

- (d) Not without the written consent of the City incur any expense for which the City shall be required to reimburse the OTA or for which the City in any other way shall become liable to any other person, company or governmental agency.
- (e) That the OTA Executive Director be the City's liaison for Tourism Vancouver Island (TVI). The OTA Executive Director shall provide to the City a Written Report annually on the activities of TVI.
- (f) Pursuant to Section 3(3) of the Hotel Room Tax Act and Section 3 of City of Parksville Bylaw 1400, with the exception of voting, the OTA shall provide all the rights and privileges to the City of Parksville Council appointed liaison as would be provided to a board member of the OTA.
- (g) **On or before January 1st of the year covered by this agreement, the OTA shall provide the City with their proposed annual budget.**

2. The City shall:

In consideration for the OTA supplying the aforementioned services:

- i Pay to the OTA all per business licence surcharge amounts collected for the year covered by this agreement within 30 days of the following collection dates, :

March 31
July 31
December 1

- ii **Immediately transfer to the OTA all 2% Hotel Room Tax funds for the year covered by this agreement transferred by the Province to the City, subject to:**

a) **Approval of the annual budget provided by the OTA under Section 1(g) by the City. Such approval shall be at the sole discretion of the City which will not be unreasonably withheld recognizing the OTA's mandate for external marketing.**

b) The OTA having provided audited statements for the year immediately preceding the year covered by this agreement

- 3. Should a business licence fee received by the City be prorated, the fee payable to the OTA shall also be prorated.
- 4. This Agreement shall remain in force only during the calendar year 2008. Future agreements shall be subject to results of an annual review by the City.
- 5.. The OTA Executive Director and the Chief Administrative Officer shall meet on a regular basis to exchange information on current issues. The City will be supplied with a quarterly report on the OTA activities.
- 6. The City and the OTA agree that the provisions of this Agreement shall be given such reasonable interpretation as will facilitate a proper carrying out of the aforementioned services.

SCHEDULE "A"

1. ***Tourism Marketing, Programs and Projects*** – Pursuant to Section 3(3) of the Hotel Room Tax Act the OTA shall provide for Councils approval a budget outlining the proposed tourism marketing, programs and projects including accomplishment objectives for the year covered by this agreement in sufficient detail for the OTA to report to Council on the outcomes of the year's activities.
2. ***Audited Financial Statements*** – Pursuant to Section 3(3) of the Hotel Room Tax Act the OTA shall, within three months of the year end, provide the City with audited financial statements for the year covered by this agreement.
3. ***Requests for Information*** – The OTA shall prepare and distribute tourism information packages in response to requests. Other requests for information will be referred to the Parksville and District Chamber of Commerce.
4. ***Guide*** – The OTA shall prepare, publish and distribute the Oceanside Tourism Guide. Copies will be made available to the City for distribution.
5. ***Web Site*** – The OTA shall develop and maintain an up to date Web Site with linkages to other regional sites.
6. ***Tourist Map*** – The OTA shall prepare and distribute a local area map for tourist use. Copies will be made available to the City for distribution.
7. ***Liaison*** – The OTA shall be the conduit for information flows between the tourism community and the City, and shall liaise between the two parties as required. The OTA will provide information to the City on specific comments, desires and complaints from tourists to the area. The OTA will collect the information and provide reports to the City when applicable.
8. ***General Support*** – The OTA shall on request, provide advice and guidance to the City on matters related to tourism.
9. ***Communities in Bloom*** – The OTA shall work with the City and the Parksville and District Chamber of Commerce to promote Communities in Bloom activities.
10. ***Sport Tourism*** – The OTA will be responsible for marketing Oceanside as a meetings and group destination which includes 'Sports Tourism'. The OTA will continue to retain a Sales Manager responsible for marketing Oceanside as a meetings and group destination which includes Sports Tourism programs.
11. ***Film Promotion*** – The OTA will provide support to the City of Parksville's film promotion and development program. This may involve providing information concerning accommodation and other services available along with advising on potential locations for photo file shots.
12. ***Web Cam*** – The OTA will operate and maintain a Web Cam so as to showcase Parksville's beaches.

13. **Facilities** – The OTA shall undertake to promote the City's Facilities, including the Parksville Community and Conference Center.

TO: Mayor and Council, City of Parksville
FROM: Blain Sepos, OTA Executive Director
Al Tully, OTA Chair, Board of Directors
RE: 2008 OTA Service Agreement Wording
DATE: February 18, 2008

.....

This report outlines OTA recommendations to the City of Parksville regarding our Service Agreement's wording for item four (4) under "The City shall" and item one (1) under "Schedule A".

1. Compliance with the Act

Section 3(3) of the Hotel Room Tax Act states that a municipality or regional district must not spend any money paid to it for a purpose other than a prescribed purpose and must account to the minister for its expenditures.

OTA believes the best way to comply with the Act is to copy its wording into our Service Agreement. With this in mind, item four (4) under "The City shall" would read:

Immediately transfer to the OTA all funds collected by and received from the Province of British Columbia collected under the 2% accommodation tax. Subject to:

Council ensuring the expenditures contained in the budget for the year covered by the agreement are for prescribed purposes in compliance with the Hotel Room Tax Act, City of Parksville Bylaw No. 1400 and this Agreement;

The OTA having provided audited statements for the year immediately preceding the year covered by this Agreement.

Correspondingly, the wording for item one (1) under "Schedule A" would read:

Tourism Marketing Programs and Projects – Pursuant to Section 3(3) of the Hotel Room Tax Act, the OTA shall prepare a budget outlining the proposed tourism marketing, programs and projects including accomplishment objectives for the year covered by this agreement in sufficient detail for Council to ensure compliance with the Hotel Room Tax Act, City of Parksville Bylaw No. 1400 and this Agreement.

Using the same wording as the Act ensures that the City is complying with the legislation while leaving less room for interpretation.

2. Consistency with other OTA Municipal/Regional Government Partners

OTA serves the three local governments of the City of Parksville, Town of Qualicum Beach, and the Regional District of Nanaimo (RDN). Mayor and Council of the Town of Qualicum Beach have approved the Service Agreement wording for the same reasons as detailed above.

OTA's Service Agreement with the RDN has a three-year term that ends this year. OTA will work with the RDN to update the Service Agreement with the wording outlined above.

Consistent Service Agreements allow OTA to serve all three municipal/regional governments fairly.

