

City of Maple Ridge

COUNCIL WORKSHOP AGENDA

June 22, 2021

11:00 a.m.

Virtual Online Meeting including Council Chambers

The purpose of the Council Workshop is to review and discuss policies and other items of interest to Council. Although resolutions may be passed at this meeting, the intent is to make a consensus decision to send an item to Council for debate and vote or refer the item back to staff for more information or clarification.

The meeting is live streamed and recorded by the City of Maple Ridge.

REMINDER: Council Meeting – June 22, 2021 at 7:00 p.m.

1. APPROVAL OF THE AGENDA

2. ADOPTION OF MINUTES

2.1 Minutes of the May 25, 2021 Council Workshop Meeting

3. PRESENTATIONS AT THE REQUEST OF COUNCIL

4. UNFINISHED AND NEW BUSINESS

4.1 Options Report for Cannabis Licenses – Production and Processing

Staff report dated June 22, 2021 recommending amendments to Zoning Bylaw No. 7600-2019 to prohibit non-soils based commercial cannabis facilities, permit micro-cultivation within a standalone structure under 200m² and permit micro-processing of less than 600 kg per year in industrial zones within a structure.

4.2 Transportation Issues – Intersection Safety & Traffic Calming Policy

Staff report dated June 22, 2021 providing information on how the City addresses neighbourhood traffic calming requests, intersection and road safety, and how capital projects are identified, prioritized and implemented.

4.3 Maple Ridge Business Improvement Area

Staff report dated June 22, 2021 recommending that a Business Improvement Area program be undertaken, subject to petition against, for a five year term commencing January 1, 2022.

4.4 UBCM Resolution 2020-NR6 - Independent Office of Integrity for Local Government

Staff report dated June 22, 2021 recommending that UBCM resolution 2020-NR6 – Independent Office of Integrity for Local Government be resubmitted for debate at the 2021 UBCM Convention.

5. CORRESPONDENCE

6. BRIEFING ON OTHER ITEMS OF INTEREST / QUESTIONS FROM COUNCIL

7. MATTERS DEEMED EXPEDIENT

8. NOTICE OF CLOSED COUNCIL MEETING

9. ADJOURNMENT

APPROVED BY:

DATE:


June 17/21

PREPARED BY:

DATE:

Evin Mair
June 17/21

CHECKED BY:

DATE:

A. Saurt
June 17, 2021

City of Maple Ridge

COUNCIL WORKSHOP MINUTES

May 25, 2021

The Minutes of the City Council Meeting held on May 25, 2021 at 11:00 a.m. held virtually and hosted in the Council Chambers of the City Hall, 11995 Haney Place, Maple Ridge, British Columbia for the purpose of transacting regular City business.

PRESENT	Appointed Staff
<i>Elected Officials</i>	A. Horsman, Chief Administrative Officer
Mayor M. Morden	C. Carter, General Manager Planning & Development Services
Councillor J. Dueck	C. Crabtree, General Manager Corporate Services
Councillor C. Meadus	S. Hartman, General Manager Parks, Recreation & Culture
Councillor G. Robson	D. Pollock, General Manager Engineering Services
Councillor A. Yousef	S. Nichols, Corporate Officer
ABSENT	Other Staff as Required
Councillor K. Duncan	C. Goddard, Director of Planning
Councillor R. Svendsen	S. Cote-Rolvink, Chief Building Official
	D. Olivieri, Research Technician
	<i>Guest</i>
	A. Neilson, Neilson Strategies

These Minutes are posted on the City Website at www.mapleridge.ca

Note: Due to COVID pandemic Councillor Meadus, Councillor Robson and Councillor Yousef participated virtually. The Mayor chaired the meeting from Council Chambers.

1. **APPROVAL OF THE AGENDA**

R/2021-WS-047

It was moved and seconded

That the agenda of the May 25, 2021 Council Workshop Meeting be approved as circulated.

CARRIED

2. ***ADOPTION OF MINUTES***

2.1 **Minutes of the May 11, 2021 Council Workshop Meeting**

R/2021-WS-048

It was moved and seconded

That the minutes of the Council Workshop Meeting of May 11, 2021 be adopted as circulated.

CARRIED

3. ***PRESENTATIONS AT THE REQUEST OF COUNCIL*** – Nil

4. ***UNFINISHED AND NEW BUSINESS***

4.1 **Building Permit Function**

The Chief Administrative Officer provided a background summary on the item.

The General Manager of Planning introduced Allan Neilson, Principal of Neilson Strategies.

Mr. Neilson provided a detailed presentation on the building permit process review he has been involved in with the City, noting the regulations governing the process, the different types of building permits that the City issues, and the four key phases of the permit process.

Mr. Neilson responded to questions from Council.

5. ***CORRESPONDENCE*** – Nil

6. ***BRIEFING ON OTHER ITEMS OF INTEREST/QUESTIONS FROM COUNCIL*** – Nil

7. ***MATTERS DEEMED EXPEDIENT*** – Nil

8. **NOTICE OF CLOSED COUNCIL MEETING**

R/2021-WS-049

It was moved and seconded

That the meeting will be closed to the public pursuant to Sections 90 (1) and 90 (2) of the *Community Charter* as the subject matter being considered relates to the following:

Section 90(1)(c) Labour relations or employee negotiations.

Section 90(1)(j) Information that is prohibited or information that if it were presented in a document would be prohibited from disclosure under Section 21 of the Freedom of Information and Protection of Privacy Act.

Any other matter that may be brought before the Council that meets the requirements for a meeting closed to the public pursuant to Sections 90 (1) and 90 (2) of the *Community Charter* or *Freedom of Information and Protection of Privacy Act*.

CARRIED

9. **ADJOURNMENT – 12:47 p.m.**

M. Morden, Mayor

Certified Correct

S. Nichols, Corporate Officer



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City of Maple Ridge

TO: His Worship Mayor Michael Morden
and Members of Council
FROM: Chief Administrative Officer
SUBJECT: Options Report for Cannabis Licenses – Production and Processing

MEETING DATE: June 22, 2021
FILE NO: 2019-002-RZ
ATTN: Workshop

EXECUTIVE SUMMARY:

Over the last several years, the City of Maple Ridge has responded to the changing legal context around cannabis through amendments to the Zoning Bylaw and the Business Licencing Bylaw. Recreational cannabis became legal in 2018, and the retail sale of recreational cannabis is now recognized in the Zoning Bylaw. The revised federal legislation that accompanied this change increased the range of license types for cannabis industries. Separate Federal licenses now exist for diverse activities related to production, processing, research, and mail order sales. Most of these new Federal license categories are not yet reflected in the Maple Ridge Zoning Bylaw which retains cannabis regulations that originated from federal legislation as it existed in 2014.

A number of reports and presentations have been before Council about this topic. In February, May, and September 2019, staff provided an overview of legislative changes pertaining to cannabis. This overview noted that although municipalities cannot prohibit soils based cultivation in the ALR, local governments now have some autonomy in regulating standards for non-soil based structures for federally authorized cannabis activities. The September 10, 2019 Workshop meeting provided for Council consideration a table of possible bylaw amendments pertaining to the diverse range of potential cannabis licenses under federal legislation. At this meeting, Council noted concerns with cannabis production and processing, and emphasized the need for a regulatory framework to be established prior to approving specific bylaws (See Appendix A). As a result, Council passed the following resolution:

That a moratorium be declared on cannabis-related applications until the Zoning Bylaw for production and processing is completed¹.

Out of recognition of the extent of federal licence options, the focus of this report is to respond to the greatest industry demand, including large scale and micro commercial cannabis production and processing. This report and appendix will summarize the concerns raised by Council. It will provide an update of ongoing related initiatives underway by other regulatory agencies. This compilation of information will include federal license information, anecdotal evidence, and industry perspectives. It is intended to assist Council with making decisions on directing bylaw amendments.

RECOMMENDATION:

That staff be directed to commence amendments to Zoning Bylaw No. 7600-2019 to:

- 1. Prohibit non-soils based commercial cannabis facilities;**

¹ This moratorium on cannabis related applications did not include cannabis retail.

2. Permit micro-cultivation (under 200m² of production area) subject to the provision of municipal water, and containment of noise and odours within a stand alone structure.
3. Permit micro-processing (less than 600 kg per year) in Industrial Zones subject to the provision of municipal water, and containment of noise and odours within a structure.

DISCUSSION:

a) Planning Analysis:

Based on Council concerns, and in recognition that the broad range of license categories is challenging at this time, the approach taken here is based on three principles. The first is to keep it simple, and recognize that it is not necessary to consider all of the potential cannabis licenses at one time. Only production and cultivation facilities are being recommended at this time. The second principal is avoid or mitigate potential negative impacts associated with this use. The third principle is to recognize the economic potential of cannabis production and support bylaw amendments for smaller scale production and processing facilities limited to a production area no greater than 200m² or 600 kg processed product annually as defined under Federal legislation.

Federal Context: Overview of Cannabis Licences.

The Health Canada website provides the names of license holders, the province in which they are located, and the date the license was issued. There are currently about 140 licences issued in BC since cannabis was legalized for recreational purposes. Of those 140 licences, approximately:

- 60% were for standard cultivation (as a stand alone license or in combination with other uses such as sales),
- 10% were for micro-cultivation (with cultivation area less than 200m²),
- 9% were for standard processing,
- 5% were for nursery production (with cultivation area less than 50m²), and
- the remainder was for uses such as testing and sales.

Since January 2020, micro-cultivation has become the dominant type of license request, which reflects the predictions of industry representatives who indicated that micro-cultivation licenses would become increasingly popular, due to reduced startup costs. In addition, these micro-cultivation licenses offer designated grower licenses (those who produce medical cannabis for a maximum of four cannabis prescription holders) an option for legitimately entering into the recreational cannabis market. At the time of writing this report, processing and micro-production were the most frequent cannabis related inquiries in Maple Ridge.

Provincial Context: Agricultural Land Commission:

Local governments cannot prohibit lawful production in open fields or in entirely soil based structures, or in existing structures intended for growing crops within the Agricultural Land Reserve. However, Council now has greater discretion over potential regulations for other types of structures that could be used for cannabis production. Based on Council direction, the Zoning Bylaw can be amended to direct the type of structure for cannabis production and the conditions of use (for instance, if community water is required).

Maple Ridge Zoning Bylaw:

Cannabis production is regulated in Maple Ridge Zoning Bylaw No. 7600-2019. However, this regulation dates to 2014 as a response to the federal introduction of commercial medical marihuana. It was understood at the time that local governments could not prohibit this use on lands within the Agricultural Land Reserve. For this reason, the bylaw emphasized structures built under federal standards with large setback requirements to mitigate impacts. A condition of use required that the property was in the Agricultural Land Reserve in a zone that permitted agricultural uses. This approach was in compliance with the directives of the Agricultural Land Commission and the Ministry of Agriculture.

Significant changes have occurred since 2014, most notably the legalization of recreational cannabis and the introduction of a more diverse range of cannabis licences under Federal legislation. However, the bylaw has not been amended to reflect these changes. In addition, Council passed the following resolution on September 10, 2019:

That a moratorium be declared on cannabis-related applications until the Zoning Bylaw for production and processing is completed.

As there is a conflict between this Council resolution (a moratorium) and the Zoning Bylaw, it is recommended that the bylaw be amended for consistency with Council direction.

For the reasons noted above, Council is now advised to consider bylaw amendments that recognize recreational cannabis and the permitted uses of the Agricultural Land Commission. Council now has greater discretion over the types of structures that could be used for cannabis production, the conditions of use (for instance, if community water is required), and if some of these uses could be located outside of the Agricultural Land Reserve.

b) Council Comments from September 10, 2019 Workshop.

In the three meetings held in 2019, Council raised multiple questions and concerns about permitting the full range of federal cannabis licenses, including micro-production and processing, as well as nursery production. Council was provided with staff responses to those questions. The most recent Council workshop meeting on September 10, 2019 included further Council comments, which are summarized below.

Council acknowledged the difficulty in permitting uses related to cannabis production within the scope of their jurisdiction. Although the potential economic opportunities were recognized, there were also concerns with the limited options available to local governments to control this use and to mitigate impacts. The range of concerns include water use, groundwater impacts, light pollution, and waste management (both liquid and solid waste). Council emphasized the need for establishing and requiring best management practices to mitigate known potential impacts of this use, and inquired if the business licensing process could assist in addressing local government concerns. (See Section 4 of Appendix A). Council sought more information about the role of outside agencies in monitoring air quality and groundwater impacts.

The use of agricultural land for cannabis production was questioned, particularly with indoor cultivation and poured concrete foundations. Some asserted that this type of production was best suited to industrial lands, as poured concrete foundations reduce soil quality and destroy capability for soils based agriculture. It was also pointed out that Maple Ridge has a shortage of industrial land,

and there was an opportunity cost to using agricultural land for this purpose. The tax implications for allowing cannabis production to occur within agricultural land was also discussed.

It was acknowledged that the federal government is continuing to issue personal use licences, which operate outside of local jurisdiction, being subject only to building code considerations. Council wished to see options for ensuring compatibility between these uses and adjacent residential neighbourhoods. Council was also concerned with the possibility for smaller cultivation facilities to expand without local government input.

Pitt Meadows was discussed as an example to follow, with the assumption that this municipality had prohibited all cannabis licences regardless of their legal ability to do this. Council requested that other municipal examples be provided to them. (See Section 2 of Appendix A) In addition, a tour of an operational facility was requested (this request occurred prior to the pandemic and is currently not feasible).

For reasons of brevity, the concerns of Council are listed below, along with key findings of the responses. More detailed responses are appended to this document as Appendix A:

1. **Role of senior agencies in cannabis industries.** Health Canada has scaled back its oversight of structural details of cannabis facilities. As a result, local governments have greater authority to regulate the types of structures that can be used for this purpose and the utilization of technologies to mitigate adverse effects. (More details may be found in Section 1 of Appendix A);
2. **Other municipal bylaw examples.** Pitt Meadows, which had been opposed to allowing cannabis production, amended their zoning bylaw in 2018 in response to the legalization of recreational cannabis. The approach taken was to regulate cannabis facilities in those instances where they could not be prohibited under the regulations of the Agricultural Land Commission. Pitt Meadows also adopted a site specific text amendment to allow a cannabis processing facility in an industrial zone. (More details and more municipal examples may be found in Section 2 of Appendix A);
3. **Establishing Best Management practices for Cannabis Production.** Extensive information exists for proven measures available to local governments as requirements to mitigate adverse effects of cannabis facilities. (Greater discussion of measures to control odour and conserve water may be found in Section 3 of Appendix A);
4. **Options available to local governments to mitigate impacts and limit facility size.** The Federal licensing process sets limits for smaller scale production and processing facilities. These facilities could therefore not expand without amending their federal license. Local governments have legal mechanisms to prevent expansion by establishing limits in their zoning bylaws or through the use of restrictive covenants to establish limits. (More details may be found in Section 4 of Appendix A); and
5. **Industrial versus Agricultural lands for cannabis production: tax implications.** Farm class status is granted based on agricultural activities on land, and agricultural zoning is not required in order to obtain farm status. At present, the Assessment Act excludes cannabis production from qualifying for farm class status. It is possible that as the cannabis industry matures, that the Assessment Act decision could be challenged and overturned. Should this decision be reversed, cannabis production could qualify for farm class status regardless of where it is located, including industrial land, which could potentially undermine the industrial tax base. (Section 5 of Appendix A provides greater discussion)

- c) **Options:** To assist Council in the consideration of options for regulating the cultivation of cannabis.

Cultivation includes a range of facility sizes, including large commercial facilities, micro-production facilities (less than 200 m²) and nursery production (less than 50 m²). It is important to note that local governments cannot prohibit soils based cannabis. For soils based production, local government regulatory powers are limited to siting and setbacks in instances where soil based structures are proposed. By contrast, local governments have considerably more authority to regulate non-soils based production facilities, including prohibition.

1. **Large or Standard Cannabis Cultivation Facilities (production area is greater than 200m²).** In its current language, the Maple Ridge Zoning Bylaw recognizes cannabis facilities and would permit non soils based production facilities to be constructed within the Agricultural Land Reserve. The City therefore has an opportunity to amend the bylaw to a) prohibit or b) further regulate non-soils based production as outlined below:

- a) **Prohibit non soils based standard cannabis cultivation facilities.** This step would require a zoning bylaw amendment. The advantages to such an amendment would be a reduced scope for neighbourhood conflicts that have been associated with larger scale facilities. However, due to ALC regulations, the ability to produce soils based cannabis would remain.
- b) **Require a site specific zoning bylaw amendment.** Recommend a process for proposals for large or standard cannabis facilities to apply for a site specific zoning bylaw amendment to permit this use. Such an application would allow for neighbourhood notification and Council could consider each request on its own merits.
- c) **Regulate this use.** Non-soils based production could be regulated with requirements for light pollution, odour control, and water conservation measures. A requirement for a business license and municipal water could be a condition of use.

