



Notice of Meeting and Meeting Agenda Governance Committee

Wednesday, February 1, 2023

9:30 AM

6th Floor Boardroom
625 Fisgard St.
Victoria, BC V8W 1R7

M. Little (Chair), S. Goodmanson (Vice Chair), S. Brice, C. Coleman, B. Desjardins, G. Holman,
P. Jones, K. Murdoch, D. Murdock, S. Tobias, C. Plant (Board Chair, ex officio)

The Capital Regional District strives to be a place where inclusion is paramount and all people are treated with dignity. We pledge to make our meetings a place where all feel welcome and respected.

1. Territorial Acknowledgement

2. Approval of Agenda

3. Adoption of Minutes

3.1. [23-079](#) Minutes of the June 1, 2022 Governance Committee Meeting

Recommendation: That the minutes of the June 1, 2022 Governance Committee meeting be adopted as circulated.

Attachments: [Minutes - June 1, 2022](#)

4. Chair's Remarks

5. Presentations/Delegations

The public are welcome to attend CRD Board meetings in-person.

Delegations will have the option to participate electronically. Please complete the online application at www.crd.bc.ca/address no later than 4:30 pm two days before the meeting and staff will respond with details.

Alternatively, you may email your comments on an agenda item to the CRD Board at crdboard@crd.bc.ca.

6. Committee Business

6.1. [23-089](#) 2023 Governance Committee Terms of Reference

Recommendation: There is no recommendation. This report is for information only.

Attachments: [Staff Report: 2023 Governance Committee Terms of Reference](#)
[Appendix A: 2023 Governance Committee ToR - Approved Dec 14 2022](#)

6.2. [23-094](#) 2023 Appointments Advisory Committee

Recommendation: The Governance Committee recommends to the Capital Regional District Board:
That the membership of the Appointments Advisory Committee for 2023 include Governance Committee Chair Little and the following two committee members: Director [X], and Director [Y].

Attachments: [Staff Report: 2023 Appointments Advisory Committee](#)
[Appendix A: CRD Appointment of Public Members To External Boards Policy](#)

6.3. [23-100](#) Consideration of a Board Code of Conduct

Recommendation: The Governance Committee recommends to the Capital Regional District Board:
1. That the CRD Board endorse development of a code of conduct to establish shared expectations of responsible conduct and behavior of CRD Directors; and,
2. That staff be directed to report back to Governance Committee with resources and examples to facilitate development of the code of conduct.

Attachments: [Staff Report: Consideration of a Board Code of Conduct](#)
[Appendix A: Principles for Codes of Conduct Regulation](#)
[Appendix B: UBCM Model Code of Conduct](#)
[Appendix C: UBCM Companion Guide](#)

6.4. [23-097](#) Bylaw 4540 - Election and Voting Procedures Bylaw Amendment

Recommendation: The Governance Committee recommends to the Capital Regional District Board:
1. That Bylaw 4540, the "Capital Regional District Election and Voting Procedures Bylaw, 2008, Amendment Bylaw No. 4, 2023" be introduced, read a first, second, and third time;
2. That Bylaw 4540 be adopted.

Attachments: [Staff Report: Election and Voting Procedures Bylaw Amendment](#)
[Appendix A: Bylaw 4540](#)
[Appendix B: Redlined Amendments to Bylaw 3543 \(Consolidated\) Redlined](#)

7. Notice(s) of Motion**8. New Business****9. Adjournment**

The next meeting is April 5, 2023.

To ensure quorum, please advise Jessica Dorman (jdorman@crd.bc.ca) if you or your alternate cannot attend.

Meeting Minutes

Governance Committee

Wednesday, June 1, 2022

9:30 AM

**6th Floor Boardroom
625 Fisgard St.
Victoria, BC V8W 1R7**

PRESENT:

Directors: K. Murdoch (Chair), R. Windsor (Vice Chair) (EP), S. Brice (EP), B. Desjardins (EP), B. Isitt (EP), D. Kobayashi (for R. Martin) (EP), J. Ranns, J. Bateman (for M. Tait) (EP), G. Young (EP)

Staff: R. Lapham, Chief Administrative Officer; K. Morley, General Manager, Corporate Services; S. Carey, Senior Manager of Legal Services; M. Lagoa, Deputy Corporate Officer; J. Dorman, Committee Clerk (Recorder)

EP - Electronic Participation

Regrets: Director(s) C. McNeil-Smith, C. Plant, R. Martin, M. Tait

The meeting was called to order at 9:30 am.

1. Territorial Acknowledgement

Chair Murdoch provided a Territorial Acknowledgement.

2. Approval of Agenda

MOVED by Director Ranns, **SECONDED** by Director Young,
That the agenda for the June 1, 2022 Governance Committee meeting be approved.
CARRIED

3. Adoption of Minutes

- 3.1.** [22-232](#) Minutes of the February 2, 2022 and April 6, 2022 Governance Committee Meetings

MOVED by Director Ranns, **SECONDED** by Director Windsor,
That the minutes of the Governance Committee meetings of February 2, 2022 and April 6, 2022 be adopted as circulated.
CARRIED

4. Chair's Remarks

Chair Murdoch spoke to the exciting discussion on today's agenda items.

5. Presentations/Delegations

- 5.1. [22-363](#) Delegation - Marie-Térèse Little; Representing Victoria Family Court and Youth Justice Committee: Re: Agenda Item 6.4.: Victoria Family Court Committee - Central Saanich Withdrawal Request
M. Little spoke to Item 6.4.
- 5.2. [22-365](#) Delegation - Marcie McLean; Councillor: District of Highlands: Re: Agenda Item 6.4.: Victoria Family Court Committee - Central Saanich Withdrawal Request
Councillor McLean spoke to Item 6.4.

6. Committee Business

- 6.1. [22-352](#) Updates to the Election and Voting Procedures Bylaw
K. Morley spoke to Item 6.1.
- Discussion ensued on the use of voting machines and the financial impacts of mail-in ballots.
- MOVED by Director Ranns, SECONDED by Director Windsor,
The Governance Committee recommends to the Capital Regional District Board:**
- 1. That Bylaw 4486, the “Capital Regional District Election and Voting Procedures Bylaw, 2008, Amendment Bylaw No. 3, 2022” be introduced, read a first, second, and third time;**
 - 2. The Bylaw 4486 be adopted.**
- CARRIED**

6.2. [22-345](#)

Timelines for the Notice of Motion Procedure

M. Lagoa spoke to Item 6.2.

Discussion ensued on the following:

- different notice provisions for committee versus board meetings
- advancement of notices to and from board versus committee
- urgent notice procedures

S. Brice left the meeting at 9:54am

MOVED by Director Ranns, SECONDED by Director Windsor,

The Governance Committee recommends to the Capital Regional District Board:

1. That the CRD Board support the current notice of motion process and timelines as set out in the CRD Board Procedures Bylaw and defer consideration of possible amendment to the notice of motion timelines to the incoming Board in early 2023.

CARRIED

OPPOSED: Isitt

Motion Arising:

MOVED by Director Isitt, SECONDED by Alternate Director Bateman,

The Governance Committee recommends to the Capital Regional District Board:

That staff report to the Governance Committee no later than the first quarter of 2023 including the comparative information from other local governments.

CARRIED

6.3. [22-343](#)

Regional Grants-in-Aid Board Policy

N. Chan spoke to Item 6.3.

MOVED by Director Ranns, SECONDED by Director Windsor,

The Governance Committee recommends to the Capital Regional District Board:

That the Regional Grants-in-Aid Policy be adopted.

CARRIED

6.4. [22-351](#) Victoria Family Court Committee - Central Saanich Withdrawal Request

S. Carey spoke to Item 6.4.

Discussion ensued on the following:

- provincial elector review approval method
- appeal process and formal service review
- value extraction from committee
- opt-out and opt-in criteria

S. Brice rejoined the meeting at 10:22 am

B. Isitt left the meeting at 10:40 am.

**MOVED by Director Windsor, SECONDED by Alternate Director Kobayashi,
The Governance Committee recommends to the Capital Regional District Board:**

1. That Bylaw No. 4493, "Family Court Committee Extended Service Establishment Bylaw No. 1, 1997, Amendment Bylaw No. 4, 2022", be introduced, and read a first, second, and third time;

2. That Bylaw No. 4493 be referred to the participants for consent on behalf of the electors, and if successful, forwarded to the Inspector of Municipalities for approval.

3. That Bylaw No. 4494, "Victoria Family Court and Youth Justice Committee Commission Bylaw No. 1, 2022, Amendment Bylaw No. 1, 2022", be introduced, read a first, second, and third time.

CARRIED

OPPOSED: Young

6.5. [22-353](#) Correspondence on Agenda Items

K. Morley presented Item 6.5. for information.

B. Isitt rejoined the meeting at 10:45 am.

Discussion ensued on the following:

- Freedom of Information and Protection of Privacy Act
- liabilities of publishing correspondence
- potential alternatives

7. Notice(s) of Motion

There were no notice(s) of motion.

8. New Business

There was no new business.

9. Adjournment

**MOVED by Director Ranns, SECONDED by Director Windsor,
That the June 1, 2022 Governance Committee meeting be adjourned at 10:56 am.
CARRIED**

CHAIR

RECORDER

**REPORT TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, FEBRUARY 01, 2023**

SUBJECT **2023 Governance Committee Terms of Reference**

ISSUE SUMMARY

This report is to provide the 2023 Governance Committee Terms of Reference for the Committee's review.

BACKGROUND

Under the *Local Government Act* and the CRD Board Procedures Bylaw, the CRD Board Chair has the authority to establish standing committees and appoint members to provide advice and recommendations to the Board.

On December 14, 2022, the Regional Board approved the 2023 Terms of Reference for standing committees. Terms of Reference (TOR) serve to clarify the mandate, responsibilities and procedures of standing committees and provide a point of reference and guidance for the Committees and members.

This year there were no changes to the defined purpose of the Committee's TOR, attached as Appendix A.

The TOR are being provided for review by the Committee. Any proposed revisions to the TOR will require ratification by the Board.

CONCLUSION

Terms of Reference serve to clarify the mandate, responsibilities and procedures of committees and provide a point of reference and guidance for the committees and their members.

RECOMMENDATION

Error! Reference source not found.

Submitted by:	Marlene Lagoa, MPA, Manager, Legislative Services & Deputy Corporate Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT(S)

Appendix A: 2023 Governance Committee Terms of Reference

Terms of Reference



GOVERNANCE COMMITTEE

PREAMBLE

The Capital Regional District (CRD) Governance Committee is a standing committee established by the CRD Board to make recommendations to the Board regarding items related to governance and corporate administration. The Committee will also provide advice to the Board on agenda items for Committee of the Whole meetings.

