.ca
PO Box 70, Agassiz BC V0M 1A0

Admin

From: Ross Buchanan

Sent: Monday, May 15, 2023 11:41:02 AM

To: Ed Wood <ewood@harrisonhotsprings.ca>; John Buckley <jbuckley@harrisonhotsprings.ca>; Leo Facio <LFacio@harrisonhotsprings.ca>; Allan Jackson <ajackson@harrisonhotsprings.ca>; Michie Vidal <MVidal@harrisonhotsprings.ca>

Cc: Kelly Ridley <kridley@harrisonhotsprings.ca>; Operations <operations@harrisonhotsprings.ca>

Subject: Disaster Avoidance...

Mayor and Council
Village of Harrison Hot Springs
Harrison Hot Springs, BC

Mayor and Council,

Re: Disaster Avoidance....

I fear for my community.

I fear for our village.

"Ignitions within this parcel are likely to be human caused, occurring along the forest edge near McCombs Drive."
...Village of Harrison Hot Springs Urban Forest Management Plan

The fire that destroyed Lytton only 144 km to the north of Harrison Hot Springs could happen anywhere. It could happen here. Unlike Lytton with a population of 300 people and three evacuation routes the village has a population of 1905 people, sees crowds of 10,000 on some hot summer days and has only one road in...one road out. In addition, high density development has and is occurring immediately adjacent to forests that have been rated as High or Extreme risk of a wildfire. As a community, Harrison Hot Springs is extremely vulnerable to the increased risks of Wildfire. The intense density that has made us the 17th most densely populated population center in BC yet only the 92nd most populated community puts us at extreme risk of a conflagration should a fire ignite and escape control resulting in Community Fire Spread.

In a community that is full of all kinds of Disaster Response talk, committees, and plans, we should also plan for Disaster Avoidance. We do not.

Harrison Hot Springs may be the perfect storm for a major disaster in the making...

1. Narrow valley with significant and increasing winds.
2. Heavily wooded recreational lands (the East Sector) adjacent to village that carry provincial wildfire danger ratings of High and Extreme.
3. Strong winds from the south that could blow a fire igniting in the recreational forest north, into the village.
4. Intense, high-density development without adequate green space increasing the likelihood of Community Fire Spread.
5. Seasonal Visitors that could see as many as 10,000 visitors on a busy day and challenging the capacity and integrity of the evacuation route.
6. One road in...and out.
7. As reported in the Urban Forest Master Plan... *"...continual surface fuel loading...may continue to increase to unacceptable levels, which will create a fire risk within the East Sector by increasing the potential for material ignition during a fire event."*

I live in the village, in a house surrounded by hundreds more just like it. My neighbors' gutters practically touch mine. Now think of all the streets that have home after home after home, each separated by very narrow gaps.

As residents of the village, we must realize the real possibility that the next time, the fire could be right here. If you don't believe me then ask anyone who used to live in Lytton.

We need to invest in our community...invest in ourselves.

Disaster Avoidance from the risk of wildfire needs to be a priority...before it is too late.

What can be done to reduce the risk of a wildfire igniting in the nearby forest lands and spreading into and throughout the village?

Our greatest wildfire related vulnerability, that we can do something about, is along McCombs. You would think that the warning fires of the past...Slave Lake, Fort McMurray, Barriere and Lytton would have taught us to treat the fuel load in the forest adjacent to high density residential communities, but no, the fuel has not been treated and continues to accumulate. That fuel needs to be treated to reduce the likelihood of human caused wildfire ignition along the McCombs Trail. When the fuel accumulates, dries and sparks fly it is too late to protect people and properties.

The 75 acres of forested park land that the village owns in the East Sector along McCombs provides us with the opportunity to immediately take action to reduce the risk of wildfire. The one immediate action that would significantly reduce risk is...

#1. Treating of the village owned forest along the McCombs Trail including the removal or chipping of dead standing trees and debris on the forest floor. Preventative actions on a 20-meter swath along McCombs from Chestnut to Emerald would reduce the likelihood of a human caused ignition in the forest. This action reduces the Fire Head Intensity at the edge of the forest, protects the homes along McCombs, reduces the likelihood of community fire spread to the neighborhoods flowing to the west and south of McCombs and protects the integrity of McCombs in the event of an evacuation.

Life is about choices...my hope is that in the face of escalating, climate induced risks of a potential wildfire that the right choices are made by those on council to avoid disaster...before it is too late.

We don't have to be the next Lytton.

Ross Buchanan

May 23, 2023

Hon. Mike Farnworth
Minister of Public Safety and Solicitor General
Parliament Buildings – Room 128
PO Box 9010, Stn Prov Govt
Victoria, BC V8W 9E2

By email: PSSG.Minister@gov.bc.ca

RE: Lower Mainland Traffic Services – Alteration to the Service Delivery Model

Dear Minister Farnworth,

I am writing on behalf of the Fraser Valley Regional District (FVRD) in response to your recent approval to alter the South Coast Highway Patrol's service model.

It is incredibly disappointing that the RCMP would initiate a significant change to the policing model without any consultation with its municipal partners. We note that Chief Superintendent Turton submitted this request to the Ministry in April 2022. *Why didn't the RCMP connect with its municipal partners before the April 2022 submission?*

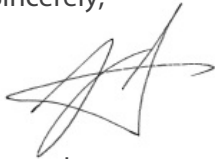
We appreciate that your approval of this change included a requirement for stakeholder engagement before the realignment comes into effect; however, the FVRD's Board is unclear why the Ministry would approve this change before receiving feedback from its municipal partners whose contracts and budgets will be most affected. Our contract is not with the RCMP but with your Ministry. *Why are we not negotiating this major change with the Solicitor General and left to handle this after the fact with the RCMP and zero collaboration?* Since it appears there is no opportunity to reverse this decision, the FVRD Board questions the authenticity of the Solicitor General's engagement requirement.

As you are well aware, BC Highway 1 is not a municipal road. This major artery that is the lifeblood of British Columbia, moving goods and people across the province, should not be the responsibility of municipalities. Downloading traffic-related calls for service to municipalities will negatively affect their ability to respond to local policing concerns.

This change could not be coming at a more difficult time. Police resources are already struggling with post-pandemic impacts and the knock-on effects of the provincial decriminalization pilot project. As we understand it, the RCMP is failing to meet its current staffing requirements. The Upper Fraser Valley Regional Detachment is currently 25% short in resources. We are now entering the season when we will again begin contributing local resources for forest fire security in the province. Adding responses to Highway 1 calls for service is only going to exacerbate all of these existing challenges.

It was very good news in November of 2022 that the Province of British Columbia announced an investment of \$230 million for the RCMP to address vacancies in the provincial policing service. **We ask that you reconsider allowing the RCMP to implement the service model change for the South Coast Highway Patrol in advance of stakeholder “engagement” and allow provincial police services to stabilize before adding further burdens to a fragile police system.**

Sincerely,

A handwritten signature in black ink, appearing to be 'Jason Lum', with a stylized, cursive script.

Jason Lum
Chair, Fraser Valley Regional District

cc Doug Scott, Deputy Solicitor General, pssg.correspondence@gov.bc.ca
Chief Superintendent Holly Turton, OIC BC Highway Patrol
Inspector Brian Donaldson, OIC South Coast Highway Patrol
Superintendent Davy Lee, Upper Fraser Valley Regional Detachment
Mayor Ross Siemens, City of Abbotsford
Mayor Ken Popove, City of Chilliwack
Mayor Ed Wood, Village of Harrison Hot Springs
Mayor Victor Smith, District of Hope
Mayor Sylvia Pranger, District of Kent
Mayor Paul Horn, City of Mission

Dear Mayor and Council,

23 May 2023

It is with deep regret that I submit my resignation as Chair of the Advisory Planning Commission (APC) of Harrison Hot Springs, effective immediately.

I have chaired the APC for several years, and it has been a privilege to work with a group of motivated Councillors and a dedicated team of Village professionals. However, recent events have led me to the difficult decision to step down from my position.

The suspension and termination of key senior Village staff has left me deeply troubled and concerned about the direction the Village is taking under the leadership of the new Mayor. I strongly believe that our senior staff played an essential role in the success of our Village and the effective operation of various committees and commissions, and their sudden departures has created a significant gap that will be difficult to fill.

As the Chair of the APC, it is my responsibility to ensure that it operate in an ethical and transparent manner, with the best interests of our community at heart. I feel that the decision to terminate key management staff was made without due consideration for their contributions to the various committees and commissions, and the impact their loss would have on our community.

While I understand that there may have been reasons for the suspensions, I cannot in good conscience continue to serve, reporting to a Mayor who does not seem to value Village employees and who makes decisions that may negatively impact our community.

I would like to thank the APC members and past-Council for the opportunity to serve in this role and the support they have provided me during my tenure.

Sincerely,

Sonja Reyerse-Peters
Chair,
Advisory Planning Commission
Village of Harrison Hot Springs

Cc:

Kelly Ridley, Interim Chief Administrative Officer/Acting Corporate Officer
Tyson Koch, Operations Manager/Acting Deputy Chief Administrative Officer
Councillor Leo Facio
Councillor John Buckley
Councillor Allan Jackson
Councillor Michie Vidal
Mayor Wood

Admin

From: Transportation, Active TRAN:EX <ActiveTransportation@gov.bc.ca>
Sent: May 30, 2023 4:33 PM
To: Transportation, Active TRAN:EX <ActiveTransportation@gov.bc.ca>
Subject: BC E-Bike Rebate Program

Hello,

We are excited to share that the province [announced](#) a new e-bike incentive program. The [BC E-Bike Rebate Program](#) launches on June 1, 2023. The program provides income-tiered rebates (\$350-1,400) for all B.C. residents. There is \$6 million in funding available. Please consider promoting the program to your residents to provide affordable and accessible transportation options. Contact us at ActiveTransportation@gov.bc.ca to request a media kit.

Complementary [safety education](#) is being provided through HUB Cycling. This includes free on-line courses and free/low cost in-person options in many communities across B.C. (with more locations coming soon).

There is also an option for Indigenous and local governments to provide supplemental funding through the Program for rebates reserved for your local residents. Please contact ActiveTransportation@gov.bc.ca if you are interested in learning more.

Thank you for your continued support for active transportation. These new e-bike rebates help more people access the active transportation facilities your communities are building.

Thank you,

Active Transportation Team

Ministry of Transportation and Infrastructure

May 30, 2023

To the Mayor and Council
Village of Harrison Hot Springs
Delivered by hand

Re: Code of Conduct By-law 1189, 2023

At the Regular Meeting of May 15, this item was referred back to staff and is to be placed on the agenda for the next meeting when all Members may be present. The document was modelled after the Squamish Council's Code of Conduct, so several amendments were required to adapt it to our needs. It was vetted by our legal counsel and staff made many amendments. Some amendments were announced at the beginning of discussion, hence my suggestions below may be overlapped here. I appreciate the amount of time and effort put into the preparation of the full document. At the meeting, I commented on the length of the By-law and the number of insertions and deletions made. I described it as a daunting task to read and understand, especially with the number of amendments required. I said that I would spell them out for your consideration. My suggestions follow.

To facilitate this process, **I would request that Council consider these further amendments before passing the three readings.** In order to see the specific items in the draft document as published in the Council Package, I have attached a crude 'cut and paste' to speed up the process. The proposed amendments that are suggested to provide correction, clarity or consistency are:

Section 1.2 Definitions: 1 - Delete 'or their delegate'. *Unnecessary and misleading, as it is a definition only. Where someone other than the CAO may be replaced by the CO or other, it is specified in the document.*

Section 2.3 Roles and Responsibilities: 1 - In sub-section (b) insert 'Mayor or' between 'assigned by' and 'Council' in the third line, and 2 - in sub-section (c) restore 'is the head and chief executive officer of the Village and' in the first line, and 3 - Delete ', among other things'. *That the role of the mayor on Council is set out in the Community Charter is no justification for not stating it here. It is my understanding that some appointments are assigned only by the mayor, who does not need to have Council approval. The words in 3 are not specific and could mean anything.*

Section 3.1.1 General Conduct: 1 - in sub-section (c) delete ', but not limited to'. *This is far too general to have meaning. It could include getting a speeding ticket to cite an extreme example.*

Section 3.2.1 Interactions, etc.: 1 - *See first item above. In the second line, the phrase (or their delegate) should be replaced with 'or the Co or Deputy CAO'. See reference to Section 4.1.1 below.*

Section 3.3.2 Interactions: 1 - Delete all proposed insertions. *Factual and correct are basically synonymous - triply redundant. 'They must' is covered in the preamble to this section.*

Section 4.1.1 Confidential Requests: 1 - Delete '(or Deputy CO)' in three locations and Replace it with '(or CO or Deputy CAO)'. *I believe these to be the correct acronyms for the specific staff members. Refer back to first item above.*

Section 4.1.2 How to . . . in sub-section (g) - typo in third last line: should be 'the investigation will be suspended'.

