

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 Parksville 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**

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**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

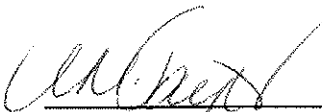
**ANALYSIS OF OPTIONS:**

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,



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**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:
<hr/>	
EFFECTIVE DATE:	APPROVED BY: not approved
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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

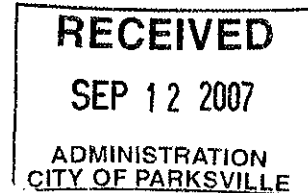
Mayor shall fulfill the obligations of the investigating officer in subsequent sections.

- (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"?

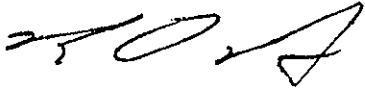
### Procedures

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.

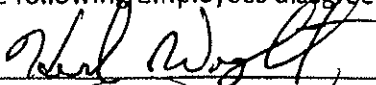

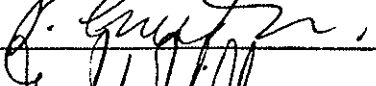
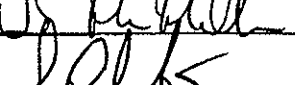
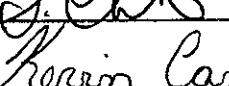
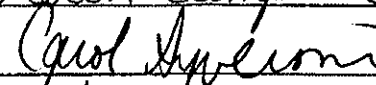





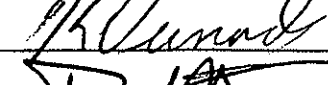
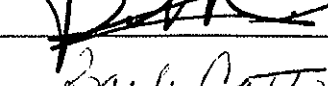
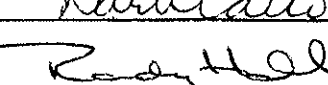
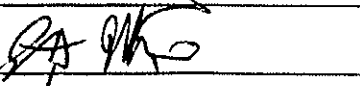


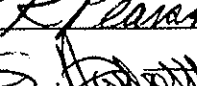
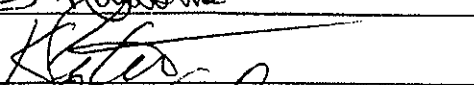
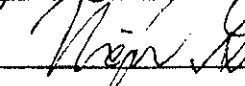
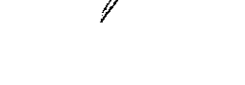


Yours truly,



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 HAYWOOD

*J Macdonald*

Jennifer Macdonald.

*Jackie Allen*

Jackie Allen

*Warren Payne*

Warren Payne

*Joan Ferguson*

Joan Ferguson

*Chrystal Sawry*

Chrystal Sawry

*Aimee Hersey*

Aimee Hersey

*Philip Merrick*

Philip Merrick

*Scott Baillie*

Scott Baillie

*Karen AlHern*

Karen AlHern

*Lori Henry*

Lori Henry

*Philip Wilson*

Philip Wilson

## CITY OF PARKSVILLE

### BYLAW 1370.8

#### Text Amendment - Affordable and Special Needs Housing

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A bylaw to amend the "Official Community Plan Bylaw, 2003, No. 1370".

The Municipal Council in open meeting assembled enacts as follows

1. That "Official Community Plan Bylaw, 2002, No. 1370" be amended as follows:
  - a. Subsection 4.7.2 **Affordable and Special Needs Housing** of Section 4.7 **Residential Development** of **PART 4.0 THE PLAN** be amended by adding the following at the end:
    - "• Only support zoning amendment proposals for developments which will, when complete, have 10 or more employees where:
      - work force housing is provided, by the developer, on or off site for at least 10% of the projected number of employees."
2. This Bylaw may be cited for all purposes as "Official Community Plan Amendment Bylaw, 2008 No. 1370.8"

**READ A FIRST TIME** this                      day of

**READ A SECOND TIME** this                      day of

**PUBLIC HEARING HELD** this                      day of

**READ A THIRD TIME** this                      day of

**ADOPTED** this                                      day of

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Director of Administrative Services



CITY OF PARKSVILLE

BYLAW NO. 2000.62

Text Amendment – Definition of Affordable Housing

A bylaw to amend the "City of Parksville Zoning and Development Bylaw, 1994, No. 2000".