The Committee's official name is to be:

Governance Committee

1.0 PURPOSE

- (a) To consider matters and make recommendations to the Board or to the Committee of the Whole regarding the following functions:
 - i. Board, committee and commission governance and meeting procedures;
 - ii. General governance issues such as communication, access and accountability processes;
 - iii. Corporate administration and operations such as but not limited to:
 - Labour Relations and Human Resource Matters
 - Internal and external communications systems
 - Intergovernmental relations
 - iv. Legal and Risk Management;
 - v. Identification of items of regional interest and/or items that are relevant to more than one standing committee that are better suited for consideration at a Committee of the Whole meeting;
- (b) The Committee may also make recommendations to the Board to advocate to provincial and federal governments on matters effecting the Regional District.
- (c) The Committee may establish an Appointment Advisory Committee, on an as-and-when needed basis, responsible for reviewing applications and making recommendation for appointments to external boards.
 - i. The Appointment Advisory Committee is permitted to meet in closed when evaluating public member applications.

2.0 ESTABLISHMENT AND AUTHORITY

- a) The Committee will make recommendations to the Capital Regional District Board for consideration; and
- b) The Board Chair will appoint the Committee Chair, Vice Chair and Committee members annually.

3.0 COMPOSITION

- a) Committee members will be appointed CRD Board Members;
- b) All Board members are permitted to participate in standing committee meetings, but not vote, in accordance with the CRD Board Procedures Bylaw; and
- c) First Nation members are permitted to participate in standing committee meetings at their pleasure, in accordance with the CRD Procedures Bylaw, where the Nation has an interest in matters being considered by the committee.

4.0 PROCEDURES

- a) The Committee shall meet every second month on even months, or at the call of the Committee Chair;
- b) The agenda will be finalized in consultation between staff and the Committee Chair and any Committee member may make a request to the Chair to place a matter on the agenda through the Notice of Motion process;
- c) With the approval of the Committee Chair and Board Chair, Committee matters of an urgent or time sensitive nature may be forwarded directly to the Board for consideration;
- d) A quorum is a majority of the Committee membership and is required to conduct Committee business

5.0 RESOURCES AND SUPPORT

- a) The General Manager, Corporate Services will act as liaison to the Committee;
- b) Minutes and agendas are prepared and distributed by the Corporate Services Department; and
- c) The Executive Services Department will provide additional Committee support as required.

Approved by CRD Board December 14, 2022

**REPORT TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, FEBRUARY 01, 2023**

SUBJECT 2023 Appointments Advisory Committee

ISSUE SUMMARY

Establish membership to the Appointments Advisory Committee for the current year.

BACKGROUND

On April 14, 2021, the CRD Board adopted the policy titled “*CRD Appointment of Public Members to External Boards*” attached as Appendix A.

The purpose of this policy is to ensure that the most suitable candidates are selected and appointed as CRD Representatives, and to ensure that the process of appointing Public Members to an External Board is inclusive, transparent, and consistently applied. The policy defines the establishment of an Appointment Advisory Committee as an advisory committee responsible for reviewing applications and making recommendations for public member appointments to the CRD Board.

Section 1.0(c) of the Governance Committee’s Terms of Reference states:

(c) The Committee may establish an Appointment Advisory Committee, on an as-and-when needed basis, responsible for reviewing applications and making recommendation for appointments to external boards.

i. The Appointment Advisory Committee is permitted to meet in closed when evaluating public member applications.

The decision before the Governance Committee is to appoint three of its members to the Appointments Advisory Committee. Historically, the Chair of the Governance Committee has also served as the Chair to the Appointments Advisory Committee.

ALTERNATIVES

Alternative 1

The Governance Committee recommends to the Capital Regional District Board:

That the membership of the Appointments Advisory Committee for 2023 include Governance Committee Chair Little and the following two committee members: Director [X], and Director [Y].

Alternative 2

That this report be referred to the Capital Regional District Board for a decision on appointing three members to the Appointments Advisory Committee for 2023.

IMPLICATIONS

The CRD has received notice of the following vacancies requiring nominees/appointments in the first and second quarter of 2023:

- **BC Ferry Authority (BCFA):** Appointment of 2 nominees to be finalized by the March 8, 2023 Board meeting. Nominees are advanced to the BCFA Board to select one representative to their Board for a 3-year term representing Southern Vancouver Island.
- **Royal & McPherson Theatres Society:** Appointment of 2 Appointed Directors for a 2-year term by the April 12, 2023 Board meeting.

Legislative Services staff will prepare the call for expressions of interest and work with CRD Corporate Communications on posting the opportunity to serve on the external boards listed above. Staff will bring forward a report to a Closed meeting of the Appointments Advisory Committee that will include a matrix showing which individuals have met the eligibility requirements and member criteria as established by the External Board. The Appointments Advisory Committee will then make a recommendation to the CRD Board for nomination or appointment.

RECOMMENDATION

The Governance Committee recommends to the Capital Regional District Board:
That the membership of the Appointments Advisory Committee for 2023 include Governance Committee Chair Little and the following two committee members: Director [X], and Director [Y].

Submitted by:	Marlene Lagoa, MPA, Manager, Legislative Services & Deputy Corporate Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT(S)

Appendix A: CRD Appointment of Public Members to External Boards Policy



Making a difference...together

CAPITAL REGIONAL DISTRICT CORPORATE POLICY

Policy Type	Board		
Section			
Title	CRD Appointment of Public Members to External Boards		
Adopted Date	April 14, 2021	Policy Number	BRD08
Last Amended			
Policy Owner	Legislative Services		

1. POLICY:

The intent of the policy is to establish a standard process for the CRD Board's appointment of Public Members to External Boards.

2. PURPOSE:

The purpose of this policy is to ensure that the most suitable candidates are selected and appointed as CRD Representatives, and to ensure that the process of appointing Public Members to an External Board is inclusive, transparent and consistently applied.

3. SCOPE:

This policy applies to the filling of vacancies when Public Members are eligible for appointment as a CRD representative or nominee to an External Board.

This policy is intended to supplement, not replace, the appointment processes already prescribed in the establishing governance documents for the External Board. Where sections of this policy conflict with requirements set out in legislation or bylaws, the requirements of those governing documents will prevail.

This policy does not apply to the appointment of CRD Board Members or Municipal Councillors.

4. DEFINITIONS:

"Appointment" means a resolution by the CRD Board to nominate or appoint a Public Member to an External Board.

"Appointment Advisory Committee" means an advisory committee responsible for reviewing applications and making recommendations for public member appointments.

"CRD Board" means the governing and executive bodies of the Capital Regional Board, Capital Regional Hospital District Board, and Capital Region Housing Corporation.

"External Board" means a non-CRD Board or committee, including but not limited to a society, corporation, foundation, public utility or authority, which has a CRD-appointed or nominated representative as a member.

“Public Member” means an individual who is not a CRD Board Member or Municipal Councillor.

5. PROCEDURE:

5.1. Confirmation of Vacancies

- Legislative Services staff will monitor membership terms and vacancies in accordance with the relevant legislation, bylaw, and terms of reference, as applicable.
- External Boards seeking appointments may specify preferred qualifications or areas of experience for prospective CRD Representatives.

5.2. Call for Expressions of Interest

- Calls for expressions of interest will be posted to the CRD website and on social media.
- Expressions of interest for available vacancies may be published in a local newspaper or posted in a local meeting place.
- Expressions of interest must be open for a period of no less than 30 days from the first date of publication of the call for expression of interest.

5.3. Consideration of Candidates & Appointments

- CRD staff will prepare a Closed staff report for consideration by the Appointment Advisory Committee during a Closed meeting in accordance with Section 90(1)(a) of the *Community Charter*.
- The Closed staff report must include the following information:
 - **Candidates:** naming of all individuals who have expressed interest by the deadline and may include materials they have submitted;
 - **Re-appointments:** Identify any individuals currently serving on the committee/commission and seeking re-appointment;
 - **Eligibility-Criteria Matrix:** When applicable, a matrix showing which individuals have met the eligibility requirements and member criteria.
 - **Recommendation:** Recommendation to nominate or appoint will be made in accordance with the External Board governing documents and confirmed by a resolution of the CRD Board.
- The appointment of individuals will be determined by a non-weighted all majority vote by the CRD Board.

5.4. Communicating and Tracking Appointments

- Legislative Services staff will send written notice and a certified copy of the CRD Board's resolution to the External Board informing them of the appointment.
- Legislative Services staff will maintain the pertinent contact information of Public Members, along with the appointment information of the External Board to which they have been appointed.

6. SCHEDULE:

Schedule A: External Boards with Public Member Appointments

7. AMENDMENT(S):

Adoption Date	Description:
April 14, 2021	

8. REVIEW(S):

Review Date	Description:
April 2026	

9. RELATED POLICY, PROCEDURE OR GUIDELINE:

CRD Board Procedures Bylaw (No. 3828)

Guidelines for CRD Commissions Policy

Non-Disclosure / Confidentiality Agreement for CRD Commissions Policy

SCHEDULE A

External Boards with Public Member Appointments

Member Agency Boards	Representation Type	Appointment vs. Nomination	Term Length	Current Membership	Governing Documents
BC Ferry Authority	Southern Vancouver Island <i>CVRD or CRD Representative</i>	Nomination	3 years	CVRD Public Member	<i>Coastal Ferry Act/ BC Ferry Bylaw</i>
CREST Corporation	Director	Nomination	2 years	3 Public Members	<i>ECC Act</i>
Greater Victoria Harbour Authority	Member Director	Nomination	2 years	CRD Director	Board Recruitment Policy BRD06
Island Corridor Foundation	Director	Nomination	2 years	CRD Director	ICF Bylaw
Royal and McPherson Theatres Society	Appointed Director	Appointment	2 years <i>RMTS Board may re-appoint (up to 6 years)</i>	3-5 Public Members	RMTS Bylaw
Victoria Airport Authority	CRD Representative	Nomination	3 years	Public Member	VAA Bylaw No. 3

**REPORT TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, FEBRUARY 01, 2023**

SUBJECT **Consideration of a Board Code of Conduct**

ISSUE SUMMARY

To assist the Board in considering whether it wishes to adopt a Code of Conduct to establish expectations for how Directors should conduct themselves while carrying out their duties as elected officials at the CRD.

BACKGROUND

In June of 2022 the province introduced legislative amendments to the *Community Charter* and *Local Government Act* that municipal councils and regional district boards must consider developing or updating a code of conduct within 6 months of the first regular meeting following the General Local Election. This requirement comes from a recommendation made by the Working Group on Responsible Conduct, which was a joint initiative of the UBCM, the Local Government Management Association and the Ministry of Municipal Affairs and Housing and follows the UBCM endorsement of Resolution SR3 to strengthen responsible conduct of local government elected officials.

The CRD Board does not currently have a code of conduct. The Board previously considered whether to adopt a code of conduct in its last term and prior to that in 2017 and 2018, and ultimately determined that the CRD had sufficient tools in place through existing policies and bylaws to regulate the conduct of Directors.