Section 4.1.9 Sanctions: in sub-section (a) item ii which is deleted, is referred to in the re-numbered ii. It should be deleted.

Section 4.1.9 Sanctions: in sub-section (a) item v now becomes mandatory. Original wording, 'recommendation' is preferable to 'requirement'. *In situations where it should be deemed to be mandatory, section xii should apply. This is opinion rather than correction, but a different approach would keep all options open.*

I commend Council for finally establishing this document as a By-law (as required by the Community Charter), rather than a policy which kept it from the public. It is meant to be open to the public, allowing for public input (as I have done above) and assuring villagers that proper conduct guidelines are in place for our Council.

Respectfully submitted.
Allan Garneau

1.2 Definitions

In this bylaw:

"CAO"	Means the Chief Administrative Officer for the Village of Harrison Hot Springs <u>or their delegate</u> .
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delete

2.3 Roles and Responsibilities

- (a) Council is the governing body of the Village. It has the responsibility to govern the Village in accordance with Part 5 of the *Community Charter* and other applicable legislation.
- (b) Council Members have, among other things, a statutory responsibility to consider the well-being and interests of the municipality and its community, and to participate in meetings and carry out the duties assigned by Council and applicable legislation
- (c) The Mayor is the head and chief executive officer of the Village and has, among other things, a statutory responsibility to provide leadership to the Council and to provide general direction to Municipal Officers respecting Village policies, programs and other directions of the Council as set out in Part 5 of the *Community Charter*.

add 'Mayor or'

Restore

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3.1.1 A Member shall not:

- (a) contravene this Bylaw, as amended or replaced from time to time;
- (b) contravene any other Village bylaw or policy, as amended or replaced;
- (c) contravene a law of British Columbia or Canada, including but not limited to the British Columbia *Human Rights Code* or the *Freedom of Information and Protection of Privacy Act*; or

delete

- 3.2.1 A Member must direct inquiries regarding departmental-administrative issues or questions to the CAO or their delegate, Manager, or department Director of the appropriate department and refrain from contacting Staff directly unless the communication is minor and for the purpose of seeking administrative clarity.

specify

- 3.3.2 Without limiting the ability of the Council Member to hold a position on an issue and respectfully express an opinion, a Council Member must ensure that:

- (a) their communications relating to Council business are actual, accurate and correct and they must not issue any communication that the Member knows, or ought to have known, to be false, incorrect, or inaccurate; and

Delete all in red

PAGE 2.

4.1.1 Confidential Requests

- (a) If a Council Member, Committee Member, ~~or Staff or Volunteer~~ believes that they have been subject to conduct by a Council Member in breach of this Bylaw, that person may approach the CAO ~~on a confidential basis~~ on a confidential basis, without the need to file a Complaint to request that the CAO ~~inform the Council Member of the alleged breach~~. Upon receipt of the confidential request, the CAO may attempt to address the conduct with the Council Member.

Commented [AC5]: Because there is currently no person for the CAO to go to with a confidential request, consider adding "or the Deputy CAO" or "Corporate Officer" after CAO in the third, fourth and sixth lines.

use correct terms

4.1.2

~~The Investigator must reject a Complaints received~~ regarding a Council member seeking re-election ~~may be made but must not be investigated~~ in the period from the first day of the nomination period to the general voting day. ~~In the event that a Complaint is filed prior to the first day of the nomination period, but remains unresolved by the start of and through the campaign period, the investigation will but suspended and may be continued into the next term unless the Complainant(s) or Respondent(s) do not seek or fail to gain re-election.~~

Should be "be"

4.1.9 Remedies

- (a) Sanctions that may be imposed for a violation of this Bylaw include the following:

- i. a letter of reprimand from Council addressed to the Council Member;

~~the publication of the letters contemplated in subsections (i) and (ii), along with the Council Member's written response, if any;~~

~~directions to the CAO regarding restricting how the provision of documents, including documents containing Confidential Information, are provided to the Council Member;~~

- ii. the publication of the letters contemplated in subsections (i) and (ii), along with the Council Member's written response, if any;
- iii. directions to the CAO regarding ~~restricting how the provision of~~ documents, including documents containing Confidential Information, ~~are provided~~ to the Council Member;
- iv. ~~disclosure to the public of the findings relating to the Council Member's breach of this policy~~

- v. a ~~recommendation requirement~~ that the Council Member attend specific training or counselling;

Restore

involved. I know that some municipalities are taking the risk by trying to be more transparent about the outcome of investigations into their Council Members' conduct. While where only Council Members are involved, it may be more acceptable to be more transparent, where staff are involved (as complainants or witnesses) they have more of a right (and expectation) of privacy that ought to be protected.

Again, I do not recommend making public the existence or conclusion of an otherwise completely confidential investigation. Doing so may be highly prejudicial to the Complainant, Respondent, Council and the Village if not released carefully and properly (ie: FOIPPA or Council Confidentiality reasons).

Commented [AC12]: I am not a fan of forced apologies. They do not mean anything if they are not freely given. Just my opinion.

This is deleted

should be deleted as well.

Admin

From: Thwaites, Emily <Emily.Thwaites@bchydro.com>

Sent: Wednesday, May 31, 2023 12:46:10 PM

To: Ed Wood <ewood@harrisonhotsprings.ca>

Cc: Lahti, Matt <Matt.Lahti@bchydro.com>; Locicero, Sabrina <Sabrina.Locicero@bchydro.com>; Madeline McDonald <MMcDonald@harrisonhotsprings.ca>

Subject: BC Hydro: UBCM Meeting Request Form



May 31, 2023

Mayor Ed Wood
Village of Harrison Hot Springs

Dear Mayor Wood and Council,

BC Hydro is once again offering local government officials the opportunity to meet with senior company executives during the week of September 18, at the 2023 UBCM Convention, to discuss an issue of concern facing your community.

As always, we are pleased to meet with you outside of UBCM to discuss and resolve any issues.

If you would like to arrange a meeting, the deadline to submit the attached request form is **Friday, June 30**. Please return the form to Matt Lahti (matt.lahti@bchydro.com).

We will provide full meeting details in early September when we confirm the date and time.

If you have any questions, please don't hesitate to contact me.

Kind regards,

Emily Thwaites (she/her) | Stakeholder Engagement Advisor, Community Relations



BC Hydro
333 Dunsmuir St, 15th floor
Vancouver, BC V6B 5R3

P 604-623-3597
M 604-790-2961
E emily.thwaites@bchydro.com

bchydro.com

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VILLAGE OF HARRISON HOT SPRINGS

REPORT TO COUNCIL

TO: Mayor and Council **DATE:** June 5, 2023

FROM: Kelly Ridley **FILE:** 0530-01
Interim CAO/Acting CO

SUBJECT: Town Hall Meeting – June 26, 2028
Council Strategic Planning Session – June 27 and 27, 2023

ISSUE:

To provide additional information to Council regarding the proposed Strategic Planning Session.

BACKGROUND:

At the May 15, 2023 Regular Council meeting, a report was presented to Council about a proposed Strategic Planning session. (see attached May 15, 2023 report).

Council made the following motion:

“THAT the Strategic Planning Session report be referred back to staff to work with Mr. Poole and provide other options for meeting times.”

Part of the concerns raised at the Regular Council Meeting was regarding the holding of a Town Hall meeting on Monday evening at 5:00 pm to present the survey results received from the residents and then Council going into a Strategic Planning session afterwards. Council noted that starting such a session in the evening would not be as productive as starting it in the morning.

Staff have spoken with Mr. Poole and he has advised that he can conduct the Town Hall meeting on the evening of Monday, June 26 to present the results of the survey to Council and the public. He further agreed to start the Strategic Planning session on the morning of Tuesday, June 27 at 9:00 am for the full day and on Wednesday, June 28 for a half day.

As the Village is actively recruiting for senior staff positions, staff asked Mr. Poole if it would be possible to delay the Strategic Planning session for a couple of months until the new senior staff members are in place. He reported that the Ministry is extending contracts for an additional three-month period and that he would have the following dates available to help with a Strategic Planning session should Council wish – week of August 14 or August 21, 2023.

OPTIONS:

Option 1:

Continue with the original timeline presented in the Council report from the May 15, 2023 Council meeting. This included an on-line community survey going live on Wednesday, June 7 on the Village's website to collect public input until Friday, June 16. The results would then be presented by Mr. Poole at a Town Hall meeting on Monday, June 26, 2023 with the Strategic Planning session starting in the morning of Tuesday June 27, 2023 and if necessary, continue the process on the morning of Wednesday, June 28, 2023 until noon.

Running concurrently, Mr. Poole has asked for feedback from Council. He has requested that an email be sent out to Council in the morning of Tuesday, June 6, 2023 requesting feedback to be received by Friday, June 16, 2023 so he can prepare for the session.

Option 2:

That the Strategic Planning process be delayed until the middle of August to allow for senior staff to be hired and in place. Having these key staff in place will assist Council with the planning and implementation of any strategic goals.

Regardless of which Option Council chooses, Staff is recommending that the following processes take place prior to Council's Strategic Planning session.

1. That a community survey be prepared for residents to input their top three strategic priorities for the community as well as asking residents where do they see the Village in 10 years?
2. The surveys be compiled into a list that would identify the community's priorities in order of importance and their responses to the question with the results being presented at a Town Hall meeting.

RECOMMENDATION:

That Council for the Village of Harrison Hot Springs approve rescheduling the Strategic Planning session with Mr. Ron Poole until the week of August 21, 2023 to allow for senior staff to be hired and in place.

Respectfully submitted:

Kelly Ridley

Interim Chief Administrative Officer
Acting Corporate Officer



VILLAGE OF HARRISON HOT SPRINGS

REPORT TO COUNCIL

TO: Mayor and Council **DATE:** May 15, 2023
FROM: Kelly Ridley **FILE:**
Interim CAO/Acting CO
SUBJECT: Strategic Planning Session – June 26 and 27, 2023

ISSUE:

To hold a Strategic Planning Session with Council to determine goals, initiatives, and actions to move the community forward.

BACKGROUND:

As Council is aware, the Ministry of Municipal Affairs has provided the Village of Harrison Hot Springs with a Municipal Advisor, Mr. Ron Poole. Mr. Poole is a neutral third party with local government experience whose role is to support, mentor and liaison between Council and senior staff with a focus on building professional relations and effective council practices. The role of the Municipal Advisor also includes assisting Council and senior staff with the assessment and implementation of strategic priorities. The Ministry of Municipal Affairs has authorized Mr. Poole to assist Council through the Strategic Planning process.

The Strategic Plan is important to a community as it is a road map that defines and guides a community into the future. It defines the municipality's key priorities, processes and short and long term plans. It guides work priorities through departmental plans and prioritizes budget and resource allocations through multiple years.

It is important that Strategic Planning includes a process for receiving public input from the community to highlight the priorities for the community. Prior to Council participating in the Strategic Planning process, Staff is recommending the following:

1. Prepare a community survey for residents to input their top three strategic priorities for the community. For example, community well-being, affordable housing, economic diversification or the environment. Further to this, there will be a second question asking residents where do they see the Village in 10 years?

This online survey would go live on Thursday, May 18 on the Village website and collect public input until Friday, June 16.

3. The input will then be compiled into a list that would identify the community's priorities in order of importance and their responses to any questions.
4. The results of the survey would then be presented at a town hall meeting on Monday, June 26, 2023 starting at 5:00 pm and the public would be given an additional opportunity to offer further comments after the results were presented.
5. Once Council has heard from the community, the Town Hall portion of the meeting would be adjourned and Council would proceed into an open meeting which would shift to a closed meeting when the items being discussed fall under section 90 of the Community Charter.

It is common practice that Council's Strategic Planning sessions take place in closed meetings as discussions can often involve many topics, some of which would be confidential such as land, legal or labour.

Mr. Poole will also request feedback for the Strategic Planning session from Council. This will be done by direct email to each council member. The email will be sent out tomorrow morning with feedback to be received by Friday, May 26th.

RECOMMENDATION:

THAT a Town Hall meeting be arranged for 5:00 pm Monday, June 26, 2023 at Memorial Hall so residents can attend; and

THAT Council's Strategic Planning session start after the June 26, 2023 Town Hall meeting.