3. Compliance with Best Practices

In May 2007, Grant Thornton was commissioned by the Union of BC Municipalities, BC Yukon Hotel Association, BC Council of Tourism Associations, and the BC Lodging and Campgrounds Association to examine best practices in destination marketing organizations (DMO) application and use of the additional hotel room tax (AHRT). Grant Thornton released the "Best Practices for the Effective Use of Additional Hotel Room Tax Revenue in British Columbia" report in May, 2007. OTA shared this report with our municipal partners immediately upon its release.

This report details best practices for numerous aspects of DMO operation including financial management and the role of municipal/regional governments. The report states that the DMO board should approve the annual budget and that it should be in sufficient detail to support accurate reporting to the municipal/regional government, the Province, and relevant stakeholders.

OTA complies with all aspects of the financial management best practices listed in this report.

OTA's Board of Directors and staff believe that the rationale listed above should ease any concern that Mayor and Council have regarding the OTA's proposed Service Agreement updates and their conformity to the Hotel Room Tax Act.

March 28, 2008

MEMO TO: HER WORSHIP THE MAYOR AND MEMBERS OF COUNCIL

FROM: FRED MANSON, CHIEF ADMINISTRATIVE OFFICER

SUBJECT: EMPLOYEE CODE OF CONDUCT

ISSUE:

Consideration of Policy No. 7.16 – Employee Code of Conduct (revised).

SUMMARY

This is to reintroduce to Council the Employee Code of Conduct. Significant consultation has occurred between management staff and the union and union employees since this subject was last presented to Council. With the exception of personal use of City equipment all concerns expressed by the union regarding the code of been addressed to the employees and unions satisfaction.

REFERENCES

Draft Policy no. 7.16 – Employee Code of Conduct (revised).
Memo dated August 28, 2007 from the Director of Administrative Services regarding the Employee Code of Conduct.
Letter dated September 7, 2007 from CUPE Local 401 regarding the Employee Code of Conduct.

BACKGROUND

The City of Parksville currently does not have a Council approved "Employee Code of Conduct". This was noted by the City's Auditor in their 2006 Audit Management Letter to Council along with their recommendation that the City adopt an Employee Code of Conduct to "provide management with tools to communicate the need for integrity and ethical values to the employees of the City".

As a result of the Auditor's recommendation, Council instructed staff to prepare and implement an Employee Code of Conduct. This subject was brought before Council for consideration at the August 20, 2007 Incamera meeting of Council and again on September 5, 2007 at the Corporate Services Committee meeting at which the following recommendation to Council was made:

"That the report from the Director of Administrative Services dated August 28, 2007 entitled "Employee Code of Conduct" be received;
AND THAT Policy No. 7.16 "Employee Code of Conduct" be approved."

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Subsequent to the Corporate Services Committee meeting the letter dated September 7, 2007 from CUPE Local 401 was received outlining a number of concerns expressed by the union regarding the proposed Employee Code of Conduct.

Since receipt of that letter staff has worked extensively with the Union Representatives to address their concerns and have also held numerous meetings which included all City staff to:

- Explain the rationale behind the need for and the timing of implementation of an "Employee Code of Conduct"
- Listen to their concerns, and
- To directly answer questions and/or to provide explanations and interpretations of how the code and how it would be administered.

The revised version of the proposed "Employee Code of Conduct" attached to this memo is the end result of those meetings.

With this revised version, all of the concerns expressed in the Unions September 7, 2007 letter have been addressed to their satisfaction with the exception of "personal use of City property". This issue mainly revolves around the Public Works Yard and the use of the City's shop facilities for repairs to personal vehicle and other equipment outside of working hours and some borrowing of City tools for personal use. The Union views this as a benefit that they have been receiving that is now being taken away.

There is no doubt that "Council approved personal use of City facilities and equipment" would be an additional benefit to City employees and would be seen by City employees as a perk to help to make the City an employer of choice for retention for our employees during times of labour shortages such as we are currently experiencing.

OPTIONS

1. Approve the revised policy as currently presented.
2. Provide staff with direction as to any changes required by Council.
3. Maintain the status quo.

ANALYSIS

Adoption of an Employee Code of Conduct was one of the 2006 Audit recommendation made to Council by the City's auditor. Failure to adopt an Employee Code of Conduct may result in the Auditor providing a "qualified" audit report regarding the City's annual Financial Statements. The code also provides protection to both the City and employee as it clearly outlines what is expected of them as representatives of the City. The code when adopted would apply to all union and exempt employees. The code is not meant to


be onerous, it is meant to codify what most people would see as the common sense way that staff already conducts themselves while carrying out the business of the City.

FINANCIAL IMPLICATIONS

There are no foreseen financial implications.

RECOMMENDATION

That the report dated March 28, 2008 from the Chief Administrative Officer be received;
AND THAT revised Policy No. 7.16 "Employee Code of Conduct" as attached to this report be approved.



Fred C. Manson, C.G.A.

CITY OF PARKSVILLE

Revised

POLICY

SUBJECT: <i>Employee Code of Conduct</i>	POLICY NO: 7.16
	RESO. NO:
	CROSS REF:
EFFECTIVE DATE: To Be Adopted September 17, 2007	APPROVED BY: Not Yet Approved
REVISION DATE:	RESO. NO:
	CROSS REF:

STATEMENT

Local government is an open, accessible and accountable form of government. To enhance the relationship of public trust and mutual respect that has evolved between government and the public requires high standards of ethical conduct by municipal employees.

PURPOSE

Employees of the City of Parkville are its representatives, and the way they conduct themselves will determine how others (customers, taxpayers, community partners) view the City. Because their conduct is so important to the City's success, it is critical that employees maintain the highest standards of honesty, integrity and impartiality in conducting the City's business and in related activities.

In providing the highest level of service possible, it is essential that all employees of the City work together in a co-operative and congenial manner, always respecting the established lines of authority.

The purpose of this code is to establish clear guidelines for all employees in the specific areas detailed below. This code is not meant to be exhaustive, and the City will continue to establish work rules on various matters as necessary. Existing work place rules continue in effect, except as modified by this code.

The requirement to comply with the Employee Code of Conduct is a condition of employment. Employees who fail to comply with these requirements may be subject to disciplinary action up to and including dismissal. Employees should contact either their Department Head or the Human Resources Assistant for advice and assistance on the interpretation or application of this policy.