2. **Micro-Cultivation and Nursery Facilities are cannabis production sites of less than 200 m² and 50 m² respectively.** The current language of the Zoning Bylaw also would permit these uses, with large setback requirements that were originally intended for larger scale facilities. As with larger scale facilities, these commercial cannabis licenses could be prohibited for all structural types with the exception of soils based production. However, given the scale of these operations, and the anticipated ability to minimize adverse impacts, the City has an opportunity to a) prohibit or b) consider these uses separately from larger scale facilities as outlined below:

- a) **Regulate these uses.** Non-soils based production could be regulated with requirements for light pollution, odour control, and water conservation measures to minimize nuisance effects. The issuance and renewal of a required business license would assist in ensuring that the best available control technology is being used and properly maintained. The advantage to this approach would be the broader economic benefits due to increased employment and taxation measures. Regulations aimed at smaller scale production could have potential for existing personal use and designated growers to transition into commercial production.
- b) **Prohibit non soils based micro-cultivation and nursery facilities.** This step would require a zoning bylaw amendment. This cautious approach might further reduce potential for neighbourhood conflicts that have been associated with cannabis production. However, these uses will continue to be permitted under soils base

cultivation. In addition, prohibition could reduce the economic potential that could be realized with a more liberal approach.

3. Microprocessing. Operating under federal licence, processing and micro-processing facilities transform raw materials (cannabis) in order to render them suitable for retail sales in a variety of formats. Related activities could involve packaging, extraction, or manufacture of value added products. On October 17, 2019, the production and sale of edible cannabis, cannabis extracts and cannabis topicals became legal in Canada under the Cannabis Act, which would expand the range of products produced. Micro-Processing refers to a smaller scale processing facility limited to no more than 600 kg of dried product annually. This use could only be permitted in the Zoning Bylaw as an accessory use to a cannabis production facility within the Agricultural Land Reserve. As a principal use, cannabis processing is most appropriately located in industrial zones.

- a) **Regulate this use.** Council is advised to consider permitting this use as a stand alone use in industrial zones, subject to odour control. The advantages to this approach would be for the economic benefits that may accrue to the community.
- b) **Prohibit this use.** Processing and micro-proceession would still be permitted in the Agricultural Land Reserve as an accessory use to cannabis production. The advantage to this approach would be that it would avoid the controversy that this use can generate. This disadvantage to this approach is that it could miss out on significant economic benefits that this use could bring to the community.

Summary Table 1 below outlines the above recommended Zoning Bylaw options for Council's consideration in regulating this use.

Table 1. Zoning Bylaw considerations for Cannabis production and processing					
	Zoning Bylaw Amendment	Land Use Designation	Pros	Cons	Recommended
All Cultivation (bylaw permits non-soils based cultivation)	Do Nothing	ALR	Large setbacks help to minimize neighbourhood conflicts	Existing regulations pose conflicts with Council's stated direction (moratorium)	No
Standard Cultivation (greater than 200 m ²)	Update bylaw to recognize new ALC regulations including soil based structures that could not be prohibited.	ALR	Further regulates soils based facilities and prohibits non-soils based operations.	Possible community opposition. Soil based structures are less able to contain odours.	Yes (priority)
Micro-Cultivation (less than 200 m ²)	Includes micro-cultivation and nursery facilities.	ALR or Rural Residential	Low impact structures, less odour, economic benefits. Structure is smaller than maximum size of accessory residential structure (279 square metres)	Possible community opposition.	Yes.
	a) Allow concrete structures less than 200 square metres				
	b) Prohibit these structures	All zones	Most cautious approach. Applicants could apply for rezoning.	Loss of economic opportunity	No
Micro-Processing (less than 600 kg per year)	a) Allow Micro-Processing	Industrial	Small scale (less than 600 kg per year), low impact, economic benefit with skilled well paid employment	Possible community opposition.	Yes
	b) Prohibit Micro-processing	All zones	Most cautious approach. Applicants could still apply for site specific rezoning.	Loss of economic opportunities	No

d) Intergovernmental Issues:

These proposed bylaw amendments are a response to legislative changes at the Federal and Provincial levels. Ongoing cooperation and coordination with these senior agencies is required within a continually evolving legal framework.

e) Citizen/Customer Implications:

The most significant concerns raised by Council based on community dialogue was about odours, light pollution, and groundwater impacts. Both light pollution and odours can be feasibly mitigated with appropriate building design, ventilation, and appropriate maintenance. Section 3 of Appendix A discusses the Best Available Control Technologies for cannabis facilities as mitigation strategies. Council may wish to consider permitting non-soils based cannabis facilities, provided they are accompanied by a "best practices plan" to direct construction during the building permit process. In addition, these best practices should include annual inspections as a condition of the business license to ensure maintenance procedures are carried out.

Odours. A Provincial Agency, the BC Farm Industry Review Board (FIRB) has been delegated the responsibility for hearing complaints from persons aggrieved by odour, noise, dust or other disturbances arising from agricultural operations, and through this process, can ensure that best management practices are being used. The mandate covers parcels that are zoned to permit farming, which could include properties outside of the Agricultural Land Reserve. This conflict resolution process is in accordance with the Farm Practices Protection (Right to Farm) Act (FPPA). As complaints must be made directly by the aggrieved party, local governments cannot act on behalf of residents.

Only smaller scale micro-producers and processors are being recommended at this time that have limits on their size and production capacity. There are a number of properties within the Agricultural Land Reserve that have municipal water service. At some later date, the provision of municipal water could be made a requirement of issuance of a building permit for larger scale or standard cultivation cannabis production facilities that are larger than the maximum size of a micro-production facility (200m².)

f) Interdepartmental Implications:

The involvement and collaboration of the Planning, Building, and License and Bylaws Departments will be required for inspection services and business licencing. The Planning Department will draft the Zoning Bylaw amendments based on Council direction. The Building Department will monitor the appropriate construction standards to mitigate impacts, and provide inspection services to ensure their installation. The Bylaws and Business Licencing Department will issue business licences and annual renewals. As a condition of renewal, protocols will be established to ensure regular maintenance of structures and their continued efficacy in mitigating impacts.

The long-term impact on municipal staffing resources will need to be evaluated with times, but it should be noted that the new use will entail new responsibilities and tasks for various departments.

CONCLUSION:

This report discusses the legal framework surrounding cannabis production and processing. Three local government examples have been included for Council's consideration. These are Pitt Meadows, Richmond, and Mission. In all three examples, these local governments have taken a cautious approach. This approach includes regulating for setbacks and odour control only in those instances where the use could not otherwise be prohibited (i.e. soil based production within the Agricultural Land Reserve). As a minimum, Council is recommended to direct similar Zoning Bylaw amendments to take place.

Section 3 of Appendix A in this report describes the innovative techniques available to mitigate odours, avoid light pollution, and conserve water resources. Council has consistently recognized the economic potential of allowing cannabis production and processing. For this reason, an incremental approach that requires these technologies be employed for small scale production (less than 200m²) and processing is recommended for Council consideration.

This option would provide a legitimate avenue for existing personal use and designated growers to enter into commercial production. As the structures involved are small, they also offer farm producers an option to diversify. The siting of smaller scale processing facilities within industrial land could be also be considered.

"Original signed by Diana Hall"

Prepared by: **Diana Hall, M.A.
Planner 2**

"Original signed by Chuck Goddard"

Reviewed by: **Charles R. Goddard, BA, MA
Director of Planning**

"Original signed by Christine Carter"

Approved by: **Christine Carter, M.PL, MCIP, RPP
GM Planning & Development Services**

"Original signed by Christine Carter" for

Concurrence: **Al Horsman
Chief Administrative Officer**

Appendix A: Responses to Council comments from the September 10, 2019 Council Workshop Meeting.

Previous Council Workshop Reports on Federal Cannabis Licenses may be accessed at the following links:

- September 10, 2019, item 4.1: <https://www.mapleridge.ca/AgendaCenter/ViewFile/Agenda/09102019-3298>
- May 28, 2019, item 4.3: <https://www.mapleridge.ca/AgendaCenter/ViewFile/Agenda/05282019-3242>
- February 12, 2019, item 4.3: <https://www.mapleridge.ca/AgendaCenter/ViewFile/Agenda/02122019-3162>

Responses to Council comments from September 10, 2019 Workshop meeting.

1. Role of Additional Senior Agencies in Cannabis Industries.

The main body of the report discussed the Agricultural Land Commission. The section below outlines additional agencies with jurisdiction over cannabis regulations.

Health Canada

Federal regulations for cannabis facilities have changed with each iteration of their legislative model. When the 2012 Marihuana for Medical Purposes Regulations program was announced, potential applicants were required to submit their building plans, which included specifications for ventilation. There were 2 facilities built under this program in Maple Ridge.

Now, for commercially licensed facilities, Health Canada is focused more on security, to prevent break-ins, violence, and theft. Consumer and worker safety are also key considerations. Outdoor production is now permitted. Federal oversight of structural details has been scaled back.

This shift in Federal legislation now gives local governments more authority over the type of structures that can be used for cannabis facilities. The specialized skill sets and inspection services of local building departments can assist in mitigating impacts with through the construction and post construction process to ensure ongoing maintenance. The Bylaws and Business Licencing Department can require and issue business licences and conditional renewals based on established protocols to ensure regular maintenance of structures and continued efficacy in mitigating impacts.

MetroVancouver

In 2019, the Air Quality Division of MetroVancouver produced a document titled “Proposed Emission Regulation for Cannabis Production and Processing Operations”. This work proposes to regulate both cannabis production and processing, as these are the industry activities most likely to generate emissions. The MetroVancouver website indicates that the consultation phase of this work is in its final stages, with a deadline for receiving comments at the end of February 2021.

Ministry of Environment

The work of the Ministry of Environment includes the development of a code of practice for Agricultural Environmental Management, which is based on agricultural activity. The general rules include a basic level of environmental protection required by all agricultural operators:

- Ensuring no direct discharges into watercourses or groundwater.
- Preventing contaminated runoff, leachate, solids or air contaminants from crossing property boundaries or entering watercourses and groundwater.
- Following minimum setbacks from drinking water sources, watercourses and property boundaries.
- Ensuring agronomic nitrogen application rates meet crop needs so nitrogen is not over-applied.
- Record keeping to demonstrate compliance with these requirements.

Minister of Jobs, Economic Development and Competitiveness:

A recently published [guide](#) for cannabis producers has been posted on this Ministry’s website. The Ministry recognizes that B.C.’s cannabis sector is a major contributor to local economies, and

remains largely unlicensed. The aim of this initiative is to promote sustainable economic development and reduce unregulated activity. The guide provides a comprehensive approach that is geared to assist smaller scale and micro-producers.

2. Other Municipal Examples

The municipal bylaws referenced below are those of Lower Mainland municipalities with lands in the Agricultural Land Reserve. These include Pitt Meadows, Richmond, and Mission.

Pitt Meadows. This municipality has been opposed to allowing this use within the community, and has been considered a possible example for Maple Ridge to follow. However, the Pitt Meadows Zoning Bylaw has been amended to recognize cannabis production in the Agricultural Land Reserve. This change was made in 2018 in response to the legalization of recreational cannabis. The Pitt Meadows Zoning Bylaw also has a definition for hemp, separately from cannabis, defined by the THC content of the plant. Cannabis processing, drying, storing, packaging, distribution, retail sale or testing is specifically prohibited in all zones. The production of cannabis is recognized as a farm use, only permitted in the Agricultural Land Reserve, and in accordance with the ALC regulations that cannot be prohibited. The Zoning Bylaw also requests that any structure so used must be equipped with an air filtration system to contain odour. Soil based structures used for this purpose are subject to siting regulations. A site specific amendment to the Pitt Meadows Light Industrial Zone now allows cannabis processing at one location.

It is well known that Pitt Meadows has not been receptive to allowing cannabis within its municipal borders. The changes that have been recently made to the Zoning Bylaw are likely a realistic attempt to mitigate impacts in cases where prohibition is not possible.

Richmond

Richmond takes a similar approach to Pitt Meadows for cannabis production and related activities. The use is prohibited, except where it cannot be prohibited due to ALC regulations. Soil based structures are subject to siting regulations. If they cannot be prohibited, a cap of 100 m² is placed on structures used for accessory uses related to cannabis production (storing, packing, preparing and processing of cannabis).

Mission

The District of Mission takes a similar position to Richmond and the City of Pitt Meadows. Cannabis production is prohibited except where it cannot be prohibited by the regulations of the Agricultural Land Commission.

3. Establishing Best Management Practices for Cannabis Production.

The additional concerns noted by Council around cannabis production include water use, groundwater impacts, light pollution, and waste management (both liquid and solid waste). A document titled "Commercial Cannabis Production in British Columbia: Best Available Control Technologies and Regulatory Oversight of Environmental Considerations" was produced in May 2019 as a joint venture with funding from the Federal and Provincial Government.

Water Use. Based on available research, the report noted above states that outdoor cultivation (which cannot be prohibited in the ALR) will use roughly 23 litres of water per day per plant. By contrast, indoor cultivation requires roughly 1-2 litres per day per plant or per square metre. A micro-cultivation facility of 200 square metres would therefore require between 200 to 400 litres of water

per day. This should be compared with residential household use, which in Metro Vancouver is estimated at 277 liters per day per person.

Re-use of irrigation water can help to improve these efficiencies. In addition, rainwater capture in cisterns could potentially provide most of the irrigation water needed, even during drier summer months. At the maximum usage rates noted above, a commercially available cistern could provide sufficient water capacity for several weeks of use for a micro-production facility.

The following excerpt from the executive summary provides options for best management practices of waste products, which are discussed in greater detail in the body of the document:

Best Available Control Technologies (BACTs) for Air Emissions

The following four tools were examined for cannabis air emission management:

1. *Carbon filters, are commonly used for emission control in cannabis facilities. They are considered environmentally effective and can be used in cultivation facilities of varying sizes.*
2. *Biofilters are used for managing other agricultural odours (e.g. hog farms and mushroom barns). The process involves passing air from the facility through a filter of wood chips or bark mulch that contain a rich microbial flora.*
3. *Ozone generators are used safely in many industries. The effectiveness at eliminating VOC depends somewhat on the chemical structure of the compounds.*
4. *Odour neutralizers bind VOC thus neutralizing and removing the odour. These are not the same as masking agents, which simply act as a strong perfume to cover up the existing odour. The effectiveness at reducing VOC is based on product set-up, use, and contact time with the VOC.*

BACTs for Liquid Wastes

The following four tools were examined for cannabis liquid waste management:

1. *Water recapture and reuse is used extensively in the vegetable greenhouse industry and this technology is gaining traction in the cannabis industry as well.*
2. *Land application for nutrient solution involves collecting and storing liquid solution in order to spread it onto crop fields.*
3. *Small scale water treatment plants, which are extremely effective at mitigating wastewater impacts to the environment but also require high levels of investment to establish and operate.*
4. *Aerobic digestion, which requires mechanical and biological breakdown of waste, the addition of enzymes and microbes, and denaturing of any residues.*

BACTs for Solid Waste

The following three tools were examined for cannabis solid waste disposal:

1. *Composting either on-site or through transportation to a composting facility off site.*

2. *Incineration, which creates gases and hot air, which can be used for heating the cultivation facility.*
3. *Fermentation, which produces gas and a digestate. The liquid fraction may be used as a fertilizer; however, the solid fraction will still require disposal.¹*

These methods noted above are of a technical nature that would require a professional evaluation in each building permit application. Therefore if Council contemplates allowing non-soils based structures for this use, they will have the option to require that these control technologies be implemented in order to reduce impacts. One option would be as a condition of issuance of a building permit, that a qualified professional be hired who can draft a “best practices plan” to direct construction. This plan could be accompanied by a restrictive covenant on title.

A condition of business license approval could be an annual inspection that ensure all of the ventilation and other impact mitigating systems are functioning and properly maintained.

4. Options available to local governments to mitigate impacts and limit facility size.

Amendments to the Maple Ridge Zoning Bylaw in 2014 reflected the new Federal regulations for the Commercial production of Medical Cannabis. The Bylaw has not been updated to reflect the legalization of recreational cannabis, and new Federal licensing options since legalization are not yet recognized. It is recommended that the Zoning Bylaw be amended to reflect these more recent legislative changes, as it may offer the best protection possible from negative impacts incurred by cannabis facilities.

The three municipal examples provided earlier in this report demonstrate a cautious approach to bylaw amendments for cannabis production, establishing controls in recognition of their limited jurisdiction. This conservative approach can minimize impacts to neighbouring properties for lands within the Agricultural Land Reserve. As it may be the most acceptable option for the community, Council may wish to use this approach in directing Zoning Bylaw changes.