The Municipal Council in open meeting assembled enacts as follows:

1. That "City of Parksville Zoning and Development Bylaw, 1994, No. 2000" be amended as follows:

a. Section 104 – DEFINITIONS of DIVISION 100: SCOPE AND DEFINITIONS by replacing the definition of "affordable housing" with the following:

**"affordable housing** means housing which, under the terms of a Housing Agreement with the City, would have a market price that would be affordable to households of low and moderate incomes. Households of low and moderate income are those which have incomes that are 80% or less than the median household income in the City of Parksville as reported by Statistics Canada;"

2. This bylaw may be cited for all purposes as "Zoning and Development Amendment Bylaw, 2008, No. 2000.62".

READ A FIRST TIME this            day of

READ A SECOND TIME this        day of

PUBLIC HEARING HELD this        day of

READ A THIRD TIME this         day of

ADOPTED this                        day of

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Director of Administrative Services

## CITY OF PARKSVILLE

### BYLAW 1370.9

#### Text Amendment – Development Permit Area No. 26 – Watercourse Protection

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A bylaw to amend the "Official Community Plan Bylaw, 2003, No. 1370".

The Municipal Council in open meeting assembled enacts as follows

1. That "Official Community Plan Bylaw, 2002, No. 1370" be amended as follows:
  - a. **Table of Contents** by adding the following in the appropriate location:

"Schedule "F" – Development Permit Area No. 26 – Watercourse Protection"
  - b. **Section 1.4 Organization of PART 1.0 INTRODUCTION** by adding the following in the appropriate location:

"Schedule "F" – Development Permit Area No. 26 – Watercourse Protection"
  - c. **Section 5.1.1. Exemptions of PART 5.0 DEVELOPMENT PERMIT AREA INTRODUCTION** be replaced with the following:

**"5.1.1 Exemptions:**

Except when located within Development Permit Area No. 26 – Watercourse Protection, a Development Permit will not be required in the following instances:

    - a. For construction that is undertaken within the exterior walls of a principal building or structure.
    - b. For multifamily residential and commercial development within applicable Development Permit Areas, for the addition or alteration of a principal building, provided that:
      - i. the value of the proposed construction is less than \$50,000.00; and
      - ii. the proposed construction is located within an interior side or rear yard.
    - c. For the construction of a single-family dwelling unit or duplex dwelling unit.
    - d. For the construction of an accessory building or structure provided that:
      - i. the value of the proposed construction is less than \$50,000.00; and

- ii. the proposed construction is located within an interior side or rear yard.
  - e. For the construction or alteration of signs and canopies which conform to the relevant Development Permit Area Guidelines and the City of Parksville Sign Regulation Bylaw, 1997, No. 1276 as amended or replaced.
  - f. For the alteration of, or addition to, a principal building within Development Permit Area No. 1 - Downtown Core provided that:
    - i. the value of the proposed construction is less than \$50,000.00; and
    - ii. the proposed construction conforms to the *Downtown Master Plan and Development Guidelines* attached to and forming part of this bylaw as Appendix I.
  - g. Except for cases where the site abuts the waterfront, and/or watercourses; where, in the opinion of the Approving Officer, the regulatory bylaws pertaining to subdivisions are sufficient to achieve the objectives and guidelines of the development permit, a development permit will not be required."
  - d. **Section 5.2. Development Permit Area Designations of PART 5.0 DEVELOPMENT PERMIT AREA INTRODUCTION** by adding the following in the appropriate location:

"Development Permit Area No. 26 – WATERCOURSE PROTECTION"
  - e. **Section 5.2. Development Permit Area Designations of PART 5.0 DEVELOPMENT PERMIT AREA INTRODUCTION** by adding a new subsection **5.2.26 Development Permit Area No. 26 – Watercourse Protection**, attached to this bylaw as Schedule "A", in the appropriate location.
  - f. Adding, in the appropriate location, **Schedule "F" – Development Permit Area No. 26 – Watercourse Protection**, attached to this bylaw as Map "1"
2. This Bylaw may be cited for all purposes as "Official Community Plan Amendment Bylaw, 2008 No. 1370.9"