Respectfully submitted:

Kelly Ridley
Interim Chief Administrative Officer
Acting Corporate Officer



VILLAGE OF HARRISON HOT SPRINGS

REPORT TO COUNCIL

TO: Mayor and Council **DATE:** June 5, 2023

FROM: Tyson Koch **FILE:** 1855-03-30
Operations Manager/ADCAO

SUBJECT: Harrison Lake Dike Upgrade Project

ISSUE:

Establish a Consultant Team to facilitate the Detailed Design of the Harrison Lake protective dike, the Waste Water Treatment Plant (WWTP) access road and area around the Waste Water Treatment Plant.

BACKGROUND:

On June 6, 2022, Village Council authorized staff to make an application to the Canada Community-Building Fund (CCBF) in British Columbia – Strategic Priorities Fund to seek funding to upgrade the Harrison Lake protective dike, the Waste Water Treatment Plant (WWTP) Access Road and area around the Waste Water Treatment Plant.

On April 17, 2023, the Province issued a province wide news release advising the Village's application for \$5,999,350 in funding was successful.

In support of the Villages objective of limiting the risk of natural hazards to its community, staff re-engaged Northwest Hydraulic Consultants Ltd. (NHC) to prepared a proposal for services for a detailed design of flood protection infrastructure including dike upgrades along Harrison Lake, and upgrades to the wastewater treatment plant (WWTP) access and shoreline. NHC previously completed the conceptual design of these upgrades and assisted the Village with a successful application for a Union of BC Municipalities (UBCM) Strategic Priorities Fund (SPF) grant for detailed design and construction of the proposed upgrades. NHC is also part of the Fraser Basin Council so they are considered to be the most qualified and knowledgeable consultants in this field.

NHC has assembled a team of consultants with a strong and diverse expertise, partnering with Space2place Design Inc. (space2place), Thurber Engineering Ltd. (TEL) and Legacy Environmental Ltd. (Legacy) as subcontractors to provide services in landscape architecture, geotechnical and environmental components of the design process, respectively (the project team).

HIGHLIGHTS FROM THE PROPOSAL:

PROJECT MANAGEMENT

Select staff from the project team will participate in a start-up meeting to confirm the project objectives, review the intended goals, overall scope and project design criteria.

Day-to-day project management will include administrative tasks such as developing project safety protocols, budget, schedule tracking and ongoing correspondence and updates with the Village, and coordination between various subconsultants within the project team.

INITIAL SITE REVIEW

An in-person site visit with members from each proponent on the project team will provide the opportunity to view the site and understand the physical setting and its current condition. NHC encourages Village Council to meet with the project team at this time to provide initial input for design development.

CONSULTATION AND ENGAGEMENT

The new dike must provide the required level of flood protection while also creating a space that meets the vision and expectation of the community and partners. The project team will undertake engagement with our Indigenous communities and the public to ensure that there is opportunity to provide input, which will be used to refine the design.

DETAILED DESIGN

Detailed design of the upgraded dike is a multi-disciplinary effort that requires incorporation of various technical and practical criteria, while considering the dike's contribution to public space. The design process includes civil/hyrotechnical design conducted by NHC to ensure that the dike provides necessary flood protection and fits within existing site constraints; landscape architecture design by space2place, creating a waterfront experience that fits with expectations by the public; and geotechnical design by TEL to ensure that dike sections meet geotechnical and seismic standards.

REGULATORY AND ENVIRONMENTAL

Liaison with the Inspector of Dikes (IOD) will be required to confirm appropriate design parameters such as Dike Crest Level (DCL) and appropriate seismic design criteria and approach. The project team will engage with the IOD early in the project to initiate discussion and ensure that design criteria are identified. Then, following completion of the design, NHC will prepare and submit a Dike Maintenance Act application, which will be required for approval to construct the upgraded dike. Several Federal and Provincial environmental permit approvals will be required for the project to proceed.

FINANCIAL IMPLICATIONS:

Should Council approve the following recommendations, the total project management fees including the detailed design, engagement and regulatory/environmental components is expected to cost up to \$550,000 (excl. GST).

RECOMMENDATIONS:

THAT Harrison Hot Springs Council authorize up to \$550,000.00 (excl. GST) of the Canada Community-Building Fund (CCBF) in British Columbia – Strategic Priorities Fund funding to complete the detailed design of the upgrade to the Harrison Lake protective dike, the Waste Water Treatment Plant (WWTP) Access Road and the area around the Waste Water Treatment Plant; and

THAT the Village retain the team assembled by Northwest Hydraulic Consultants that includes Northwest Hydraulic Consultants, Space2place Design Inc. and Thurber Engineering to prepare the detailed design for Harrison Lake protective dike, the Waste Water Treatment Plant (WWTP) Access Road and the area around the Waste Water Treatment Plant.

Respectfully submitted:

Tyson Koch

Tyson Koch AScT, RSIS
Operations Manager/ADCAO

REVIEWED BY:

Kelly Ridley

Kelly Ridley
Interim CAO/acting CO

REVIEWED BY:

Scott Schultz

Scott Schultz
Financial Officer



VILLAGE OF HARRISON HOT SPRINGS

REPORT TO COUNCIL

TO: Mayor and Council **DATE:** June 5, 2023
FROM: Kelly Ridley **FILE:** 3900-01
Interim CAO/Acting Corporate Officer
SUBJECT: Council Code of Conduct Bylaw 1189, 2023

ISSUE:

To provide Council with information and an updated draft of the Council Code of Conduct Bylaw 1189, 2023.

BACKGROUND:

At the April 3, 2023 Regular Council Meeting Council passed the following resolution:

“THAT the draft Code of Conduct Bylaw No. 1189, 2023 be reviewed by legal counsel and provide any changes or amendments that may be necessary”

RC-2023-04-17

Lidstone and Company have reviewed the initial draft Code of Conduct Bylaw No. 1189, 2023 and provided recommendations which was provided to Council at the May 15, 2023 Regular Council meeting. At this meeting, Council passed the following resolution:

“THAT the Code of Conduct Bylaw No. 1189, 2023 be referred back to staff to bring the report back at the next Regular Council Meeting.”

RC-2023-05-33

Staff has made several changes to the Bylaw as follows:

Section 1.2 – Definitions – Complaint – the word formal has been removed from between the words “means a” and “allegation”.

Sections 4.1.1, 4.1.2, 4.1.7, 4.1.6, 4.13, 4.14, 4.2 have had the wording Corporate Officer, Deputy CO or delegate changed to Deputy CAO.

Section 4.1.9 section ii. has had the words “and (ii)” removed.

The Code of Conduct Bylaw with the lawyer's recommendations and our corrections, is included in this evening's agenda for Council's consideration under Bylaws.

RECOMMENDATION:

THAT the Council for the Village of Harrison Hot Springs give the Council Code of Conduct Bylaw, 1189, 2023 First Three Readings; and

THAT the current Village of Harrison Hot Springs Code of Conduct Policy No. 1.33 be cancelled once Code of Conduct Bylaw No. 1189, 2023 is adopted.

Submitted by:

Kelly Ridley

Kelly Ridley
Interim CAO / Acting Corporate Officer

VILLAGE OF HARRISON HOT SPRINGS

BYLAW NO. 1189, 2023

A BYLAW TO REGULATE THE CONDUCT FOR COUNCIL AND COMMITTEE MEMBERS

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

AND WHEREAS Council and Committee Members are expected to:

- (a) make decisions that benefit the community;
- (b) act lawfully and within the authority granted by the *Community Charter, Local Government Act* and other applicable enactments; and
- (c) be free from undue influence and not act to gain actual or perceived financial or other benefits;

AND WHEREAS Council and Committee Members wish to conduct their business in a transparent, efficient, accountable and respectful fashion;

AND WHEREAS it is to the benefit of the community for Council and Committee Members to conduct their business in accordance with the guiding principles of integrity, accountability, respect, leadership and collaboration;

AND WHEREAS Council and Committee Members intend to demonstrate their leadership in ethical behaviour, while promoting the principles of transparency, accountability and civility through their decisions, actions and behaviour;

AND WHEREAS a Code of Conduct Bylaw expresses standards of conduct expected for members of the Village Council and Committees;

AND WHEREAS Council and Committee Members have primary responsibility for ensuring that the standards of conduct herein are understood and met, thereby fostering public confidence in the integrity of the government of the Village of Harrison Hot Springs.

THEREFORE BE IT RESOLVED that the Council of the Village of Harrison Hot Springs in open meeting assembled, hereby ENACTS AS FOLLOWS:

PART I – GENERAL

1.1 Title

This Bylaw may be cited as "Village of Harrison Hot Springs Code of Conduct Bylaw No. 1189, 2023".

{00882781; 1 }

1.2 Definitions

In this bylaw:

"CAO"	Means the Chief Administrative Officer for the Village of Harrison Hot Springs, <u>or their delegate</u> .
"Committee Member"	Means a person appointed to a committee, sub-committee, task force, commission, board, or other Council established body under the <i>Community Charter</i> – Part 5, Division 4 – Committees, Commissions and Other Bodies or the <i>Local Government Act</i> .
"Complaint"	Means a <u>formal</u> allegation, in accordance with the complaint procedure set out in Part 4 of this Bylaw, that a Member has breached this Bylaw.
"Complainant"	Means a person who has submitted a Complaint.
"Confidential Information"	Means information or records held in confidence by the Village, including <u>but not limited to</u> information or records to which Section 117 of the <i>Community Charter</i> applies. For certainty, this includes all information and records from closed meetings of Council until publicly released.
"Conflict of Interest"	Refers to pecuniary and non-pecuniary conflicts of interest governed by the <i>Community Charter</i> and the common law.
"Council Member"	Means the Mayor and Councillors for the Village of Harrison Hot Springs.
"Gifts and Personal Benefits"	Means an item or service of value that is received by a Member for personal use, <u>benefit</u> or enjoyment.
"Investigator"	Means the person appointed to fulfill the duties and responsibilities assigned in Part 5 of this Bylaw.
"Member"	Means a Council Member or a Committee Member
"Municipal Officer"	Means a member of Staff designated as an officer under Section 146 of the <i>Community Charter</i> .
"Personal Information"	Has the same meaning as in the <i>Freedom of Information & Protection of Privacy Act</i> .
"Respondent"	Means a Council or Committee Member whose conduct is the subject of a Complaint.
"Staff"	Means an employee or contractor of the Village.
"Volunteer"	Means a person serving the Village who is not a Council Member, or Committee Member <u>or Staff member</u> .

Commented [AC1]: Have you considered whether a suspected breach or "off the record" complaint would /should constitute a complaint? This is defined narrowly to only include a "formal" complaint.

Commented [TNK2R1]: I would suggest removing formal

1.3 Purpose and Interpretation:

1.3.1 This Bylaw sets out the rules Members must follow in fulfilling their duties and responsibilities as elected or appointed officials, and the powers and procedures of the Investigator in exercising oversight over Council Members.

1.3.2 The provisions of this Bylaw are to be interpreted broadly and in a manner that is consistent with the *Community Charter* S.B.C. 2003, c. 26.

1.4 Application:

(a) This Bylaw applies to Council Members and Committee Members.

(b) For clarity, the provisions of this bylaw that reference Committee Members only are intended to apply also to Council Members acting in their capacity as Committee Members.

(c) Unless otherwise provided, this Bylaw does not apply to a Member's conduct in their personal life, except to the extent that such conduct reasonably undermines the principles and standards of conduct expected and/or public confidence in Village governance.

(d) This Bylaw does not apply to Staff.

(e) In the event of a conflict between this Bylaw and another Village bylaw or Council policy governing Member conduct, this Bylaw prevails.

(f) In this Bylaw, a reference to a person who holds an office includes a reference to the persons appointed or delegated to act for that person from time to time.

(g) Nothing in this bylaw is intended to preclude Members, prior to the filing of a Complaint, from speaking to each other in order to resolve matters which may otherwise be captured by this Bylaw.

1.5 Severability:

If any definition, section, subsection, paragraph, subparagraph, clause or phrase in this Bylaw is held invalid by a Court of competent jurisdiction, the invalid definition, section, subsection, paragraph, subparagraph, clause or phrase must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed definition, section, subsection, paragraph, subparagraph, clause or phrase.

PART 2 – STANDARDS AND VALUES

2.1 Foundational Principles

The key statements of principle that underline this Code of Conduct are as follows:

- (a) Members shall serve and be seen to serve ~~their~~ the best interests of all their constituents in a conscientious and diligent manner;
- (b) Members shall be committed to performing their duties and functions with integrity and avoiding improper use or influence of their office, and conflicts of interest;
- (c) Members are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny; and
- (d) Members shall seek to serve the public interest by upholding both the letter and spirit of the laws of the Federal Parliament and British Columbia Legislature, and the laws and policies adopted by the Village Council.

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2.2 Interpretation

The foundational principles above are to inform the interpretation of the substantive provisions of this Bylaw and are not stand-alone bases for Complaints.