The downside to this approach is that it may miss out on the economic benefits of cannabis industries. In addition, the types of production that cannot be prohibited (greenhouse production within an existing facility, or soil based) are the ones likely to generate the most impacts (odour and light pollution).

Ironically, a more liberal approach that requires all facilities adopt best practices might result in fewer cannabis related impacts within the community. While Council does not have the right to prohibit structures that are permitted in the ALR by the Agricultural Land Commission, Council can establish regulations for best management practices in structures that would not otherwise be protected by these regulations, therefore minimizing impacts to neighbouring properties. Enclosed environments are best for minimizing impacts, as they can conserve water, control light pollution and prevent emissions from escaping. These are also the structure types that can be prohibited by local governments.

Due to the economic opportunities that may be derived from cannabis industries, Council may wish to consider allowing cannabis production within concrete structures. The employment opportunities provided by cannabis production exist for a range of skill sets, from entry level to highly skilled

¹ https://www2.gov.bc.ca/assets/gov/environment/waste-management/industrial-waste/industrial-waste/cannabis-production/cannabis_bacts_report.pdf

specialists in plant science and construction technology. In addition, regardless of where they are located in the community, these industries are assessed as industrial and are taxed at an industrial rate for property tax purposes.

This process could proceed incrementally. To start, Council may wish to consider allowing controlled environment structures for micro-producers, limited to less than 200 m², as these are the least likely to have negative neighbourhood impacts if appropriately designed. A facility of this size would have minimal water use requirements, roughly the same as a single human being. For this reason, these uses could be considered for properties served by well. This option would give personal use and designated growers a path towards legitimate commercial cannabis production.

The location of personal use and designated grower facilities is not well known, but it is possible that they may already be operating in low impact structures that comply with best management practices. As the structures involved are small, they also offer farm producers an option to diversify their agricultural output. In order to minimize the footprint on agricultural lands, the recommended setbacks for these structures would be less than those currently referenced in the bylaw.

The siting of smaller scale processing facilities within industrial land could be considered. Council expressed concern that these operations might expand without requiring municipal approval. Under current federal licensing, such a use could not expand without first being granted a separate license, to standard cultivation or processing. A further option to contain the size of the operation would be through the requirement for a restrictive covenant limiting building size, made as a condition of issuance of a building permit.

This incremental approach does not initially recognize the full range of Federal License classes. Expansion of these Zoning Bylaw provisions to more fully reflect this range could occur at a later date, upon review of the success of this process, possibly as site specific amendments.

5. Industrial versus Agricultural lands for cannabis production: tax implications

In October, 2018, the Government of British Columbia amended the Classification of Land as a Farm Regulation (B.C. Reg. 411/95), as per the Assessment Act, to exclude the production of cannabis and cannabis products from qualifying for farm classification for property assessment and property taxation purposes. Cannabis facilities and production do not therefore qualify for farm classification effective for the 2019 Assessment Roll. The current Tantalus site is split classified residential and light industrial.

Although there is no indication that this regulation will be reversed and give farm class status to cannabis production in the future, the revised federal license categories now make a clear distinction between cannabis production and other related uses such as processing or packaging. It is possible that this Assessment Act decision could be challenged as this industry matures, especially given that other provincial agencies recognize cannabis production as a farm use.

BC Assessment places property in one or more of nine classes, based on the uses present at the time of assessment. Municipal zoning does not determine property class, and properties outside of the Agricultural Land Reserve or without agricultural zoning can qualify for farm status. For this reason, the use of industrial land for cannabis production could undermine the industrial tax base, should this BC Assessment Act decision be reversed. A reversal in assessments could allow cannabis production facilities located on industrial properties to claim farm class for property tax purposes.

Other Federal license categories (processing, sales, testing, and research) could be located within industrial land and would be assessed as light industrial.

TO: His Worship Mayor Michael Morden
and Members of Council

MEETING DATE: June 22, 2021
FILE NO: 11-5460-06-20

FROM: Chief Administrative Officer

MEETING: Workshop

SUBJECT: Transportation Issues – Intersection Safety & Traffic Calming Policy

EXECUTIVE SUMMARY:

The City of Maple Ridge is one of the fastest growing municipalities in Metro Vancouver. As the municipality continues to grow, new stresses are placed on the road network throughout the City. In response to the ongoing growth in Maple Ridge, Council has requested information on how the City addresses neighbourhood traffic calming requests, intersection and road safety as well as how transportation capital projects are identified, prioritized and implemented.

Neighbourhood traffic calming initiatives are guided by Council Policy 9.07, originally developed in 2004 with substantive revisions in 2012 and 2019. The current process includes significant input from residents and consists of four phases. The City receives approximately 90 inquiries for traffic calming each year although a significant number do not proceed past the initial stage due to a lack of neighbourhood support.

Intersection safety is addressed through localized intersection reviews that occur throughout the year. Intersection reviews consist of two levels of assessment, the first level of assessment includes a review of available data, site assessments and understanding of history at the location. The second level of review is a formal assessment in accordance with national and or, provincial design standards and guidelines completed by transportation engineers.

Capital project planning, prioritization and implementation is an ongoing process. Projects are identified from a large number of sources, including Business Planning, strategic planning processes, area plans, feedback from residents, businesses and third-party organizations. The alignment of capital projects in the Financial Plan recognize Council strategic priorities dependency on external coordination as well as availability of funding sources. Dependent on the level of complexity, projects can be phased over several years for property acquisition, stakeholder engagement, design, grant funding agreements, coordination with other civil works and construction.

RECOMMENDATION:

This report is submitted for information.

DISCUSSION:

a) Background Context:

Council has expressed an interest in receiving additional information on several transportation matters in relation to how residents request, and staff address requests for:

- 1) Traffic Calming
- 2) Intersection Safety
- 3) Transportation Project Identification, Prioritization and Implementation

Item 1 - Traffic Calming

Successful traffic calming initiatives are planning processes that the neighbourhood becomes invested in, that helps confirm levels of concern for transportation issues. The tendency is to jump straight to engineering, or physical solutions but the process is really three-fold; the first step is education, the second is enforcement and only then does the process move to the development of a physical installation to address concerns with vehicle speeds and traffic volumes. Neighbourhood residents are involved in the development of the traffic calming plan with staff and engineering consultants to consider physical traffic calming measures in accordance with engineering standards to reduce travel speeds and shortcutting. Traffic calming is intended to address concerns on neighbourhood roads, specifically minor collectors and local streets.

The City's Traffic Calming Policy 9.07 (Policy) is based on national engineering standards and guidelines with a goal to improve safety and neighborhood livability based on technical analysis and expertise. The Policy was created in 2004 and has been periodically updated. The Policy was first updated in 2012 to improve the ability to address shortcutting issues with a minor update in 2017 to engage residents earlier in the process. The most recent Policy update occurred in 2019 following the release of the Transportation Association of Canada *Guide for Traffic Calming 2nd Edition*. Changes in 2019 helped simplify the process for residents and staff with updated treatment options for traffic calming features and revised assessment criteria based on national best practices.

As noted in the Policy Document (Appendix A), the City follows a four-phase process for traffic calming. A brief overview of this process is summarized below:

Phase 1 – Initiation: The first phase is designed to determine neighbourhood interest in exploring the need for traffic calming if a resident submits a concern to the City. A letter is sent to impacted residents to determine a measure of support for undertaking a traffic calming initiative.

Phase 2 – Assessment: If there is sufficient community interest in examining the need for traffic calming, data is collected to confirm if a traffic calming plan is in fact an appropriate step to address resident concerns.

Phase 3 – Prioritization: Areas that have progressed through the first two phases are assessed to determine areas with the highest need and interest for traffic calming plans. This ensures that the City effectively uses the resources allocated to traffic calming plan development and implementation.

Phase 4 – Traffic Calming Plan Development & Approval: In the final phase, staff and the neighbourhood work together to develop a traffic calming plan. The traffic calming plan is then presented to the impacted community members for a measure of support.

The City's Financial Plan includes a small annual budget for traffic calming projects, but for larger scale projects a specific funding request is submitted for approval as part of the Financial Plan deliberations.

The City responds to a significant number of requests for traffic calming initiatives each year. The number of projects moving to construction is small in comparison to the number of requests, but those that do, enjoy significant support in the neighbourhood.

In 2020, due to the pandemic there was a pause on engagement for traffic calming initiatives for several months. In response, the City is working to reduce the backlog of requests by increasing the number of requests underway at any one time.

Examples of completed traffic calming projects include:

- 124 Avenue (Shady Lane) between Laity Street and 216 Street
- 123 Avenue (final improvements in design for 2022 construction)
- River Road
- 132 Avenue

Item 2 - Intersection Safety

The City utilizes national design standards and guidelines when assessing intersection and road safety. These standards and guidelines are used by other municipalities and the provinces to establish clear expectations for all road users across Canada, regardless of location.

The Transportation Section assesses intersection and road safety on an ongoing basis. The City undertakes annual intersection evaluations at multiple locations across the municipality and will also assess intersections based on feedback received from residents, businesses, and third-party organizations. Intersections are also assessed through Traffic Impact Assessments in support of development as well as larger studies commissioned by the City.

When evaluating a location, the first level of assessment involves a preliminary evaluation based upon a site visit, review of corporate history, sightline assessments, ICBC accident data, turning movement data, speed and traffic volume data.

If the initial evaluation identifies a need for an upgrade to the existing traffic control, a second, more detailed level of assessment is undertaken. The second level involves a formal study that will include additional data collection for review and evaluation by transportation engineers. Approximately 20 to 30 formal studies are completed in Maple Ridge every year. Minor traffic control modification upgrades may be included in existing annual program funding but larger projects such as traffic signals will be considered in the Financial Plan deliberations.

Item 3 - Transportation Project Identification, Prioritization and Implementation

The City implements transportation projects to manage growth, improve safety and livability as well as movement of people and goods.

Transportation projects are identified through a number of strategic and operational input, including:

- Strategic Transportation Plan
- OCP amendments, rezoning and development
- Council direction
- Changing regulations
- Safety concerns raised
- Industry advancements
- Intersection Safety Assessments
- Traffic Calming Initiatives
- Local Area Services
- Corridor Management Reviews

The timing of projects identified through any of the input noted above are evaluated relative to safety, Council's Strategic Plan and direction within the annual Business Plan. Projects are also scheduled in consideration of other civil works to ensure that improvements are integrated and undertaken in a cost-effective and timely manner.

Dependent on the level of complexity, projects can be phased over several years for property acquisition, engagement, design, grant funding agreements, coordination with other civil works and construction.

Upon the development of scope and construction estimates, the project funding can be realized through multiple sources including, but not limited to grants, general revenue, annual programs, development cost-charges, reserves and Local Area Services.

b) Strategic Alignment:

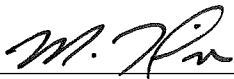
Traffic calming and transportation projects closely relate to Community Safety and Growth. Improvements to intersections balance the needs of the growing population while making systematic investments that ensure intersection treatments protect residents with consistent applications that are easily understood by all road users.

c) Citizen/Customer Implications:

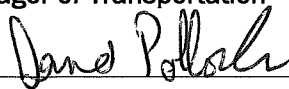
Staff will continue to engage with residents to understand their concerns and develop appropriate responses based on policies, best engineering practices and Council support when required.

CONCLUSION:

The transportation network impacts all residents of Maple Ridge. The City endeavours to balance the needs of all road users with a safe and reliable system that is consistent with treatments across Canada. To manage the system, staff utilize best practices and regularly update transportation policies and master plans to help balancing the needs of safety, mode choice, inter-regional travel and neighbourhood liveability.




Prepared by: **Mark Halpin, BA, PMP**
Manager of Transportation



Approved by: **David Pollock, PEng.**
General Manager Engineering Services



 Concurrence: **Al Horsman**
Chief Administrative Officer

Attachments:

(A) Traffic Calming Policy – 2019 Update (Detailed Process Document)



MAPLE RIDGE
BRITISH COLUMBIA

Traffic Calming Policy

2019 Update *(Detailed Process Document)*

Prepared by: Urban Systems

Table of Contents

1. Introduction.....	1
2. Traffic Calming Guidelines	2
2.1 Goals and Objectives.....	2
2.2 Guiding Principles	3
3. Process.....	5
3.1 Phase 1: Initiation	6
3.2 Phase 2: Assessment.....	7
3.3 Phase 3: Prioritization	9
3.4 Phase 4: Traffic Calming Plan Development & Approval.....	10
4. Treatments	13
5. Implementation and Monitoring	14
5.1 Funding	14
5.2 Optional Phasing.....	14
5.3 Monitoring	14
Appendix A: Neighbourhood Transportation Request Form.....	16
Appendix B: Guide to Applying Traffic Calming Measures	18

1. Introduction

This *Traffic Calming Policy Update* (the “Policy”) will provide guidance for the City of Maple Ridge (the “City”) in the development of traffic calming plans. This detailed policy process document builds off the Traffic Calming Policy developed in 2012 (Policy 9.07) and has been updated to reflect the 2018 update to the *Canadian Guide to Traffic Calming* prepared by the Transportation Association of Canada (TAC). Traffic calming is a term that describes both a planning process and physical measures used to address concerns with the travel speed and traffic volumes. Traffic calming measures are designed and implemented to reduce neighbourhood travel speeds and shortcutting traffic volumes so that they align with the context of the roads intended use.

Although traffic calming plans are one of the tools that can be used to address traffic speeds and volume issues that have been identified by residents, not all traffic issues are suitable to be addressed by traffic calming plans. In many cases, safety concerns associated with neighbourhood traffic may be addressed through local treatments for pedestrians and cyclists such as improved street lighting or crosswalks (that may or may not include traffic calming measures). In some instances, traffic calming measures may be used to address an isolated traffic concern without considering a broader street or area-wide plan. For example, steps may be taken to address pedestrian safety near schools that can be site specific. In all cases, however, the measures should not be overly restrictive on the movement of people or affect the intended street function and classification.

This updated Policy provides the City with a simplified process to follow in the development of traffic calming plans to address identified neighbourhood transportation issues. The Policy outlines a four-step process to determine if a traffic calming plan is needed and, how to go about developing and implementing that plan. The four steps outlined within the Policy are: **Initiation; Assessment; Prioritization; and Plan Development.**

This policy includes the following chapters:

- **Chapter 1: Introduction** introduces the policy and the rationale for updating the *Traffic Calming Policy*.
- **Chapter 2: Traffic Calming Guidelines** outlines the recommended guidelines for developing traffic calming plans in Maple Ridge, including a description of the overarching goals and objectives; and identification of key guiding principles for traffic calming plans.
- **Chapter 3: Traffic Calming Plan Process** presents the four-step process for the development of a traffic calming plan, which consists of: an initiation step to determine if the community supports traffic calming; an assessment step to determine if the traffic issue warrants a plan; a prioritization step to determine how high of a priority the plan is in development and implementation; and finally the plan development step that outlines how to develop a traffic calming plan.
- **Chapter 4: Treatments** highlights the preferred traffic calming treatments and what applications they are best suited to.
- **Chapter 5: Implementation and Monitoring** outlines an effective implementation program that allows for trial and/or phased implementation (where necessary); provides for permanent measures to be installed in a timely manner; and includes ongoing monitoring to confirm that the measures are working as intended and addressing local transportation concerns.

2. Traffic Calming Guidelines

This section outlines the recommended guidelines for developing traffic calming plans in Maple Ridge including a description of the goals and objectives of traffic calming plans and a summary of the recommended process for developing traffic calming plans.

2.1 Goals and Objectives

The two primary goals of traffic calming plans are to:

1. **Improve safety.** Traffic calming can make minor collector and local streets safer for everyone, including all road users – pedestrians, cyclists, motorists, and others – by reducing the potential and lessening the consequences of conflicts between road users.
2. **Preserve neighbourhood liveability.** Traffic calming can help to preserve and enhance the liveability of a neighbourhood by minimizing the negative impacts of shortcutting or speeding traffic. Attractively designed and landscaped measures can also enhance the streetscape, and as a result, enhancing liveability.

Traffic calming plans normally achieve these goals by accomplishing one or both of the following objectives:

1. **Reducing speed.** When most traffic on a road is travelling faster than the designated speed limit, it can negatively impact both liveability and safety.
2. **Reducing volume.** Local roads are intended to serve the residents and businesses along that roadway. Minor collector roads are intended to provide access to local roads. Both types of road are designed to operate best when traffic volumes are under a certain threshold. When traffic that is not destined locally utilizes local or minor collector roads, the traffic volume may be higher than what is generally intended for that roadway type. This can result in congestion, noise, and other neighbourhood transportation issues.



2.2 Guiding Principles

In addition to the goals and objectives described above, the City's *Traffic Calming Policy* is governed by a number of guiding principles. It is also important to understand that public resources are limited. Responsible use of the municipality's financial resources requires a methodical and consistent approach to assessment and prioritization. The guiding principles acknowledge this need.