ALTERNATIVES

Alternative 1

The Governance Committee recommends to the Capital Regional District Board:

1. That the CRD Board endorse development of a code of conduct to establish shared expectations of responsible conduct and behavior of CRD Directors; and,
2. That staff be directed to report back to Governance Committee with resources and examples to facilitate development of the code of conduct.

Alternative 2

The Governance Committee recommends to the Capital Regional District Board:

1. That the CRD Board not adopt a code of conduct after consideration of the principles set out in section 2 of the *Principles for Codes of Conduct Regulation*, B.C. Reg. 136/2022;
2. That the reasons for deciding not to adopt a code of conduct be made publicly available; and,
3. That the Board reconsider its decision before January 1, 2026.

IMPLICATIONS

The requirement to consider a code of conduct is in sections 113.1 and 113.2 of the *Community Charter*, and applies to Regional Districts through section 205(1)(b.1) of the *Local Government*

Act. These sections do not make it mandatory to adopt a code of conduct; rather, it is mandatory for Boards and Councils to consider adoption of a code of conduct, in light of the principles of expected conduct set out in the *Principles for Codes of Conduct Regulation* (Appendix A).

Implications of Alternative 1

The UBCM Working Group on Responsible Conduct has produced resources for local elected officials to assist in the development of a code of conduct:

- Model code of conduct (Appendix B); and,
- UBCM Companion Guide: Getting Started on a Code of Conduct for your Council/Board (Appendix C).

The Guide provides some useful information to be considered by elected officials in the process of creating a code of conduct, and highlights that engaging in the process itself is a useful way to facilitate a discussion between board members about shared values and expectations and how members would like to work together.

It's important to note that a code of conduct is just one component in a larger responsible conduct framework. There are existing legal and legislative controls, primarily in the *Community Charter*, that address standards of conduct on the following issues:

- Conflict of interest;
- Use of inside and outside influence;
- Receipt of gifts;
- Public disclosure of any related party transactions;
- Restriction on the use of insider information;
- Mandatory Oath of Office.

In addition, the CRD has policies and bylaws that apply to board members and employees, including:

- Respectful Workplace Policy – defines expectations of a respectful workplace and includes a dispute resolution process for complaints of disrespectful behavior;
- Reporting of Serious Misconduct Policy – sets out guidelines for the reporting and investigation of serious misconduct, such as fraud, embezzlement, and deliberate unethical behavior;
- Roberts Rules of Order and the Board Procedures Bylaw address the rights and expectations of board members in meetings;

While legislated standards and existing policies set a baseline of expected behavior, a code of conduct can expand upon the requirements and go further by including value statements that effectively set a higher standard. A code of conduct, particularly when enacted by bylaw, can also include potential enforcement mechanism and sanctions for non-compliance, though the efficacy of such mechanisms is limited.

The process for developing a code of conduct should be iterative and include input from board members, rather than being developed by staff. Staff anticipate providing resources and examples, as well as options and analysis to facilitate workshoping sessions with Governance Committee in development of the code of conduct. At the request of the committee, staff could also engage the services of a facilitator or external legal counsel for specialized advice, if required.

Implications of Alternative 2

Section 113.2 of the *Community Charter* includes a requirement that if the Board chooses not to adopt a code of conduct it must first consider the following principles set out in the *Principles for Codes of Conduct Regulation*:

- a. [Board] members must carry out their duties with integrity;
- b. [Board] members are accountable for the decisions that they make, and the actions that they take in the course of their duties;
- c. [Board] members must be respectful of others;
- d. [Board] member must demonstrate leadership and collaboration.

A further requirement in the *Charter* is that the Board must issue a statement respecting the reasons not to adopt a code of conduct and make it available for public inspection. If the Board elects to move Alternative 2, choosing to rely on existing legislation and policy to regulate board member conduct, board members will need to have a discussion considering the principles set out above and meet the legislated requirement to provide public reasons for the decision.

CONCLUSION

With the recent changes to the *Local Government Act* and the *Community Charter*, the Province has demonstrated a clear intention to promote greater awareness of the need for responsible conduct by local elected officials. To comply with the new requirements, the Board must resolve whether it wishes to endorse development of a code of conduct or choose instead to rely on existing tools to govern its conduct, currently set out in policy, bylaw and legislation. A decision not to develop a code of conduct requires documented consideration of the criteria set out in the *Principles for Codes of Conduct Regulation* and must be revisited prior to the final year of the Board's term.

RECOMMENDATION

The Governance Committee recommends to the Capital Regional District Board:

1. That the CRD Board endorse development of a code of conduct to establish shared expectations of responsible conduct and behavior of CRD Directors; and,
2. That staff be directed to report back to Governance Committee with resources and examples to facilitate development of the Code of Conduct.

Submitted by:	Kristen Morley, JD, General Manager, Corporate Services and Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT(S)

Appendix A: *Principles for Codes of Conduct Regulation*, B.C. Reg. 136/2022

Appendix B: UBCM Model Code of Conduct

Appendix C: UBCM Companion Guide: Getting Started on a Code of Conduct for your Council/Board

Community Charter

**PRINCIPLES FOR CODES
OF CONDUCT REGULATION
B.C. Reg. 136/2022**

Definition

- 1** In this regulation, “**Act**” means the *Community Charter*.

Principles for codes of conduct

- 2** The following principles are prescribed for the purposes of sections 113.1 (2) (a) [*requirement to consider code of conduct*] and 113.2 (2) (a) [*reconsideration of decision respecting code of conduct*] of the Act as principles that a council must consider before making a decision under section 113.1 (1) or in a reconsideration under section 113.2 (1):
- (a) council members must carry out their duties with integrity;
 - (b) council members are accountable for the decisions that they make, and the actions that they take, in the course of their duties;
 - (c) council members must be respectful of others;
 - (d) council members must demonstrate leadership and collaboration.

Copyright © 2022, Province of British Columbia

MODEL CODE OF CONDUCT

Getting Started on a Code of Conduct for Your Council / Board

Produced by the Working Group on Responsible Conduct

Updated in October 2022



Table of Contents

INTRODUCTION & EXPLANATORY NOTES	3
What is a code of conduct?	3
What is the purpose of this document?	3
What are some considerations in developing and using a code of conduct?	4
MODEL CODE OF CONDUCT	6
A. INTRODUCTION	6
B. HOW TO APPLY AND INTERPRET THIS CODE OF CONDUCT	6
C. FOUNDATIONAL PRINCIPLES OF RESPONSIBLE CONDUCT	7
D. OPTIONAL: VALUE STATEMENTS	7
E. STANDARDS OF CONDUCT	8
F. ENCOURAGED: ENFORCEMENT MECHANISMS	10
G. OPTIONAL: ADDITIONAL POLICIES	11

The *Working Group on Responsible Conduct* is a joint initiative between the Union of BC Municipalities, the Local Government Management Association, and the 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.

INTRODUCTION & EXPLANATORY NOTES

What is a code of conduct?

- A code of conduct is a written document that sets shared expectations for conduct or behaviour. A local government council or board can adopt a code of conduct to establish shared expectations for how members should conduct themselves while carrying out their responsibilities and in their work as a collective decision-making body for their community.
- Responsible conduct of elected officials is not optional; it is essential to good governance. Responsible conduct refers to how 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.
- A code of conduct is one tool that can be used by a local government council or board to promote or further responsible conduct. See the [Forging the Path to Responsible Conduct in Your Local Government](#) guide for complementary tools.

What is the purpose of this document?

- The purpose of this document is to provide local government council or board members with a model code of conduct which establishes a set of principles and general standards of conduct that can be used as a starting point to develop their own code of conduct.
- This model code of conduct may also be useful for councils or boards who already have a code of conduct in place but are required to consider updating their code following the 2022 general local elections.
- The Working Group on Responsible Conduct has also developed a “Companion Guide” to accompany this document that provides discussion questions, things to keep in mind, and other tips to facilitate a council or board’s conversation in developing a code of conduct.
- The general standards of conduct set out in this model code of conduct reflect the foundational principles of integrity, respect, accountability, and leadership and collaboration. Local governments are required to reflect on these principles when considering whether to establish or update a code of conduct.
- Councils or boards may choose to customize and expand on the general standards of conduct provided in this model code of conduct by:
 - Adding examples of specific behaviours or other details to further elaborate on the standards of conduct that are provided;
 - Including additional standards of conduct that address topics of importance to the council or board and which are not directly dealt with by the standards of conduct already provided;
 - Including additional provisions in the code of conduct to support compliance or to cover informal resolution processes, formal enforcement processes such as complaints investigation and final resolution, and sanctions; and/or

- Incorporating, referencing or attaching other policies that are generally related to responsible conduct (such as social media policies), where a council or board feels it is appropriate.

What are some considerations in developing and using a code of conduct?

- In developing a code of conduct, council or board members should consider not just the content of the code of conduct, but also how to make it meaningful for members, both as individuals and as a collective decision-making body. While there is no ‘right’ way to develop and use a code of conduct, councils or boards should consider the following to maximize the effectiveness of their code of conduct:

- *Don’t overlook the importance of the process when developing and adopting a code of conduct:* How a code of conduct is developed and adopted matters; providing opportunities for council or board members to discuss not just the “what” but also the “why” of a code of conduct will help ensure its effectiveness.

To start with, understanding the context for developing and adopting a code of conduct is important – is the council or board being proactive or have there been particular incidents of concern; does the council or board need to consider its collective “blind spots”, such as identifying and airing subconscious assumptions or systemic barriers? Discussing the language and content of the code of conduct and how it can best be customized to meet the needs of the council or board and individual members is also important. Discussing shared expectations as a part of the orientation process for newly elected officials or including the code of conduct as an outcome of a strategic planning process (with dedicated follow-up opportunities for development) could be good ways of ensuring a code of conduct is adopted in a meaningful way.

- *Make the code of conduct meaningful:* Finding ways to integrate the code of conduct into the council or board’s ongoing governance will help ensure that it remains a relevant and effective living document. For instance, some councils or boards may choose to refer to the code of conduct at every meeting; others may have a copy included in every agenda package or framed on the wall in the meeting room or placed on the desk of each elected official as a regular point of reference.
- *Make sure the code of conduct is consistent with existing laws and policies:* Council or board members may include a variety of topics in their code of conduct. Where existing laws or policies deal with topics they choose to include in their code of conduct (i.e., privacy legislation; Human Resources policies; etc.), they must ensure that their code of conduct is consistent with those laws and policies.
- *Offer ongoing advice, education, and support:* A council or board will also want to consider how members can best be supported in working with their code of conduct. This could include, for example, general education around the purpose of codes of conduct, opportunities for members to receive specific advice on how the code of conduct should be interpreted and applied, as well as other ongoing opportunities for support and education – for example, orientation when new members join the council or board or regular debriefings following council or board meetings to discuss how effectively the code of conduct guided the discussion.
- *Revisit it regularly:* Council or board members should approach their code of conduct as a living document to be reviewed and amended from time to time, to ensure that it remains a relevant and

effective tool. At a minimum, councils and boards are required to consider updating their code of conduct following a general local election; however, it is encouraged that councils and board review it more often than once per term.