This code is intended to:

1. Provide a universal understanding of the fundamental rights, privileges and obligations of Employees for their own protection.
2. Protect the public interest.
3. Promote high ethical standards among Employees.
4. Provide a means for Employees to obtain authorization for conduct in circumstances where they are uncertain as to the ethical appropriateness of that conduct.
5. Set out the means of correcting unethical conduct.

This code is not intended to supersede the rights provided to employees under the Charter of Human Rights, Union Collective Agreement or any other relevant statute, legislation or agreement.

DEFINITIONS

1. "Employee" - includes all employees and officers of the City of Parksville as defined in all Collective Agreements and employment bylaws.
2. "Exempt Employees" – includes all non union employees and officers of the City of Parksville.
3. "Confidential Information" – while the classification of information as "confidential" is a matter of administrative discretion whether to be labeled as confidential or not, disclosure of information will not constitute a breach of the Code of Conduct unless that information is of an inherently confidential nature such as:
 - a. personal data of employees or others;
 - b. records related to internal policies and practices which, if disclosed, may prejudice the effective performance of a municipal operation;
 - c. records of a financial nature reflecting information given or accumulated in confidence;
 - d. files prepared in connection with litigation and adjudicative proceedings;
 - e. reports of consultants, policy drafts and internal communications which, if disclosed, may prejudice the effective operation of a municipal operation or impugn the reputation of any person;
 - f. information regarding the acquisition or disposal of land; or
 - h. any information discussed in an In-Camera council meeting.
4. "City" – means the City of Parksville.

CODE

1. Conflict of Interest

A conflict of interest occurs when an employee's private affairs or financial interest are in conflict, or could result in a perception of conflict, with the employee's duties or responsibilities in such a way that:

- The employee's ability to act in the public interest could be impaired
- The employee's actions or conduct could undermine or compromise:
 - The public's confidence in an Employee's ability to discharge their work responsibilities, or
 - The trust that the public places in Employees

While the City recognizes the right of Employees to be involved in activities as citizens of the community, conflict must not exist between an employees' private interests and the discharge of their duties as a Employee. Employees must conduct their private affairs in a manner that will prevent conflicts of interest, or the perception of conflicts of interest from arising.

Employees with questions regarding interpretation of the policy may discuss them with their department head or the Human Resources Assistant. Employees who find themselves in an actual, perceived or potential conflict of interest must immediately disclose the matter to their department head. Employees who fail to disclose may be subject to disciplinary action up to and including dismissal.

Examples of conflict of interest include, but are not limited to the following;

- An Employee uses City property or the Employee's position, office or City affiliation to pursue personal interests;
- An Employee is in a position where the Employee is under obligation to a person who might benefit from or seek to gain special consideration or favour;
- An Employee, in the performance of official duties, gives or is reasonably perceived by the public to have given preferential treatment to an individual, corporation or organization, including a non-profit organization, in which the Employee, or a relative or friend of the Employee, has an interest, financial or otherwise;
- An Employee benefits from, or is reasonably perceived by the public to have benefited from, the use of information acquired solely by reason of the Employee's employment;
- An Employee benefits from, or is reasonably perceived by the public to have benefited from, a City transaction over which the employee can influence decisions (for example, investments, sales, purchases, borrowing, grants, contracts, regulatory or discretionary approvals);

2. Outside Employment

Employees may take supplementary employment including self-employment, unless such employment:

- a) causes an actual or apparent conflict of interest
- b) is performed in such a way so as to appear to be an official act of the City, or to represent the City's opinion or policy
- c) unduly interferes with the regular duties with the City;

- d) involves the use of City premises, equipment, or supplies.

Where it is evident that a conflict of interest might arise in taking supplementary employment, it is the duty of employees to notify their supervisor in writing as to the nature of the employment.

Employees shall not accept monetary or other payment in addition to normal salary, wages, or expenses for duties which they perform in the course of their employment with the City.

Employees, may with the consent of the CAO, teach courses at institutions for a fee during normal working hours provided that all preconditions established by the CAO can be met.

3. Accepting Gifts

Employees must ask themselves the following questions when trying to determine if a gift or benefit might be considered as an incident of the protocol of employment or a social obligation that normally accompanies the responsibilities of employment:

The following questions should be asked when trying to determine if the gift or benefit falls under this policy:

- Is the item a gift or benefit to the Employee personally either directly or indirectly? (e.g. will the Employee or a member of his/her family take personal possession of the gift or is it a gift over which the municipality will take control and custody?)
- Is the gift or benefit being given with any expectation whatsoever that the Employee will either currently or at some point in the future take some action (vote on a matter, intervene with municipal officials on the gift giver's behalf) that will benefit the giver of the gift?
- Is the value of the gift or benefit likely to influence any decision or action of the Employee?
- Employees should also ask themselves if an unbiased third party could expect or think that preferential treatment could/would be provided if the Employee accepted the gift or benefit.

If the answer to **all four** questions is **yes**; or the answer to the first question is **yes** and one of the other three questions is also **yes**, then the Employee should **not** accept the gift under any circumstances.

If the answer to the first question is yes, but the answer to the other three is no, then the gift might be considered to be incidental to the employee's duties. If this is the case, any gifts received which exceed \$250 in value, or an accumulation of individual gifts from the same person, exceeds \$250 in the course of a year, then the member is obligated to file an appropriate disclosure statement with the Director of Administrative Services as soon as reasonably practical.

If the value of the gift is unknown, an attempt should be made to determine its fair market value.

One final comment with respect to this would be that, if in doubt error on the side of caution. A simple way to answer the questions above as yes or no is, that if you feel you have to ask somebody else their opinion, then the answer is "yes".

4. Employment of Relatives

Persons who are members of the same immediate family, or who share the same household shall not be employed in a reporting relationship where the superior has influence, input or decision making over the other's performance evaluation, salary, conditions of work, place of employment, potential for promotions or similar matters. Also they shall not be employed in the positions where the relationship affords an opportunity for collusion between the two employees which could have a detrimental effect on the City.

Employees and persons applying for employment are expected to disclose relationships covered by this policy to the Human Resources Assistant. The Chief Administrative Officer is authorized to waive this policy where it is essential to do so to meet operational needs and he/she is satisfied sufficient safeguards are in place to ensure that the City's interests are not compromised.

Notwithstanding the provisions of this policy, members of the immediate family or who share the same household as a member of the City's senior management team shall not be employed by the City.

5. Confidentiality

Employees must safeguard information contained in the records of the City, whether in written, electronic or other forms, against improper access and may disclose it only to persons who have a lawful right to such information.