Key guiding principles for developing traffic calming plans in Maple Ridge are:

- *Traffic calming plans are suitable for neighbourhood streets that include minor collector and local roads.* Traffic calming plans are smaller scale studies with a toolbox of measures for implementation. Arterial roads and major collectors have more complex travel dynamics and are intended to serve a different purpose. Individual traffic calming measures may be suitable for arterial and major collectors as part of a larger strategy, but a traffic calming plan is not an appropriate approach to address challenges on these roadway types.
- *Traffic calming measures are not a universal solution to all neighbourhood transportation problems.* The *Traffic Calming Policy* and associated plans are only one tool for addressing a specific range of neighbourhood transportation issues. There are other policies and plan types to address more complex issues.
- *Identify the real problem.* Often there is a vast difference between the *perceived* problem and the *actual* neighbourhood traffic issues. It is important to have real data to objectively quantify the problem and to develop the right solutions.
- *Involve the community and help build public support.* Residents, business owners, and others who live and work in a community should be involved in identifying the need for traffic calming. Their input can be key in identifying problems and selecting appropriate solutions.
- *Address issues on neighbouring arterial and major collector roadways first.* Often, traffic problems within neighbourhoods, such as shortcutting, can be related to operational issues on the major roads. The City should attempt to address neighbourhood traffic issues by first improving traffic operations on arterial and major collector roads to encourage appropriate use of the road network.
- *Consider spillover effects.* In many instances, measures that address a problem in one location can lead to problems on other streets. It is important that these potential spillover effects are recognized and that potential mitigation measures are considered.
- *Preserve reasonable access and egress.* Traffic calming measures that restrict access or egress are not typically supported by residents and emergency services and should be avoided wherever possible. This will also preserve the function of the street as intended through the planning and design of the community.

- **Use self-enforcing measures.** Generally, measures that force drivers to slow down or alter their behaviour are preferred to those measures that need enforcement to be effective, such as signage.
- **Maintain unimpeded access for non-motorized traffic.** Traffic calming measures should be designed to permit cyclists and pedestrians to travel unaffected, while requiring motorized vehicles to slow down.
- **Monitor and follow-up.** Traffic data collected during the problem definition phase should be compared to data collected after implementation of traffic calming to confirm the effectiveness of the program and as input to future initiatives.



3. Process

The City follows a four-phase process to determine if a traffic calming plan is needed and, if so, when and how to develop and implement the plan.

Phase 1 – Initiation: The first phase is designed to determine community interest in exploring the need for traffic calming once residents' concerns have been submitted to the City.

Phase 2 – Assessment: Assuming there is community interest in examining the need for traffic calming, data will be collected to validate the concerns and to confirm that a traffic calming plan is in fact an appropriate step to address resident concerns.

Phase 3 – Prioritization: Areas that have progressed through the first two phases will be assessed to determine areas with the highest need and interest for traffic calming plans, ensuring that the City effectively uses the resources allocated to traffic calming plan development and implementation.

Phase 4 – Traffic Calming Plan Development & Approval: The final phase is when the traffic calming plan is developed and presented to the impacted community members.

Figure 1 highlights the four phases outlined in the traffic calming plan process as well as each of the subsequent steps required to progress from a traffic concern received from a resident to an implemented traffic calming plan.

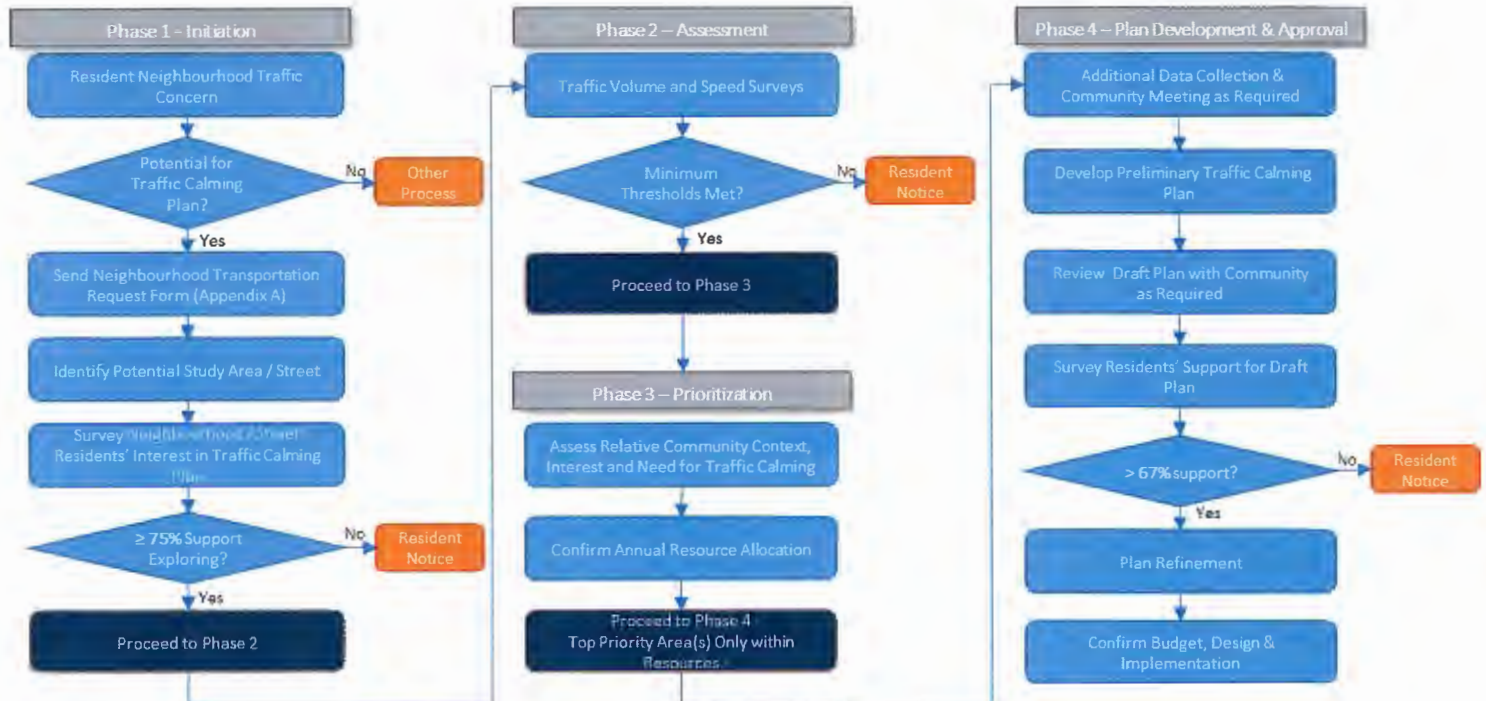


Figure 1: Traffic Calming Policy Process

3.1 Phase 1: Initiation

The first phase in the traffic calming plan development process for the City is the initiation phase. Figure 2 outlines Phase 1: Initiation.

Step 1 – Resident Neighbourhood Traffic Concern

The traffic calming plan process is initiated by a resident submitting a transportation concern on a local road, minor collector road, or laneway that is suitable for traffic calming. The resident concern form is included in **Appendix A**. If the transportation concern requesting traffic calming is for a location that is not suitable for a traffic calming plan the City will inform the resident and explore if other transportation safety or planning studies, such as spot improvements or a corridor study, would be suitable.

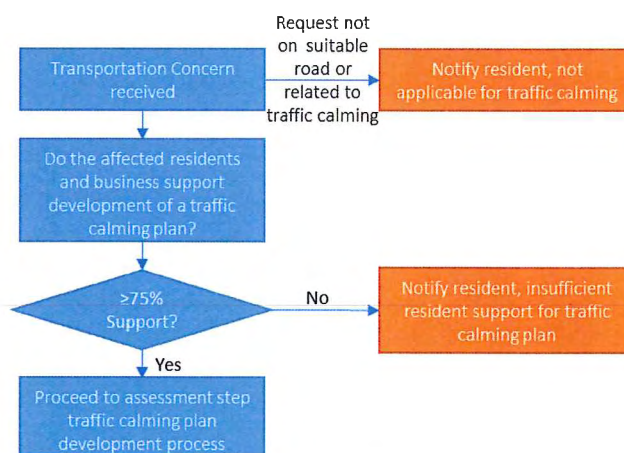


Figure 2: Traffic Calming Initiation Phase

Step 2 - Confirm Potential for Traffic Calming Plan

After a transportation concern that is suitable for a traffic calming plan has been received, the City will identify a potential study area or street based off the location and extent of the concern received.

Step 3 – Identify Potential Study Area / Street

Once a study area has been established a mail out survey will be sent to all directly affected home and business owners to gauge their interest in traffic calming on their street or within their neighbourhood.

Step 4 – Mail Out Survey to Affected Home and Business Owners

To proceed to the next phase of the process a minimum 75% of the home and business owners fronting the location of concern or who have sole access through the location of concern, are required to support proceeding with the next steps of the traffic calming process. The 75% support is a threshold that is used to ensure that only projects with adequate local support are pursued.

Step 5 – Proceed to Phase 2

When 75% of residents respond in support of proceeding with the traffic calming process the City is to continue onto Phase 2 – Assessment.

3.2 Phase 2: Assessment

If it has been confirmed that the transportation concerns are at a suitable location for a traffic calming plan and the home and business owners at the location of concern support proceeding with the traffic calming process, the City will move to the next phase in the *Policy*. The assessment phase is essential to ensure that public funds are spent in the most effective way. In this phase, the issue is assessed to determine if a traffic calming plan is warranted.



Step 1 – Collect Speed and Volume Data

The City will collect speed and traffic volume data at key locations around the area of concern. A traffic calming plan is warranted when the following speed threshold is met.

Speeding: 85th percentile speed is greater than the posted speed limit by 10 km/h or more.

Other considerations when determining if a traffic calming plan is warranted should include:

Traffic Volume

- **Minor Collector roads:** Average weekday or weekend traffic volume exceeds 3,000 vehicles per day.
- **Local roads:** Average weekday or weekend traffic volume exceeds 1,000 vehicles per day.
- **Lanes:** Average weekday or weekend traffic volume exceeds 300 vehicles per day.

Shortcutting Traffic

- A traffic calming plan may still be suitable if shortcutting traffic is perceived as a problem and the traffic speed threshold is not met. If this occurs an additional vehicle origin / destination survey is required to confirm that significant shortcutting is occurring and that a traffic calming plan should be pursued.

Step 2 – Confirm Speed and/or Volume Threshold Met

When motor vehicle speed in the area of concern exceeds the threshold above the process should continue to the prioritization phase. City engineering staff should use their engineering judgement to determine if a location proceeds to the prioritization phase when the speed threshold is not met but significant shortcutting traffic is observed. At locations where the speed threshold is not met, but the 85th percentile speed is still higher than the posted limit, City engineering staff may install temporary speed reader boards, provide educational signage, request the speed watch group, or RCMP to enforce the subject road.

Locations that do not meet any of the criteria should be removed from the list of locations considered for traffic calming plans and it is recommended that the area not be reassessed for at least four years; unless significant changes occur in the area, such as major development, which changes the traffic conditions.



3.3 Phase 3: Prioritization

In some cases, the City may have multiple locations that pass the assessment and qualify for a traffic calming plan. Recognizing that budgets to develop and implement traffic calming plans are limited, the City must prioritize studies and investments in order to make the best use of public funds. The development of traffic calming plans will be prioritized based on traffic data, road and land use characteristics, and the level of public support.

Step 1 – Assess Relative Community Context, Interest, and Need for Traffic Calming

When determining which projects to prioritize specific considerations in each of the three categories include:

1. **Traffic Data** – Consider the magnitude of which the speed and volume thresholds were exceeded, additionally locations with a history of collisions should be prioritized above locations without any collisions.
2. **Road and Land Use Characteristics** – Consider the adjacent land use with a preference given to locations that are likely to generate a high number of vulnerable road users such as people walking, biking, children, and elderly people. Additionally, locations along roadways that are designated as bike routes, transit routes, or pedestrian areas in the *Strategic Transportation Plan* should be prioritized above locations that are not designated.
3. **Public Support** – The level of public support and number of transportation concerns received for a specific location provide insight into the likelihood of the residents and business owners supporting the traffic calming treatments proposed in a traffic calming plan. This is essential in ensuring that the traffic calming plans that are developed have adequate community support to allow the City to implement what is developed in the plan.

Step 2 – Confirm Resource Allocation and Proceed with Priority Locations

Based off the available resources and prioritization of areas City staff should only proceed with the top priority areas to the plan development phase, ensuring existing and planned resources will allow traffic calming plans to be developed and implemented in a timely manner. Locations that have proceeded to the prioritization phase of the traffic calming plan process should remain on a list of future projects to be completed as resources become available.

3.4 Phase 4: Traffic Calming Plan Development & Approval

The development of the traffic calming plan is the final step in the process. When a location of concern has progressed through each of the three prior steps the City should develop a traffic calming plan for the location. Typically, the City will work with a consultant to develop a traffic calming plan, but the following plan development process should be followed.

The simplified process to progress a traffic issue from the assessment step through to the adoption of a traffic calming plan is outlined in Figure 3.

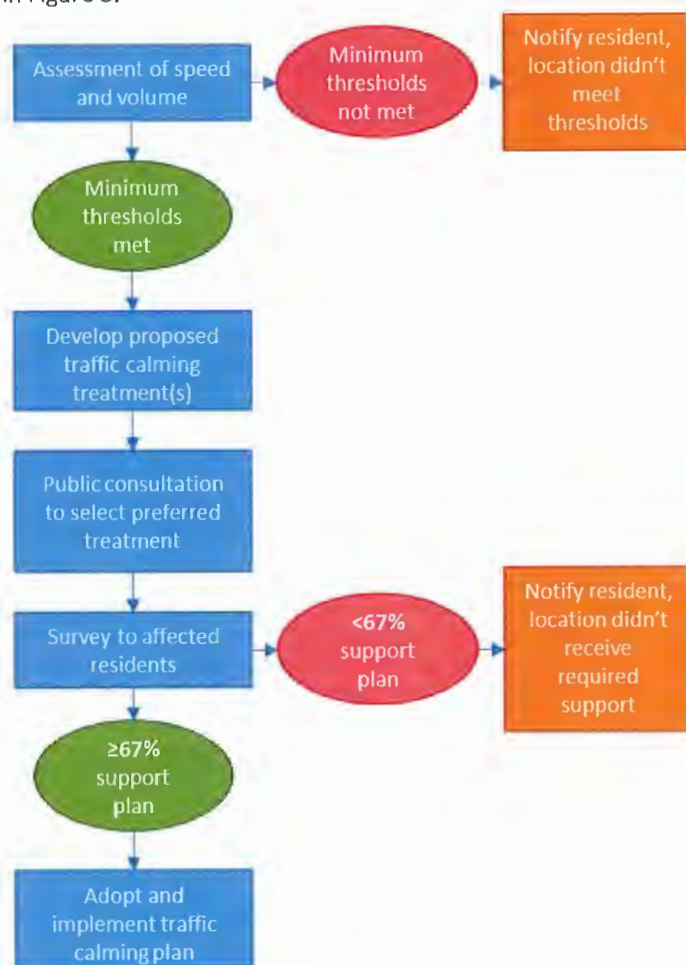


Figure 3: Traffic Calming Plan Development

Step 1 – Community Meeting and Additional Data Collection

City Staff will review the number and type of complaints, the complexity of the issues, and the potential impacts on surrounding streets to confirm the boundaries of the study area. The size of the study and the types of roads included will determine the scale of the traffic calming plan required as well as the type of public engagement best suited to the project.

After developing an understanding of issues through discussions with stakeholders and community representatives (as required) and through observations of the neighbourhood, additional data needs may be identified. The City may collect additional transportation data to confirm the type and extent of issues to aid in the development of solutions. For example, this could include additional traffic volume and speed counts and/or origin / destination surveys to gain a better understanding of the shortcutting traffic volume.

Step 2 – Develop Draft Traffic Calming Plan

The study area will be examined to determine the best combination and location of measures to be included in the draft traffic calming plan. The benefits and potential impacts associated with each measure will be identified. Depending on the complexity of the traffic issues and size of the study area draft traffic calming plans will be developed either with multiple possible traffic calming treatment options or a single recommended traffic calming plan. **Section 4.0** outlines the preferred traffic calming treatments to be consider in Maple Ridge traffic calming plans from the extensive list of possible treatments in the *TAC Canadian Guide to Traffic Calming* (2018).

Step 3 – Review Draft Plan with Community

The type of consultation can vary from an open house format to a mail out questionnaire. For draft traffic calming plans that are more complex and have multiple options developed for public consultation an additional step is required to seek feedback from residents and business owners in the study area of their preferred treatment option. The type of public consultation that is best suited to each plan should consider the impact of the proposed changes as well as the complexity of the designs, ensuring that all residents that are engaged are able to make an informed decision.