MODEL CODE OF CONDUCT ¹

A. INTRODUCTION

As local elected representatives (“members”), we recognize that responsible conduct is essential to providing good governance for the [city / municipality / regional district / district] of [name of local government].

We further recognize that responsible conduct is based on the foundational principles of integrity, accountability, respect, and leadership and collaboration.

In order to fulfill our obligations and discharge our duties, we are required to conduct ourselves to the highest ethical standards by being an active participant in ensuring that these foundational principles, and the standards of conduct set out below, are followed in all of our dealings with every person, including those with other members, staff, and the public.

B. HOW TO APPLY AND INTERPRET THIS CODE OF CONDUCT

This code of conduct applies to the members of [city / municipality / regional district / district] of [name of local government]. It is each member’s individual responsibility to uphold both the letter and the spirit of this code of conduct in their dealings with other members, staff, and the public.

Elected officials must conduct themselves in accordance with the law. This code of conduct is intended to be developed, interpreted and applied by members in a manner that is consistent with all applicable federal and provincial laws, as well as the bylaws and policies of the local government, the common law and any other legal obligations which apply to members individually or as a collective council or board.

¹ Some sections of this code of conduct include additional information in a shaded box. This information is for guidance and context only and is not intended to be included in a local government’s code of conduct.

C. FOUNDATIONAL PRINCIPLES OF RESPONSIBLE CONDUCT

Information about the Foundational Principles:

The foundational principles of integrity, respect, accountability and leadership and collaboration have been identified by the Working Group on Responsible Conduct as being important to promoting and furthering responsible conduct and should be incorporated into every code of conduct.

A high-level definition of each foundational principle, along with a general description of the type of conduct that upholds each principle, is provided below. These principles are intended to provide members with a shared understanding of responsible conduct and guide them in fulfilling their roles and responsibilities both as individual elected officials and as a collective council or board. Key standards of conduct are set out in subsequent sections of this model code of conduct to provide specific examples of the types of conduct that demonstrate the foundational principles.

These four principles, in conjunction with the key standards of conduct, can be used as a guide for elected officials against which to assess their own conduct.

1. **Integrity** – means conducting oneself honestly and ethically.
2. **Respect** – means valuing the perspectives, wishes, and rights of others.
3. **Accountability** – means an obligation and willingness to accept responsibility or to account for one's actions.
4. **Leadership and Collaboration** – means an ability to lead, listen to, and positively influence others; it also means coming together to create or meet a common goal through collective efforts.

D. OPTIONAL: VALUE STATEMENTS

Information about including Value Statements:

A council or board may wish to customize their code of conduct to include 'value statements'. These are high-level statements that identify the values that the council or board consider important and feels should be included for context in their code of conduct.

A council or board may find the "Companion Guide" to this code of conduct useful as they consider how 'value statements' may be incorporated into their own code of conduct.

E. STANDARDS OF CONDUCT

Information about the Standards of Conduct:

The following section provides general standards of conduct that reflect the foundational principles identified above. A council or board can customize their code of conduct by including additional standards of conduct, or by expanding on existing standards of conduct to more clearly demonstrate how a member can exemplify responsible conduct.

A council or board may find the “Companion Guide” to this code of conduct useful as they consider how these general standards of conduct may be customized to best fit their needs.

Integrity: Integrity is demonstrated by the following conduct:

- Members will be open and truthful in all local government dealings, while protecting confidentiality where necessary.
- Members will behave in a manner that promotes public confidence, including actively avoiding any perceptions of conflicts of interest, improper use of office, or unethical conduct.
- Members will act in the best interest of the public and community.
- Members will ensure actions are consistent with the shared principles, values, policies, and bylaws collectively agreed to by the council or board.
- Members will demonstrate the same ethical principles during both meetings that are open and closed to the public.
- Members will express sincerity when correcting or apologizing for any errors or mistakes made while carrying out official duties.

Respect: Respect is demonstrated through the following conduct:

- Members will treat elected officials, staff, and the public with dignity, understanding, and respect.
- Members will acknowledge that people’s beliefs, values, ideas, and contributions add diverse perspectives.
- Members will create an environment of trust, including displaying awareness and sensitivity around comments and language that may be perceived as offensive or derogatory.

- Members will refrain from any form of discriminatory conduct against another elected official, staff, or the public.
- Members will honour the offices of local government and fulfill the obligations of Mayor/Chair and Councillor/Director dutifully.
- Members will recognize and value the distinct roles and responsibilities of local government staff.
- Members will call for and expect respect from the community towards elected officials and staff.
- Members will ensure that public statements and social media posts that concern other elected officials, staff, and the public are respectful.

Accountability: Accountability is demonstrated through the following conduct:

- Members will be transparent about how elected officials carry out their duties and how council conducts business.
- Members will ensure any information and decision-making processes are accessible to the public while protecting confidentiality where necessary.
- Members will correct any mistakes or errors in a timely and transparent manner.
- Members will accept and uphold that the council/board is collectively accountable for local government decisions, and that individual elected officials are responsible and accountable for their behaviour and individual decisions.
- Members will listen to and consider the opinions and needs of the community in all decision-making and allow for public discourse and feedback.
- Members will act in accordance with the law, which includes, but is not limited to, the statutes, bylaws, and policies that govern local government.

Leadership and Collaboration: Leadership and collaboration is demonstrated through the following conduct:

- Members will demonstrate behaviour that builds public confidence and trust in local government.

- Members will provide considered direction on municipal policies and support colleagues and staff to do the same.
- Members will educate colleagues and staff on the harmful impacts of discriminatory conduct, and take action to prevent this type of conduct from reoccurring if necessary
- Members will create space for open expression by others, take responsibility for one's own actions and reactions, and accept the decisions of the majority.
- Members will advocate for shared decision-making and actively work with other elected officials, staff, the public, and other stakeholders to achieve common goals.
- Members will foster positive working relationships between elected officials, staff, and the public.
- Members will commit to building mutually beneficial working relationships with neighbouring First Nations to further advance reconciliation efforts.
- Members will positively influence others to adhere to the foundational principles of responsible conduct in all local government dealings.

F. ENCOURAGED: ENFORCEMENT MECHANISMS

Information about including Enforcement Mechanisms:

A council or board may want to include enforcement mechanisms to support compliance of their code of conduct. These mechanisms may include informal resolution, administratively fair and formal complaint processes, third-party investigators, and sanctions. Local governments are always first encouraged to focus on continuous improvement to foster responsible conduct, maintain good governance, and resolve conduct issues informally. A council or board may want to consult the "Companion Guide" and the "Forging the Path to Responsible Conduct in Your Local Government" guide for tips and resources that support the development of practical enforcement mechanisms.

G. OPTIONAL: ADDITIONAL POLICIES

Information about including Additional Policies:

A council or board may choose to include additional policies as part of their code of conduct. These additional policies may be useful in addressing matters of importance that require deeper attention or that are connected to the four foundational principles. Some examples of the types of policies that a council or board could include are provided below.

A council or board may want to consult the “Companion Guide” for tips and resources for including additional policies.

Policies About Communications

- *Use of social media by members.*
- *How members communicate as representatives of the local government.*

Policies About Personal Interaction

- *Interactions between members and others, such as the public, staff, bodies appointed by the local government, and other governments and agencies (e.g., respectful workplace policies).*
- *Roles and responsibilities of staff and elected officials.*

Policies About How Information is Handled

- *Proper handling and use of information, including information which is confidential or otherwise protected and is made available to members in the conduct of their responsibilities.*
- *Retention and destruction of records.*
- *How and when information that was relevant to the decision making process is made publicly available.*

Policies About Other Matters

- *Creation, use, and retention of the local government’s intellectual property.*
- *Personal use of local government resources.*
- *Receipt of gifts and personal benefits by members.*
- *Provision of remuneration, expenses, or benefits to members in relation to their duties as members.*

COMPANION GUIDE

Getting Started on a Code of Conduct for Your Council / Board

Updated October 2022

Produced by the Working Group on Responsible Conduct

What is Responsible Conduct?

Responsible conduct refers to how 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

Keep in mind...

before thinking about the content of your code of conduct, ensure that everyone is on the same page about what you want to achieve and how you want to get there. Agreeing on the objectives and the process upfront will help make the code of conduct more meaningful and successful

Introduction

The Working Group on Responsible Conduct has developed a model code of conduct that can be used as a starting point by local government councils/boards to develop their own customized code of conduct.

This companion guide provides discussion questions, things to keep in mind, and other helpful tips and resources to facilitate a council/board's conversation in developing their own code of conduct. This guide is also useful for councils/boards that already have a code of conduct in place but are considering updating it following the 2022 general local elections.

What is a Code of Conduct?

A code of conduct is a written document that sets shared expectations for conduct or behaviour. A council/board can adopt a code of conduct to establish expectations for how members should conduct themselves while carrying out their responsibilities, and in their work as a collective decision-making body for their community.

Responsible conduct of elected officials is not optional; it is essential to good governance. A code of conduct is one tool that can be used by a local government council/board to promote or further responsible conduct.

Before you get Started

Before you discuss the content of your code of conduct, it is important to ensure that all council/board members understand the purpose of embarking on the development of a code of conduct, have clear expectations about what the code of conduct will and will not do, and that there is consensus on the process for developing it.

Ensuring that everyone is on the same page before diving into the details of your code of conduct will help make the development process easier and the code of conduct more meaningful. Ask yourselves:

- Q Why is developing a code of conduct important to us?
- Q What are our key objectives in developing a code of conduct?
- Q Do we each understand the role of a code of conduct (i.e., that it is in addition to, not instead of, legal rules and local government policies)?
- Q What kind of process do we want to undertake to develop our code of conduct? Do we want to do this ourselves, with staff or get assistance from a facilitator or other consultant?
- Q Would we benefit from training or education about responsible conduct or codes of conduct generally before we get started on developing our own?

★ **TIP:** It may take multiple sessions and a variety of approaches to develop a code of conduct that works for you – don't feel you have to get it done in one sitting or using any one particular method.

Setting the Scope

Developing a code of conduct requires consideration about its scope, including who it applies to and in what capacity. For example, the model code of conduct prepared by the Working Group on Responsible Conduct is intended to apply to local elected officials.

When thinking about the scope and application of your code of conduct, ask yourselves:

Q Will the code of conduct apply to any or all of your local government committees and/or commissions? If so, are there specific considerations, limitations or criteria on how the code of conduct will apply to these bodies?

Q Will the code of conduct apply to elected members in carrying out all of their roles and responsibilities in all circumstances (e.g., when an elected official sits on an advisory committee with members of the public and others not covered by a council/board's code of conduct)?