Confidential information about the City, its' customers, clients, suppliers or employees should not be divulged to anyone other than persons who are authorized to receive such information. When an employee is in doubt as to whether certain information is confidential, no disclosure should be made without first asking appropriate management personnel.

Confidential information obtained as a result of employment with the City is not to be used by an Employee for the purpose of furthering any private interest, or as a means of making personal gains. In the course of any job, an employee may become aware of personal and confidential information and the City depends on each employee to keep private any such information. Each Employee may also depend on his/her supervisor to keep confidential any personal matters discussed.

6. Attitude and Conduct

Employees must provide service to the public in a manner that is courteous, professional, equitable and effective. Employees must be sensitive and responsive to the changing needs, expectations and rights of a diverse public while respecting legislation, bylaws, policies, and procedures of the City through which service to the public is provided.

The conduct and language of Employees in the workplace must meet acceptable social standards and must contribute to a positive work environment. An Employee's conduct must not compromise the integrity of the City.

7. E-mail/Internet/Computer Use

The City's computer network, internet accounts, web page and email systems have been established for the furtherance of the goals and objectives of the City. No Employee will make use of these systems for any personal gain, for purposes other than their normal job duties or for activities specifically authorized by the appropriate management personnel.

Use of the City's computers and related computer resources is restricted to authorized corporate purposes permitted by the City.

Employees are not to copy software purchased or developed by the City for use in connection with personal computers without obtaining their supervisor's authorization. Employees must follow all terms and conditions of software licenses and copyright laws.

Employees must ensure that computer accounts, access codes and passwords are not used for unauthorized purposes.

8. Illegal Conduct

Employees found guilty of criminal acts committed while on duty; or using City owned property or at City facilities or work sites when it could be reasonably perceived by the public that the employee is on duty, will be subject to discipline up to and including termination.

Employees found guilty of contravening lawfully enacted statutes of the Province (such as the Motor Vehicle Act) while on duty; or using City owned property or at City facilities or work sites when it could be reasonably perceived by the public that the employee is on duty, will be subject to discipline up to and including termination.

9. Political Activity

Employees are to be allowed as great a measure of political rights as can be reconciled with the need to ensure the fact and appearance of impartiality in the performance of their duties with the City. The point at which an appropriate balance can be struck in any particular case depends primarily on the nature and level of the employee's responsibilities.

Without restricting the scope of this principle, the following shall be considered breaches of the Code of Conduct:

- a. To use the authority or influence of his/her position with the City on behalf of a political party or candidate.
- b. To engage during working hours in any activity for or against any candidate.
- c. When seeking election to the City of Parkville municipal office, an Employee shall adhere to the applicable requirements of the Local Government Act and Community Charter.

10. Duty to Report

Employees have a duty to report any situation that they believe contravenes the law, misuses city funds or assets, or represents a danger to public health and safety or a significant danger to the environment. Employees can expect such matters to be treated in confidence, unless disclosure of information is authorized or required by law (for example Freedom of Information requests). Employee will not be subject to discipline or reprisal for bringing forward to the Chief Administrative Office, in good faith allegation of wrongdoing in accordance with this policy.

11. Administration

- (a) Council shall:
 - i Hear appeals on action taken by the Chief Administrative Officer relating to Employee Code of Conduct complaints against Exempt Employees and following the appeal, decide on an appropriate course of action.
 - ii Conduct investigations into Employee Code of Conduct complaints against the Chief Administrative Officer.
- (b) Chief Administrative Officer shall:
 - i Investigate allegations and inquiries relating to Employee Code of Conduct complaints against Department Heads.
 - ii Decide on the appropriate action in matters concerning Employee Code of Conduct complaints against Department Heads.
 - iii Hear appeals on action taken by Department Heads concerning Employee Code of Conduct complaints against Employees and following the appeal, decide on an appropriate course of action.
- (c) Department Heads shall:
 - i Investigate allegations and inquiries relating to Employee Code of Conduct complaints against Employees under their direction.
 - ii Decide on the appropriate action in matters concerning Employee Code of Conduct complaints against Employees under their direction.
 - iii Fully inform newly appointed subordinate Employees of their obligations under the Employee Code of Conduct.

- iv Keep subordinate employees informed, on an ongoing basis, of the City's Employee Code of Conduct policy.



Corporate Services Committee

August 28, 2007

MEMO TO: FRED MANSON, CHIEF ADMINISTRATIVE OFFICER
FROM: LAURIE TAYLOR, DIRECTOR OF ADMINISTRATIVE SERVICES
SUBJECT: Employee Code of Conduct

ISSUE

Consideration of new Employee Code of Conduct.

REFERENCES:

Policy No. 7.16 – Employee Code of Conduct

BACKGROUND

At the June 18, 2007 Council meeting, the recommendations resulting from the 2006 audit were approved by Council. One of the recommendations was for the adoption of a Code of Conduct for employees to "provide management with tools to communicate the need for integrity and ethical values to the employees of the City". Council instructed that the code be drafted for approval by August 31, 2007 and adopted for implementation no later than September 30, 2007. It is now a requirement that we have a formal code of conduct (i.e. a policy adopted by Council resolution) in order to satisfy the audit process and ensure that the City continues to receive "high marks" for the controls and policies that have been put in place to safeguard the interests of the taxpayers.

The Code addresses issues of conflict of interest, accepting gifts, employment of relatives, confidentiality, use of city equipment, integrity and impartiality. There is also provision in the policy for the handling of complaints regarding employee misconduct.

The City has had an "informal" code of conduct for approximately three years, however there was opposition to it by CUPE when it was first introduced. The Code of Conduct attached to this report is essentially the same as the informal code that has been in effect. Management provided the attached Code of Conduct to the Union on August 21, 2007 for their comments. As of the date of this report we have not received anything in writing from the Union but have been advised verbally that they have concerns. It is certainly within Council's authority to require a code of conduct for its employees. A quick survey of like sized municipalities indicated that 8/10 have some type of code of conduct and they all cover the same issues that are provided for in the code attached to this report. As well staff notes that the Standards of Conduct for the Province of BC Public Service Employees covers the same issues as does the Code of Conduct and Ethics for the Province of Alberta Public Service Employees.