Step 4 – Mail Out Survey to Confirm Residents' Support for Draft Plan

Once the draft traffic calming plan has been finalized a mail out survey needs to be delivered to each impacted home and business owner asking for their input on whether they support the proposed traffic calming plan. The City should look to receive support for the proposed traffic calming plan from 67% of impacted residents who received the mail out survey. If this threshold is not met the City should consider waiting to implement the traffic calming plan and notify residents that it may be reconsidered in the future.

Step 5 – Plan Refinement

Once a draft traffic calming plan has received the required community support any final refinements should be completed.

Step 6 – Confirm Budget, Design and Implementation

After the final traffic calming plan has been finalized all design and budget details are to be confirmed and the design is ready to be implemented.



4. Treatments

The following traffic calming measures have been selected from the second edition of the *Canadian Guide to Traffic Calming* (2018) prepared by TAC, which provides a comprehensive list of over 40 measures successfully used across Canada. Each measure has impacts and benefits and different measures are appropriate for different conditions. Based on the local context, not all measures can or should be applied in the City. The following table identifies which measures are most appropriate for the different road types suitable for traffic calming plans in Maple Ridge. A traffic calming plan for a given neighbourhood may use a combination of measures. Not all measures identified for a road type in the table below will be suitable for every traffic calming plan in the City, each traffic calming plan will be designed to respond to the local issues and conditions.

More information about the use of these measures as well as additional measures that may be considered can be found in the *TAC Canadian Guide to Traffic Calming*. See **Appendix B** for a brief summary of some of the potential benefits and potential disbenefits for each of the selected treatments.

Table 1. Traffic Calming Measures

	Traffic Calming Measure	Minor Collector	Local	Lanes
Vertical	Raised Crosswalk	✓	✓	
	Raised Intersection	✓	✓	
	Sidewalk Extension	✓	✓	
	Speed Hump		✓	✓
	Textured Crosswalk	✓	✓	
	Speed Cushion		✓	✓
Horizontal	Chicane (one lane)		✓	
	Curb Radius Reduction	✓	✓	
	On-Street Parking	✓	✓	
	Raised Median Island	✓	✓	
	Traffic Circle	✓	✓	
	Gateway Median	✓	✓	
Access Restriction	Curb Extension	✓	✓	*
	Road Narrowing / Road Diets	✓	✓	
	Raised Median Island	✓	✓	
	Vertical Centreline Treatment	✓		
	Directional Closure		✓	
	Diverter		✓	
	Full Closure		✓	
	Intersection Channelization		✓	
	Raised Median Through Intersection	✓	✓	
	Right-in / Right-out Island		✓	

*Curb extensions may be suitable at the entry to a lane where a large curb radius exists.

5. Implementation and Monitoring

Effective implementation is the key to an ongoing, successful traffic calming program. The process and plan development stages do not resolve neighbourhood transportation concerns if the measures are not implemented with the intended effects. Effective implementation means that traffic calming measures are well designed and work as intended. An effective implementation program allows for trial and/or phased implementation where necessary, provides for permanent measures to be installed in a timely manner, and includes ongoing monitoring to confirm that the measures are working as intended and addressing local transportation concerns.

5.1 Funding

The design step will result in engineering designs and cost estimates for implementation. If a trial implementation is desirable, the cost estimates will include both the cost of the trial and the cost of the final implementation. Based on these cost estimates, the City will identify a source of funds. Funds may come from a combination of two municipal sources:

1. **Existing Budget:** The City currently has an existing budget allotment for traffic calming or neighbourhood street improvements that can cover the cost of the implementation.
2. **Council Approval:** For larger cost measures and instances where there is no available budget to implement the plan, City Staff may go to Council to request additional funds.

5.2 Optional Phasing

Ideally, the entire plan should be installed at the same time; however, sometimes budget, timing, or other constraints make this impossible. In these cases, implementation may be phased. If implementation is phased, priority should be assigned to individual measures as follows:

1. **Safety improvements** should be given priority. These might include measures to reduce vehicle speeds and conflicts at intersections, as well as measures that improve safety for cyclists and pedestrians.
2. **Low cost measures** are the next priority. Generally, it is preferable to implement several low-cost measures rather than one higher cost measure. Low-cost measures might include signage, pavement markings, speed humps, and crosswalks.

Note that, if possible, measures should be implemented in groups to avoid unintended effects that might result from the implementation of a single measure. One example of this is a group of measures planned for two parallel local roads. If the measures are only implemented on one road, traffic may divert to the other local road, where there are no existing traffic calming measures.

5.3 Monitoring

The City will continue to monitor the traffic calmed area for a few years following implementation of the traffic calming plan by collecting speed and volume data. Assessing this data will allow the City to understand the lasting effects of traffic calming in order to inform future planning in other neighbourhoods. For traffic calming plans that suggest a phased approach with different levels of treatments implemented as required, this monitoring will allow the City to confirm when the volumes and speeds have returned to an acceptable level.



Appendix A:

Neighbourhood Transportation Request Form

Neighbourhood Transportation Concern Form

Thank you for providing information about transportation concerns in your neighbourhood. This form will allow us to officially enter your concern in our records as part of the Traffic Calming Policy.

We ask that all residents and business members reporting transportation concerns read the City of Maple Ridge Traffic Calming Policy. It will help you understand the process the City follows when addressing concerns and whether a Traffic Calming Plan may lead to an appropriate solution to your concerns.

The Traffic Calming Policy can be downloaded here: <http://www.mapleridge.ca>. A hard copy can be obtained at the Municipal Office.

1. Are your concerns related to the travel behaviour of your neighbours (i.e. speeding, unsafe driving, etc.)?

YES

NO

Note: The Neighbourhood Transportation Concern Form is collected by the engineering department. The form will be logged and may lead to further study; however, the focus of these studies are engineering and planning activities. If you are concerned with your neighbour's driving behaviour, you may wish to consider having a neighbourhood meeting or informal discussions with your neighbours about traffic safety.

The City will liaise with the Ridge Meadows RCMP about these types of traffic concerns.

2. Where is your concern? Please be as specific as possible – identify street names with start and end points, specific locations, and other details. If possible, attach a map with locations marked.

3. Does the problem occur during specific times of day? If yes, what times?

YES

NO

4. Does the problem occur during specific days of the week? If yes, what days?

YES

NO

5. Does your concern relate to one of the following issues?

Issue		Yes	No
1.	Traffic speed		
2.	Traffic volumes		
3.	Shortcutting		
4.	Transit service		
5.	Access to a local school or other community building		
6.	Ability to walk safely in your neighbourhood		
7.	Ability to cycle safely in your neighbourhood		
8.	Traffic congestion		
9.	Signal operation		
10.	Road and / or roadside maintenance		
11.	Maintenance of signs		
12.	Other:		

If you answered yes to one or more of questions 4 through 12, a Traffic Calming Plan may not be the best approach for your issue. The City will review your concern but may decide that another approach would be better.

6. Please include a short paragraph describing your neighbourhood transportation concern:

7. What types of solutions do you think might address your concerns?

Thank you for completing the request form. If you would like to receive communication in the future from the City about transportation issues in your neighbourhood, please provide the following information

Name:	
Address:	
Email address:	Phone number:

Appendix B:

Guide to Applying Traffic Calming Measures

The following measures were selected from the second edition of the *TAC Canadian Guide to Neighbourhood Traffic Calming* (2018) (the “Canadian Guide”). The *Canadian Guide* has additional measures that may be considered as well as more complete information about each measure. Each measure has positive and negative impacts and can be appropriate for different applications. A brief summary is provided here for reference.

The table below is from the *Canadian Guide* and shows which issues each traffic calming measure can be expected to help address.

Traffic Calming Measure		Potential Benefits			Potential Disbenefits		
		Speed Reduction	Volume Reduction	Conflict Reduction	Local Access	Emergency Response	Active Transportation
Vertical	Raised Crosswalk	●	○	◐	○	◐	◐
	Raised Intersection	◐	○	◐	○	◐	◐
	Sidewalk Extension	◐	○	◐	○	○	◐
	Speed Hump	●	◐	●	○	●	◐
	Textured Crosswalk	◐	○	◐	○	○	◐
	Speed Cushion	●	◐	●	○	◐	◐
Horizontal	Chicane (one lane)	●	●	●	○	◐	◐
	Curb Radius Reduction	◐	○	○	○	○	○
	On-Street Parking	◐	○	○	○	◐	◐
	Raised Median Island	◐	○	◐	○	○	○
	Traffic Circle	●	◐	●	○	◐	●
	Gateway Median	◐	○	○	○	○	○
Roadway Narrowing	Curb Extension	◐	○	○	○	○	◐
	Road Narrowing / Road Diets	●	◐	○	○	◐	◐
	Raised Median Island	◐	○	◐	◐	○	○
	Vertical Centreline Treatment	◐	○	○	○	○	○
Access Restriction	Directional Closure	●	●	◐	◐	◐	◐
	Diverter	○	●	◐	●	◐	◐
	Full Closure	○	●	●	●	●	◐
	Intersection Channelization	○	◐	◐	●	◐	○
	Raised Median Through Intersection	○	●	◐	●	◐	◐
	Right-in / Right-out Island	○	●	◐	◐	◐	◐
		● = Substantial Benefits ◐ = Minor Benefits ○ = No Benefit			● = Substantial Disbenefits ◐ = Minor Disbenefits ○ = No Disbenefit		



City of Maple Ridge

TO: His Worship Mayor Mike Morden
and Members of Council
FROM: Chief Administrative Officer
DATE: June 22, 2021
FILE NO: 01-0540-30-04
ATTN: Council Workshop
SUBJECT: Maple Ridge Business Improvement Area

EXECUTIVE SUMMARY:

In 2016 Council approved Bylaw No. 7251-2016 which re-established the Downtown Maple Ridge Business Improvement Association (DMRBIA) to collect a local area levy from commercial property owners in the defined area. The funds collected are turned over by the City to the DMRBIA to pay for its operations. The current DMRBIA mandate ends on December 31, 2021 and they have requested that Council endorse a new Bylaw to re-establish the DMRBIA for an additional five-year term, beginning January 1, 2022 and ending on December 31, 2026.

The DMRBIA contributes to creating a safe and vibrant Town Centre, one that is continuing to grow, diversify and thrive. Among other functions, the DMRBIA provides networking opportunities and access to marketing campaigns that help businesses succeed with a key goal of supporting positive change in the downtown core. The DMRBIA goal's align with Council's Strategic Plan, the City's Town Centre development objectives and the organization's collaborative endeavors support other city-led key strategic initiatives, such annual events and improving the safety of our core.

RECOMMENDATION:

That a Business Improvement Area program be undertaken, subject to petition against, for a five year term commencing January 1, 2022 to December 31, 2026.

DISCUSSION:

a) Background Context:

Town Centre

The Town Centre is the heart of Maple Ridge, with a population of approximately 12,700 persons with an estimated growth to more than 20,000 persons over the next 10 years. Along with the significant public investments in the Town Centre, the private sector has invested in numerous businesses that has created vibrancy and diversity in our community.

The Town Centre serves shopping and services requirements in our community and is developing a 'sense of place,' responding to the diverse needs of our citizens. All retail areas compete with other areas to attract shoppers and visitors, and successful locations differentiate themselves through the positive experiences they offer. The DMRBIA contributes to the success of the Town Centre by delivering proactive marketing, festivals, security, beautification and business engagement initiatives, all aimed at bringing more customers to the Town Centre.

Downtown Maple Ridge Business Improvement Area (DMRBIA)

The DMRBIA was created in late 2006, and officially launched in the Spring of 2007. With a dedicated and active volunteer board, the DMRBIA and its staff work with the members to develop and manage programs designed to improve the business environment in the area.

It exists to encourage and promote business in the Town Centre area through various cooperative projects including festivals, events, safety, security, banners, street design and furniture, garbage receptacles, cleanup, graffiti prevention, street and walkway lighting, holiday decorations and other initiatives which aim to improve the Town Centre in general for the benefit of the DMRBIA members. The DMRBIA has about 1,000 members of which 700 are businesses and 300 are property owners. The BIA levy in 2021 was applied to 350 properties for a total of \$291,795.

The mandate of the DMRBIA was renewed through Bylaw No. 7251-2016. This Bylaw will be expiring on December 31, 2021. The Board of Directors of the DMRBIA requests an extension of their mandate for a further five-year term commencing January 1, 2022. To permit this, Council will have to adopt a new BIA Bylaw. The DMRBIA, will bring forward a five-year budget and strategic plan with measurable goals and reporting represented in the designated area which remains unchanged from the previous Bylaw. The goals of the DMRBIA will align with the goals of Council for the Town Centre area.

The DMRBIA administers a Town Centre security program to which the City makes an annual contribution of \$50,000. The DMRBIA also administers a \$25,000 contribution from the City for a façade improvement program as part of the Maple Ridge Town Centre Investment Incentive Program. Over the last 15 years, 116 projects exceeding \$6 million in downtown improvements have been completed as part of the façade improvement program. More recently, the DMRDIA has partnered with the City's Bylaw Department with the launch of the LOCTED grant program (lock out crime through environmental design).

The DMRBIA will continue to build on their past successes, and will partner with the City of Maple Ridge to continue to enhance the Town Centre. Some initiatives that are being planned include:

- Focus on Recovery, Resiliency and Rebuilding after COVID19
- Increased focus on animation and 'placemaking' in the downtown to highlight its vibrancy
- Enhanced safety and security
- Increased bike racks
- Continue to Coordinate with the City's Tourism program

BIA Bylaw Renewal Process

A BIA is established under the *Community Charter*. It is a local area service which acts as a self-help mechanism to assist local business and property owners in a designated area to upgrade and promote their businesses and district to further trade and commerce.

The DMRBIA has requested permission to initiate a process to extend their mandate (Appendix 1). It is recommended that the mandate for the DMRBIA be extended in the same manner it was in 2016. This would require that a new BIA Bylaw be prepared and endorsed by Council, subject to a "petition against process". In this process, a Bylaw is drafted identifying in general terms the services to be provided, the boundary of the local service area, an estimate of the costs and details of how the costs will be allocated amongst the property owners.

After the Bylaw receives first reading, notice is published and mailed to all property owners in the area giving thirty (30) days to petition against the local area service. To be successful, the petition must be signed by at least 50% percent of the owners representing 50% of the assessed value of

the land and improvements subject to the local service tax. If no valid petition is received then the Bylaw can proceed through the remaining readings.

b) Desired Outcome

Significant public and private investment has been made in the Town Centre. The Town Centre is beginning to develop a 'sense of place' which is attractive to our citizens fulfilling their shopping, service and recreational needs. The DMRBIA will help support the further development of the Town Centre, engaging property owners and businesses to attract more customers to the Town Centre.

c) Business Plan / Financial Implications

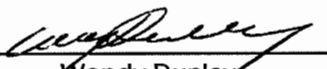
The City currently assesses a levy against commercial property owners in the DMRBIA area. These funds are turned over to the DMRBIA to help carry out its programs. In 2021, the DMRBIA levy was \$291,795. In addition, the City partnered with the DMRBIA for security patrols for which the City contributed \$50,000 in 2020, and a façade improvement program as part of the Town Centre Investment program where the City contributed \$25,000 per year. Should Council wish to continue to pursue these initiatives, they can be considered independently of the renewal of the DMRBIA mandate and Bylaw approval process.

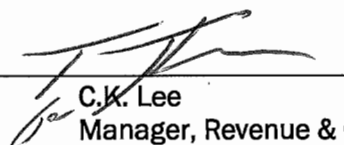
d) Alternatives

Council can choose to approve a lesser term for the DMRBIA or deny the request entirely.

CONCLUSION:

The Downtown Maple Ridge Business Improvement Area Bylaw No. 7251-2016 will expire on December 31, 2021. The DMRBIA Board of Directors has asked for a renewal of their mandate for a further five-year term which requires Council's endorsement of a new BIA Bylaw. The goals of the DMRBIA align with those of Council in relation to creating a vibrant economy in the Town Centre and supporting employment growth. It is therefore recommended that Council direct staff to initiate the processes to prepare the necessary Bylaw extending the mandate of the DMRBIA for a further five-year term.

Prepared by: 
Wendy Duplex
Director, Economic Development

Concurrence: 
C.K. Lee
Manager, Revenue & Collections

Concurrence: 
Stephanie Nichols
Corporate Officer

Concurrence: 
A. Horsman
Chief Administrative Officer

Attachments:

Appendix 1 – Request to initiate process



#34 - 22374 Lougheed Highway, Maple Ridge B.C. V2X 2T5
Phone 604-467-2420 / Fax 604-467-2421

Maple Ridge, March, 2021

City of Maple Ridge

Attention: Mayor Morden, Council Members and City staff

The Downtown Maple Ridge Business Improvement Association (DMRBIA), hereby wishes to initiate the continuation of the DMRBIA. We are looking for authorization from Mayor, Council and City staff to initiate a dialog process between all stakeholders to put in place a timeline and renewal process.