★ **TIP:** Make sure the scope of your code of conduct aligns with the objectives you initially identified for developing a code of conduct. The broader the scope of the code of conduct, the more difficult it may be to implement and put into practice.

Keep in mind...

that elected officials must always conduct themselves in accordance with the law – this includes rules set out in local government legislation and other legislation, such as human rights rules. Ensure that your code of conduct is consistent with existing laws and policies

Thinking about Principles & Values

The model code of conduct developed by the Working Group on Responsible Conduct is built on four key foundational principles -- *integrity*, *respect*, *accountability*, and *leadership and collaboration*. At a minimum, every code of conduct needs to consider incorporating these four principles, but your council/board may want to build on these principles and provide more context regarding the values and objectives underlying the code of conduct. Ask yourselves:

Q Are there additional principles that are fundamentally important to our council/board (e.g., openness; impartiality; transparency)? If so, what are they and how are they defined? Should they be included in our code of conduct?

Q Are there particular values that are important to us that should be explicitly articulated as value statements in our code of conduct (e.g., “we practice high standards of ethical behaviour and conduct our decision-making in an open and transparent way to inspire trust”; “we strive for continuous improvement”)?

Q Are there principles in our code of conduct that we want to include in other policies or procedures to ensure our expectations for conduct are consistent (e.g., ensure any principles set out in the procedure bylaw are consistent with principles set out in the code of conduct)?

★ **TIP:** Use clear, concise language that can be easily understood by everyone at all levels of the organization, as well as the public.

Keep in mind...

that a code of conduct does not need to be complex or elaborate – it simply needs to spell out the standards your council/board feels are important to be commonly understood

Setting Standards of Conduct

The model code of conduct developed by the Working Group on Responsible Conduct sets out a range of standards of conduct that reflect the four key foundational principles. Because these are broadly applicable, they are necessarily written as general statements.

Your council/board can customize by adding other standards, expanding on the ones provided or by providing specific statements or examples of expected behaviour. Ask yourselves:

Q Are there specific behaviours that should be identified and encouraged under our code of conduct? For example:

- members should listen courteously and attentively to all discussions at the council/board meeting, and focus on the business at hand
- members must make every effort to show up to all meetings on time and well prepared to take an active role in the business at hand
- members should always consider the impact that their choice of language may have on other individuals

Q Are there specific behaviors that should be identified and discouraged under our code of conduct? For instance:

- members must not interrupt each other during a meeting, including by talking over another person
- members must not engage in specific physical actions or language, such as shaking a fist, eye rolling, turning their back to people who are speaking, making faces, pointing aggressively, using curse words, or making comments about a person's appearance
- members must stop talking and pay attention when the chair is talking or seeking order

★ **TIP:** No code of conduct will capture every situation that may arise. Consider which standards of conduct matter the most to your council/board now and incorporate additional standards as needed.

★ **TIP:** Look at other published codes of conduct for ideas you feel may be appropriate for your council/board's code of conduct (see "*List of Resources & Helpful Links*" section of this guide).

★ **TIP:** Ensure that your standards of conduct are clear and easy to interpret (e.g. any member should be able to see whether they are or are not meeting the standard).

Keep in mind...

that it is important to balance rules about appropriate conduct (including language, communication, and other physical actions) with the importance of open discourse that is necessary for governing bodies

Keep in mind...

that achieving consensus at the council/board table about the content of the code of conduct may be challenging, but having these difficult conversations is an important part of developing a meaningful code of conduct

Establishing an Enforcement Mechanism

Local governments are encouraged to include provisions that support compliance and enforcement. Creating a fair and impartial enforcement process before conduct issues arise ensures that all council/board members have the same understanding of the procedures in place. Ask yourselves:

- Q What measures do we have in place for continuous improvement at our council/board, to foster responsible conduct, maintain good governance, and resolve conduct issues informally (i.e., are we putting sufficient effort into prevention and informal resolution of conduct issues)? What conduct issues can be resolved through informal resolution, and what issues should be resolved using formal resolution?
 - Q How can we establish a fair complaint process that is accessible and manageable for our local government? Who can file a complaint in relation to a breach of a code of conduct? How will these complaints be impartially investigated (e.g., using a third-party investigator)?
 - Q What expert advice (e.g., legal) do we need to develop administratively fair formal enforcement processes and appropriate sanctions? Do we have the resources and capacity to follow through on such enforcement process if they are needed?
 - Q Does everyone understand what sanctions can/cannot be included in a code of conduct? What do we have in place to improve the post-sanction environment (e.g., to repair relationships among council/board members)? How will we move forward constructively as a collective?
- ★ **TIP:** Review *“Forging the Path to Responsible Conduct in Your Local Government”* when considering provisions related to enforcement (see *“List of Resources & Helpful Links”* section in this guide).

Keep in mind...

that conduct enforcement is a complex and evolving area of law; local governments should consult with their legal advisors on what enforcement approaches are best suited for a code of conduct

Incorporating other Policies

Local governments are likely to have a range of existing policies on a number of topics, from communications to information management to human resources. A code of conduct may be a useful place to connect to some of these policies. Ask yourselves:

- Q What existing policies do we already have that could be referenced in our code of conduct (e.g., respectful workplace policy; use of social media; handling of information; gifts and personal benefits)?
 - Q Are there any existing policies that need to be updated to reflect or reference the code of conduct?
- ★ **TIP:** You do not need to replicate all of your organization’s existing policies in a code of conduct. Key policies can simply be referenced where appropriate, throughout your code of conduct.

Keep in mind...

that local governments **cannot** impose disqualification from office as a sanction for a Code of Conduct breach

Adopting and Publishing your Code of Conduct

Once you have come to a consensus on the content of your code of conduct, ask yourselves:

- Q How will we try to ensure that all members are comfortable with a code of conduct that is adopted? What can we do if some members disagree with the code of conduct?
 - Q Should each council/board member formally commit to the code of conduct in some way? What would this look like (e.g., each member signs the document)?
 - Q How are we going to communicate or present the code of conduct to staff, the public and others? Should it be on our website? How else can we make it known?
- ★ **TIP:** Make sure your code of conduct is easily accessible by everyone in the organization, as well as the public.

Keep in mind...

that if it is challenging to achieve consensus at adoption or any other stage of the development process – don't be afraid to seek out a facilitator or another consultant

Putting the Code of Conduct into Action

Finding ways to integrate the code of conduct into your ongoing governance will help ensure that it remains a relevant and effective 'living' document. Consider how you will maintain, use, and keep your code by conduct 'alive' and meaningful by asking yourselves:

- Q How will we use and refer to the code of conduct (e.g., by including it in every agenda package? Displaying it on the wall? Framing it on every member's desk)?
 - Q Should there be education or any other supports for our council/board members or employees about the code of conduct (e.g., at a set time such as the start of every term)? How will new members be oriented to it?
- ★ **TIP:** Education should include not only the content of the code of conduct, but also information on how informal resolution processes or other enforcement mechanisms work in practice if the code of conduct is breached.

Keep in mind...

that making your code of conduct accessible, transparent, and available to the public will help build public confidence and demonstrate a commitment to good governance

Reviewing your Code of Conduct

Local governments are required to consider reviewing their code of conduct following a general local election. Ask yourselves:

- Q Should we review the code of conduct more frequently than required? When would we review it? Are there certain circumstances that would trigger a review process (e.g., after a by-election)?
 - Q How will we review and evaluate the code of conduct? Should there be a set process for reviews? How will changes be incorporated?
- ★ **TIP:** It may be useful to establish a process for feedback on the code of conduct to ensure that when a review happens, all of the relevant feedback is readily available and can be considered.

Keep in mind...

that your code of conduct is not 'set in stone'; it can be and should be revisited and reviewed regularly

List of Resources & Helpful Links

WORKING GROUP ON RESPONSIBLE CONDUCT RESOURCES

Model Code of Conduct

[REQUIRES UPDATED LINK]

Foundational Principles of Responsible Conduct Brochure

[REQUIRES UPDATED LINK]

Forging the Path to Responsible Conduct in Your Local Government Guide

<https://www.ubcm.ca/sites/default/files/2021-08/Forging%20the%20Path%20to%20Responsible%20Conduct.pdf>

EXAMPLES OF LOCAL GOVERNMENT CODES OF CONDUCT (BC)

District of Squamish

<https://squamish.civicweb.net/filepro/documents/?preview=218433>

Municipality of North Cowichan

https://www.northcowichan.ca/assets/Municipal~Hall/Policies/Council_Policy_Standards_of_Conduct.pdf

City of Abbotsford

<https://municipal.qp.gov.bc.ca/civix/document/id/coa/coaoth/c00708>

City of Nanaimo

<https://www.nanaimo.ca/bylaws/ViewBylaw/7348.pdf>

City of Vancouver

https://vancouver.ca/docs/council/12886_Code_of_Conduct_Bylaw.pdf

District of Saanich

<http://www.saanich.ca/assets/Local~Government/Documents/Bylaws~and~Policies/code-of-conduct-nov-2016.pdf>

Squamish-Lillooet Regional District

<https://www.slrd.bc.ca/sites/default/files/pdfs/administration/Policies/1.16%20Board%20Code%20of%20Conduct%20Policy.pdf>

RESOURCES ABOUT SOCIAL MEDIA POLICIES

Social Media Resource Guide (Alberta Urban Municipalities Association)

https://www.auma.ca/sites/default/files/Advocacy/Programs_Initiatives/citizen_engagement/social_media_resource_guide.pdf

[Note: page 26 pertains to Elected Officials and Social Media Policy]

City of Guelph (sample policy)

<http://guelph.ca/news/social-media/social-media-principles-and-guidelines-for-elected-officials/>

City of Pitt Meadows

<https://www.pittmeadows.ca/media/4191>

RESOURCES ABOUT HARASSMENT / HUMAN RIGHTS

City of Vancouver: Human Rights & Harassment policy

<https://policy.vancouver.ca/AE00205.pdf>

City of Richmond: Respectful Workplace Policy

https://www.richmond.ca/shared/assets/Respectful_Workplace_Policy22820.pdf

District of Sooke: Anti-Bullying Policy

<https://sooke.civicweb.net/document/11213>

RESOURCES ABOUT PRIVACY & HOW INFORMATION IS HANDLED

Privacy Management (Office of the Information & Privacy Commissioner)

<https://www.oipc.bc.ca/guidance-documents/1545>

District of Saanich (sample privacy management policy)

<http://www.saanich.ca/assets/Local~Government/Documents/Bylaws~and~Policies/privacy-management-may-2017.pdf>

Produced by the Working
Group on Responsible
Conduct

**REPORT TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, FEBRUARY 01, 2023**

SUBJECT **Bylaw 4540 - Election and Voting Procedures Bylaw Amendment**

ISSUE SUMMARY

Updates to Bylaw 3543, “Capital Regional District Election and Voting Procedures Bylaw, 2008”, (the Elections Bylaw) must be adopted no later than February 27, 2023 to be in effect for the Salt Spring Island Local Community Commission Election scheduled for May 27, 2023.