OPTIONS:

1. Approve the new policy
2. Maintain the status quo

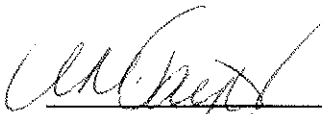
ANALYSIS OF OPTIONS:

The adoption of a code of conduct (ethics) is a requirement from the City auditor and is necessary in order for the City to continue to receive "unqualified" financial statements. The code is also a protection for employees so that they know what is expected of them as the representatives of the City. Code applies to all union and exempt staff and is not meant to be onerous but is meant to codify the common sense way which staff already does conduct the business of the city.

STAFF RECOMMENDATION:

THAT Policy No. 7.16 – Employee Code of Conduct be approved.

Respectfully submitted,



LAURIE TAYLOR
Director of Administrative Services

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:



FRED C. MANSON, CGA
Chief Administrative Officer

CITY OF PARKSVILLE
POLICY

August 28/07

SUBJECT: <i>Employee Code of Conduct</i>	POLICY NO: 7.16
	RESO. NO:
	CROSS REF:
EFFECTIVE DATE:	APPROVED BY: not approved
REVISION DATE:	RESO. NO:
	CROSS REF:

STATEMENT

Local government is an open, accessible and accountable form of government. To enhance the relationship of public trust and mutual respect that has evolved between government and the public requires high standards of ethical conduct by municipal employees.

PURPOSE

Employees of the City of Parksville are its representatives, and the way they conduct themselves will determine how others (customers, taxpayers, community partners) view the City. Because their conduct is so important to the City's success, it is critical that employees maintain the highest standards of honesty, integrity and impartiality in conducting the City's business and in related activities.

In providing the highest level of service possible, it is essential that all employees of the City work together in a co-operative and congenial manner, always respecting the established lines of authority.

The purpose of this code is to establish clear guidelines for all employees in the specific areas detailed below. This code is not meant to be exhaustive, and the City will continue to establish work rules on various matters as necessary. Existing work place rules continue in effect, except as modified by this code.

Failure to adhere to the standards contained in this code will expose an employee to discipline, or in the case of serious or repeated breaches, termination for cause may result.

This code is intended to:

1. Provide a universal understanding of the fundamental rights, privileges and obligations of municipal employees for their own protection.

2. Protect the public interest.
3. Promote high ethical standards among municipal employees.
4. Provide a means for municipal employees to obtain authorization for conduct in circumstances where they are uncertain as to the ethical appropriateness of that conduct.
5. Set out the means of correcting unethical conduct.

DEFINITIONS

1. "Municipal Employee" - includes all employees and officers of the City of Parksville as defined in all Collective Agreements and employment bylaws.
2. "Confidential Information" – while the classification of information as "confidential" is a matter of administrative discretion whether to be labeled as confidential or not, disclosure of information will not constitute a breach of the Code of Conduct unless that information is of an inherently confidential nature such as:
 - a. personal data of employees or others;
 - b. records related to internal policies and practices which, if disclosed, may prejudice the effective performance of a municipal operation;
 - c. records of a financial nature reflecting information given or accumulated in confidence;
 - d. files prepared in connection with litigation and adjudicative proceedings;
 - e. reports of consultants, policy drafts and internal communications which, if disclosed, may prejudice the effective operation of a municipal operation or impugn the reputation of any person;
 - f. information regarding the acquisition or disposal of land; or
 - h. any information discussed in an In-Camera council meeting.
3. "City" – means the City of Parksville.

RESPONSIBILITIES

- 1 City Council shall:
 - (a) adopt as City policy, a Code of Conduct;
 - (b) hear appeals on actions taken concerning management employees' ethical conduct by the Chief Administrative Officer;
 - (c) following the appeal, decide on the appropriate action in matters concerning employees' ethical conduct; and
 - (d) conduct investigations into complaints against the Chief Administrative Officer under this policy.

2. Chief Administrative Officer shall:
 - (a) investigate allegations and inquiries relating to ethical conduct by employees;
 - (b) decide on the appropriate action in matters concerning employees ethical conduct.

3. Directors shall:
 - (a) fully inform newly appointed employees of the ethical standards they are expected to observe;
 - (b) keep employees informed, on an ongoing basis, of the City's policy on ethical behavior; and
 - (c) prior to the making of an appointment to a position, request a disclosure of actual or potential conflicts of interest which would be brought about by that person's employment in that position.

4. Employees shall:
 - (a) adhere to the code of conduct.

CODE

1. **Conflict of Interest**

Employees must take all necessary steps to avoid situations where their personal interests conflict with the interests of the City. To do otherwise can create doubts about an employee's objectivity and the fairness of his/her decisions.

Employees must use their own judgment in meeting this requirement, and whenever in doubt about a possible conflict of interest, they must seek a written decision from their supervisor.

Some situations have an obvious possible potential for conflict and for this reason, employees are specifically prohibited from engaging in them. They are:

- Involvement either through a financial interest or through participation in setting policy or making operating decisions, in any business with which the City does business unless this involvement has been specifically authorized, in writing by the CAO and/or Council;
- Using or referring to employment with the City when purchasing goods or services for other than the City's use, when it could be inferred that the purpose in doing so is to solicit a benefit not customarily available to other customers of the vendor; or
- Representing the City in any dealings with any individual, business, organization or community group in which the employee has a personal interest.

Whenever an employee believes that a conflict of interest could exist or be inferred, the employee must ask his/her supervisor for a written interpretation. In providing this, the supervisor will consult with the CAO.

2. Outside Employment

Employees may take supplementary employment including self-employment, unless such employment:

- a) causes an actual or apparent conflict of interest
- b) is performed in such a way so as to appear to be an official act of the City, or to represent the City's opinion or policy
- c) unduly interferes with the regular duties with the City;
- d) involves the use of City premises, equipment, or supplies.

Where it is evident that a conflict of interest might arise in taking supplementary employment, it is the duty of employees to notify their supervisor in writing as to the nature of the employment.

Employees shall not accept monetary or other payment in addition to normal salary, wages, or expenses for duties which they perform in the course of their employment with the City.

Employees, may with the consent of the CAO, teach courses at institutions for a fee during normal working hours provided that all preconditions established by the CAO can be met.