2.3 Roles and Responsibilities

- (a) Council is the governing body of the Village. It has the responsibility to govern the Village in accordance with Part 5 of the *Community Charter* and other applicable legislation.
- (b) Council Members have, among other things, a statutory responsibility to consider the well-being and interests of the municipality and its community, and to participate in meetings and carry out the duties assigned by Council and applicable legislation
- (c) The Mayor ~~is the head and chief executive officer of the Village and has, among other things,~~ a statutory responsibility to provide leadership to the Council and to provide general direction to Municipal Officers respecting Village policies, programs and other directions of the Council as set out in Part 5 of the *Community Charter*.
- (de) Staff provide professional advice to the Council and carry out decisions in an effective, efficient and non-partisan manner.

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PART 3 – CONDUCT OF ELECTED OFFICIALS

3.1 General Conduct

3.1.1 A Member shall not:

- (a) contravene this Bylaw, as amended or replaced from time to time;
- (b) contravene any other Village bylaw or policy, as amended or replaced;
- (c) contravene a law of British Columbia or Canada, including but not limited to the British Columbia Human Rights Code or the Freedom of Information and Protection of Privacy Act; or
- (d) defame, either verbally or in writing, another Council Member, Staff, or a Volunteer.

3.1.2 A Member shall treat other Council Members, Committee Members, Staff, and Volunteers with respect and dignity.

3.1.2 A Council Member shall not:

- (a) breach their oath sworn upon taking office as a Council Member; or
- (b) abuse their office.

3.2 Interactions with Staff, Volunteers and Committee Members

3.2.1 A Member must direct inquiries regarding ~~departmental-administrative~~ issues or questions to the CAO or their delegate, Manager, or department Director of the appropriate department and refrain from contacting Staff directly unless the communication is minor and for the purpose of seeking administrative clarity.

3.2.2 A Member must not interfere with, hinder or obstruct Staff, Volunteers or other Committee Members in the exercise of performance of their roles, responsibilities, powers, duties or functions, nor shall they impair the ability of Municipal Officers and Staff to implement Council policy decisions in accordance with Section 153 of the *Community Charter*.

3.2.3 A Member must not request or require Staff to undertake personal or private work on behalf of a Member.

3.2.4 A Member must not compel Staff to engage in partisan political activities or subject them to reprisal of any kind for refusing to engage in such activities.

3.2.5 A Member must not make any comments, in writing or verbally, in public, on social media or otherwise that a reasonable person would conclude are disparaging or defamatory in nature, factually incorrect or inaccurate publish, on social media or otherwise, statements attacking about Members, Staff, or Volunteers.

3.2.6 A Member must not directly or indirectly request, induce, encourage, aid, or permit Staff to do something which, if done by the Member, would be a breach of this Code of Conduct.

3.3 Interactions with the Public and Media

3.3.1 A Member must not communicate on behalf of the Village unless authorized to do so:

- (a) pursuant to Policy 1.14 Media Communications and 1.32 Social Media Communications;
- (b) by Council resolution;
- (c) or by virtue of a position or role the Member has been authorized to undertake by Council.

3.3.2 Without limiting the ability of the Council Member to hold a position on an issue and respectfully express an opinion, a Council Member must ensure that:

- (a) their communications relating to Council business are factual, accurate and correct and- they must not issue any communication that the Member knows, or ought to have known, to be false, incorrect, or inaccurate; and
- (b) all communications by, and on behalf of a Member, including communications made via social media, are respectful and do not discriminate against, harass, disparage or defame any Member, Staff, or Volunteer.

3.3.3 A Member shall not issue instructions to any of the Village's contractors, tenderers, consultants or other service providers unless expressly authorized by Council or a committee to do so.

3.3.4 Outside of a Council or committee meeting, a Member shall not communicate with a tenderer or proponent regarding the subject matter of the procurement.

3.4 Public Meetings

3.4.1 A Member must act with decorum at Council and Ccommittee meetings and in accordance with Village of Harrison Hot Springs Procedure Bylaw No. 1164, 2021, as amended or replaced from time to time.

3.5 Collection and Handling of Information

3.5.1 A Member must:

- (a) comply with the provisions of the *Freedom of Information and Protection of Privacy Act* and the policies and guidelines as established by the Village;
- (b) comply with section 117 of the *Community Charter*, including by protecting, and not disclosing publicly, Confidential Information;
- (c) only access information held by the Village for Village business, and not for personal purposes; and
- (d) not alter or destroy Village records unless expressly authorized to do so.

3.6 Use of Social Media

- 3.6.1 The provisions of this Bylaw apply, without limitation, to the use of a Member's personal and public official social media accounts.
- 3.6.2 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 provisions of this Bylaw.
- 3.6.3 For clarity, section 3.6 applies only to social media accounts in respect of which a Member has primary moderation control.

3.7 Conflict of Interest

- 3.7.1 A Member shall not participate in a discussion of a matter, or vote on a question in respect of that matter, in respect of which the Member has a Conflict of Interest.
- 3.7.2 In respect of each matter before Council, a Council Member shall:
 - (a) assess whether they have a Conflict of Interest; and
 - (b) determine whether it is necessary to seek independent legal advice, at their own cost except where the CAO or Council approves the cost, with respect to any situation which may result in a Conflict of Interest.
- 3.7.3 If a Member believes they have a Conflict of Interest in respect of a matter in a Council or Committee meeting, the Member shall:
 - (a) notify the Mayor or the Chair of the meeting that the Member has a Conflict of Interest prior to the matter being considered and in general terms state the reason for the conflict as per section 100(2)(b) of the *Community Charter*, and the Member shall restate the Conflict of Interest each time the matter arises before Council;
 - (b) refrain from discussing the matter with any other Member, Staff or Volunteer either publicly or privately; and
 - (c) leave any meeting if the matter is discussed and not return until the discussion has ended or voting on the matter has ~~been~~ concluded.

Commented [AC3]: Consider including that to recognize that Council may, by resolution, also request a COI for a Member.

3.8 Use of Influence

- 3.8.1 A Member must not attempt to influence a decision of the Council, a Committee, a Municipal Officer, or Staff if the Member has a pecuniary or non-pecuniary Conflict of Interest in relation to that decision.
- 3.8.2 A Member must not use their office to provide preferential treatment to any person or organization except as ~~warranted-permitted~~ by the ordinary and lawful discharge of their duties.
- 3.8.3 A Member must not intimidate, improperly influence, threaten, or coerce Staff, or Volunteers.

Commented [AC4]: Consider whether to expand the prohibition rather than limit it to direct or indirect pecuniary COI.

3.9 Gifts and Personal Benefits

- 3.9.1 A Council Member must not accept a Gift or Personal Benefit, unless accepted in accordance with section 105 of the *Community Charter*.
- 3.9.2 A Council Member must disclose a Gift or Personal Benefit, received in accordance with section 105 of the *Community Charter*, as per section 106 of the *Community Charter*.
- 3.9.3 Committee Members must comply with 3.9.1 and 3.9.2 as though they were Council Members.

3.10 Campaign Activities

- 3.10.1 A Council Member shall not use Village facilities, equipment, supplies, services, or other resources of the Village for any election-related activities.
- 3.10.2 A Member must not use the services of Staff for election-related purposes during the hours in which those Staff ~~m~~Members are in the paid employment of the Village or paid by the use of Village resources.
- 3.10.2 A Council Member shall comply with all applicable election legislation including, but without limitation, the *Local Government Act* and *Local Elections Campaign Financing Act*.

3.11 Business Relations

- 3.11.1 A Council Member who engages in another profession, business, or occupation concurrently while holding elected office shall not allow such activity to materially affect the Council Member's integrity, independence, attendance or competence.

PART 4 – COMPLAINT AND RESOLUTION PROCEDURES

4.1 Council Members Complaint Resolution Procedures and Directives

4.1.1 Confidential Requests

- (a) If a Council Member, Committee Member, ~~or Staff~~ or Volunteer believes that they have been subject to conduct by a Council Member in breach of this Bylaw, that person may approach the CAO (or Deputy CO) on a confidential basis, without the need to file a Complaint, to request that the CAO (or Deputy CO) inform the Council Member of the alleged breach. Upon receipt of the confidential request, the CAO (or Deputy CO) may attempt to address the conduct with the Council Member.
- (b) The CAO must protect the confidentiality of a person making a request under 4.1.1(a) unless the person making the request consents in writing to disclosure.

Commented [AC5]: Because there is currently no person for the CAO to go to with a confidential request, consider adding "or the Deputy CAO" or "Corporate Officer" after CAO in the third, forth and sixth lines.

4.1.2 How to Make a Complaint Procedure

- (a) A Member, Staff, or Volunteer may submit a Complaint to the CAO or, if the Complainant is the CAO or the Complaint involves or is about the CAO, then to the Corporate Officer.

~~(b) Upon receipt of a Complaint, the CAO (or Corporate Officer if the Complainant is the CAO or the Complaint involves or is about the CAO) shall retain an Investigator.~~

Commented [AC6]: This requires the CAO (or their delegate) to always retain an investigator. Consider giving them the discretion to "determine whether an Investigator ought to be retained"

~~(c)~~ (b) A Complaint must be in writing and describe with sufficient detail:

- i. the name of the Complainant;
- ii. the name of the Respondent;
- iii. the conduct that the Complainant alleges to have been breached;
- iv. the date of the alleged conduct;
- v. the parts of this Bylaw that the Complainant alleges have been breached; and
- vi. the basis for the Complainant's knowledge about the conduct.

or

"may (instead of shall) retain an Investigator where the circumstances warrant".

~~(d)~~ (c) A Complainant may specify in the Complaint if they are willing to participate in an informal resolution of the Complaint.

~~(e)~~ (d) The CAO (or Corporate Officer, if the CAO is the Complainant or the Complaint involves or is about the CAO) may accept a Complaint notwithstanding that the form of the Complaint does not comply with all of the requirements set out in Section 4.1.2 (c) if the circumstances warrant.

~~(f)~~ (e) ~~The Investigator must not accept multiple Complaints concerning the same matter.~~ In the event that the Investigator receives multiple Complaints concerning the same matter, the Investigator must proceed

Commented [AC7]: This is unnecessary in light of the next sentence.

with the first Complaint accepted ~~and, but~~ may expand the Complaint and/or add Complainants for the purpose of conducting the investigation and preparing the investigation report.

~~(g)~~(f) All Complaints must be made within 90 days of ~~after~~ the Complainant knowing, or reasonably ought to have known, of the alleged breach of this Bylaw, or within 90 days of the most recent incident of the alleged misconduct if it is a continuing contravention. The Investigator ~~is~~ authorized to extend this 90 day deadline up to an additional 90 days if circumstances warrant an extension.

~~(h)~~(g) The Investigator must reject a Complaints received regarding a Council Member seeking re-election may be made but must not be investigated in the period from the first day of the nomination period to the general voting day. In the event that a Complaint is filed prior to the first day of the nomination period, but remains unresolved by the start of and through the campaign period, the investigation will but suspended and may be continued into the next term unless the Complainant(s) or Respondent(s) do not seek or fail to gain re-election.

(h) In the 90 days prior to general voting day, the Investigator may suspend any investigation that is underway.

(i) Upon receipt of a Complaint, the CAO (or Corporate Officer, as the case may be) shall retain an Investigator.

4.1.3 Preliminary Assessment

(a) On receipt of a Complaint, the Investigator must conduct a preliminary assessment to determine whether to proceed with an investigation.

(b) The Investigator will provide the Respondent a summary of the Complaint.

~~(a)~~(c) ~~and i~~After the preliminary assessment, ~~f at that time,~~ or at any time thereafter, the Investigator is of the opinion that:

- i. the Complaint is not with respect to a breach of this Bylaw;
- ii. the Complaint is frivolous, vexatious, or not made in good faith;
- iii. the investigation is or might be hampered, or the Council Member might be prejudiced, by the Complainant's failure to comply with Section 4.1.2(~~eb~~), or otherwise cooperate with the investigation;
- iv. the Complainant wishes to withdraw the Complaint, and it would be appropriate in the circumstances to allow the withdrawal; ~~or~~
- v. there are no grounds or insufficient grounds to conclude that a violation of this Bylaw has occurred; or

~~v~~vi. the Complaint would be more appropriately addressed through another process or if the Complaint is already being addressed through another process, such as court proceeding or human rights complaint, -

the Investigator decide not to proceed with a Complaint and must notify the Complainant, ~~and the Respondent,~~ and CAO (or the Corporate Officer, as the case may be) in writing that the Investigator is closing the Complaint, set out the reasons ~~therefore,~~ and close the Complaint.

- (c) Notwithstanding Section 4.1.43 (a) and (b), the Investigator may request further information from the Complainant before determining whether or not there are sufficient grounds ~~for believing~~ that a breach of this Bylaw may have occurred.