BACKGROUND

The Elections Bylaw was last updated prior to the 2022 general local election to align the bylaw with the change to section 110 of the *Local Government Act (LGA)* which allows all eligible electors the opportunity to vote by mail ballot. The CRD had offered mail ballot voting in two elections prior to 2022 with minimal uptake.

The number of electors that voted by mail ballot were:

- 15 - 2018 General Local Election;
- 39 - 2021 Pender Islands Health Care Centre Referendum (assent voting); and
- 134 - 2022 General Local Election.

As a result of opening mail ballot voting to all eligible electors in 2022, the CRD received over 300 requests for mail ballot packages to be prepared for mailing or pick-up. Staff are recommending amendments to the Elections Bylaw to remove the non-statutory procedure and timelines around the process of voting by mail ballot to increase staff efficiency.

ALTERNATIVES

Alternative 1

The Governance Committee recommends to the Capital Regional District Board:

1. That Bylaw 4540, the “Capital Regional District Election and Voting Procedures Bylaw, 2008, Amendment Bylaw No. 4, 2023” be introduced, read a first, second, and third time;
2. That Bylaw 4540 be adopted.

Alternative 2

That Bylaw 4540 be amended as directed.

IMPLICATIONS

The expanded availability of mail ballots during the 2022 election increased the number of electors who requested a mail ballot package, which in turn increased the workload for staff. The mail ballot process is further complicated by the fact that the CRD has 16 different types of ballots based on the local area of the elector. Furthermore, staff have a very short time frame from when the ballots are received from the printer to mail out due to Canada Post delivery timelines being longer for the island communities.

For instance, the earliest the ballot designs could be sent to the printer is less than 26 days before general voting (following the close of the withdrawal period for candidates and declaration of election by voting). It takes another 5 to 7 days for the printer to prepare and deliver the CRD's 16 unique ballot types. CRD Legislative Services staff had to work an average of 3 hours overtime for 3 consecutive days to process the high volume of mail ballot requests.

Currently, Part 4 of the Elections Bylaw outlines the requirements and process for mail ballot voting. Staff are recommending that Section 17(d) of the Elections Bylaw be amended to provide the Chief Election Officer (CEO) with the flexibility to establish the deadline for accepting voting by mail ballot, which must be no later than the close of voting on general voting day.

Staff are also recommending that Section 18 of the Elections Bylaw be amended to remove the non-statutory process and timeline of opening the mail ballot certification envelopes and placing the secrecy envelopes contained within in a ballot box after *"4:00 pm on the Thursday two days before general voting day"*. This non-statutory timeline is not connected to the deadline for submitting mail ballots, which is established by the CEO for each election. Instead, the bylaw has created an additional step in the administration of mail ballot voting which extends past regular office hours. Furthermore, candidates are permitted to have their representatives observe the opening of the certification envelope proceedings; however, the mandated 4:00 pm start time presents a challenge for those individuals travelling by ferry and limits the ability of staff to be flexibility on timing.

The purpose of the proposed amendments to the Elections Bylaw is to empower the CEO to set the timelines for mail ballot voting that works best with the scope and size of the election being conducted. Once the amending bylaw is adopted, the CEO will be able to set longer timelines for the processing of mail ballots for the Salt Spring Island Local Community Commission Election from the Salt Spring Island Administration Office.

CONCLUSION

Last year Bylaw 3543, the "Capital Regional District Election and Voting Procedures Bylaw, 2008" (the Elections Bylaw) was amended to align the bylaw with the change to section 110 of the *Local Government Act (LGA)* which allows all eligible electors the opportunity to vote by mail ballots. The Elections Bylaw is being amended to simplify processing of voting by mail ballot to give the Chief Election Officer the authority to set the timeline for processing the mail ballots before or after the close of voting on general voting day. The last day the Board may adopt any changes to the Elections Bylaw is February 27, 2023 in order for it to apply to the Salt Spring Island Local Community Commission Election scheduled for May 27, 2023.

RECOMMENDATION

The Governance Committee recommends to the Capital Regional District Board:

1. That Bylaw 4540, the "Capital Regional District Election and Voting Procedures Bylaw, 2008, Amendment Bylaw No. 4, 2023" be introduced, read a first, second, and third time;
2. That Bylaw 4540 be adopted.

Submitted by:	Marlene Lagoa, MPA, Manager, Legislative Services & Deputy Corporate Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Bylaw 4540, "Capital Regional District Election and Voting Procedures Bylaw, 2008, Amendment Bylaw No. 4, 2023"

Appendix B: Redlined version of proposed amendments to Bylaw 3543, "Capital Regional District Election and Voting Procedures Bylaw, 2008"

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4540**

**A BYLAW TO AMEND THE ELECTION AND VOTING PROCEDURES BYLAW
(BYLAW NO. 3543)**

WHEREAS:

- A. Under Bylaw No. 3543, "Capital Regional District Election and Voting Procedures Bylaw, 2008", the Regional Board provided for the conduct of local government elections and other voting in the Capital Regional District; and
- B. The Board wishes to update this bylaw to authorize the chief election officer to establish time limits in relation to voting by mail ballot;

NOW THEREFORE, the Capital Regional District Board in open meeting assembled hereby enacts as follows:

- 1. Bylaw No. 3543, "Capital Regional District Election and Voting Procedures Bylaw, 2008", is hereby amended as follows:
 - (a) In section 17.2(d), after the words "that it is received", inserting the following:
"within the time limits established by the chief election officer which must be";
 - (b) In section 18.1, deleting the words "Until 4:00 p.m. on the Thursday two days before general voting day", and capitalizing the word "Upon";
 - (c) In section 18.2, replacing the words "4:00 p.m. on the Thursday two days before" with "the close of voting on";
 - (d) In section 18.5, deleting the words "After all the secrecy envelopes have been placed in the ballot box designated for the purpose, and" , and capitalizing the word "Following";
 - (e) In section 18.5, replacing 18.5(a) in its entirety with the following:
 - (a) under the direction of the chief election officer or designated election official, the certification envelopes containing the secrecy envelopes must be opened;"
 - (f) By deleting sections 18.3 and 18.4 and renumbering the following:
 - (i) section 18.5 as 18.3;
 - (ii) section 18.6 as 18.4;
 - (iii) section 18.7 as 18.5;
 - (g) In renumbered section 18.5, replacing the reference to section "18.6" with "18.4".

2. This bylaw may be cited for all purposes as "Capital Regional District Election and Voting Procedures Bylaw, 2008, Amendment Bylaw No. 4, 2023".

READ A FIRST TIME THIS	th	day of	20__
READ A SECOND TIME THIS	th	day of	20__
READ A THIRD TIME THIS	th	day of	20__
ADOPTED THIS	th	day of	20__

CHAIR

CORPORATE OFFICER



BYLAW NO. 3543

A BYLAW TO UPDATE THE ELECTION PROCEDURES BYLAW PROVISIONS FOR THE CONDUCT OF LOCAL GOVERNMENT ELECTIONS AND OTHER VOTING IN THE CAPITAL REGIONAL DISTRICT, INCLUDING THE USE OF AUTOMATED VOTING MACHINES

Consolidated for Public Convenience
(This bylaw is for reference purposes only)

ORIGINALLY ADOPTED JULY 9, 2008
(Consolidated with Amending Bylaws 3959, 4250, ~~and~~ 4486, and 4540)

For reference to original bylaws or further details, please contact the Capital Regional District,
Legislative Services Department, 625 Fisgard St., PO Box 1000, Victoria BC V8W 2S6
T: (250) 360-3127, F: (250) 360-3130, Email: legserv@crd.bc.ca, Web: www.crd.bc.ca

CAPITAL REGIONAL DISTRICT

BYLAW NO. 3543

**A BYLAW TO UPDATE THE ELECTION PROCEDURES BYLAW PROVISIONS FOR THE
CONDUCT OF LOCAL GOVERNMENT ELECTIONS AND OTHER VOTING IN THE CAPITAL
REGIONAL DISTRICT, INCLUDING THE USE OF AUTOMATED VOTING MACHINES**

WHEREAS under the *Local Government Act*, the Board may, by bylaw, determine various procedures and requirements to be applied in the conduct of local government elections and other voting;

AND WHEREAS, pursuant to Section 112 of the *Local Government Act*, the Board is empowered to provide, by bylaw, for the use of automated voting machines, voting recorders, or other devices for voting in an election;

(Bylaw 4250)

AND WHEREAS, the Board wishes to establish various procedures and requirements under that authority;

NOW THEREFORE, the Board of the Capital Regional District, in open meeting assembled, enacts as follows:

TABLE OF CONTENTS

PART 1 – INTRODUCTION	3
1. DEFINITIONS AND INTERPRETATIONS	3
PART 2 – CONDUCT OF ELECTIONS AND OTHER VOTING	5
2. APPOINTMENT OF ELECTION OFFICERS	5
3. REQUIRED ADDITIONAL ADVANCE VOTING OPPORTUNITY	5
4. FURTHER ADVANCE VOTING OPPORTUNITIES	5
5. VOTING PLACE FOR AN ADDITIONAL GENERAL VOTING OPPORTUNITY OUTSIDE THE BOUNDARIES OF THE JURISDICTION	5
6. RESOLUTION OF TIE VOTES AFTER JUDICIAL RECOUNT	5
7. PUBLIC ACCESS TO NOMINATION DOCUMENTS BY POSTING ON WEBSITE	5
8. USE OF PROVINCIAL LIST OF VOTERS AS THE REGISTER OF RESIDENT ELECTORS”	5
PART 3 – AUTOMATED VOTING	6
9. USE OF VOTING MACHINES	6
10. AUTOMATED VOTE COUNTING SYSTEM PROCEDURES	6
11. ADVANCE VOTING OPPORTUNITY PROCEDURES	7
12. SPECIAL VOTING OPPORTUNITY PROCEDURES	8
13. PROCEDURES AFTER CLOSE OF VOTING ON GENERAL VOTING DAY	8
14. RECOUNT PROCEDURE	9
PART 4 – MAIL BALLOT VOTING	9
15. MAIL BALLOT VOTING AND REGISTRATION AUTHORIZED	9
16. APPLICATION PROCEDURE FOR MAIL BALLOT	10
17. VOTING PROCEDURE FOR MAIL BALLOT	10
18. MAIL BALLOT ACCEPTANCE OR REJECTION	10
19. CHALLENGE OF ELECTOR	12
20. ELECTOR’S NAME ALREADY USED	12
21. REPLACEMENT OF SPOILED BALLOT	13
PART 5 – GENERAL	13
22. VALIDITY OF ELECTION	13
23. REPEAL	13
24. CITATION	13

(Bylaw 4250)

PART 1 – INTRODUCTION

1. Definitions and Interpretations

- 1.1. If no meaning is given in section 1.1 for a word or expression in this Bylaw, that word or expression has the meaning given in the *Local Government Act*.