READ A FIRST TIME this                      day of

READ A SECOND TIME this                      day of

PUBLIC HEARING HELD this                      day of

**READ A THIRD TIME** this                      day of

**ADOPTED** this                                day of

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Director of Administrative Services

**5.2.26. Development Permit Area No. 26 – Watercourse Protection**

(a) Category: Protection of the Natural Environment

(b) Justification:

Watercourses and riparian areas provide essential habitat for fish, aquatic organism, birds and other wildlife species. These areas also provide essential wildlife migration routes and contribute to the overall maintenance of surface water quality. The retention of these areas in their natural state is essential in order to maintain viable habitat for fish and other riparian wildlife species.

This Development Permit Area is defined as the **riparian assessment area** of the watercourses identified as "Watercourse" on the map forming Schedule "F" of the Official Community Plan (OCP) and **riparian assessment area** of those watercourses present within the area shown on Schedule "F" as "Development Permit Area No. 26 - Watercourse Protection".

(c) Guidelines:

Prior to undertaking any development within the riparian assessment area the owner of property shall apply to the City for a development permit in compliance with the following guidelines:

Adjacent watercourse where fish are present or fish habitat is provided:

- (i) A qualified environmental professional (QEP) shall be retained at the expense of the applicant for the purpose of preparing an assessment report in accordance with the *RAR Assessment Methodology* guidebook and pursuant to *Riparian Areas Regulation* (RAR);
- (ii) The assessment report must be submitted to the Ministry of Environment, Fisheries and Oceans Canada and the City;
- (iii) The City must receive notification from the Ministry of Environment that the Department of Fisheries and Oceans and the Ministry have been notified of the development proposal and provided with an acceptable copy of an assessment report prepared by a QEP that:
  - o certifies that he or she is qualified to carry out the assessment;
  - o certifies that the assessment methods have been followed; and
  - o provides their professional opinion that:
    - A. if the development proposal is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area; or
    - B. if the streamside protection and enhancement areas identified in the report are protected from the development and the measures identified in

the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area;

- (iv) Where no assessment report has been provided to the Ministry of Environment, Department of Fisheries and Oceans, or the City no development shall occur within a riparian assessment area;
- (v) Where the QEP report proposes a Harmful Alteration, Disruption or Destruction (HADD) to fish habitat pursuant to Section 35(2) of the **Fisheries Act** (Canada), the development permit shall not be issued unless the HADD is subsequently approved by Fisheries and Oceans Canada and the City is satisfied that the works are necessary and there is no other practical alternative;
- (vi) Where the QEP report describes an area designated as Streamside Protection and Enhancement Area (SPEA), the development permit shall not allow any development activities within the SPEA except in accordance with the QEP's assessment report;
- (vii) If the nature of a proposed project in a riparian assessment area evolves due to new substantial information or some other change, the QEP will be required, at the property owner's expense, to re-assess the proposal with respect to the SPEA;

Adjacent watercourses where fish or fish habitat is not present or unknown:

- (viii) All development within the Development Permit Area adjacent to those watercourses not subject to the RAR may require or where the status is unknown shall require an evaluation by a registered professional biologist or QEP who shall prepare a report(s) assessing the environmental components of the proposal. This report should generally include the following information:
  - o detailed site plan identifying the environmentally sensitive area within the site, location of existing and proposed buildings and structures, new lot lines, and an assessment of existing natural vegetation;
  - o criteria used to define the boundaries of the environmentally sensitive area;
  - o inventory of wildlife species and related habitat;
  - o impact statement describing affects of proposed development or subdivision on natural conditions or any neighbouring sensitive ecosystem as identified in the province's Sensitive Ecosystem Inventory (SEI); and
  - o provide guidelines for mitigating habitat degradation including limits of proposed leave areas;
- (ix) The measures and recommendations of the registered professional biologist report may form the terms of the development permit;

- (x) Where a watercourse is found to be non-fish bearing new development activities should generally remain at least 15 metres away from the natural boundary;