3. Accepting Gifts

Employees must ask themselves the following questions when trying to determine if a gift or benefit might be considered as an incident of the protocol of employment or a social obligation that normally accompanies the responsibilities of employment:

The following questions should be asked when trying to determine if the gift or benefit falls under this policy:

- Is the item a gift or benefit to the employee personally either directly or indirectly? (e.g. will the employee or a member of his/her family take personal possession of the gift or is it a gift over which the municipality will take control and custody?)
- Is the gift or benefit being given with any expectation whatsoever that the employee will either currently or at some point in the future take some action (vote on a matter, intervene with municipal officials on the gift giver's behalf) that will benefit the giver of the gift?
- Is the value of the gift or benefit likely to influence any decision or action of the employee?
- Employees should also ask themselves if an unbiased third party could expect or think that preferential treatment could/would be provided if the employee accepted the gift or benefit.

If the answer to **all four** questions is **yes**; or the answer to the first question is **yes** and one of the other three questions is also **yes**, then the employee should **not** accept the gift under any circumstances.

If the answer to the first question is yes, but the answer to the other three is no, then the gift might be considered to be incidental to the employee's duties. If this is the case, any gifts received which exceed \$250 in value, or an accumulation of individual gifts from the same

person, exceeds \$250 in the course of a year, then the member is obligated to file a disclosure statement, attached to this policy, with the Corporate Officer as soon as reasonably practical.

If the value of the gift is unknown, an attempt should be made to determine its fair market value.

One final comment with respect to this would be that, if in doubt error on the side of caution. A simple way to answer the questions above as yes or no is, that if you feel you have to ask somebody else their opinion, then the answer is "yes".

4. Dealings with Relatives

Employees who exercise a regulatory, inspectional, or other discretionary control over others shall, whenever possible, disqualify themselves from dealing with relatives, including sons or daughters, parents, parents-in-law, brothers and sisters and grandparents, with respect to those functions. Where it is not possible to avoid the exercise of discretionary powers in these circumstances, the matter must be brought to the attention of the CAO for a decision as to how to proceed

5. Employment of Relatives

Persons who are members of the same immediate family, or who share the same household shall not be employed in a reporting relationship where the superior has influence, input or decision making over the other's performance evaluation, salary, conditions of work, place of employment, potential for promotions or similar matters. Also they shall not be employed in the positions where the relationship affords an opportunity for collusion between the two employees which could have a detrimental effect on the City.

Employees and persons applying for employment are expected to disclose relationships covered by this policy to the Director of Administrative Services. The Director of Administrative Services is authorized to waive this policy where it is essential to do so to meet operational needs and he/she is satisfied sufficient safeguards are in place to ensure that the City's interests are not compromised.

Notwithstanding the provisions of this policy, members of the immediate family or who share the same household as a member of the City's senior management team shall not be employed by the City.

6. Confidentiality

Employees must safeguard information contained in the records of the City, whether in written, electronic or other forms, against improper access and may disclose it only to persons who have a lawful right to such information.

Confidential information about the City, its' customers, clients, suppliers or employees should not be divulged to anyone other than persons who are authorized to receive such information. When an employee is in doubt as to whether certain information is confidential, no disclosure should be made without first asking appropriate management personnel.

Confidential information obtained as a result of employment with the City is not to be used by an employee for the purpose of furthering any private interest, or as a means of making personal

gains. In the course of any job, an employee may become aware of personal and confidential information and the City depends on each employee to keep private any such information. Each employee may also depend on his/her supervisor to keep confidential any personal matters discussed.

Confidential matters pertaining to finances, private business activities and plans of the City, or future policy directives of the City is considered the property of the City. Use of such information for personal advantage or private speculation is strictly forbidden.

Employees may access City information only for the purpose of City business.

Employees may access information only as required to perform their legitimate business functions and must safeguard all information to which they have access against inappropriate and unauthorized use by others.

7. Property Security

The City's name, logo or letterhead may not be used for any purpose other than the official business of the City and by authorized personnel only.

Preserving and safeguarding the City's property is the responsibility of each employee. Equipment, materials and supplies that are purchased with City funds are the property of the City and must only be used in the interest of the City and must be protected from misuse, theft or damage.

This section regulates the "outside" use of municipal property by an employee.

Without restricting the scope of this principle, the following shall be considered breaches of the Code of Conduct:

- (a) An employee must not use the municipality's property, equipment, supplies or services for activities not associated with the discharge of official duties; and
- (b) Employees shall not use the municipality's property, equipment, supplies or services for personal gain.

8. Attitude and Conduct

The City expects all of its employees to be courteous at all times. The City wishes to convey a friendly, approachable image to our customers, suppliers, clients and to the community as a whole. Employees are expected to show a positive and helpful attitude, to be honest, trustworthy, reliable, dependable and punctual in all workplace activities. The employee is the City to the person with whom you are dealing, in person or on the telephone.

All employees are expected to treat all their fellow workers in a fair and respectful way, with a courteous attitude and manner.

Employees are expected to show respect for the supervisors of the City. This entails taking direction or correction and co-operating to achieve the City's goals. Employees are expected to respect and comply with all policies, procedures and guidelines of the City.

9. Abusive or Threatening Members of the Public

Employees are expected to treat the public with courtesy and respect and they should expect similar treatment in return.

The appropriate response to a member of the public who becomes abusive is not to become abusive or threatening in return. Rather the employee should notify the member of the public that the employee's supervisor will be asked to continue the discussion.

If the interaction is being conducted on the phone, the call should be transferred to the supervisor. If the interaction is occurring in person, employees should excuse themselves and request the supervisor to attend and respond to the abusive individual.

It is the responsibility of every supervisor of the City to intervene whenever they become aware of an abusive or threatening situation or when this is brought to their attention by an employee.

Whenever an employee, including a supervisor, believes a member of the public poses a physical threat or attack risk, they should not return to the member of the public until RCMP or appropriate security personnel are available to accompany the individual. Any staff not involved with the member of the public, but in the immediate area should also withdraw.

10. E-mail/Internet/Computer Use

The City's computer network, internet accounts, web page and email systems have been established for the furtherance of the goals and objectives of the City. No employee will make use of these systems for any personal gain, for purposes other than their normal job duties or for activities specifically authorized by the appropriate management personnel.

Use of the City's computers and related computer resources is restricted to authorized corporate purposes permitted by the City.

Employees are not to copy software purchased or developed by the City for use in connection with personal computers without obtaining their supervisor's authorization. Employees must follow all terms and conditions of software licenses and copyright laws.

Employees must ensure that computer accounts, access codes and passwords are not used for unauthorized purposes.

11. Illegal Conduct

Employees found guilty of criminal acts committed while on duty and employed by the City or using City owned property, or at City facilities or work sites while off duty, will be subject to discipline up to and including termination.