4.1.54 Informal Resolution:

- (a) When the Investigator has decided to proceed with a Complaint, the Investigator must determine whether the Complaint requires a formal investigation, or whether the Complaint may be resolved informally. In the latter case, the Investigator may either attempt to resolve the Complaint directly or refer the Complaint to the CAO (or Corporate Officer, as the case may be).
- (b) In making a determination under subsection 4.1.54(a), the Investigator shall give a strong preference to the informal resolution process wherever possible.
- (c) When determining whether the Complaint may be resolved informally, the Investigator may consider culturally appropriate, transformative or restorative justice approaches, and may engage a third party to assist the Investigator for this purpose.
- ~~(a)~~(d) Where the Investigator refers the Complaint in accordance with Section 4.1.54(a) the CAO may agree to assist in resolving the Complaint directly, or may appoint at their discretion a third party to assist in resolving the Complaint.
- ~~(b)~~(e) The third party assisting in the informal resolution of a Complaint will assess the suitability of the Complaint for settlement or resolution on an on-going basis and may ~~declinewithdraw from~~ assisting at any point.
- ~~(c)~~(f) The Complainant, or the Respondent, can decline to participate in an informal resolution at any time.
- ~~(d)~~(g) If a Complaint is resolved informally, the third party assisting in resolving the Complaint must notify the Investigator in writing of the terms of the resolution, upon receipt of which, the Investigator must close the Complaint.
- ~~(e)~~(h) If a Complaint cannot be resolved informally, the third party assisting in resolving the Complaint must refer the Complaint back to the Investigator for a formal investigation.

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4.1.5 Formal Resolution:

- (a) If a Complaint is not rejected, closed, or resolved informally, the Investigator must proceed with a formal investigation.

- (b) If the Investigator proceeds with a formal investigation, the Investigator will ensure that the investigation is conducted in a fair, timely, confidential manner and otherwise complies with the principles of due process, procedural fairness, and natural justice.
- (c) The Investigator will interview the Respondent, the Complainant, and any other individual who is relevant to the Complaint. The Respondent, Complainant, and other witnesses must agree to keep information discussed as part of the investigation confidential.
- (d) The Investigator may also request disclosure of records relevant to the Complaint, including records held by the Complainant, Respondent, third parties, or any record in the possession or control of the Village, except a record that is subject to solicitor-client privilege the Village.
- ~~(b) The Investigator must deliver the Complaint to the Respondent with a request that the Respondent provide a written response to the Complaint together with any submissions the Respondent chooses to make within 10 days, subject to the Investigator's discretion to extend the timeline.~~
- ~~(c) The Investigator may deliver the Complaint with the Respondent's written response together with any submissions, on a strictly confidential basis, and request a reply in writing within 10 days, subject to the Investigator's discretion to extend the timeline.~~
- ~~(d) The Investigator may:
 - i. speak to anyone relevant to the Complaint;
 - ii. request disclosure of documents relevant to the Complaint; or
 - iii. access any record in the possession or control of the Village, except a record that is subject to solicitor-client privilege.~~
- ~~(e) The Investigator must ensure that the formal investigation complies with the rules of procedural fairness and natural justice required in the circumstances.~~
- ~~(f) —~~
- ~~(g)~~(e) Notwithstanding subsection 4.1.6(a) ~~above~~below, nothing prohibits the Investigator from summarily dismissing a Complaint where it becomes apparent, after some investigation, that the Complaint has no chance of success.
- ~~(h) —~~
- (f) If the Investigator summarily dismisses a Complaint in the Formal Resolution stage, the Investigator shall report to the Complainant and Respondent in the manner similar to that as set out in 4.1.4(a).

4.1.6 Dismissal or Suspension of Complaint

- (a) If a Complaint is submitted that, on its face, is not made with respect to a breach of this Bylaw, or if a Complaint would be more appropriately addressed through another process, including if the Complaint is:

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~~v~~i. with respect to non-compliance with the *Freedom of Information and Protection of Privacy Act*;

~~v~~ii. with respect to non-compliance with a more specific Council policy or bylaw with a separate Complaint procedure; or

~~v~~iii. with respect to a matter that is subject to another outstanding process, such as a court proceeding or human rights complaint,

the Investigator may ~~reject-dismiss~~ the Complaint, or part of the Complaint, and must notify the Complainant and CAO (or Corporate Officer, as the case may be) in writing that the Complaint is not within the jurisdiction of this Bylaw, or that the Complaint would be more appropriately addressed through another process, as the case may be, and set out any additional reasons and ~~referate-recommendations~~ the Investigator thinks appropriate.

- (b) If the Investigator, at any stage in the Complaint procedure, determines that there are reasonable grounds to believe that there has been a contravention of the *Criminal Code* then the Investigator must immediately refer the matter to the appropriate authorities and suspend the investigation until any resulting police investigation and charge have been finally disposed of, and shall report the suspension of the investigation to the CAO (or Corporate Officer, as the case may be)~~Council~~.

- (c) Where a Complaint is made against a Council Member who, during the course of the Complaint procedure, ceases to hold office, the Investigator may close the Complaint and notify the Complainant, ~~and~~ Respondent and CAO (or Corporate Officer, as the case may be) of this decision.

~~4.4.4~~ 4.1.7 Adjudication and Reporting:

- (a) The Investigator must make a decision within 90 days of making the determination to proceed with a formal investigation, unless the Investigator determines that doing so is not practicable, in which case the Investigator must notify the Complainant and Respondent of the delay and provide a revised decision date. The revised decision date may be extended by periods of up to 30 days on provision of written notice to the Complainant, ~~and~~ the Respondent, and the CAO (or Corporate Officer, as the case may be).

- (b) The Investigator shall, upon conclusion of the investigation prepare a report setting out their findings as to whether the Respondent breached the Bylaw and provide reasons for their determination and provide it to the CAO, or Corporate Officer, as the case may be, who will place the report on an in-camera agenda for receipt by Council.

- (c) If the Investigator concludes the Respondent breached the Bylaw the Investigator must make recommendations as to potential sanction(s) for the breach as set out below.

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Commented [AC8]: I do not recommend making public the existence or conclusion of an otherwise completely confidential investigation. Doing so may be highly prejudicial to the Complainant, Respondent, Council and the Village if not released carefully and properly (ie: FOIPPA or Council Confidentiality reasons)

(d) If the Investigator determines the Council Member took all reasonable steps to prevent the breach, or that the breach was trivial or done inadvertently or because of an error in judgment made in good faith, the Investigator will so state in the investigation report and may recommend that no sanction be imposed.

(a) A letter confirming the investigation is complete, a summary of the conclusions and what steps, if any, Council will take will also be provided to the Complainant and the Respondent in due course, subject to any redactions necessary to comply with the *Freedom of Information and Protection of Privacy Act*.

(b) A notification issued pursuant to sections 4.1.3(a), 4.1.3(b), 4.1.4(a), or subsection 4.1.7(a) is confidential and must not be disclosed except in the following circumstances:

to Council for the purpose of considering a resolution for reimbursement of legal fees pursuant to section 4.4.2; and

ii. the Respondent may disclose the fact that the Complaint has been closed, or that a finding has been made that the Respondent did not breach this Bylaw.

(c) If after reviewing all material information, the Investigator determines that the Respondent did not violate this Bylaw, then:

i. the Investigator must prepare a written investigation report providing reasons for their determination that the Council Member did not breach the Bylaw;

ii. the Investigator must deliver a copy of the investigation report to the Complainant, Respondent and Council; and

iii. the Investigator must make the investigation report or a summary publicly available on the next available Council agenda after delivery of the investigation report to the Complainant, Respondent and Council.

(d) If after reviewing all the material information, the Investigator determines that a Council Member did violate this Bylaw, then:

i. the Investigator must prepare a written investigation report providing reasons for their determination that the Council Member breached this Bylaw;

ii. the investigation report must make recommendations as to the appropriate sanction for the breach;

iii. if the Investigator determines the Council Member took all reasonable steps to prevent the breach, or that the breach was trivial or done inadvertently or because of an error in judgment made in good faith, the Investigator will so state in the investigation report and may recommend that no sanction be imposed;

iv. the Investigator must deliver, on a strictly confidential basis, a copy of the investigation report to the Respondent; and

v. (e) the Investigator must deliver a copy of the investigation report to the Complainant and Council forty eight (48) hours after delivery of the investigation report to the Respondent.

Commented [AC9]: Complaints and Respondents only need a letter confirming the investigation is complete, a summary of the conclusions of the Council and what steps, if any, the Council is going to take to remedy/mitigate.

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Commented [AC10]: I revised this, but I also think that it is unnecessary given the changes proposed.

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~~(e) — In all circumstances, the Investigator may choose to distribute the investigation report to Council through the Corporate Officer.~~

4.1.8 Final Determination by Council

- (a) Council must, within 30 days of delivery of the investigation report pursuant to Section 4.1.7~~(d)(v)~~, or a longer period if approved by a 2/3 vote of Council, decide on the appropriate measures, if any, that are warranted by the breach of this Bylaw, and will take such actions as Council considers appropriate in the circumstances.
- (b) Prior to Council making any decision regarding the findings and recommendations set out in the investigation report, the Respondent must be given notice and provided with an opportunity to be heard, either in person or in writing, to comment on the decision and any recommended censure, sanctions or corrective actions.
- (c) While an investigation report provided to Council may be considered in a closed meeting for the purpose of receiving legal advice, or for another valid reason, when Council deliberates and votes on the investigation report, it will do so in a public meeting and a summary of the investigation report, or a summary, may must be made available to the public in a form that complies with section 4.1.10(b).
- (d) Notwithstanding subsection 4.1.8(c), Council may deliberate on and vote on a report in a closed meeting where there is a valid reason to close the meeting under section 90 of the *Community Charter*. For certainty, this means the investigative report or summary may not be publicly released.

4.1.9 Remedies

- (a) Sanctions that may be imposed for a violation of this Bylaw include the following:
 - i. a letter of reprimand from Council addressed to the Council Member;
 - ii. a request from Council that the Council Member issue a letter of apology;

Commented [AC11]: This is somewhat pushing the boundaries of what might be legally acceptable in terms of privacy rights and responsibilities of the individuals involved. I know that some municipalities are taking the risk by trying to be more transparent about the outcome of investigations into their Council Members' conduct. While where only Council Members are involved, it may be more acceptable to be more transparent, where staff are involved (as complainants or witnesses) they have more of a right (and expectation) of privacy that ought to be protected.

Again, I do not recommend making public the existence or conclusion of an otherwise completely confidential investigation. Doing so may be highly prejudicial to the Complainant, Respondent, Council and the Village if not released carefully and properly (ie: FOIPPA or Council Confidentiality reasons).

Commented [AC12]: I am not a fan of forced apologies. They do not mean anything if they are not freely given. Just my opinion.

- ~~iii-ii.~~ the publication of the letters contemplated in subsections (i) and (ii), along with the Council Member's written response, if any;
 - ~~iv-iii.~~ directions to the CAO regarding restricting how the provision of documents, including documents containing Confidential Information, are provided to the Council Member;
 - iv. disclosure to the public of the findings relating to the Council Member's breach of this policy
 - v. a ~~recommendation requirement~~ that the Council Member attend specific training or counselling;
 - vi. limitations on access to certain Village facilities;
 - vii. suspension or removal of the Council Member from some or all internal and external Council committees and bodies to which the Council Member was appointed at the pleasure of Council ~~was appointed~~;
 - viii. ~~prohibition restricting the Council Member~~ from representing the Village at events and/or attending conferences and seminars;
 - ix. suspension or removal of the appointment of a Council Member as the Acting Mayor;
 - x. public censure of a Council Member;
 - xi. imposing further limits on council-related travel or expenses beyond those set out in corporate policies
 - ~~xii.~~ any other sanction recommended by the Investigator, so long as that sanction is within the authority of Council.
- (b) The Investigator may recommend that Council consider commencing an application for disqualification under section 111 of the *Community Charter* or for damages under section 117 of the *Community Charter*, as applicable.

4.1.10 Report to be Public

- (a) Unless deliberations have, pursuant to section 4.1.8(d), taken place in a closed Council meeting, the Village ~~must~~ may, after delivering a copy of the investigation report to the Complainant and Council, make ~~the a~~ summary of the investigation report, ~~or a summary of the report,~~ available to the public.
- (b) In all circumstances, the Village will ensure that the investigation report or a summary complies with the Village's obligations regarding disclosure of affected individuals' personal information set out in the Freedom of

Commented [AC13]: Further to my comments above, and in light of a Council Member's right to procedural fairness (right to be heard before sanctions imposed) I am uncomfortable with the Village making public the report or summary of the report before the Council Member has been heard and had an opportunity to respond.