Adjacent all watercourses:

- (xi) Development should be encouraged to locate where it will cause the least impact to the environmental values and the site specific natural features, functions and conditions that support fish, wildlife and unique ecosystems within the riparian assessment area;
- (xii) Native vegetation should be retained within the riparian assessment area;
- (xiii) All proposed development activity should minimize the area of encroachment into the riparian assessment area and must minimize the area of encroachment into the SPEA;
- (xiv) A development permit under this section is not intended to relax watercourse setback requirement pursuant to the zoning bylaw; however, consideration may be given to relaxation of other zoning bylaw requirements where result of the relaxation will minimize encroachment into the riparian assessment area or the corresponding SPEA;
- (xv) In the case of subdivision, minimum parcel sizes should be met exclusive of the SPEA and where possible subdivision within the SPEA should be avoided;
- (xvi) Development must be undertaken and completed in such a manner as to prevent the release of sediment into any watercourse or storm drain;
- (xvii) An erosion and sediment control plan, prepared by a qualified engineer at the property owner's expense, may be required complete with recommendations for implementation, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion;
- (xviii) Prior to development or subdivision of land containing or adjacent to a watercourse, consideration may be given to dedication of the watercourse and surrounding area to the Crown or City for the preservation of the area;
- (xix) To ensure that integrity of the SPEA is maintained the City in consultation with the property owner may, consider the following:
  - o dedicating back to the Crown or the City all or part of the SPEA;
  - o gifting to a nature preservation organization all or part of the SPEA;
- (xx) In order to maintain the integrity of the SPEA monitoring and regular reporting by a QEP, at the expense of the property owner, may be required as a term of a development permit;
- (xxi) QEP's assessment report and the measures and recommendations contained therein should form the terms of the development permit;

- (xxii) The property owner may be required at their expense to prepare and register a restrictive covenant pursuant to Section 219 of the **Land Title Act** in order to secure the measure prescribed in the QEP assessment report or in the case of a non-fish bearing watercourse the recommendation of a registered professional biologist;
  - (xxiii) Measures should be taken to ensure that development within the riparian assessment area does not negatively impact the SPEA and the water quality and hydrology of the adjacent watercourse;
  - (xxiv) Within the riparian assessment area the hydrological characteristics of the land should be maintained to pre-development conditions;
  - (xxv) Development within the riparian assessment area should avoid the use of impervious surfaces;
  - (xxvi) The discharge of storm water into adjacent watercourses must be avoided;
  - (xxvii) Security may be taken as a term of development permit issuance to ensure that the conditions of the permit and the guidelines are met with respect to erosion control works, post-development success of re-vegetation and restoration works;
- (d) Exemptions:

A Development Permit will not be required for this Development Permit Area only in the following circumstances:

- (i) The development is proposed to occur outside of the riparian assessment area as confirmed by a British Columbia Land Surveyor (BSLS) via a certified site plan provided to the City or as otherwise determined by the City;
- (ii) developments that are not associated with or resulting from residential, commercial or industrial activities, or ancillary activities thereto;
- (iii) repair, renovation, or reconstruction of an existing permanent structure on its existing foundation, including existing roads;
- (iv) removal of a tree that is deemed imminent hazard to the safety of life and buildings as determined by an Arborist certified by the International Society of Arboriculture (ISA) or Registered Professional Forester via a tree assessment report provided to the City at the property owners expense. Such removal shall be in accordance with the **Riparian Areas Regulation, Water Act** and **Wildlife Act** and the **Canada Fisheries Act**;



- (v) Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property, including:
  - (A) Emergency flood or protection works;
  - (B) Clearing of an obstruction from bridge, culvert, or drainage flow; and
  - (C) repairs to bridges and safety fences;

All emergency works are to be undertaken in accordance with the **Riparian Areas Regulation, Water Act** and **Wildlife Act** and the **Canada Fisheries Act**;