In this Bylaw:

"Acceptable mark" means a completed oval that:

- (a) the vote tabulating unit is able to identify, and
- (b) has been made by an elector in the space provided on the ballot opposite the name of any candidate or opposite either 'yes' or 'no' on any other voting question;

"Automated vote counting system" means a system that counts and records votes and processes and stores election results, and is comprised of the following equipment having the functions indicated:

- (a) a number of ballot- scanning vote tabulating units, each of which rests on a ballot box; and
- (b) a number of portable ballot boxes into which voted ballots are deposited, if a vote tabulating unit is not functioning or being used, for counting after the close of voting on general voting day;

"Ballot" means a single automated ballot card designed for use in an automated vote counting system, which shows:

- (a) the names of all of the candidates for each of the offices of Electoral Area Director and for each office of Local Trustee as defined under the *Islands Trust Act*, and School Trustee, if applicable;
- (b) all of the choices on all of the bylaws or other matters on which the opinion or assent of the electors is sought;

"Ballot return override procedure" means the use, by an election official, of a device on a vote tabulating unit that causes the unit to accept a returned ballot;

"Board" means the Board of the Capital Regional District;

"Chief election officer" means the person appointed under section 58(1) of the *Local Government Act*;

(Bylaw 4250)

"Deputy chief election officer" means the person appointed under section 8(1) of the *Local Government Act*

(Bylaw 4250)

"Election" means an election for the number of persons required to fill a local government office;

"Election officials" means the persons appointed by the chief election officer to assist with the administration and conduct of the election or other voting proceedings;

"General local election" means the elections held for the electoral area directors of the regional district which must be held in 2018 and every fourth year after that;

(Bylaw 4250)

"General voting day" means,

- (a) for a general local election, the third Saturday in October in the year of the election and includes other voting to be conducted on that date;
- (b) for other elections or other voting, the date set under the provisions of the *Local Government Act*;

(Bylaw 4250)

"Jurisdiction" means, in relation to an election, or other voting, the regional district electoral area for which the election or other voting, is being held;

"Local government" means the Board;

"Memory card" means the storage device that stores all the permanent results for the vote tabulating unit;

"Portable ballot box" means a ballot box that is used as a voting place in the election where a vote tabulating unit is not being used or is not functioning;

"Other voting" means voting on a matter referred to in section 170 of the *Local Government Act*;

(Bylaw 4250)

"Regional District Website" means the information resource found at an internet address provided by the Capital Regional District.

"Register tape" means the printed record generated from a vote tabulating unit at the close of voting on general voting day, that shows the number of votes:

- (a) for each candidate for each of the offices of Electoral Area Director, and for each office of Local Trustee, and School Trustee, if applicable;
- (b) for the number of votes for and against each bylaw or other matter on which the assent of the electors is sought;

"Returned ballot" means a voted ballot which was inserted by an elector into the vote tabulating unit that is not accepted and is returned by the unit to the elector with an explanation of the ballot marking error that caused the ballot to be unacceptable;

"Secrecy sleeve" means an open-ended folder or envelope used to cover ballots to conceal the choices made by each elector;

"Vote tabulating unit" means the device into which voted ballots are inserted and that scans each ballot and records the number of votes for each candidate and for and against each other voting question.

PART 2 – CONDUCT OF ELECTIONS AND OTHER VOTING

2. Appointment of Election Officers

- 2.1. The Board must appoint a Chief Election Officer and a Deputy Chief Election Officer under the *Local Government Act*.

3. Required Additional Advance Voting Opportunity

- 3.1. As authorized under section 107(1)(b) of the *Local Government Act*, an additional advance voting opportunity will be held on the third day before general voting day.
(Bylaw 4250)

4. Further Advance Voting Opportunities

- 4.1. As authorized under section 108 of the *Local Government Act*, the Board authorizes the chief election officer to establish additional advance voting opportunities for each election, or other voting, to be held in advance of general voting day and to designate the voting places, establish the date and the voting hours for these voting opportunities.
(Bylaw 4250)

5. Voting Place for an Additional General Voting Opportunity Outside the Boundaries of the Jurisdiction

- 5.1. As authorized under sections 106 and 111 of the *Local Government Act*, the Board authorizes the chief election officer to establish an additional voting place for general voting day outside the boundaries of the jurisdiction, and to designate the voting place for this voting opportunity.
(Bylaw 4250)

6. Resolution of Tie Votes after Judicial Recount

- 6.1. In the event of a tie vote after a judicial recount, the tie vote will be resolved by conducting a lot in accordance with section 151 of the *Local Government Act*.
Bylaw 4250

7. Public Access to Nomination Documents by Posting on Website

- 7.1. In accordance with section 89 of the *Local Government Act* the Capital Regional District may provide for public access to nomination documents from the time of delivery until 30 days after the declaration of election results under section 146 of the *Local Government Act* by posting them on the regional district website.
(Bylaw 4250)

8. Use of Provincial List of Voters as the Register of Resident Electors”

- 8.1. As authorized under section 76 of the *Local Government Act*, the most current list of voters prepared under the *Election Act* existing at the time an election or other voting is to be held is the register of resident electors for the Capital Regional District.”
(Bylaws 3959 & 4250)

-
- 8.2. The Provincial list of voters becomes the register of resident electors no later than 52 days before general voting day for each election or other voting for the Capital Regional District.”

(Bylaws 3959 & 4486)

PART 3 – AUTOMATED VOTING

9. Use of Voting Machines

- 9.1. Voting may be conducted in a general local election and other voting for or in respect of one or more jurisdictions using an automated vote counting system.

10. Automated Vote Counting System Procedures

- 10.1. The chief election officer may decide to conduct any local government election or other voting for or in respect of one or more jurisdictions using an automated vote counting system.

(Bylaw 4250)

- 10.2. Where the chief election officer conducts a local government election or other voting using an automated voting counting system, the procedures outlined in sections 10.3 to 10.14 will apply within that jurisdiction.

(Bylaw 4250)

- 10.3. The presiding election official for each voting place and at each advance voting opportunity must, as soon as the elector enters the voting place and before a ballot is issued to the elector, offer and if requested, direct an election official to provide a demonstration to an elector of the method for voting by using an automated vote counting system, including the use of a secrecy sleeve.

(Bylaw 4250)

- 10.4. Upon completion of the voting demonstration, if any, the elector must proceed as instructed, to the election official responsible for issuing ballots, who:

- (a) shall ensure that the elector:
 - (i) is qualified to vote in the election or other voting; and
 - (ii) is voting in the correct jurisdiction; and
 - (iii) completes the voting book as required by the *Local Government Act*; and
- (b) upon fulfilment of the requirements of subsection (a), shall provide a ballot to the elector, a secrecy sleeve if requested by the elector, and any further instructions the elector requests.

(Bylaw 4250)

- 10.5. Upon receiving a ballot, and secrecy sleeve if so requested, the elector shall immediately proceed to a voting compartment to vote.

(Bylaw 4250)

- 10.6. The elector may vote only by making an acceptable mark on the ballot:

- (a) beside the name of the candidate of choice; and
- (b) beside either ‘yes’ or ‘no’ in the case of each bylaw or other matter on which the assent or opinion of the electors is sought.

(Bylaw 4250)

-
- 10.7. Once the elector has finished marking the ballot, the elector must place the ballot into the secrecy sleeve, if applicable, proceed to the vote tabulating unit and under the supervision of the election official in attendance, insert the ballot directly from the secrecy sleeve, if applicable, into the vote tabulating unit without the acceptable marks on the ballot being exposed.

(Bylaw 4250)

- 10.8. If, before inserting the ballot into the vote tabulating unit, an elector determines that he or she has made a mistake when marking a ballot or if the ballot is returned by the vote tabulating unit, the elector may request a replacement ballot by advising the election official in attendance.

(Bylaw 4250)

- 10.9. Upon being advised of the replacement ballot request, the presiding election official or alternate presiding election official shall issue a replacement ballot to the elector and mark the returned ballot "spoiled" and shall retain all such spoiled ballots separately from all other ballots and they shall not be counted in the election.

(Bylaw 4250)

- 10.10. If the elector declines the opportunity to obtain a replacement ballot and has not damaged the ballot to the extent that it cannot be reinserted into the vote tabulating unit, the election official shall, using the ballot return override procedure, reinsert the returned ballot into the vote tabulating unit to count any acceptable marks which have been made correctly.

(Bylaw 4250)

- 10.11. Any ballot counted by the vote tabulating unit is valid and any acceptable marks contained on such ballots will be counted in the election subject to any determination made under a judicial recount.

(Bylaw 4250)

- 10.12. Once the ballot has been inserted into the vote tabulating unit and the unit indicates that the ballot has been accepted, the elector must immediately leave the voting place.

(Bylaw 4250)

- 10.13. During any period that a vote tabulating unit is not functioning, the election official supervising the unit shall insert all ballots delivered by the electors during this time, into a portable ballot box, provided that if the vote tabulating unit:

(a) becomes operational, or

(b) is replaced with another vote tabulating unit,

the ballots in the portable ballot box shall, as soon as reasonably possible, be removed by an election official and under the supervision of the presiding election official be inserted into the vote tabulating unit to be counted.

(Bylaw 4250)

- 10.14. Any ballots which were temporarily stored in a portable ballot box which are returned by the vote tabulating unit when being counted shall, through the use of the ballot return override procedure and under the supervision of the presiding election official, be reinserted into the vote tabulating unit to ensure that any acceptable marks are counted.

(Bylaw 4250)

11. Advance Voting Opportunity Procedures

-
- 11.1. Vote tabulating units may be used to conduct the vote at all advance voting opportunities and voting procedures at the advance voting opportunities shall follow as closely as possible those described in Section 10 of this Bylaw.

(Bylaw 4486)

- 11.2. At the close of voting at each advance voting opportunity the presiding election official in each case shall ensure that:

- (a) no additional ballots are inserted in the vote tabulating unit;
- (b) the portable ballot box is sealed to prevent insertion of any ballots;
- (c) the register tapes in the vote tabulating unit are not generated; and
- (d) the memory card of the vote tabulating unit is secured.

- 11.3. At the close of voting at the final advance voting opportunity the presiding election official shall:

- (a) ensure that any remaining ballots in the portable ballot box are inserted into the vote tabulating unit;
- (b) secure the vote tabulating unit so that no more ballots can be inserted; and
- (c) deliver the vote tabulating unit together with the memory card and all other materials used in the election to the chief election officer at election headquarters, as soon as reasonably possible.