~~Information and Protection of Privacy Act and ensure that appropriate redactions are applied and that Council complies with the Respondent Council Member's right to procedural fairness-disclosure of personal information set out in the Freedom of Information and Protection of Privacy Act, and ensure that appropriate redactions are applied~~ prior to any release to the public.

4.1.11 **Remuneration**

a) Subject to Council's duty of procedural fairness towards the Respondent Council Member, -where the Investigator finds that a Council Member:

- i. breached this Bylaw; or
- ii. submitted a complaint that was frivolous, vexatious, or made in bad faith

the remuneration to which that Council Member would otherwise be entitled shall be reduced in accordance with the Council Remuneration and Expenses Policy No. 1.16, as amended or replaced from time to time.

(b) Notwithstanding subsection 4.1.11(a)(i), the remuneration of a Council Member shall not be reduced if the Investigator makes a finding under section 4.1.7(d)(iii) that:

- i. the Council Member took all reasonable steps to prevent the breach;
- ii. the breach was trivial or inadvertent; or
- iii. the breach was because of an error in judgment made in good faith.

4.1.12 Confidentiality of the Investigation

- (a) The Investigator must make all reasonable efforts to investigate Complaints in confidence.
- (b) The Investigator and every person acting under the Investigators' instructions must preserve confidentiality with respect to all matters that come into the Investigator's knowledge in the course of any investigation or Complaint except as required by law.

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Commented [AC14]: Before any censure or sanction can be imposed on a respondent Member (and arguably Committee/Commission member) such as an automatic reduction in remuneration, they must be afforded procedural fairness and an opportunity to be heard before any decision is made.

We are of the view that for the reasons explained in previous comments, this is highly problematic. We have not found any specific case law on whether this would be legally permitted where procedural fairness is not afforded to the Board Member (respondent) before such a decision is made.

I have also not reviewed the Remuneration Policy during this review.

- (c) An investigation report must only disclose such matters as, in the Investigator's opinion, are necessary for the purpose of the investigation report.

4.1.13 Interpretation

For clarity, and despite section 4.2, the procedure in section 4.1 is to apply to all allegations against Council Members including in their capacity as Committee Members.

4.2 Committee Members

- 4.2.1 A Complaint of an alleged breach of this Bylaw by a Committee Member shall be submitted simultaneously in writing addressed to both the Mayor and CAO (or Corporate Officer, as the case may be) and within 90 days of the last alleged breach.

- 4.2.2 A Complaint must comply with the standards set out at section 4.1.2.

- 4.2.3 The Mayor shall consider the Complaint and direct that any enquiries considered appropriate or desirable be undertaken, including a referral to the CAO or the Investigator. For certainty, if the Complaint is referred to the CAO or the Investigator, then the processes and procedures in section 4.1 of this Bylaw may be utilized to the extent deemed necessary and appropriate.

- ~~4.2.4~~ Nothing in this Code is intended to abrogate the power of the Mayor or Council, as applicable, to remove, at their pleasure and at any time, any Committee Member from any committee to which they have been appointed.

4.2.4

4.3 Reprisals and Obstruction

- 4.3.1 No Council Member, Committee Member, or Staff will threaten, interfere with, or otherwise obstruct the Investigator in relation to the Investigator carrying out the duties and responsibilities under this Bylaw.

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4.3.2 No Council Member, Committee Member, or Staff will threaten or undertake any reprisal against a Complainant or against a person who provides information to the Investigator in the context of an investigation.

4.3.3 No Council Member, Committee Member, or Staff will tamper with or destroy documents or electronic records related to any matter under investigation under this Bylaw or refuse to respond to the Investigator when questioned regarding an investigation.

4.3.4 Any individual covered by this Bylaw who is found to have engaged in any reprisal or retaliation in violation of this Bylaw will be subject to appropriate disciplinary action, which action may include, and is not limited to, the sanctions and remedies described above or the termination of employment for just cause, as applicable.

4.4 Reimbursement of Costs

4.4.1 A Council Member may make a request to Council for reimbursement for the costs of legal advice and representation in responding to the formal complaint process outlined in this Bylaw. If appropriate after considering all circumstances, Council may resolve to reimburse legal fees reasonably incurred by a Council Member, provided that all of the following are met:

- (a) it is the Council Member's first formal complaint process; and
- (b) the amount does not exceed \$10,000.

4.4.2 For clarity, the provisions of the Indemnification Bylaw, as replaced or amended from time to time, do not apply to requests for reimbursement under this Bylaw.

4.5 Vexatious Allegations and Complaints

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

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- (a) in the case of Council Members, sanctions and remedies described in Section 4.1.9;
- (b) in the case of Committee Members, termination of the Committee Member's appointment;
- (c) in the case of Staff, disciplinary action or the termination of employment for just cause, as applicable.

PART 5 – APPOINTMENT OF INVESTIGATOR

5.1 Appointment of Investigator

- 5.1.1 The CAO shall, upon receipt of a Complaint, appoint an Investigator to fulfill the duties and responsibilities described in section 5.2.

5.2 Duties and Responsibilities

- 5.2.1 The duties and responsibilities of the Investigator are as follows:

- (a) to assist with informal resolution of a confidential request or Complaint;
- (b) to receive and assess a Complaint to determine if the Complaint must be ~~rejected, rejected~~ ~~dismissed~~, closed, resolved or investigated;
- (c) to investigate and conduct inquiries as to alleged violations of this Bylaw;
- (d) to report to Council as to whether a Member has breached this Bylaw;
and
- (e) to make recommendations on an appropriate remedy, if the Investigator determines that a Member has breached this Bylaw.

5.2.2 The Investigator must perform the duties and responsibilities under this Bylaw in an independent manner.

5.2.3 An Investigator may only be dismissed for cause.

PART 6 – ENACTMENT

6.1 Effective Date

This bylaw comes into force and effect on adoption.

READ A FIRST time this XX day of XXXX, 202X.

READ A SECOND time this XX day of XXXX, 202X.

READ A THIRD time this XX day of XXXX, 202X.

ADOPTED this XX day of XXXX, 202X.

Ed Wood, Mayor

Kelly Ridley,
Interim Chief Administrative
Officer
Acting Corporate Officer

VILLAGE OF HARRISON HOT SPRINGS

BYLAW NO. 1189, 2023

A BYLAW TO REGULATE THE CONDUCT FOR COUNCIL AND COMMITTEE MEMBERS

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

AND WHEREAS Council and Committee Members are expected to:

- (a) make decisions that benefit the community;
- (b) act lawfully and within the authority granted by the *Community Charter, Local Government Act* and other applicable enactments; and
- (c) be free from undue influence and not act to gain actual or perceived financial or other benefits;

AND WHEREAS Council and Committee Members wish to conduct their business in a transparent, efficient, accountable and respectful fashion;

AND WHEREAS it is to the benefit of the community for Council and Committee Members to conduct their business in accordance with the guiding principles of integrity, accountability, respect, leadership and collaboration;

AND WHEREAS Council and Committee Members intend to demonstrate their leadership in ethical behaviour, while promoting the principles of transparency, accountability and civility through their decisions, actions and behaviour;

AND WHEREAS a Code of Conduct Bylaw expresses standards of conduct expected for members of the Village Council and Committees;

AND WHEREAS Council and Committee Members have primary responsibility for ensuring that the standards of conduct herein are understood and met, thereby fostering public confidence in the integrity of the government of the Village of Harrison Hot Springs.

THEREFORE BE IT RESOLVED that the Council of the Village of Harrison Hot Springs in open meeting assembled, hereby ENACTS AS FOLLOWS:

PART I – GENERAL

1.1 Title

This Bylaw may be cited as "Village of Harrison Hot Springs Code of Conduct Bylaw No. 1189, 2023".

1.2 Definitions

In this bylaw:

“CAO”	Means the Chief Administrative Officer for the Village of Harrison Hot Springs, or Deputy CAO.
“Committee Member”	Means a person appointed to a committee, sub-committee, task force, commission, board, or other Council established body under the <i>Community Charter</i> – Part 5, Division 4 – Committees, Commissions and Other Bodies or the <i>Local Government Act</i> .
“Complaint”	Means a allegation, in accordance with the complaint procedure set out in Part 4 of this Bylaw, that a Member has breached this Bylaw.
“Complainant”	Means a person who has submitted a Complaint.
“Confidential Information”	Means information or records held in confidence by the Village, including but not limited to information or records to which Section 117 of the <i>Community Charter</i> applies. For certainty, this includes all information and records from closed meetings of Council until publicly released.
“Conflict of Interest”	Refers to pecuniary and non-pecuniary conflicts of interest governed by the <i>Community Charter</i> and the common law.
“Council Member”	Means the Mayor and Councillors for the Village of Harrison Hot Springs.
“Gifts and Personal Benefits”	Means an item or service of value that is received by a Member for personal use, benefit or enjoyment.
“Investigator”	Means the person appointed to fulfill the duties and responsibilities assigned in Part 5 of this Bylaw.
“Member”	Means a Council Member or a Committee Member
“Municipal Officer”	Means a member of Staff designated as an officer under Section 146 of the <i>Community Charter</i> .
“Personal Information”	Has the same meaning as in the <i>Freedom of Information & Protection of Privacy Act</i> .
“Respondent”	Means a Council or Committee Member whose conduct is the subject of a Complaint.
“Staff”	Means an employee or contractor of the Village.
“Volunteer”	Means a person serving the Village who is not a Council Member, Committee Member or Staff member.

1.3 Purpose and Interpretation:

1.3.1 This Bylaw sets out the rules Members must follow in fulfilling their duties and responsibilities as elected or appointed officials, and the powers and procedures of the Investigator in exercising oversight over Council Members.

1.3.2 The provisions of this Bylaw are to be interpreted broadly and in a manner that is consistent with the *Community Charter* S.B.C. 2003, c. 26.

1.4 Application:

(a) This Bylaw applies to Council Members and Committee Members.

(b) For clarity, the provisions of this bylaw that reference Committee Members only are intended to apply also to Council Members acting in their capacity as Committee Members.

(c) Unless otherwise provided, this Bylaw does not apply to a Member's conduct in their personal life, except to the extent that such conduct reasonably undermines the principles and standards of conduct expected and/or public confidence in Village governance.

(d) This Bylaw does not apply to Staff.

(e) In the event of a conflict between this Bylaw and another Village bylaw or Council policy governing Member conduct, this Bylaw prevails.

(f) In this Bylaw, a reference to a person who holds an office includes a reference to the persons appointed or delegated to act for that person from time to time.

(g) Nothing in this bylaw is intended to preclude Members, prior to the filing of a Complaint, from speaking to each other in order to resolve matters which may otherwise be captured by this Bylaw.

1.5 Severability:

If any definition, section, subsection, paragraph, subparagraph, clause or phrase in this Bylaw is held invalid by a Court of competent jurisdiction, the invalid definition, section, subsection, paragraph, subparagraph, clause or phrase must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed definition, section, subsection, paragraph, subparagraph, clause or phrase.

PART 2 – STANDARDS AND VALUES

2.1 Foundational Principles

The key statements of principle that underline this Code of Conduct are as follows:

- (a) Members shall serve and be seen to serve the best interests of all their constituents in a conscientious and diligent manner;
- (b) Members shall be committed to performing their duties and functions with integrity and avoiding improper use or influence of their office, and conflicts of interest;
- (c) Members are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny; and
- (d) Members shall seek to serve the public interest by upholding both the letter and spirit of the laws of the Federal Parliament and British Columbia Legislature, and the laws and policies adopted by the Village Council.

2.2 Interpretation

The foundational principles above are to inform the interpretation of the substantive provisions of this Bylaw and are not stand-alone bases for Complaints.

2.3 Roles and Responsibilities

- (a) Council is the governing body of the Village. It has the responsibility to govern the Village in accordance with Part 5 of the *Community Charter* and other applicable legislation.
- (b) Council Members have, among other things, a statutory responsibility to consider the well-being and interests of the municipality and its community, and to participate in meetings and carry out the duties assigned by Council and applicable legislation.
- (c) The Mayor has, among other things, a statutory responsibility to provide leadership to the Council and to provide general direction to Municipal Officers respecting Village policies, programs and other directions of the Council as set out in Part 5 of the *Community Charter*.
- (d) Staff provide professional advice to the Council and carry out decisions in an effective, efficient and non-partisan manner.

PART 3 – CONDUCT OF ELECTED OFFICIALS

3.1 General Conduct

3.1.1 A Member shall not:

- (a) contravene this Bylaw, as amended or replaced from time to time;
- (b) contravene any other Village bylaw or policy, as amended or replaced;
- (c) contravene a law of British Columbia or Canada, including but not limited to the British Columbia *Human Rights Code* or the *Freedom of Information and Protection of Privacy Act*; or
- (d) defame, either verbally or in writing, another Council Member, Staff, or a Volunteer.