- (vi) Removal of noxious weeds, as identified in the **BC Weed Control Regulation** and known invasive species provided that measures are taken to prevent soil or debris being discharged into the watercourse and subject to immediate replanting with native vegetation suitable to local conditions;
- (vii) Stream enhancement and fish and wildlife habitat restoration works that are permitted by the Ministry of Environment and Fisheries and Oceans Canada where notification is given to the City;
- (viii) An application for subdivision where minimum lot sizes can be met exclusive of the development permit area and where no development will occur within the riparian assessment area including grading, clearing, trenching, or installation of drainage works;
- (ix) All parks and park land but specifically excludes ancillary commercial, residential, or industrial activities;
- (x) Installation of public utilities, such as sewer and water lines, where such works are undertaken by the City or its agents and where such works have been approved by the Ministry of Environment and the Department of Fisheries and Oceans;
- (xi) Farm Operations as defined under the **Farm Practices Protection (Right to Farm) Act** where such activity is carried on in accordance with normal farm practices as defined under that Act;
- (xii) Forestry activities in accordance with the **Forest Act** or **Private Managed Forest Land Act** and subsequent legislation that are not subject to regulation under the **Local Government Act**;
- (xiii) Mining activities in accordance with the **Mines Act** and subsequent legislation that are not subject to regulation under the **Local Government Act**;
- (xiv) Hydroelectric facilities licensed by the Province;
- (xv) Subdivision where a covenant under Section 219 of the **Land Title Act** is already registered against the title of the land that includes provisions which, in the opinion of City, protect riparian areas or sensitive ecosystems on the lands in a

manner that is consistent with the riparian areas regulation and the applicable Development Permit Area guidelines.

(e) Definitions:

The following definitions apply only to this Development Permit Area:

**active floodplain** means an area of land that supports floodplain plant species and is:

- (a) adjacent to a stream that may be subject to temporary, frequent or seasonal inundation, or
- (b) within a boundary that is indicated by the visible high water mark;

**assessment methods** means the methods set out in the Schedule to the *Riparian Areas Regulation*;

**Assessment Report** means a report prepared in accordance with the *Riparian Areas Regulation* assessment methods to assess the potential impact of a proposed development in a riparian assessment area and which is certified for the purpose of the Riparian Areas Regulation by a qualified environmental professional;

**development** means any of the following associated with or resulting from the local government regulation or approval of residential, commercial or industrial activities or ancillary activities to the extent that they are subject to local government powers under Part 26 of the *Local Government Act*:

- (a) removal, alteration, disruption or destruction of vegetation;
- (b) disturbance of soils;
- (c) construction or erection of buildings and structures;
- (d) creation of non-structural impervious or semi-impervious surfaces;
- (e) flood protection works;
- (f) construction of roads, trails, docks, wharves and bridges;
- (g) provision and maintenance of sewer and water services;
- (h) development of drainage systems;
- (i) development of utility corridors;
- (j) subdivision as defined in Section 872 of the *Local Government Act*;

**Fish** means all stages of:

- (a) salmonids;
- (b) game fish; and
- (c) regionally significant fish;

**Fish Habitat** means the areas in or about a stream such as, spawning grounds and nursery, rearing, food supply and migration areas, on which fish depend directly or indirectly in order to carry out their life processes;

**high water mark** means, as determined by a qualified environmental professional, the visible high water mark of a stream where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the stream a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain;