(Bylaw 4486)

12. Special Voting Opportunity Procedures

- 12.1. Unless the chief election officer determines it is practical to use a vote tabulating unit, a portable ballot box shall be used for all special voting opportunities. The presiding election official appointed to attend at each special voting opportunity shall proceed in accordance with Section 10 of this Bylaw so far as applicable, except that the voted ballots shall be deposited into the portable ballot box supplied by the presiding election official.
- 12.2. The presiding election official at a special voting opportunity shall ensure that the portable ballot box is secured when not in use and at the close of voting at the final special voting opportunity, the presiding election official shall seal the portable ballot box and return it together with all other election materials to the custody of the chief election officer.
- 12.3. If a vote tabulating unit is in use at a special voting opportunity, the presiding election official appointed to attend the special voting opportunity shall follow the procedures outlined in Section 11 of this Bylaw as if it were an advance voting opportunity.

13. Procedures After Close of Voting on General Voting Day

- 13.1. After the close of voting on general voting day at voting opportunities where a vote tabulating unit was used in the election, but excluding advance and special voting opportunities,
- (a) each presiding election official shall:

-
- (i) ensure that any remaining ballots in the portable ballot box are inserted into the vote tabulating unit;
 - (ii) secure the vote tabulating unit so that no more ballots can be inserted;
 - (iii) generate three copies of the register tape from the vote tabulating unit; and
 - (iv) deliver one copy of the register tape along with the vote tabulating unit to the chief election officer at election headquarters; and
 - (b) each alternate presiding election official shall:
 - (i) account for the unused, spoiled and voted ballots and place them, packaged and sealed separately, into the election materials transfer box along with one copy of the register tape;
 - (ii) complete the ballot account and place the duplicate copy in the election materials transfer box;
 - (iii) seal the election materials transfer box;
 - (iv) place the voting books, the original copy of the ballot account, one copy of the register tape, completed registration cards (if applicable), keys and all completed administrative forms into the chief election officer portfolio; and
 - (v) transport all equipment and materials to election headquarters.
- 13.2. At the close of voting on general voting day the chief election officer shall direct the presiding election official for the advance voting opportunity and any special voting opportunities where vote tabulating units were used, to proceed in accordance with Section 13.1 of this Bylaw.
- 13.3. At the close of voting on general voting day all portable ballot boxes used in the election will be opened under the direction of the chief election officer and all ballots shall be removed and inserted into a vote tabulating unit to be counted, after which the provisions of Sections 13.1, so far as applicable, shall apply.
- 14. Recount Procedure**
- 14.1. If a recount is required it shall be conducted under the direction of the chief election officer using the automated vote counting system and generally in accordance with the following procedure:
- (a) the memory cards of all vote tabulating units will be cleared;
 - (b) vote tabulating units will be designated for each voting place;
 - (c) all ballots will be removed from the sealed ballot boxes; and
 - (d) all ballots, except spoiled ballots, will be reinserted in the appropriate vote tabulating units under the supervision of the chief election officer.

PART 4 – MAIL BALLOT VOTING

15. Mail Ballot Voting and Registration Authorized

- 15.1. Voting by mail ballot and elector registration by mail in conjunction with mail ballot voting are authorized.

(Bylaw 3959)

-
- 15.2. Once a mail ballot package has been accepted by the chief election officer, that voter may only vote by mail ballot.

(Bylaws 3959 & 4486)

16. Application Procedure for Mail Ballot

- 16.1. A person wishing to vote by mail ballot must apply by providing their name and address to the chief election officer or to an election official designated by the chief election officer for such purposes, using the form required by the chief election officer, within the time limits required by the chief election officer, which time limits the Board authorizes the chief election officer to establish.

(Bylaw 3959)

- 16.2. Upon receipt of a request for a mail ballot, the chief election officer or designated election official must, within the time limits established by the chief election officer:

- (a) make available to the applicant a mail ballot package as specified in section 100(7) of the *Local Government Act* together with, where required, an elector registration application;

(Bylaw 4486)

- (b) immediately record and, upon request, make available for inspection:
- (i) the name and address of the person to whom the mail ballot package was issued; and
 - (ii) information as to whether or not the person is registered as an elector.

(Bylaws 3959 & 4250)

17. Voting Procedure for Mail Ballot

- 17.1. In order to vote using a mail ballot, the elector must mark the ballot in accordance with the instructions contained in the mail ballot package provided by the chief election officer.

(Bylaw 3959)

- 17.2. After marking the mail ballot, the elector must:

- (a) place the mail ballot in the secrecy envelope provided, and seal the secrecy envelope;
- (b) place the secrecy envelope in the certification envelope, and complete and sign the certification printed on such envelope, and then seal the certification envelope;
- (c) place the certification envelope, together with a completed elector registration application, if required, in the outer envelope, and then seal the outer envelope; and
- (d) mail, or have delivered, the outer envelope and its contents to the chief election officer at the address specified so that it is received within the time limits established by the chief election officer which must be no later than the close of voting on general voting day.

(Bylaw 3959 & 4540)

18. Mail Ballot Acceptance or Rejection

18.1. ~~Until 4:00 p.m. on the Thursday two days before general voting day,~~ Upon receipt of the outer envelope and its contents, the chief election officer or designated election official must immediately record the date of such receipt and must then open the outer envelope and remove and examine the certification envelope and the completed elector registration application, if applicable, and if satisfied as to:

- (a) the identity and entitlement to vote of the elector whose mail ballot is enclosed; and
- (b) the completeness of the certification; and
- (c) the fulfillment of the requirements of section 70 of the *Local Government Act* in the case of a person who is registering as a new elector;

the chief election officer or designated election official must mark the certification envelope as "accepted", and must retain all such certification envelopes in custody to deal with any challenges made in accordance with Section 19 of this bylaw.

(Bylaws 3959, ~~4250~~ & 4540)

18.2. The unopened certification envelopes must remain in the secure custody of the chief election officer or designated election official until ~~4:00 p.m. on the Thursday two days before the close of voting on~~ general voting day, at which time the certification envelopes containing the secrecy envelopes must be opened in the presence of at least one other person, including any scrutineers present.

(Bylaw 3959 & 4540)

~~18.3. At 4:00 p.m. on the Thursday two days before general voting day, the chief election officer or designated election official must place all secrecy envelopes received up until that time into a ballot box specified for such purpose, where such secrecy envelopes were received from persons whose right to vote using a mail ballot has not been challenged, or where such challenge has been resolved and the challenged person permitted to vote.~~

(Bylaw 3959)

~~18.4. Where an outer envelope and its contents are received by the chief election officer or designated election official between 4:00 p.m. on the Thursday two days before general voting day and the close of voting on general voting day, the provisions of Section 18.1 of this bylaw with regard to ballot acceptance apply and the chief election officer or designated election official must retain such envelope in custody until the close of voting and at that time must open such certification envelopes in the presence of at least one other person, including any scrutineers present, and place the secrecy envelopes containing the ballot into the ballot box containing the other unopened secrecy envelopes.~~

(Bylaw 3959)

~~18.5, 18.3.~~ After all of the secrecy envelopes have been placed in the ballot box designated for that purpose, and following the close of voting on general voting day, the following procedures must be followed:

- ~~(a)~~ (a) under the direction of the chief election officer or designated election official, the certification envelopes containing the secrecy envelopes must be opened;

~~under the direction of the chief election officer or designated election official the ballot box containing the secrecy envelopes must be opened;~~

- (b) in the presence of at least one other person including any scrutineers present, the secrecy envelopes must be removed and opened and the ballots contained in those envelopes inserted for counting into a vote tabulating unit or portable ballot box; and
- (c) after the procedures set out in paragraphs (a) and (b), the procedures set out in Sections 10 and 13 of this bylaw must be followed to the extent that they are applicable.

(Bylaw 3959 ~~&~~ 4540)

~~18.6.18.4.~~ Where:

- (a) upon receipt of an outer envelope, the chief election officer is not satisfied as to the identity of the elector whose mail ballot is enclosed; or
- (b) in the case of a person required to complete an application for registration as an elector, the chief election officer is not satisfied that the person registering as a new elector has fulfilled the requirements of section 70 of the *Local Government Act*; or
- (c) the outer envelope is received by the chief election officer or designated election official after the close of voting on general voting day,

the certification envelope must remain unopened, and the chief election officer or designated election official must mark such envelope as “rejected”, and must note his or her reasons for doing so, and the mail ballot contained in such envelope must not be counted in the election.

(Bylaws 3959 ~~&~~ 4250 ~~&~~ 4540)

~~18.7.18.5.~~ Any certification envelopes and their contents rejected in accordance with Section 18.46 of this bylaw must remain unopened and are subject to the provisions of section 160 of the *Local Government Act* with regard to their destruction.

(Bylaws 3959 ~~&~~ 4250 ~~&~~ 4540)

19. Challenge of Elector

- 19.1. A person exercising the right to vote by mail ballot may be challenged in accordance with, and on the grounds specified in section 126 of the *Local Government Act* until 4:00 p.m. on the Thursday two days before general voting day.

(Bylaws 3959 & 4250)

- 19.2. The provisions of section 126(2) and (5) of the *Local Government Act* apply, so far as applicable, where a challenge of an elector voting by mail ballot has been made.

(Bylaws 3959 & 4250)

20. Elector’s Name Already Used

- 20.1. Where, upon receiving a request for a mail ballot, the chief election officer or designated election official determines that another person has voted or has already been issued a mail ballot in that elector’s name, the provisions of section 127 of the *Local Government Act* apply, so far as applicable.

(Bylaws 3959 & 4250)

Replacement of Spoiled Ballot

20.2. Where an elector

- (a) unintentionally spoils a mail ballot before returning it to the chief election officer or designated election official; and
- (b) gives the spoiled ballot package in its entirety to the chief election officer or designated election official;

the elector may request a replacement ballot.

(Bylaw 3959)

20.3. The chief election officer must, upon receipt of the spoiled ballot package, record such fact, and must proceed to issue a replacement mail ballot in accordance with Section 16.2 of this bylaw."

(Bylaw 3959)

PART 5 – GENERAL

(Bylaw 3959)

21. Validity of Election

21.1. Nothing in this Bylaw is intended to require the setting aside of the results of an election or other voting because of the failure of the chief election officer, deputy chief election officer or an election officer to comply with the provisions of this Bylaw or because an election is not conducted in accordance with this Bylaw.

(Bylaw 3959)

22. Repeal

22.1. Bylaw No. 2162, "Capital Regional District Election and Other Voting Procedures Bylaw, 1993" is hereby repealed.

(Bylaw 3959)

23. Citation

23.1. This Bylaw may be cited as "Capital Regional District Election and Voting Procedures Bylaw, 2008"

(Bylaw 3959)

READ A FIRST TIME THIS	11 th	day of	June	2008
READ A SECOND TIME THIS	11 th	day of	June	2008
READ A THIRD TIME THIS	11 th	day of	June	2008
ADOPTED THIS	9 th	day of	July	2008