Bylaw # 7251 - 2016 expires December 31, 2021.

DMRBIA Board of Directors recommends renewing required Bylaw for an additional 5 years, starting January 1, 2022 and ending December 31, 2026.

A new 5 year Budget and Strategic Plan, which will align with the goals of Council for our downtown, will be put forward. The funding granted will be expended on planning and implementation of a business improvement scheme, which includes the following activities and expenditures:

- A) Marketing and Promotion
- B) Safety and Security
- C) Beautification and Revitalization, including Facade Improvement, graffiti, banners, etc.
- D) Festivals and other relevant promotional events

The DMRBIA grant will be covered by means of an already existing local service tax against all commercial properties in the BIA area.

We feel with a new five year mandate and strategic plan, aligned with the goals of Council for our downtown, the DMRBIA will continue to contribute significantly towards achieving Council's goal of a "vibrant local economy" in the Town Centre, supporting employment growth. It is therefore that DMRBIA is hereby requesting permission to initiate the renewal process.

We look forward to further discuss,

Sincerely,

Ineke Boekhorst

Executive Director Downtown Maple Ridge Business Improvement Association.

ExecutiveDirector@DowntownMapleRidge.ca

TO: His Worship Mayor Michael Morden
and Members of Council
FROM: Chief Administrative Officer
SUBJECT: UBCM Resolution 2020-NR6 – Independent Office of Integrity for Local Government

MEETING DATE: June 22, 2021
FILE NO: 01-0230-08
MEETING: Workshop

EXECUTIVE SUMMARY:

The Union of British Columbia Municipalities (“UBCM”) has referred the City’s 2020 UBCM resolution, [2020-NR6 – Independent Office of Integrity for Local Government] back to Council for resubmission to the 2021 UBCM Convention (Attachment A). The motion for consideration was submitted as follows:

WHEREAS the UBCM Working Group on Responsible Conduct (WGRC) has been working extensively to support local government initiatives to address less-than-responsible local government conduct by providing local government council and board members with a set of principles and general standards of conduct that can be used to develop their own Code of Conduct;

AND WHEREAS the WGRC continues to work on potential legislative change that focuses on the importance of councils and boards turning their minds to Codes of Conduct in a standardized and consistent manner;

THEREFORE BE IT RESOLVED that UBCM request the Provincial Government to establish an Independent Office of Integrity to serve the public, elected officials and local government officials in an advisory, educational and investigative role in the development, application and enforcement of Codes of Conduct.

RECOMMENDATION:

That resolution 2020-NR6 – Independent Office of Integrity for Local Government, previously submitted to UBCM in 2020, be resubmitted for debate at the 2021 UBCM Convention.

DISCUSSION:

1) Background Context

On March 2, 2021 Council was advised that resolution 2020-NR6 was referred to the Working Group on Responsible Conduct (Attachment B). In April 2021, the UBCM Working Group on Responsible Conduct in conjunction with the Local Government Management Association (“LGMA”), and the BC Ministry of Municipal Affairs published a resource guide (Attachment C) which is available at:

<https://www.ubcm.ca/assets/Resolutions~and~Policy/Policy/Governance/Working~Group~on~Responsible~Conduct/Forging%20the%20Path%20to%20Responsible%20Conduct.pdf>

In the letter dated May 28, 2021, UBCM's Executive states, "On further consideration, we believe that whether or not an Independent Office of Integrity should be created, while related to the underlying policy issue the Working Group is exploring, still requires political direction from local government leaders." The letter further explains that the UBCM Executive feel that motion 2020-NR6 would benefit from full member debate and have requested that Council resubmit the resolution as it stands or provide an amended resolution by June 30, 2021.

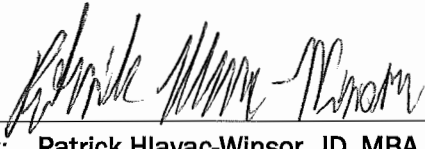
ALTERNATIVES:



Council may amend the 2020-NR6 resolution for submission to the 2021 UBCM Convention.

CONCLUSIONS:

Municipal Council resolutions presented for debate at the UBCM Convention can drive change in legislation and policy at the Federal and Provincial level.


Prepared by: **Stephanie Nichols**
Corporate Officer


Reviewed by: **Patrick Hlavac-Winsor, JD, MBA**
General Counsel and Executive Director, Legislative Services

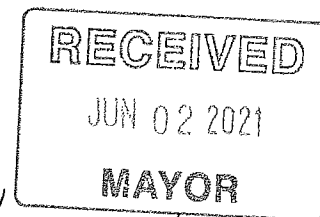

 Concurrence: **Al Horsman**
Chief Administrative Officer

Attachment A: UBCM letter dated May 28, 2021
Attachment B: UBCM letter dated March 2, 2021
Attachment C: Forging the Path to Responsible Conduct



May 28, 2021

Mayor Mike Morden
City of Maple Ridge
11995 Haney Place
Maple Ridge, BC V2X 6A9



Re: Resolution 2020-NR6 Referred to UBCM Executive

M&C ☒ CAO ☒ GM ☐
Other ☒ Corp officer

Dear Mayor Morden:

Action: _____

I am writing to let you know that UBCM's Executive has reconsidered the appropriate direction for Resolution 2020-NR6 titled Independent Office of Integrity for Local Government, sponsored by the City of Maple Ridge at last year's annual UBCM Convention.

On March 2, I wrote to indicate that this resolution would be referred to the Working Group on Responsible Conduct for a response. The Working Group was created based on a 2016 resolution that asked for provincial legislative change that would enable local governments to appoint local Integrity Commissioners. On further consideration, we believe that whether or not an Independent Office of Integrity should be created, while related to the underlying policy issue the Working Group is exploring, still requires political direction from local government leaders.

At the recent May UBCM Executive meeting, the Executive recommended that NR6 be referred back to you, as sponsor with the recommendation that it be resubmitted for consideration by the UBCM membership at the 2021 Convention. The Executive feel the motion would benefit from full member debate, noting there is a lack of policy direction from the membership on the issue of establishing an Independent Office of Integrity and the Executive recognizes that this is an important issue for local governments. Without the opportunity to discuss the merits of the motion, or receive direction from the membership it is difficult to know if the membership would be supportive of this policy direction. It is for these reasons that the Executive have advised that the resolution be referred back to you with a recommendation to re-submit it for 2021.

You may wish to re-submit the resolution as it stands, or you may wish to make changes to provide additional clarity. Either way, UBCM would require your Council to approve a motion to re-submit the resolution for 2021. The deadline to submit a resolution is June 30.

Should Maple Ridge choose to re-submit NR6, UBCM will place it in a new category of resolutions: 2020-NR (2020 No Recommendation resolutions). This category of resolutions will be considered earlier in the resolutions process to ensure they are considered this year, in case we run out of time prior to consideration of all resolutions.

Should you have any questions, please contact Jamee Justason, Resolutions and Policy Analyst, at 604-270-8226 Ext. 100 or jjustason@ubcm.ca

Whereas the UBCM Working Group on Responsible Conduct (WGRC) has been working extensively to support local government initiatives to address less-than-responsible local government conduct by providing local government council and board members with a set of principles and general standards of conduct that can be used to develop their own code of conduct;

And whereas the WGRC continues to work on potential legislative change that focuses on the importance of councils and boards turning their minds to codes of conduct in a standardized and consistent manner:

Therefore be it resolved that UBCM request the provincial government to establish an Independent Office of Integrity to serve the public, elected officials and local government officials in an advisory, educational and investigative role in the development, application and enforcement of codes of conduct.

Convention Decision: **Not Considered - Automatic Referral to Executive**

Executive Decision: **Referred Back to Sponsor**



March 2, 2021

Mayor Michael Morden
City of Maple Ridge
11995 Haney Place
Maple Ridge, BC V2X 6A9

Dear Mayor Morden:

Re: 2020 Resolution Referred to UBCM Executive

A resolution sponsored by your community was included in the 2020 Resolutions Book for consideration at the annual UBCM Convention.

Due to a lack of time at the Convention, delegates did not have an opportunity to consider your resolution. UBCM Policies provide that all resolutions not considered at Convention are referred automatically to the UBCM Executive for their consideration and action.

At the recent February Executive meeting, the Executive considered the resolutions referred to them from the 2020 Convention, including your resolution. The Executive were provided with the Resolutions Committee comments and recommendations, as outlined within the Resolutions Book, to assist them in their deliberations.

Upon review, the Executive decided to refer NR6 Independent Office of Integrity for Local Government to the Working Group on Responsible Conduct. In the Fall of 2016 UBCM, jointly with the Local Government Management Association and Ministry of Municipal Affairs, established a staff level working group to undertake collaborative research and policy work on the issue of responsible conduct of local government elected officials. The Working Group on Responsible Government created a set of principles and general standards that local governments can use to develop their own Code of Conduct. The Working Group continues to meet to explore how BC's responsible conduct framework can be strengthened and to explore issues related to enforcing Codes of Conduct. The Working Group will receive a copy of your resolution and be asked to consider it in their work.

Should you have any questions, please contact Jamee Justason, Resolutions and Policy Analyst, at 604-270-8226 Ext. 100 or jjustason@ubcm.ca

Yours truly,

A handwritten signature in dark ink, appearing to read "B. Frenkel", written over a horizontal line.

Brian Frenkel
UBCM President

Enclosure

**2020 NR6 Independent Office of Integrity for Local
Government**

Maple Ridge

Whereas the UBCM Working Group on Responsible Conduct (WGRC) has been working extensively to support local government initiatives to address less-than-responsible local government conduct by providing local government council and board members with a set of principles and general standards of conduct that can be used to develop their own code of conduct;

And whereas the WGRC continues to work on potential legislative change that focuses on the importance of councils and boards turning their minds to codes of conduct in a standardized and consistent manner:

Therefore be it resolved that UBCM request the provincial government to establish an Independent Office of Integrity to serve the public, elected officials and local government officials in an advisory, educational and investigative role in the development, application and enforcement of codes of conduct.

CONVENTION DECISION: NOT CONSIDERED - AUTOMATIC REFERRAL TO EXECUTIVE

EXECUTIVE DECISION: REFER TO WORKING GROUP ON RESPONSIBLE CONDUCT

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



WORKING GROUP ON RESPONSIBLE CONDUCT

APRIL 2021

THANK YOU TO ALL PROJECT PARTICIPANTS

The Working Group on Responsible Conduct is a joint initiative of the B.C. Ministry of Municipal Affairs, the Local Government Management Association of British Columbia, and the Union of British Columbia Municipalities.

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

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



INTRODUCTION

About this Guide

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

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

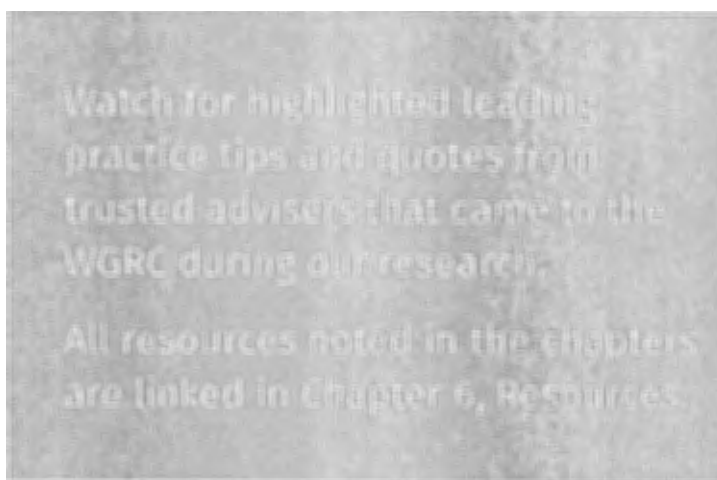
Guide Development

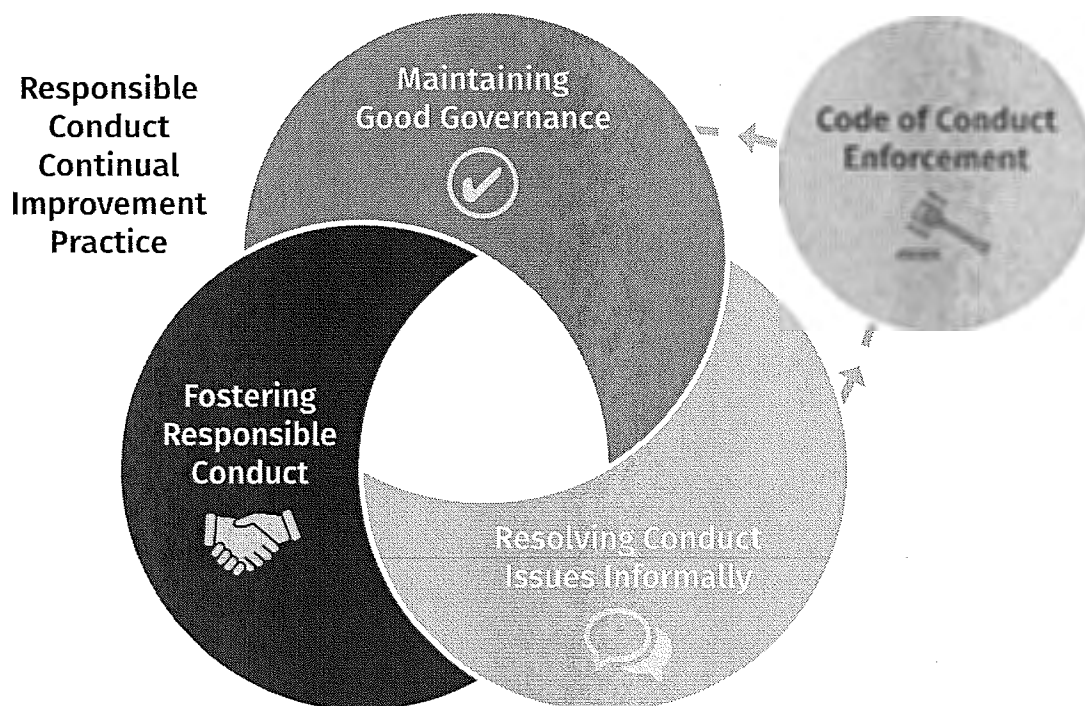
This guide was developed by the Working Group on Responsible Conduct (WGRC), a joint initiative by the Union of British Columbia Municipalities, the Local Government Management Association of British Columbia (LGMA), and the B.C. Ministry of Municipal Affairs. The staff-level Working Group undertakes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

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

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

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





Guide Organization

The guide is organized around two central concepts:

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

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

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

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

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

Table of Contents

This is an interactive table of contents. Click on any titles to go directly to that section.

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

CHAPTER 1	6	CHAPTER 4	23
Fostering Responsible Conduct		Essentials of Code of Conduct Enforcement	
What Kind of Conduct is Problematic and Why?	6	When to Consider Enforcement	23
What is Responsible Conduct?	7	Overview of Other Enforcement Approaches	24
How Can We Build Responsible Conduct in Our Local Government?	8	Specific Statutory Processes	24
Adopt a Code of Conduct or Other Conduct Policy	8	Process to Decide on a Specific Alleged Conduct	25
Align Policies, Procedures and Practices	8	Contravention and Impose Related Sanctions	25
Elected Official Leadership, Knowledge-sharing, Skills Development and Support	9	Obtaining Legal, Law Enforcement and Other Advice About Enforcement Processes	26
Food for Thought	10	Code of Conduct Enforcement: Overarching Considerations	27
		Ensuring a Fair Process	27
		Ensuring the Investigator has Sufficient Independence, Expertise and Authority	28
		Balancing Transparency and Confidentiality	28
		Matters of Cost, Capacity, Efficiency and Effectiveness	28
		Code of Conduct Enforcement: Process Steps, Current Practice and Considerations	29
		Sanctions	38
		Current Practice for Sanctions	38
		Considerations When Imposing Sanctions	39
		How to Improve the Post-sanction Environment	40
		Food for Thought	41
CHAPTER 2	11	CHAPTER 5	42
Maintaining Good Governance		Conclusion	
Working Together Before, During, After – and Despite – Conduct issues	11	Forging the Path to Responsible Conduct	42
Whose Job is it Anyway?	11		
Enhance Collaboration: Embrace Diverse Ideas and Conflicting Views	12		
Contain Conduct Issues	14		
Council/Board Check-ins	14		
Food for Thought	16		
		CHAPTER 6	43
		Resources	
CHAPTER 3	17		
Resolving Conduct Issues Informally			
When and Why to Consider an Informal Approach	17		
How to Pursue an Informal Approach	18		
When You Demonstrated Poor Conduct	19		
When You Are on the Receiving End of Poor Conduct	20		
Involvement of Another Person in Individual Discussions	20		
Where an Individual's Conduct Impacts All Members	20		
Tips for These Discussions	21		
Where the Conduct Issues are Systemic or Widespread	21		
Professional Advice from Staff	22		
Food for Thought	22		

CHAPTER 1

Fostering Responsible Conduct

What Kind of Conduct is Problematic and Why?