**Qualified Environmental Professional (QEP)** means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if:

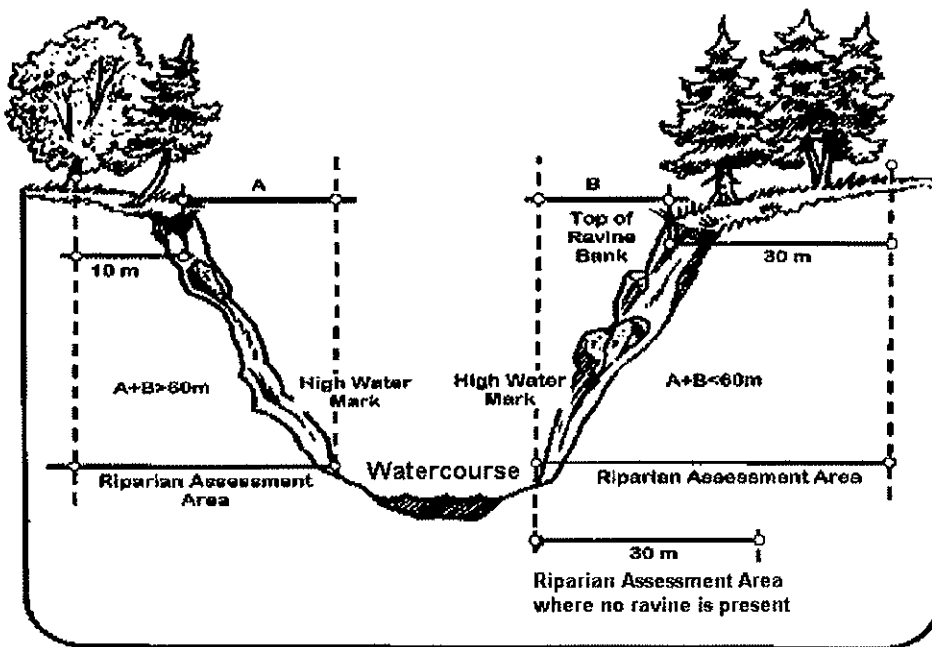
- (a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association;
- (b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and
- (c) the individual is acting within that individual's area of expertise;

**ravine** means a narrow, steep-sided valley that is commonly eroded by running water and has a slope grade greater than 3:1;

**Riparian Areas Regulation (RAR)** means the Riparian Areas Regulation, and its amendments, enacted pursuant to Section 12, 13(1), and 37(2) of the **Fish Protection Act**;

**riparian assessment area** means:

- (a) for a stream, the 30 meter strip on both sides of the stream, measured from the high water mark;
- (b) for a ravine less than 60 meters wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 meters beyond the top of the ravine bank; and
- (c) for a ravine 60 meters wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 meters beyond the top of the ravine bank;



**stream** includes any of the following:

- (a) where fish habitat is provided:
  - (1) a watercourse, whether it contains water or not,
  - (2) a pond, lake, river, creek or brook,
  - (3) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph 1) or 2), or
- (b) in the absence of fish habitat:
  - (1) any natural or man-made depression with well defined banks and a bed of 0.6 m or more below the surrounding land serving to give direction to or containing a current of water at least six months of the year and includes any lake, river, stream, creek, spring, ravine, swamp, gulch, surface source of water supply or source of groundwater supply;