Employees found guilty of contravening lawfully enacted statutes of the Province (such as the Motor Vehicle Act) while on duty and employed by the City or using City owner property or at City facilities or work sites while off duty will be subject to discipline up to and including termination.

12. Integrity

Ultimately, ethical behavior relies on the diligence of the individual. However, since a breach of ethics impacts not only on the individual but also the City, a code of conduct is the means by which the municipality acknowledges their responsibility in this area, as well as, their responsibility to provide clarity to their employees on what would be considered inappropriate behavior.

Without restricting the scope of this policy, the following shall be considered breaches of the Code of Conduct:

- a. Conduct in one's private life or employment activities which harms the City's reputation or renders the employee unable to perform his or her duties satisfactorily, such as by way of creating an actual or perceived conflict of interest;
- b. Care must be exercised in the development of personal relationships or friendships with any group or individual over whom the employee has the direct and exclusive authority to approve of or influence a matter directly concerning them;
- c. Unless otherwise authorized, to use or permit the use of City vehicles, equipment, materials or property for purposes other than City business;
- d. To solicit patronage from elected municipal authorities to further his or her personal interests or the interests of others, to the extent that any other citizen could not receive;
- e. To knowingly breach the law or any government regulation in the performance of his or her duties or to request others do so; and
- f. To intentionally falsify any of the City's records.

13. Impartiality

Every municipal employee must perform his or her duties in an impartial manner.

No employee shall grant any special consideration, treatment or advantage in matters related to his or her employment to any citizen or business beyond that which is available to any other citizen or business.

14. Financial Transactions

Every municipal employee must adhere to City bylaws and policies regarding any municipal financial transactions.

Without restricting the scope of this principle, the following shall be considered breaches of the Code of Conduct:

- a. Where the employee is in a position where he/she could derive any direct or indirect benefits or interest from any municipal contract or business on which the employee can influence decisions; and
- b. To buy surplus municipal property where the employee can influence decisions with respect to the disposal arrangements. This restriction is not intended to prohibit any employee from obtaining surplus municipal property which is offered for sale by public tender. Disposal of municipal property, assets or services shall be in compliance with the City purchasing policy or other municipal policies. At no time shall this benefit any individual employee or group of employees.

15. Political Activity

Municipal employees are to be allowed as great a measure of political rights as can be reconciled with the need to ensure the fact and appearance of impartiality in the performance of their duties with the City. The point at which an appropriate balance can be struck in any particular case depends primarily on the nature and level of the employee's responsibilities.

Without restricting the scope of this principle, the following shall be considered breaches of the Code of Conduct:

- a. To use the authority or influence of his/her position with the City on behalf of a political party or candidate.
- b. To engage during working hours in any activity for or against any candidate.
- c. When seeking election to the City of Parksville municipal office, an employee shall adhere to the applicable requirements of the Local Government Act and Community Charter.

16. Duty to Report

Employee misconduct prejudices the reputation of the City and harms the City's activities. When an employee believes that misconduct exists, he or she is obligated to protect the interest of the City and to advise his or her supervisor of the suspect misconduct.

Employee misconduct is not limited to matters at work.. It can include activities outside of work which contravene this Code of Conduct or other policies or bylaws of the City or which may hold the City up to public ridicule or criticism.

PROCEDURES

- (1) Municipal employees are encouraged to seek clarification from the supervisor if they are uncertain as to whether an existing or contemplated action may contravene the Code of Conduct.
- (2) Complaints or inquiries concerning the ethical conduct of any municipal employee shall be made in writing to the supervisor. Complaints regarding the Chief Administrative Officer shall be made to the Mayor and, in this case, the

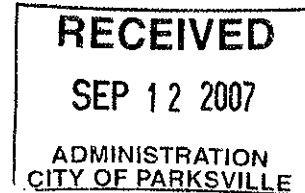
Mayor shall fulfill the obligations of the investigating officer in subsequent sections.

- (3) All complaints or inquiries will be treated as confidential.
- (4) A copy or summary of any written or oral complaint received is to be sent immediately to the employee complained against with a request to provide a response.
- (5) The employer shall investigate all complaints or inquiries concerning the conduct of a municipal employee.
- (6) The employer shall summarize the findings of the investigation in written form and forward to the employee complained against, his findings on the appropriate course of action to be taken.
- (7) Where the employer determines the conduct referred to him does breach the Code of Conduct, the employer may:
 - (a) instruct the employee to divest himself/herself of the outside interest or transfer it to a trust;
 - (b) instruct the employee to cease and desist from the actions which are found to be in conflict; and/or
 - (c) take disciplinary action in accordance with the normal progressive discipline system.

**CANADIAN UNION OF PUBLIC EMPLOYEES LOCAL 401**

11 / 12 - 1850 NORTHFIELD ROAD, NANAIMO, B.C. V9S 3B3 TEL: (250) 729-7557 FAX: (250) 729-0866 EMAIL: CUPE401@SHAW.CA

September 7, 2007



Council Members
City of Parksville
100 East Jensen Ave, Box 1390
Parksville, BC
V9P 2H3

Dear Council Members:

RE: City of Parksville – Employee Code of Conduct

The City of Parksville administration has informed your employee's that a new Code of Conduct will be implemented shortly. They have distributed this policy to employees with an accompanying explanation from Mr. Manson identifying the reasons for the policy and why the City has been asked to provide this to the City's Auditors along with his direction from Council to produce a policy by a certain date.

By way of background we would like you to know that employee representatives have been discussing this issue with administration since at least 1999. Mr. Roycroft produced the first Code of Conduct and began negotiations with Union representatives on the content of the policy. Both parties attempted to produce a policy which was acceptable to all and also gave the Employer and Employees a level of security in regard to fairness and also reflected the Employer's expectations of appropriate conduct for all employees of the City.

The current administration met with employee representatives several times over the last several years negotiating this policy. Due to these negotiations several changes were made to the policy and several other recommended changes were proposed by the Union and were not accepted but were, we believed, still on the table for discussion. Administration says that this Code "was informally adopted three years ago", we disagree. Both parties were negotiating and there was no conclusion to those negotiations.

This has been a multi year process and now the Employer has apparently disregarded staff input and is set to implement a policy which is neither fair nor the negotiated policy we thought we were in the process of negotiating. It is disheartening to have it forced on Employees in this manner.