Some expectations of good conduct will be clear to most, often because these are set out in law: things like a person not voting on something if they have a financial interest in it, keeping confidential information confidential, not discriminating against a person,¹ and not making slanderous statements.

Other behaviours – like respecting others at meetings or not criticizing colleagues, staff or members of the public on social media – may be less obvious to some; perhaps council or board members don't even agree on what conduct they expect of each other in these areas. For example, some may think that there is nothing wrong with dismissing or belittling another in a debate because they have different backgrounds, experiences, or cultural values than you, or because their politics or points of view on a matter are different than yours.

Some may think that shouting at the chair is an acceptable tactic to get their point across, or that intimidating staff when they won't give you what you want is a way to get things done. However, all of these kinds of conduct can be destructive.

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



¹ The B.C. Human Rights Code prohibits certain activities and conduct that discriminate against a person or group or class of persons because of the race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or that group or class of persons. See Chapter 6, Resources for a link to the legislation.

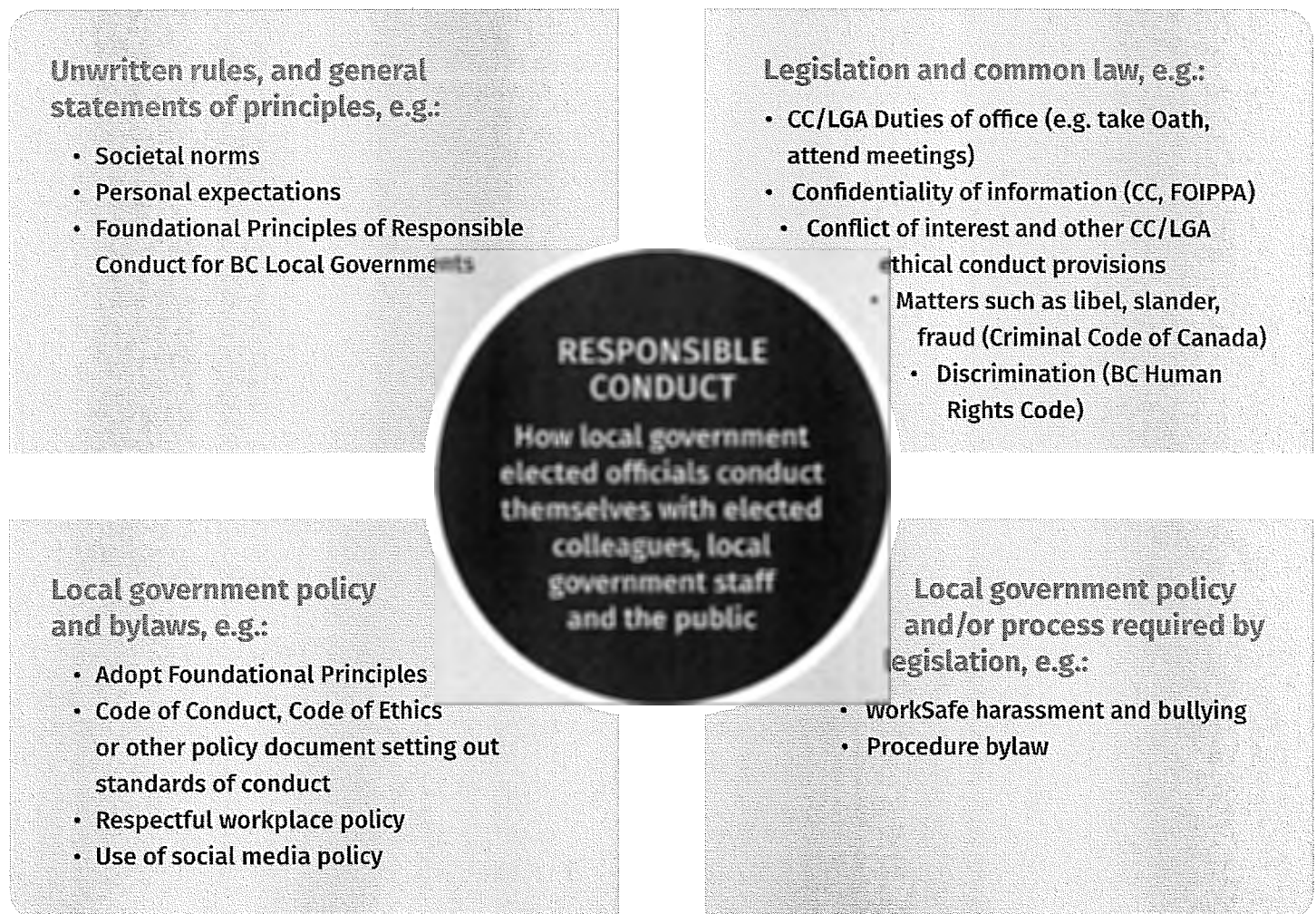
What is Responsible Conduct?

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

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

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

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



How Can We Build Responsible Conduct in Our Local Government?

Adopt a Code of Conduct or Other Conduct Policy

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

Codes of conduct provide conduct standards that supplement conduct already required legislatively (e.g., conflict of interest rules, confidentiality requirements, prohibitions on discrimination) or through policy (e.g., council/board-staff relations) to ensure that the full range of expected conduct is clear. Existing legislation and/or local government policies will need to be considered as a local government develops its code to ensure the code is not inconsistent with existing conduct requirements.

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

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

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

Align Policies, Procedures and Practices

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

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

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

LEADING PRACTICE TIPS

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

LEADING PRACTICE TIPS

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

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

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

For example, respectful dialogue at a Council or Board meeting is more likely when all members understand that decisions are made collectively and not by the mayor/chair, electoral area director, or any other individual elected official. Additionally, trust and respect can be improved through understanding one's role and how it fits with the roles of others, building cultural humility,² communicating in a way that respects people's inherent dignity, and developing an appreciation of the value of different perspectives.

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

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

For participants in the decision-making process, shared power and decision-making puts a premium on leadership skills that help one's fellow leaders find common ground.
(From the Institute for Local Government webpage article *Decision Making in the Collective Interest*)

² "Cultural humility is a process of self-reflection to understand personal and systemic biases and to develop and maintain respectful processes and relationships based on mutual trust. Cultural humility involves humbly acknowledging oneself as a learner when it comes to understanding another's experience." First Nations Health Authority. See Chapter 6, Resources for links and more information.

LEADING PRACTICE TIPS

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

Consider additional education, including:

- Scenario-based training where participants work through difficult situations or areas of conflict and practice skills to effectively deal with them;
- Training to increase understanding of the history and experiences of people who make up the community and avoid stereotypes and discrimination;
- Confidential coaching or mentoring for individual members of the Council or Board; or
- Pre-election candidate orientation, so individuals considering running for office know what they're getting into.

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

FOOD FOR THOUGHT

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

CLICK HERE for links to resources referenced in this chapter.

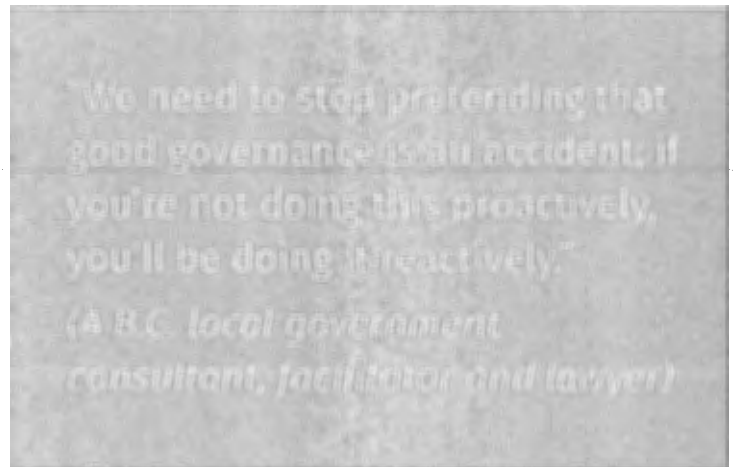
CHAPTER 2

Maintaining Good Governance

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

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

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



Whose Job is it Anyway?

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

- **Every elected official** is accountable for their own conduct and must make sure they are always acting ethically and responsibly.
- **The mayor or chair** provides leadership and can lead by example, maintain order at meetings and propose policy changes, but they cannot, on their own, ensure the Council or Board operates as it should.
- **All Council or Board members** influence how the collective works, and in the interest of serving their community, all can take steps to work effectively together, including speaking up when problems arise.

- **Staff** provide professional advice to the Council or Board and carry out its decisions in an effective, efficient and non-partisan manner. The relationship between elected and staff officials is intertwined, so it is vital for both to understand and respect one another's roles. Developing effective lines of communication, and trustful, respectful relationships between elected and staff officials supports good governance, even under challenging circumstances. The CAO is your one employee and your ally to help elected officials be successful.

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

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

Enhance Collaboration: Embrace Diverse Ideas and Conflicting Views

Councils and Boards that welcome healthy debate, diverse ideas and conflicting views make better decisions. Different lived experiences and fresh perspectives can provide valuable insights, uncover opportunities and bring out solutions that hadn't previously been considered but are better for the community.

Productive conflict³ – that is, conflict that leads to productive results, such as better decisions – can be a significant positive influence on good governance. Productive conflict is an open exchange of conflicting or differing ideas in which parties feel equally heard, respected and unafraid to voice dissenting opinions as they work toward a mutually comfortable solution.

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

LEADING PRACTICE TIPS

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

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

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

³ From *Unproductive Conflict vs. Productive Conflict*. See Chapter 6, Resources for link and details.

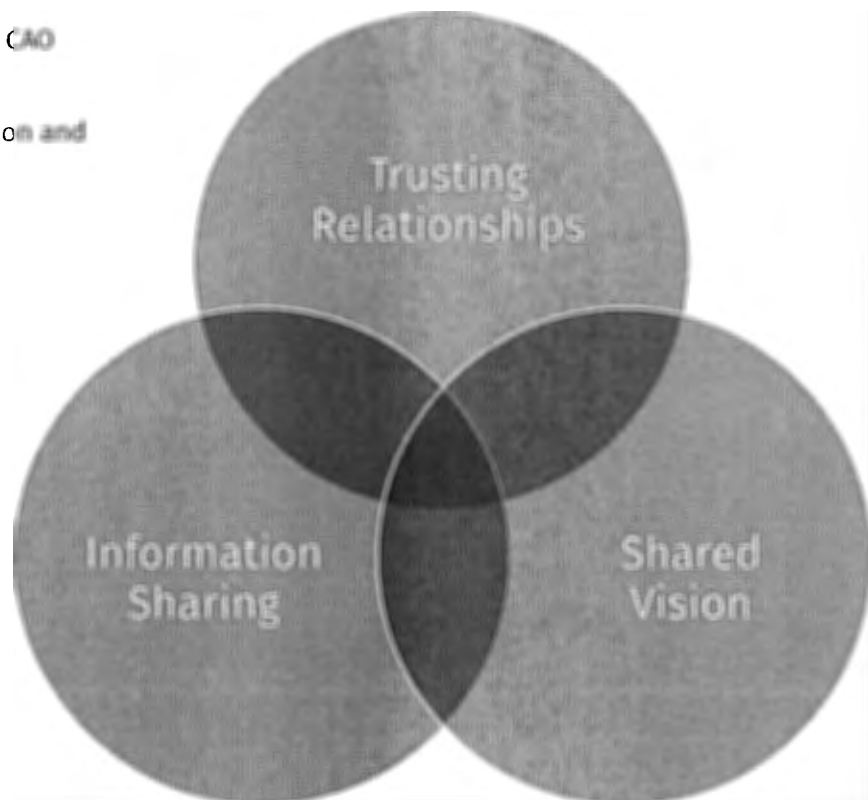
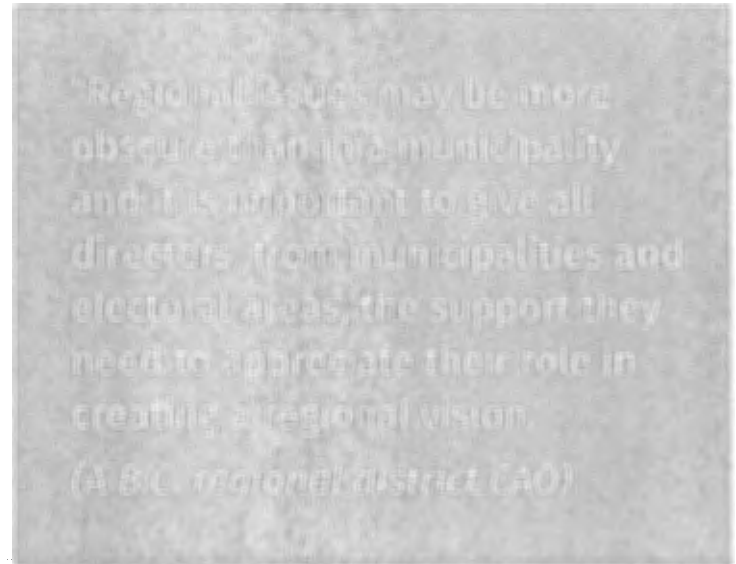
Individual strategies for productive conflict include:

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

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

Focusing on trusting relationships, strong information sharing practices and a shared vision can equip a local government to ensure conflict remains productive and improve collaboration. For example:⁴

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



⁴ Examples from *Enhancing Collaboration in British Columbia's Regional Districts*. See Chapter 6, Resources for link and details.

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

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

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

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

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

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

(A B.C. local government legal advisor)

LEADING PRACTICE TIPS

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

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

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

A Council or Board discussion – or check-in – about how to work together more effectively can provide a useful forum to identify and address areas of concern, including conduct, conflict, or collective 'blind-spots' that get in the way of effective discussion and decision-making. This can help to build trusting relationships as well as identify policy or procedural changes to overcome systemic barriers, and/or learning topics that could support both the collective and its individual participants to become more effective.

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

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

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

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

In addition to considering external professional facilitation, Councils and Boards may wish to consider undertaking these sessions in the absence of the public, which can help to facilitate the open, honest discussion that will be needed to explore these issues.⁵



⁵ If you are discussing these matters in the absence of the public, make sure you don't also move towards making decisions, which you would need to do in an open meeting. See Chapter 6, Resources for useful resources from the Ministry of Municipal Affairs and the B.C. Ombudsperson.

LEADING PRACTICE TIPS

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

FOOD FOR THOUGHT

- › Is our Council or Board governing well? If we were to get a grade on that, what would it be? What's getting in the way? Do we regularly have discussions about this? Have we made provision for regular check-ins and getting some outside help if we need it?
- › What enhancements could be made to our policies or procedures to avoid conduct issues? Do we have specific issues that seem to be evolving that should be a priority (e.g., release of confidential information)? What can we put in place that would resolve these issues (e.g., does everyone understand their legal obligations, are there changes to our information-sharing practices that could help, and is this something the Council/Board should discuss in a check-in)?
- › What kinds of things are causing tension at the Council/Board table (e.g., whether something discussed in a closed meeting should have been in an open meeting; whether or not a member is in a conflict of interest in a particular matter; lack of respect because of such things as different political views, backgrounds, experience, age, gender identity or sexual orientation)? Would training and leadership development help? Is additional information needed, either generally or on a case-by-case basis? Are there tips or tools that could be developed to support members? Is this something the Council/Board should discuss in a check-in?
- › As an individual, self-awareness is key. Ask yourself: Am I part of the problem? Am I contributing to dysfunction or to good governance? Do I make assumptions about other Council or Board members without trying to understand their experiences or perspectives? What steps can I take to help the Board or Council work better together? What support do I need to do that? How can I help to ensure our conflict is productive?

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

(A B.C. local government legal advisor)

CLICK HERE for links to resources referenced in this chapter.