3.1.2 A Member shall treat other Council Members, Committee Members, Staff, and Volunteers with respect and dignity.

3.1.2 A Council Member shall not:

- (a) breach their oath sworn upon taking office as a Council Member; or
- (b) abuse their office.

3.2 Interactions with Staff, Volunteers and Committee Members

3.2.1 A Member must direct inquiries regarding administrative issues or questions to the CAO or Deputy CAO and refrain from contacting Staff directly unless the communication is minor and for the purpose of seeking administrative clarity.

3.2.2 A Member must not interfere with, hinder or obstruct Staff, Volunteers or other Committee Members in the exercise of performance of their roles, responsibilities, powers, duties or functions, nor shall they impair the ability of Municipal Officers and Staff to implement Council policy decisions in accordance with Section 153 of the *Community Charter*.

3.2.3 A Member must not request or require Staff to undertake personal or private work on behalf of a Member.

3.2.4 A Member must not compel Staff to engage in partisan political activities or subject them to reprisal of any kind for refusing to engage in such activities.

3.2.5 A Member must not make any comments, in writing or verbally, in public, on social media or otherwise that a reasonable person would conclude are disparaging or defamatory in nature, factually incorrect or inaccurate about Members, Staff, or Volunteers.

3.2.6 A Member must not directly or indirectly request, induce, encourage, aid, or permit Staff to do something which, if done by the Member, would be a breach of this Code of Conduct.

3.3 Interactions with the Public and Media

- 3.3.1 A Member must not communicate on behalf of the Village unless authorized to do so:
- (a) pursuant to Policy 1.14 Media Communications and 1.32 Social Media Communications;
 - (b) by Council resolution;
 - (c) or by virtue of a position or role the Member has been authorized to undertake by Council.
- 3.3.2 Without limiting the ability of the Council Member to hold a position on an issue and respectfully express an opinion, a Council Member must ensure that:
- (a) their communications relating to Council business are factual, accurate and correct and they must not issue any communication that the Member knows, or ought to have known, to be false, incorrect, or inaccurate; and
 - (b) all communications by, and on behalf of a Member, including communications made via social media, are respectful and do not discriminate against, harass, disparage or defame any Member, Staff, or Volunteer.
- 3.3.3 A Member shall not issue instructions to any of the Village's contractors, tenderers, consultants or other service providers unless expressly authorized by Council or a committee to do so.
- 3.3.4 Outside of a Council or committee meeting, a Member shall not communicate with a tenderer or proponent regarding the subject matter of the procurement.

3.4 Public Meetings

- 3.4.1 A Member must act with decorum at Council and committee meetings and in accordance with Village of Harrison Hot Springs Procedure Bylaw No. 1164, 2021, as amended or replaced from time to time.

3.5 Collection and Handling of Information

- 3.5.1 A Member must:
- (a) comply with the provisions of the *Freedom of Information and Protection of Privacy Act* and the policies and guidelines as established by the Village;
 - (b) comply with section 117 of the *Community Charter*, including by protecting, and not disclosing publicly, Confidential Information;
 - (c) only access information held by the Village for Village business, and not for personal purposes; and
 - (d) not alter or destroy Village records unless expressly authorized to do so.

3.6 Use of Social Media

- 3.6.1 The provisions of this Bylaw apply, without limitation, to the use of a Member's personal and public official social media accounts.
- 3.6.2 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 provisions of this Bylaw.
- 3.6.3 For clarity, section 3.6 applies only to social media accounts in respect of which a Member has primary moderation control.

3.7 Conflict of Interest

- 3.7.1 A Member shall not participate in a discussion of a matter, or vote on a question in respect of that matter, in respect of which the Member has a Conflict of Interest.
- 3.7.2 In respect of each matter before Council, a Council Member shall:
 - (a) assess whether they have a Conflict of Interest; and
 - (b) determine whether it is necessary to seek independent legal advice, at their own cost except where the CAO or Council approves the cost, with respect to any situation which may result in a Conflict of Interest.
- 3.7.3 If a Member believes they have a Conflict of Interest in respect of a matter in a Council or Committee meeting, the Member shall:
 - (a) notify the Mayor or the Chair of the meeting that the Member has a Conflict of Interest prior to the matter being considered and in general terms state the reason for the conflict as per section 100(2)(b) of the *Community Charter*, and the Member shall restate the Conflict of Interest each time the matter arises before Council;
 - (b) refrain from discussing the matter with any other Member, Staff or Volunteer either publicly or privately; and
 - (c) leave any meeting if the matter is discussed and not return until the discussion has ended or voting on the matter has concluded.

3.8 Use of Influence

- 3.8.1 A Member must not attempt to influence a decision of the Council, a Committee, a Municipal Officer, or Staff if the Member has a pecuniary or non-pecuniary Conflict of Interest in relation to that decision.
- 3.8.2 A Member must not use their office to provide preferential treatment to any person or organization except as permitted by the ordinary and lawful discharge of their duties.
- 3.8.3 A Member must not intimidate, improperly influence, threaten, or coerce Staff, or Volunteers.

3.9 Gifts and Personal Benefits

- 3.9.1 A Council Member must not accept a Gift or Personal Benefit, unless accepted in accordance with section 105 of the *Community Charter*.
- 3.9.2 A Council Member must disclose a Gift or Personal Benefit, received in accordance with section 105 of the *Community Charter*, as per section 106 of the *Community Charter*.
- 3.9.3 Committee Members must comply with 3.9.1 and 3.9.2 as though they were Council Members.

3.10 Campaign Activities

- 3.10.1 A Council Member shall not use Village facilities, equipment, supplies, services, or other resources of the Village for any election-related activities.
- 3.10.2 A Member must not use the services of Staff for election-related purposes during the hours in which those Staff members are in the paid employment of the Village or paid by the use of Village resources.
- 3.10.2 A Council Member shall comply with all applicable election legislation including, but without limitation, the *Local Government Act* and *Local Elections Campaign Financing Act*.

3.11 Business Relations

- 3.11.1 A Council Member who engages in another profession, business, or occupation concurrently while holding elected office shall not allow such activity to materially affect the Council Member's integrity, independence, attendance or competence.

PART 4 – COMPLAINT AND RESOLUTION PROCEDURES

4.1 Complaint Resolution Procedures and Directives

4.1.1 Confidential Requests

- (a) If a Council Member, Committee Member, Staff or Volunteer believes that they have been subject to conduct by a Council Member in breach of this Bylaw, that person may approach the CAO (or Deputy CAO) on a confidential basis, without the need to file a Complaint, to request that the CAO (or Deputy CAO) inform the Council Member of the alleged breach. Upon receipt of the confidential request, the CAO (or Deputy CAO) may attempt to address the conduct with the Council Member.
- (b) The CAO must protect the confidentiality of a person making a request under 4.1.1(a) unless the person making the request consents in writing to disclosure.

4.1.2 How to Make a Complaint

- (a) A Member, Staff, or Volunteer may submit a Complaint to the CAO or, if the Complainant is the CAO or the Complaint involves or is about the CAO, then to the Deputy CAO.
- (b) A Complaint must be in writing and describe with sufficient detail:
 - i. the name of the Complainant;
 - ii. the name of the Respondent;
 - iii. the conduct that the Complainant alleges to have been breached;
 - iv. the date of the alleged conduct;
 - v. the parts of this Bylaw that the Complainant alleges have been breached; and
 - vi. the basis for the Complainant's knowledge about the conduct.
- (c) A Complainant may specify in the Complaint if they are willing to participate in an informal resolution of the Complaint.
- (d) The CAO (or Deputy CAO), if the CAO is the Complainant or the Complaint involves or is about the CAO) may accept a Complaint notwithstanding that the form of the Complaint does not comply with all of the requirements set out in Section 4.1.2 (c) if the circumstances warrant.
- (e) In the event that the Investigator receives multiple Complaints concerning the same matter, the Investigator must proceed with the first Complaint accepted and may expand the Complaint and/or add Complainants for the purpose of conducting the investigation and preparing the investigation report.

- (f) All Complaints must be made within 90 days of the Complainant knowing, or reasonably ought to have known, of the alleged breach of this Bylaw, or within 90 days of the most recent incident of the alleged misconduct if it is a continuing contravention. The Investigator may extend this 90 day deadline up to an additional 90 days if circumstances warrant an extension.
- (g) Complaints regarding a Council Member seeking re-election may be made but must not be investigated in the period from the first day of the nomination period to the general voting day. In the event that a Complaint is filed prior to the first day of the nomination period, but remains unresolved by the start of and through the campaign period, the investigation will be suspended and may be continued into the next term unless the Complainant(s) or Respondent(s) do not seek or fail to gain re-election.
- (h) In the 90 days prior to general voting day, the Investigator may suspend any investigation that is underway.
- (i) Upon receipt of a Complaint, the CAO (or Deputy CAO, as the case may be) shall retain an Investigator.

4.1.3 Preliminary Assessment

- (a) On receipt of a Complaint, the Investigator must conduct a preliminary assessment to determine whether to proceed with an investigation.
- (b) The Investigator will provide the Respondent a summary of the Complaint.
- (c) After the preliminary assessment, or at any time thereafter, the Investigator is of the opinion that:
 - i. the Complaint is not with respect to a breach of this Bylaw;
 - ii. the Complaint is frivolous, vexatious, or not made in good faith;
 - iii. the investigation is or might be hampered, or the Council Member might be prejudiced, by the Complainant's failure to comply with Section 4.1.2(b), or otherwise cooperate with the investigation;
 - iv. the Complainant wishes to withdraw the Complaint and it would be appropriate in the circumstances to allow the withdrawal;
 - v. there are no grounds or insufficient grounds to conclude that a violation of this Bylaw has occurred; or
 - vi. the Complaint would be more appropriately addressed through another process or if the Complaint is already being addressed through another process, such as court proceeding or human rights complaint,

the Investigator decide not to proceed with a Complaint and must notify the Complainant, Respondent, and CAO (or the Deputy CAO, as the case may be) in writing that the Investigator is closing the Complaint, set out the reasons and close the Complaint.

- (c) Notwithstanding Section 4.1.3 (a) and (b), the Investigator may request further information from the Complainant before determining whether or not there are sufficient grounds that a breach of this Bylaw may have occurred.

4.1.4 Informal Resolution:

- (a) When the Investigator has decided to proceed with a Complaint, the Investigator must determine whether the Complaint requires a formal investigation or whether the Complaint may be resolved informally. In the latter case, the Investigator may either attempt to resolve the Complaint directly or refer the Complaint to the CAO (or Deputy CAO, as the case may be).
- (b) In making a determination under subsection 4.1.4(a), the Investigator shall give a strong preference to the informal resolution process wherever possible.
- (c) When determining whether the Complaint may be resolved informally, the Investigator may consider culturally appropriate, transformative or restorative justice approaches, and may engage a third party to assist the Investigator for this purpose.
- (d) Where the Investigator refers the Complaint in accordance with Section 4.1.4(a) the CAO may agree to assist in resolving the Complaint directly, or may appoint at their discretion a third party to assist in resolving the Complaint.
- (e) The third party assisting in the informal resolution of a Complaint will assess the suitability of the Complaint for settlement or resolution on an on-going basis and may withdraw from assisting at any point.
- (f) The Complainant, or the Respondent, can decline to participate in an informal resolution at any time.
- (g) If a Complaint is resolved informally, the third party assisting in resolving the Complaint must notify the Investigator in writing of the terms of the resolution, upon receipt of which, the Investigator must close the Complaint.
- (h) If a Complaint cannot be resolved informally, the third party assisting in resolving the Complaint must refer the Complaint back to the Investigator for a formal investigation.

4.1.5 Formal Resolution:

- (a) If a Complaint is not rejected, closed, or resolved informally, the Investigator must proceed with a formal investigation.
- (b) If the Investigator proceeds with a formal investigation, the Investigator will ensure that the investigation is conducted in a fair, timely, confidential manner and otherwise complies with the principles of due process, procedural fairness, and natural justice.
- (c) The Investigator will interview the Respondent, the Complainant, and any other individual who is relevant to the Complaint. The Respondent, Complainant, and other witnesses must agree to keep information discussed as part of the investigation confidential.
- (d) The Investigator may also request disclosure of records relevant to the Complaint, including records held by the Complainant, Respondent, third parties, or any record in the possession or control of the Village, except a record that is subject to solicitor-client privilege the Village.
- (e) Notwithstanding subsection 4.1.6(a) below, nothing prohibits the Investigator from summarily dismissing a Complaint where it becomes apparent, after some investigation, that the Complaint has no chance of success.
- (f) If the Investigator summarily dismisses a Complaint in the Formal Resolution stage, the Investigator shall report to the Complainant and Respondent in the manner similar to that as set out in 4.1.4(a).