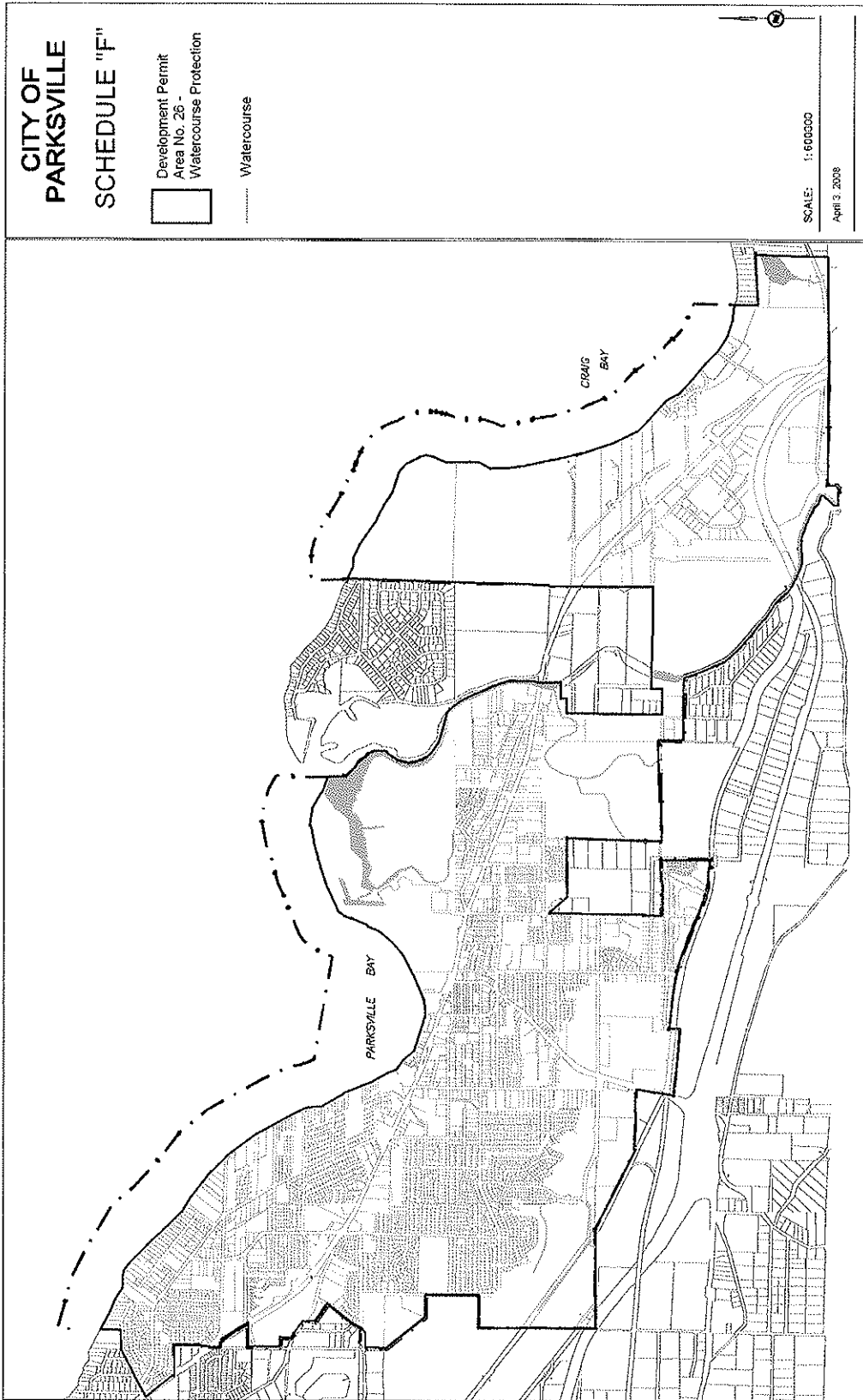
**Streamside Protection and Enhancement Area (SPEA)** means an area:

- (a) adjacent to a stream that links aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential adjacent upland vegetation that exerts an influence on the stream; and,
- (b) the size is determined according to the Riparian Areas Regulation on the basis of a report provided by a QEP in respect of a development proposal;

**top of the ravine bank** means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break, and the break does not include a bench within the ravine which could be developed;

**watercourse** means a **stream**.

Bylaw No. 1370.9  
Map "1"



## CITY OF PARKSVILLE

### BYLAW NO. 1427.1

#### A BYLAW TO AMEND FIREWORKS REGULATION BYLAW NO. 1427

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**NOW THEREFORE** the Municipal Council of the City of Parksville in open meeting assembled enacts as follows:

1. That "Fireworks Regulation Bylaw, 2007, No. 1427" is amended by adding a new Section 3.1 in the appropriate location as follows:

**"3.1 EXCEPTIONS**

1. Storage of consumer fireworks shall be permitted only if all the following conditions are met:
  - a. The consumer fireworks are stored only for the purpose of wholesale sales to retailers or distributors outside of the City of Parksville;
  - b. The wholesale business storing the consumer fireworks holds a valid business license with the City of Parksville;
  - c. The wholesale business storing the consumer fireworks holds the required licenses and permits from the Federal and/or Provincial governments
  - d. The Fire Chief is advised of the location where the consumer fireworks are stored; and
  - e. The quantity of the consumer fireworks stored is approved by the Fire Chief."
2. This bylaw may be cited for all purposes as "Fireworks Regulation Amendment Bylaw, 2008, No. 1427.1".