CHAPTER 3

Resolving Conduct Issues Informally

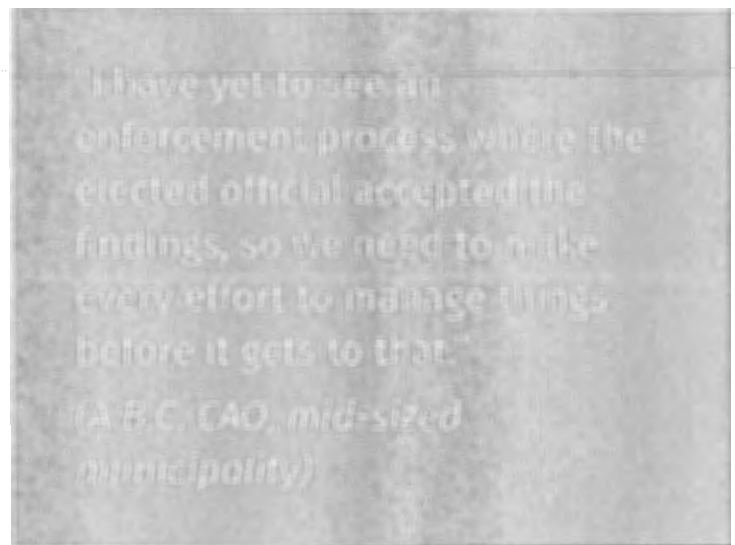
When and Why to Consider an Informal Approach

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

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

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

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



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

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

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

When conduct issues impact employees:

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

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

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

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

It's important to remember that trust is built around understanding and respect, not necessarily agreement.
(From the Institute for Local Government document *Attributes of Exceptional Councils*)

How to Pursue an Informal Approach

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

LEADING PRACTICE TIPS

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

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

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

When You Demonstrated Poor Conduct

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

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

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

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

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

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

LEADING PRACTICE TIPS

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

When You Are on the Receiving End of Poor Conduct

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

Involvement of Another Person in Individual Discussions

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

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

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

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

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

Where an Individual's Conduct Impacts All Members

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

TIPS FOR THESE DISCUSSIONS

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

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

"Individuals sometimes ignore rules, and toxic personalities sometimes create challenges... difficult personalities on the Council create a challenging and uncomfortable environment for the Council itself... In the end, the Council must manage its own behavior and seek compliance from its own members."
(from the Public Management article Preparing Councils for their Work, by Julia Woyak and John Nalbandian, August 2009, pg. 27)

Where the Conduct Issues are Systemic or Widespread

Some types of conduct lend themselves to discussions with the full Council or Board and informal resolution would begin there (e.g., certain elected officials are repeatedly interrupted, bullied or belittled by others; conduct is markedly different in closed meetings than in open ones; grandstanding becomes an issue when the public is particularly engaged and vocal at the Council or Board meeting).

In other cases, informal resolution that begins with individual discussions noted above reveals underlying causes that need to be discussed by the full Council or Board, and informal resolution would then move to these more broadly-based discussions.

This presents an opportunity for the Council or Board to engage in continuous improvement with broader discussions about how to work more effectively together.

This could involve processes discussed in Chapter 1, Fostering Responsible Conduct and Chapter 2, Maintaining Good Governance, and it is well-suited to discussion as part of a Council or Board's next check-in.

Full Council/Board discussion is appropriate whenever the conduct or its root causes indicate underlying systemic challenges, because those challenges need to be addressed in order to satisfactorily resolve the conduct issue and to avoid future incidents. Councils and Boards that find a way to identify systemic issues (e.g., preconceptions about things like gender identity, economic status, ability, race or age; lack of a common set of facts on matters discussed; gaps in a shared understanding of conduct expectations), speak about them openly and safely, and jointly develop solutions (e.g., leadership development, enhanced policy alignment) may find that conduct issues can be resolved, unproductive conflict and friction reduced, and more effective trusting working relationships established.

Professional Advice from Staff

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

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

FOOD FOR THOUGHT

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

CLICK HERE for links to resources referenced in this chapter.

CHAPTER 4

Essentials of Code of Conduct Enforcement

When to Consider Enforcement

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

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

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



Overview of Other Enforcement Approaches

Specific Statutory Processes

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

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

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

LEADING PRACTICE TIPS

This list is not exhaustive. There are numerous other federal or provincial laws that provide enforcement processes (e.g., Court-based prosecutions under the Criminal Code of Canada for contravention of laws related to libel or slander; Human Rights Tribunal determination of discrimination complaints under the BC Human Rights Code). Local governments will want to familiarize themselves with all applicable legislation before initiating a local government enforcement process.

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

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

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

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

LEADING PRACTICE TIPS

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

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

ADVANTAGES OF CODE OF CONDUCT ENFORCEMENT

ENHANCED CERTAINTY AND TRANSPARENCY IN THE PROCESS

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

IMPROVED COMPLIANCE

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

ADMINISTRATIVE EFFICIENCIES

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

ENHANCED FAIRNESS

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

Obtaining Legal, Law Enforcement and Other Advice About Enforcement Processes

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

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

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

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

Code of Conduct Enforcement: Overarching Considerations

Ensuring a Fair Process

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

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

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

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

LEADING PRACTICE TIPS

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

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

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

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

Ensuring the Investigator has Sufficient Independence, Expertise and Authority

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

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

Balancing Transparency and Confidentiality

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

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

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

Matters of Cost, Capacity, Efficiency and Effectiveness

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

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



Code of Conduct Enforcement: Process Steps, Current Practice and Considerations

The inclusion of details of how alleged contraventions will be addressed is a recent trend in B.C. local government codes of conduct. Where processes are articulated, they tend to consist of a number of distinct steps, within which there are both some common elements and some variation.

The following tables are snapshots of these provisions taken from a small sample of current B.C. codes. Readers are cautioned that this does not represent the full extent of existing practice, but rather an overview intended to be generally representative of the range of enforcement approaches articulated currently in B.C. codes of conduct.

As noted earlier, including enforcement provisions in codes of conduct is an emerging area still largely untested in the courts.

The examples provided here are not provided as templates but rather as a starting point; each local government needs to consider its own circumstances and seek its own legal advice as it develops its processes and sanctions.

It is critical that local governments exercise a high standard of fairness in these processes. Some jurisdictions choose to articulate this extensively in their code in order to provide clarity and certainty, while others do not articulate this in their code, but instead provide fair process as a matter of practice, allowing some flexibility to adapt to specific circumstances. Do not assume that codes that lack explicit fair process provisions mean that the jurisdiction is not practicing fair process. The choice is not whether or not to provide a fair process, but rather how and where to define it.

INITIATION: What triggers the process?

How is the enforcement process initiated and who can make a complaint?

The process is typically initiated by a complaint, and complaints are allowed from any member of the Council or Board. In some cases, committee members and/or staff may also make a complaint, and in a few cases, complaints are accepted from “any person,” which would include all of the above as well as members of the public.

How is the complaint made, and what must it contain?

Typically, the complaint must be in writing, and most require these to be signed and dated by the complainant. There are varying degrees of specificity in the detail to be provided, with some codes saying nothing about this, and others requiring more specifics (e.g., detailed description of the conduct, witnesses and supporting documents).

To whom is the complaint made?

Most are delivered to the mayor/chair and/or a staff official (e.g. CAO), with provision that if the mayor/chair is involved, delivery is to the acting mayor/chair. In a few cases, delivery is to mayor and Council/chair and Board, and in some cases, complaints go to an investigator if one has been appointed.

Considerations:

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

INFORMAL RESOLUTION: What informal resolution processes are available?

When does informal resolution occur and how is it triggered?

Most codes explicitly provide for informal resolution. Some create an informal complaint process, and encourage complainants and respondents to try informal resolution before a formal complaint is made. Some other codes encourage an attempt at informal resolution after a formal complaint has been submitted and before the complaint review process; in these cases, the CAO and/or mayor/chair become involved in that informal resolution step.

What is the informal resolution process?

Some codes that provide for informal resolution are silent as to the process. However, most others call for the complainant to address the issue directly with the respondent to encourage compliance, and/or to request the assistance of the mayor/chair to attempt to resolve the issue. In one case, a senior staff official could be called on to assist the complainant in that process, and third-party mediation is an option if these steps aren't successful in reaching resolution.

What are the timelines and fair process provisions?

There is no deadline for informal resolution where it occurs prior to receiving a formal complaint, because the de facto deadline is when a formal complaint is made. Most codes that encourage informal resolution after a formal complaint is made set a 30-day deadline to attempt informal resolution prior to an investigator being appointed. Most do not have specific fair process or transparency/confidentiality provisions for this informal stage. However, in some cases, there are specific provisions for confidentiality, and where mediation is part of the process, legal or other representation for the complainant and respondent are offered for that part of the process.

Considerations:

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

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

Who is the investigator, who makes the appointment, and on what basis?

In the majority of cases, the investigator is an independent third party, typically appointed by either the mayor/chair, the person acting in their place, or jointly by the mayor/chair and CAO. Exceptions include when the code assigns investigator duties to a position (e.g., senior staff official), or when the investigator is defined as the Council/Board or an individual or body appointed by the Council/Board. In cases where a senior staff official is assigned in the code as investigator, the code also provides for that individual to appoint an independent third party to investigate instead of the senior staff official.

What duties does the investigator perform?

Typically, investigators undertake the complaint review process, investigation and reporting of findings. In at least one case, a senior staff official is responsible for the complaint review process, and the investigator is appointed only after the complaint review process is complete, if needed. In one case, the investigator is assigned a broader range of responsibilities.⁶

What are the timelines and fair process provisions?

Several jurisdictions require the investigator be appointed within 30 days of receipt of a formal complaint (unless the matter is resolved informally within that time frame). See “Who is the Investigator” above for fair process provisions.

Considerations:

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

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

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

What is the complaint review process and who carries it out?

If informal resolution is not reached, complaints undergo an initial assessment and are either dismissed or proceed to investigation. Almost always, the investigator is responsible for the initial assessment, although in at least one code of conduct, this role is assigned to a senior staff official.

On what basis can a complaint be dismissed?

Reasons that a complaint may be dismissed are usually provided, but there is some variation on the grounds for dismissal. Many refer to complaints that are frivolous, vexatious and/or not made in good faith. Several also mention complaints that are unfounded, based on insufficient grounds, unlikely to succeed and/or beyond the jurisdiction of the code or other conduct policy.

What is the process if a complaint is dismissed?

Many do not provide a specific process. Where one is provided, there is a requirement to inform the complainant and, in at least one code of conduct, the Council or Board.

What are the timelines and fair process provisions?

Codes don't typically set timelines for this step. Some codes provide that the respondent must be notified and given an opportunity to provide an initial response prior to the complaint review process; of these, a few provide deadlines for the initial response (e.g., within 14 days of notification).

Considerations:

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

INVESTIGATION: How are complaints investigated?

What is the purpose of the investigation and how is it conducted?

Investigations tend to be described quite generally (e.g., independent, impartial investigation of complaint; determine the facts, review relevant documents, conduct interviews), which provides considerable room for investigators to use their professional judgement to adapt the investigative process to meet the circumstances. Specific provisions relate to fair process, described below.

What are the timelines?

Some codes do not provide timelines. Where they are provided, timelines can refer to when the investigation begins (e.g., within 10 days, or as quickly as possible), when updates are provided (e.g., updates within 90 days after investigator's appointment) and/or when the investigation finishes (e.g., within 30 days, with extensions possible).

What are the fair process provisions?

Codes typically provide for confidential investigations and require participants to respect that confidentiality. All codes have investigation fair process provisions, that are either general (e.g., investigate in a manner that is fair, timely, confidential and otherwise accords with the principles of due process and natural justice), or more specific (e.g., complainant and respondent are provided notice, and relevant documents, respondents must be given opportunity to respond, and participants may be represented (including legal counsel)).

Considerations:

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

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

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

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

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

Considerations:

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

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

If the investigator's report goes to mayor/chair, does it also go to Council or Board?

Some codes require the mayor/chair to provide the report, or a summary of it, to the Council/Board, others allow that person to decide whether it should go to the Council/Board, and the remainder do not give direction to the mayor/chair as to whether or not the report should be provided to the Council/Board.

What happens if the investigation finds a contravention?

Some codes state that the decision about whether there was a contravention rests with the Council/Board. Others are less explicit, stating only that the investigator's report must state whether there has been a contravention.

If there was a contravention, who imposes sanctions and what are the parameters around that?

In no case can an investigator impose sanctions. That decision rests with the Council/Board. Codes describe what sanctions may be imposed, and in many cases, a Council/Board can choose from among those provided. In some cases, the only sanctions that can be imposed are some or all of those recommended by the investigator. In at least one case, the Council/Board is directed to consider specified factors (e.g., nature or impact of the conduct).

What are the timelines and fair process provisions?

Some codes do not articulate fair process. Others do, including: notification to the respondent prior to Council/Board consideration, stating that the respondent is entitled to respond and given time to prepare response (e.g., two weeks), stating that the respondent is entitled to be represented, including by legal counsel (some have indemnification; see 'Other Enforcement-related Provisions' table below). Some codes provide for Council/Board consideration in open meetings, while others provide for closed meetings for this.

Considerations:

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

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

What enforcement provisions are there for different groups that are subject to a code?

Many codes apply only to members of the Council/Board; some also include committee members and/or staff. Where these other groups are included, codes tend to modify enforcement provisions (e.g., who deals with complaints and how this is done; what sanctions may be imposed) for each group.

Do codes provide for reimbursement of legal costs for a person involved in an enforcement process?

Some codes make provisions for reimbursement of a respondent's legal costs under certain circumstances, and with certain limits (e.g., if the person did not act in a dishonest, grossly negligent or malicious way; for the first occurrence, but not subsequently unless agreed in advance; upon request; only reasonable costs are reimbursed, sometimes with specified dollar limits).

What are the responsibilities of persons subject to the code?

Most codes require that members refrain from discussing allegations at open meetings until after investigations and Council/Board decisions on them.

Some codes require that members endeavour to resolve disputes in good faith, cooperate with informal resolution and/or not obstruct the Council/Board in investigations.

Some also require that members not act or threaten reprisal/retaliation against involved persons (i.e., complainant, respondent, witness, staff). In at least one case, for complaints that are vexatious, malicious or in bad faith, complainants are subject to disciplinary action, including sanctions in the code.

Considerations:

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

Sanctions

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

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

Current Practice for Sanctions

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

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

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

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

- Request letter of apology
- Mandatory education, training, coaching or counselling
- Suspension/removal from some or all committees or other bodies
- Public censure
- Letter of reprimand or formal warning
- Publication of reprimand or request for apology and member's response
- Suspension or removal as deputy/acting mayor/chair
- Restrictions on representing the local government or attending events or conferences
- Limits on travel/expenses beyond those in corporate policies
- Limiting access to certain local government facilities
- Requirement to return local government property provided for convenience
- Restrictions on how documents are provided to the member
- Reduction in compensation (in accordance with remuneration bylaw)⁷
- Written pledge promising to comply

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

⁷ This sanction is provided for in the District of North Cowichan's code of conduct, and it is specifically linked to its Council remuneration bylaw. See Chapter 6, Resources for link.

Considerations When Imposing Sanctions

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

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

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

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

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

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

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

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

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

How to Improve the Post-sanction Environment

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

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



FOOD FOR THOUGHT

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

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

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

(From the Young Anderson paper Controlling Councillor Conduct)

CLICK HERE for links to resources referenced in this chapter.

CHAPTER 5

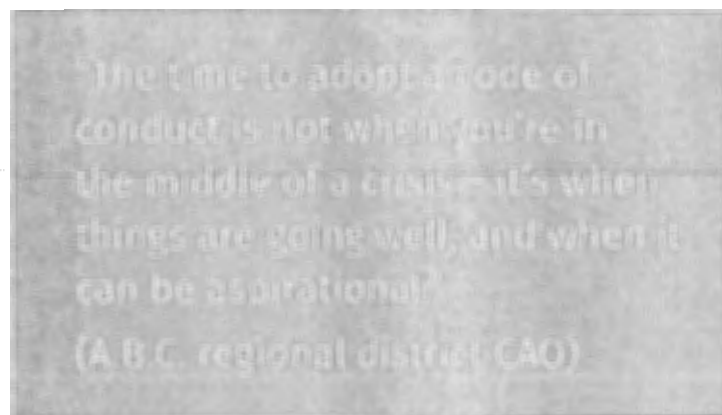
Conclusion

Forging the Path to Responsible Conduct

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

Key success factors include:

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



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

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

CHAPTER 6

Resources

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

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

Chapter 1: Fostering Responsible Conduct

Featured Resources

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

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

Other Resources

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

Chapter 2: Maintaining Good Governance

Featured Resources

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

Other Resources

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

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

Chapter 3: Resolving Conduct Issues Informally

Featured Resources

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

Resources

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

Chapter 4: Essentials of Code of Conduct Enforcement

Featured Resources

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

Other Resources

- B.C. Ombudsperson resources *Fairness in Practice Guide*, along with *Fairness by Design* and *Quick Tips: Essentials of Procedural Fairness*
- Young Anderson report *Controlling Councillor Conduct* by Barry Williamson, 2013.
- B.C. Ministry of Municipal Affairs webpage **Ethical Standards for Locally Elected Officials**
- Union of British Columbia Municipalities fact sheet **Conflict of Interest**
- WorkSafe BC's **bullying and harassment resource toolkit** along with *A Handbook on Addressing Workplace Bullying and Harassment*
- B.C.'s **Office of the Human Rights Commissioner** and **B.C. Human Rights Tribunal** websites provide links to information and resources about the Human Rights Code, prohibited discrimination and how to file a complaint with the Human Rights Tribunal.

WORKING GROUP ON RESPONSIBLE CONDUCT

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