4.1.6 Dismissal or Suspension of Complaint

- (a) If a Complaint is submitted that, on its face, is not made with respect to a breach of this Bylaw, or if a Complaint would be more appropriately addressed through another process, including if the Complaint is:
 - i. with respect to non-compliance with the *Freedom of Information and Protection of Privacy Act*;
 - ii. with respect to non-compliance with a more specific Council policy or bylaw with a separate Complaint procedure; or
 - iii. with respect to a matter that is subject to another outstanding process, such as a court proceeding or human rights complaint,

the Investigator may dismiss the Complaint, or part of the Complaint, and must notify the Complainant and CAO (or Deputy CAO, as the case may be) in writing that the Complaint is not within the jurisdiction of this Bylaw, or that the Complaint would be more appropriately addressed through another process, as the case may be, and set out any additional reasons and recommendations the Investigator thinks appropriate.

- (b) If the Investigator, at any stage in the Complaint procedure, determines that there are reasonable grounds to believe that there has been a contravention of the *Criminal Code* then the Investigator must immediately refer the matter to the appropriate authorities and suspend the investigation until any resulting police investigation and charge have been finally disposed of, and shall report the suspension of the investigation to the CAO (or Deputy CAO, as the case may be).
- (c) Where a Complaint is made against a Council Member who, during the course of the Complaint procedure, ceases to hold office, the Investigator may close the Complaint and notify the Complainant, Respondent and CAO (or Deputy CAO, as the case may be) of this decision.

4.1.7 Adjudication and Reporting:

- (a) The Investigator must make a decision within 90 days of making the determination to proceed with a formal investigation, unless the Investigator determines that doing so is not practicable, in which case the Investigator must notify the Complainant and Respondent of the delay and provide a revised decision date. The revised decision date may be extended by periods of up to 30 days on provision of written notice to the Complainant, the Respondent, and the CAO (or Deputy CAO, as the case may be).
- (b) The Investigator shall, upon conclusion of the investigation prepare a report setting out their findings as to whether the Respondent breached the Bylaw and provide reasons for their determination and provide it to the CAO, (or Deputy CAO, as the case may be), who will place the report on an in-camera agenda for receipt by Council.
- (c) If the Investigator concludes the Respondent breached the Bylaw the Investigator must make recommendations as to potential sanction(s) for the breach as set out below.
- (d) If the Investigator determines the Council Member took all reasonable steps to prevent the breach, or that the breach was trivial or done inadvertently or because of an error in judgment made in good faith, the Investigator will so state in the investigation report and may recommend that no sanction be imposed.
- (e) A letter confirming the investigation is complete, a summary of the conclusions and what steps, if any, Council will take will also be provided to the Complainant and the Respondent in due course, subject to any redactions necessary to comply with the *Freedom of Information and Protection of Privacy Act*.

4.1.8 Final Determination by Council

- (a) Council must, within 30 days of delivery of the investigation report pursuant to Section 4.1.7, or a longer period if approved by a 2/3 vote of Council, decide on the appropriate measures, if any, that are warranted by the breach of this Bylaw, and will take such actions as Council considers appropriate in the circumstances.
- (b) Prior to Council making any decision regarding the findings and recommendations set out in the investigation report, the Respondent must be given notice and an opportunity to be heard either in person or in writing, to comment on the decision and any recommended censure, sanctions or corrective actions.
- (c) While an investigation report provided to Council may be considered in a closed meeting for the purpose of receiving legal advice, or for another valid reason, when Council votes on the investigation report, it will do so in a public meeting and a summary of the investigation report may be made available to the public in a form that complies with section 4.1.10(b).
- (d) Notwithstanding subsection 4.1.8(c), Council may deliberate on and vote on a report in a closed meeting where there is a valid reason to close the meeting under section 90 of the *Community Charter*. For certainty, this means the investigative report or summary may not be publicly released.

4.1.9 Remedies

- (a) Sanctions that may be imposed for a violation of this Bylaw include the following:
 - i. a letter of reprimand from Council addressed to the Council Member;
 - ii. the publication of the letters contemplated in subsections (i), along with the Council Member's written response, if any;
 - iii. directions to the CAO regarding restricting how documents, including documents containing Confidential Information, are provided to the Council Member;
 - iv. disclosure to the public of the findings relating to the Council Member's breach of this policy
 - v. a requirement that the Council Member attend specific training or counselling;
 - vi. limitations on access to certain Village facilities;
 - vii. suspension or removal of the Council Member from some or all internal and external Council committees and bodies to which the Council Member was appointed at the pleasure of Council;
 - viii. restricting the Council Member from representing the Village at events and/or attending conferences and seminars;

- ix. suspension or removal of the appointment of a Council Member as the Acting Mayor;
 - x. public censure of a Council Member;
 - xi. imposing further limits on council-related travel or expenses beyond those set out in corporate policies
 - xii. any other sanction recommended by the Investigator, so long as that sanction is within the authority of Council.
- (b) The Investigator may recommend that Council consider commencing an application for disqualification under section 111 of the *Community Charter* or for damages under section 117 of the *Community Charter*, as applicable.

4.1.10 Report to be Public

- (a) Unless deliberations have, pursuant to section 4.1.8(d), taken place in a closed Council meeting, the Village may, after delivering a copy of the investigation report to the Complainant and Council, make a summary of the investigation report available to the public.
- (b) In all circumstances, the Village will ensure that the investigation report or a summary complies with the Village's obligations regarding disclosure of affected individuals' personal information set out in the *Freedom of Information and Protection of Privacy Act* and ensure that appropriate redactions are applied and that Council complies with the Respondent Council Member's right to procedural fairness, prior to any release to the public.

4.1.11 Remuneration

- a) Subject to Council's duty of procedural fairness towards the Respondent Council Member, where the Investigator finds that a Council Member:
- i. breached this Bylaw; or
 - ii. submitted a complaint that was frivolous, vexatious, or made in bad faith

the remuneration to which that Council Member would otherwise be entitled shall be reduced in accordance with the Council Remuneration and Expenses Policy No. 1.16, as amended or replaced from time to time.

- (b) Notwithstanding subsection 4.1.11(a)(i), the remuneration of a Council Member shall not be reduced if the Investigator makes a finding under section 4.1.7(d) that:
- i. the Council Member took all reasonable steps to prevent the breach;
 - ii. the breach was trivial or inadvertent; or

- iii. the breach was because of an error in judgment made in good faith.

4.1.12 Confidentiality of the Investigation

- (a) The Investigator must make all reasonable efforts to investigate Complaints in confidence.
- (b) The Investigator and every person acting under the Investigators' instructions must preserve confidentiality with respect to all matters that come into the Investigator's knowledge in the course of any investigation or Complaint except as required by law.
- (c) An investigation report must only disclose such matters as, in the Investigator's opinion, are necessary for the purpose of the investigation report.

4.1.13 Interpretation

For clarity, and despite section 4.2, the procedure in section 4.1 is to apply to all allegations against Council Members including in their capacity as Committee Members.

4.2 Committee Members

- 4.2.1 A Complaint of an alleged breach of this Bylaw by a Committee Member shall be submitted simultaneously in writing addressed to both the Mayor and CAO (or Deputy CAO, as the case may be) and within 90 days of the last alleged breach.
- 4.2.2 A Complaint must comply with the standards set out at section 4.1.2.
- 4.2.3 The Mayor shall consider the Complaint and direct that any enquiries considered appropriate or desirable be undertaken, including a referral to the CAO or the Investigator. For certainty, if the Complaint is referred to the CAO or the Investigator, then the processes and procedures in section 4.1 of this Bylaw may be utilized to the extent deemed necessary and appropriate.
- 4.2.4 Nothing in this Code is intended to abrogate the power of the Mayor or Council, as applicable, to remove, at their pleasure and at any time, any Committee Member from any committee to which they have been appointed.

4.3 Reprisals and Obstruction

- 4.3.1 No Council Member, Committee Member, or Staff will threaten, interfere with, or otherwise obstruct the Investigator in relation to the Investigator carrying out the duties and responsibilities under this Bylaw.
- 4.3.2 No Council Member, Committee Member, or Staff will threaten or undertake any reprisal against a Complainant or against a person who provides information to the Investigator in the context of an investigation.

4.3.3 No Council Member, Committee Member, or Staff will tamper with or destroy documents or electronic records related to any matter under investigation under this Bylaw or refuse to respond to the Investigator when questioned regarding an investigation.

4.3.4 Any individual covered by this Bylaw who is found to have engaged in any reprisal or retaliation in violation of this Bylaw will be subject to appropriate disciplinary action, which action may include, and is not limited to, the sanctions and remedies described above or the termination of employment for just cause, as applicable.

4.4 Reimbursement of Costs

4.4.1 A Council Member may make a request to Council for reimbursement for the costs of legal advice and representation in responding to the formal complaint process outlined in this Bylaw. If appropriate after considering all circumstances, Council may resolve to reimburse legal fees reasonably incurred by a Council Member, provided that all of the following are met:

- (a) it is the Council Member's first formal complaint process; and
- (b) the amount does not exceed \$10,000.

4.4.2 For clarity, the provisions of the Indemnification Bylaw, as replaced or amended from time to time, do not apply to requests for reimbursement under this Bylaw.

4.5 Vexatious Allegations and Complaints

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

- (a) in the case of Council Members, sanctions and remedies described in Section 4.1.9;
- (b) in the case of Committee Members, termination of the Committee Member's appointment;
- (c) in the case of Staff, disciplinary action or the termination of employment for just cause, as applicable.

PART 5 – APPOINTMENT OF INVESTIGATOR

5.1 Appointment of Investigator

5.1.1 The CAO shall, upon receipt of a Complaint, appoint an Investigator to fulfill the duties and responsibilities described in section 5.2.

5.2 Duties and Responsibilities

5.2.1 The duties and responsibilities of the Investigator are as follows:

- (a) to assist with informal resolution of a confidential request or Complaint;
- (b) to receive and assess a Complaint to determine if the Complaint must be rejected, dismissed, closed, resolved or investigated;
- (c) to investigate and conduct inquiries as to alleged violations of this Bylaw;
- (d) to report to Council as to whether a Member has breached this Bylaw;
and
- (e) to make recommendations on an appropriate remedy, if the Investigator determines that a Member has breached this Bylaw.

5.2.2 The Investigator must perform the duties and responsibilities under this Bylaw in an independent manner.

5.2.3 An Investigator may only be dismissed for cause.

PART 6 – ENACTMENT

6.1 Effective Date

This bylaw comes into force and effect on adoption.

READ A FIRST time this XX day of XXXX, 202X.

READ A SECOND time this XX day of XXXX, 202X.

READ A THIRD time this XX day of XXXX, 202X.

ADOPTED this XX day of XXXX, 202X.

Ed Wood, Mayor

Kelly Ridley,
Interim Chief Administrative Officer
Acting Corporate Officer

Admin

From: Audrey Johnstone <ajohnst63@gmail.com>
 Date: 2023-05-28 6:24 p.m. (GMT+01:00)
 To: Leo Facio <LFacio@harrisonhotsprings.ca>
 Cc: Jean Hicks <jeanhicks@shaw.ca>
 Subject: Community Garden

Hi Leo.
 I hope you are well and not missing Alja and family too much. Unless you are vacationing with them in Spain, Gibraltar, Portugal? 😊

I am writing to see if the community gardens is still one of your portfolios.
 If so, just an update.

The boxes are rotting and we are fixing them as we have funds. But I was wondering if there is a new horizons or other Grant we could access.

Our budget at the village is \$400 a year. We need to increase that next year to \$600 as I also get soil brought in. We have spent the budgeted \$400 for 2023 plus from our fees another \$400= \$800 this year.

The boxes are falling apart it seems all at once, a little faster than anticipated but we are trying to pace it. However the landscape ties cost \$10 each and each box needs approximately 20 ties, plus rebar and 7 inch nails. So each box costs about \$ 220 to build from bottom up. We have 30 beds = cost of approximately \$6,600

Our \$10 fee per person buys hoses, nozzles for watering the garden, tools , and we can buy the rebar and nails. But we need help with the cost of the landscape ties. We supply the labour to rebuild.

We have rebuilt 4 boxes completely and others partially this year.

So I am wondering over the next 2 years if we could obtain a \$ 5000 -\$6000 grant or assistance to rebuild specifically the garden boxes.

Thought I would ask you if there is any possibility of help.

Thanks Leo. I trust you can give me some direction at least.

With appreciation for all your support and help

Audrey Johnstone
 Jean Hicks
 (Facilitators for the gardens)