Please do not misunderstand the position being taken by your employees; the policy has several sections which employees' take no issue with. However there are several areas of concern to us.

The Union called a meeting of your employees to discuss this policy and the implications it may have on them personally both at work and away from work. Without going into great detail we will give a couple examples of our concern and ask Council to instruct Administration to negotiate a fair policy. Examples of why employee's feel this policy is unfair are:

- Section 1. Does not convey the Collective Agreement rights Employees currently have.
- Section 2. Unnecessarily restricts staff and also creates a built in conflict when "some" employee's can collect more than one wage while working for the City.
- Section 3. Many Employee's feel that "any" gift is intended to recognize someone for a service they have or will provide. Some staff felt that Contractors who drop off doughnuts expect something and would thus fall under this policy. What one person perceives as a minimal gift may be perceived as "payment" to another.
- Section 4. This is the normal practice today.
- Section 5. May breach the Charter of Human Rights. Staff would like an answer to this question as it has already impacted certain employees.
- Section 6. Is not required. All employees have this duty to their Employer and any breach is subject to the provisions contained in the Collective Agreement.
- Section 7. Has been an issue since the first meeting on this matter. No employee has ever abused this privilege and never has it ever been shown that an employee has used consumables owned by the City.
- Section 8. What is new in this provision is the statement that, "Employees are expected to show respect for the supervisors of the City". Needless to say courtesy, honesty and professionalism are the standards of communication one would expect from or toward a supervisor; we doubt any policy is going to force "respect". Staff asked how they would "show respect" and who would judge this? We understand the intent of this provision but the phrase is unacceptable to us.
- Section 9. This is the norm.
- Section 10. Again, this is the norm.
- Section 11. Requires much more time than a brief letter would permit. Employees' feel that this section violates their Privacy Rights and they genuinely feel the policy oversteps the bounds of reasonableness.
- Section 12. Employees would like to discuss the impact of this provision with Council. Certain staff felt that resigning their employment was the only way to avoid being in breach of this clause.
- Section 13. This is the norm.
- Section 14. This provision needs discussion.
- Section 15. The scope of this provision is unclear and requires discussion.
- Section 16. Staff said "we will leave our keys at the door when we leave at night". "How could the Employer even consider this"?

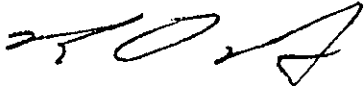
Procedures

Numbers (3) thru (7) are in direct conflict with Article 11 of our Collective Agreement. I'm sure Council is aware that the Collective Agreement supersedes this policy and the Employer may write policy but when they are not able to bargain penalties into the Collective Agreement at the negotiating table it is not acceptable to try to gain this right through policy.

The staff members of the City of Parksville are very concerned about this issue. Attached you will find a list of some of your employees who have serious concerns with the content of this policy. It has been many years since your employees have contacted Council members directly; we do not take this action lightly.

Your staff would appreciate an invitation from Council in order to directly present their concerns if you feel this measure is appropriate. In the alternative, the negotiations mentioned above should continue as soon as possible.

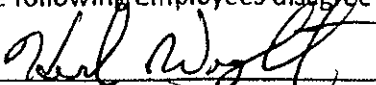
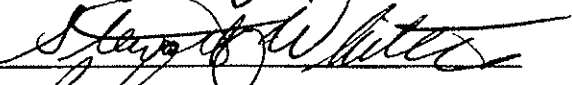
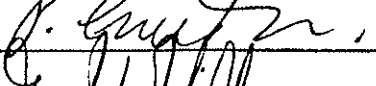
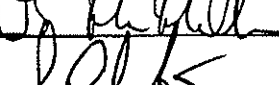
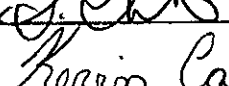
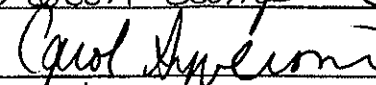




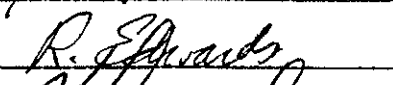
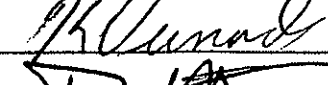
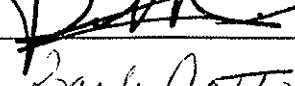
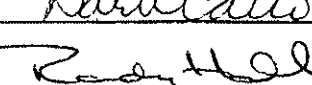
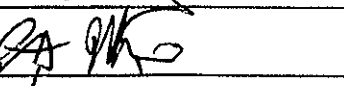

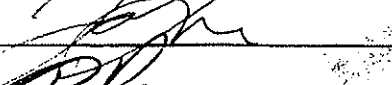
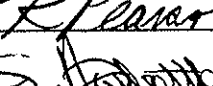
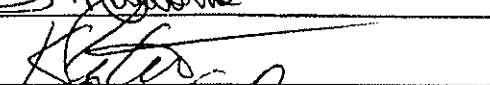
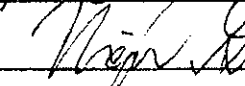



Yours truly,



Rodger Oakley,
PRESIDENT CUPE LOCAL 401.

/do
pc: K. Robillard H. Wright

The following employees disagree with the proposed Code of Conduct:

	Herb Wright
	Stewart Whitworth
	Peter Crawshaw
	Geoff McMillan
	Scott Churko
	Kevin Campbell
	Carol Syverson
	Andrew Gosau
	Terry Evoy
	Warren Lindemann
	Sean Doll
	Fred Pakkala
	Roxey Edwards
	Keith Dumond
	Paul Harvey
	Barb Catto
	Randy Hall
	Steve Watkins
	Kim Basara
	Tom Trica
	RICK PEARSON
	SUSAN HARBOTTLE
	K PETERS
	N. GRAY

The following employees disagree with the proposed Code of Conduct:

Signature

Printed Name

Aaron Dawson

AARON DAWSON

Deanne Dieleman

Deanne Dieleman

Terri Hayward

TERRI HAYWARD

Jennifer Macdonald

Jennifer Macdonald.

Jackie Allen

Jackie Allen

Warren Payne

Warren Payne

Joan Ferguson

Joan Ferguson

Chrystal Sawry

Chrystal Sawry

Aimee Herstey

Aimee Herstey

Philip Merrick

Philip Merrick

Scott Baillie

Scott Baillie

Karen AlHern

Karen AlHern

Lori Henry

Lori Henry

Philip Wilson

Philip Wilson