**READ A FIRST TIME** this

**READ A SECOND TIME** this

**READ A THIRD TIME** this

**ADOPTED** this

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Mayor

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Director of Administrative Services

## CITY OF PARKSVILLE

### BYLAW NO. 1440

#### A BYLAW TO PROVIDE FOR COUNCIL REMUNERATION AND EXPENSES

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**WHEREAS** the *Community Charter* empowers City Council to provide for remuneration to the members of Council and for payment of certain expenditures and expenses incurred by Council members;

**NOW THEREFORE** the Municipal Council of the City of Parksville in open meeting assembled enacts as follows:

#### Council Remuneration

1. Council, other than the Mayor and Acting Mayor, shall be paid \$11,600.00 per annum.
2. The Acting Mayor shall be paid \$14,720.00 per annum.
3. The Mayor shall be paid \$28,300.00 per annum.
4. Effective January 1, 2010, the annual remuneration set out in Sections 1 to 3 shall be increased by the same percentage as the Consumer Price Index for British Columbia published by Statistics Canada for the period January 1<sup>st</sup> to December 31<sup>st</sup> of the previous year.

#### Annual Expense Allowance

5. Of the remuneration provided under Sections 1 to 3 inclusive, one third shall be an allowance for expenses incidental to the duties of office incurred within the municipality.

#### Review

6. A review of the remunerations and expenses will be made every three years following the adoption of this bylaw.

#### Repeal

7. "Council Remuneration and Expenses Bylaw, 2004, No. 1403" and all its amendments are repealed.

#### Citation

8. This bylaw may be cited for all purposes as "Council Remuneration and Expenses Bylaw, 2008, No. 1440".

Effect

9. This bylaw shall come into effect January 1, 2009.

**READ A FIRST TIME** this

**READ A SECOND TIME** this

**READ A THIRD TIME** this

**ADOPTED** this

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Director of Administrative Services



**Schedule A**

1. There shall be no reimbursement for local travel as one third of the remuneration paid to members of Council, is non-taxable as an allowance for expenses incidental to the discharge of the duties of office.
2. A member of Council who is representing the City, engaged in municipal business or attending a meeting, course or convention authorized by Council is entitled to payment of all of the following expenses in the amounts actually incurred, and supported by a receipt for payment:
  - a) hotel accommodation charges on the basis of single occupancy;
  - b) convention and/or course registration fees for the Council member;
  - c) meal charges for the Council member;
  - d) transportation costs, including charges for airfare, taxis, public transportation, parking fees and mileage for the use of the Council member's own vehicle. All transportation expenses (except mileage) shall be paid on the basis of single fares.
  - e) applicable gratuities and taxes.
3. Hotel accommodation will only be paid when traveling outside the Oceanside area on City business.
4. Where a meal is provided without charge or is included in the convention and/or course registration fee, no claim for that meal may be made.
5. If a Council member chooses to use a personal vehicle for long distance travel instead of the airlines, the amount which will be reimbursed will be lesser of the economy class airfare based on booking far enough in advance to qualify for discounted rates plus related ground transportation, or the distance to be traveled by the most direct route, times the current rate per kilometer set out in Section 12 of this schedule.
6. A Council member may elect to receive a per diem allowance in the amount set out in Section 12 of this schedule for expenses incurred by the member for meals and other incidental expenses, including room service fees, telephone calls, laundry and other sundry travel costs.
7. Travel expenses for movies, bar service, or any other room service fee will not be reimbursed.
8. Meal expenses for alcoholic beverages will not be reimbursed.
9. A completed Expense Form, including receipts for all claimed travel expenses, must be submitted to the Chief Administrative Officer for approval.
10. Within five working days of delivery by a Council member to the Chief Administrative Office of a complete Expense Form, the Treasurer shall pay the Council member the amount approved by the Chief Administrative Officer.
11. A request for an advance on travel expenses must be submitted to the Chief Administrative Officer not less than 10 working days prior to the day of departure. The advance request must not exceed 90% of the total estimated expense claim.

- |     |       |  |                      |
|-----|-------|--|----------------------|
| 12. | (i)   | Mileage for using a personal vehicle                 | \$0.47 per kilometer |
|     | (ii)  | Full Day per diem (meetings or travel over 5 hours)  | \$75.00              |
|     | (iii) | Half Day per diem (meetings or travel under 5 hours) | \$37.50              |
13. Council hereby delegates to the Chief Administrative Officer the authority to revise, on an annual basis, the mileage and per diem rates listed in this schedule to keep pace with inflation.