THE RESORT MUNICIPALITY OF WHISTLER
COUNCIL POLICY

| POLICY NUMBER: A-21 | DATE OF RESOLUTION: JULY 4, 2005 |
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| NAME: COUNCIL GOVERNANCE MANUAL | AMENDED: OCTOBER 4, 2022; JULY 9, 2024 |

## 1.0 SCOPE OF POLICY

The goal of the *Council Policy A-21 Council Governance Manual* is to provide Council with a robust framework that outlines the requirements and sets the expectations for good governance of the RMOW. The Manual is to be used as an orientation guide for new Council members and then to serve as a resource over the course of their term.

## 2.0 RELATED DOCUMENTS

Council Governance Manual

Certified Correct:

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# Contents

# Introduction

The Resort Municipality of Whistler (RMOW) is committed in principal and practice to good governance. The *2022 Council Governance Manual* (Manual) builds on the previous *Council Governance Manual* written in 2005. The Government and Ethics Standing Committee of Council (the Committee) provided oversight of the Manual update. The Committee purpose is to provide a focus on governance and ethics that will enhance the performance and effectiveness of Council while maintaining the highest standard of public trust and confidence. ~~The Committee~~ [Terms of Reference](#) ~~(TOR) states that the Committee is responsible for ensuring that the Manual is current, relevant, and well understood by Council.~~

## Purpose of Guide

The goal of the Manual is to provide Council with a robust framework that outlines the requirements and sets the expectations for good governance of the RMOW. The Manual is to be used as an orientation guide for new Council members and then to serve as a resource over the course of their term.

By reading this Manual, the reader should understand:

- The purpose of the Manual
- The principles of good governance and the importance of adhering to these principles
- The Legal and Strategic Framework the RMOW operates within as a local government and how this guides Council decision and policy making
- The roles and responsibilities of Mayor and Council including the authority Council has to make decisions and the considerations and limitations that must be taken into account when making a decision
- The meaning and importance of responsible conduct of Council members, the legislation and tools in place to prevent conduct issues (including the *Code of Conduct and Conflict of Interest Guidelines for Councillors* (Code of Conduct*)*), and the levers to enforce on poor conduct
- The components of Council development and training (including remuneration)
- The purpose and structure of Committees of Council and their role in making recommendations to Council on specific issues or topics
- How the community and relevant stakeholders are engaged in the decisions and

actions of Council, and the legislation and RMOW policies and tools that guide community engagement

- The relationship and interactions between Council and staff, including the relationship with the Chief Administrative Officer (CAO)

## Manual Review and Update Schedule

~~TAs per the Committee TOR, the~~ GAESC Committee is responsible for oversight and updating of the *Manual*, including oversight of the Code of Conduct, as follows:

i. Ensuring that the *Manual* is current, applicable and actively in-use within the RMOW, making recommendations for potential revisions when required;

ii. Monitoring compliance with, and periodically reviewing, the Code of Conduct; and

iii. Assisting Councillors in interpreting and implementing the Code of Conduct.

The Manual will be treated as a living document. Each year, if required, the Committee will review and update the Manual to ensure that it remains a relevant and effective tool and can adapt as new legislation or considerations arise. Recommendations for policy or guideline updates or changes will be provided to the Committee for consideration. Manual updates will be approved by the Committee and taken to Council with a recommendation to endorse the changes.

## Context of Municipal Government

A municipality is a corporation representing the residents of its area[1]. From a legal perspective, the RMOW is a corporate body, limited to the powers granted to them by the provincial government. As per the *Community Charter*, the purposes of a municipality include[2]:

- providing for good government of its community,
- providing for services, laws and other matters for community benefit,
- providing for stewardship of the public assets of its community, and
- fostering the economic, social and environmental well-being of its community.

Council is the governing body of the RMOW and is required by the *Community Charter* to consider the well-being and interests of the RMOW and its community when making decisions. Within this document, when stating the *RMOW*, the document is referring to the corporate body or corporation. When stating *community*, the document is referring to the residents and stakeholders, within, and with direct interests in, the geographic area of the Whistler.

## What is Good Governance?

Municipal governments have a responsibility to be well governed and to demonstrate this to residents and stakeholders who trust them to make decisions that directly affect their lives and businesses. The term "good governance" includes[3]:

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[1] *Community Charter*, Part 2, 6 (1)

[2] *Community Charter* Part 2, 7

[3] "Responsible Conduct of Local Government Elected Officials Working Group on Responsible Conduct Policy Report", August 2017, Response_Conduct_LGPaper 2017.pdf  (accessed June 02, 2022).

- Providing for the stewardship of a community's public assets;
- Providing services, laws, and other matters for community benefit; and
- Adhering to the principles of good governance

Good governance encourages the efficient use of resources, strengthens accountability for the stewardship of those resources, improves management and service delivery, and thereby contributes to improving people's lives. The principles below form the core of good governance for the RMOW:

- **Responsible Conduct**. The RMOW believes in and requires responsible conduct of Council including -- integrity, accountability, respect, and leadership and collaboration.[4]

- **Transparent**. The RMOW is forthcoming with information to the public about actions taken and decisions made (while adhering to relevant legislation). Whenever possible, Council discussion and debate is held in open meetings.

- **Collaborative**. The RMOW engages openly and comprehensively with residents and other stakeholders. People and organizations have the opportunity to participate in the decision-making process for decisions that impact them. The RMOW is responsive to public needs and concerns.[5]

- **Effective and Efficient**. The RMOW implements decisions and follows processes that produce quality public outputs and that make the best use of the available people, resources and time to ensure the best possible results for the community.

- **Forward Thinking**. The RMOW is forward thinking and ensures it policies, decisions, and actions are consistent with well thought out strategic plans and objectives.

- **Equity and Inclusiveness.** The RMOW aims to ensure that all members of the community have a stake in the process and do not feel excluded from the mainstream of society. This requires all groups, but particularly the most vulnerable, to have opportunities to improve or maintain their wellbeing.

- **Improvement Mindset**. The RMOW monitors progress and identifies deficiencies or shortcomings in the way they are governed so they can be addressed.

- **Roles and Responsibilities**. The RMOW ensures that clear roles and responsibilities exist and are understood for Council, staff, Committees, external organizations, other levels of government, and the public.

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[4] "Foundational Principles of Responsible Conduct for BC's Local Governments", January 2018, foundational_principles_responsible_conduct.pdf (gov.bc.ca), (accessed May 23, 2022).
[5] C. Richard Tindal, Susan Nobes Tindal, "Guide to Good Municipal Governance", pg. 2, 2018.

# Legal and Strategic Framework

This section outlines the legal and strategic framework for good governance of the RMOW and how the specific legislative requirements and strategic plans guide the decisions of the RMOW.

At the end of this section the reader will understand:
- The legislation that Council must adhere to ensure that decisions made by Council are consistent with all relevant legislation and are within the powers of Council; and
- The strategic plans that guide Council decision making and policy to ensure decisions made by Council are connected with the community's vision and strategic priorities.

## Legal Framework

The RMOW operates within a defined statutory framework laid out by the provincial government and other laws; this means that Council must remain within the boundaries of all relevant legislation when making a decision. The Municipality can only exercise powers that have been devolved to them by the Province through legislation and must meet all provincial statutory requirements. It is the duty of elected officials to understand and abide by all legal requirements that apply to elected officials and local governments.[6]

The powers and responsibilities of all municipalities in British Columbia are regulated through the *Community Charter* and the *Local Government Act*. They define the core authority of local governments and guide decision-making. Whistler is also granted additional unique provisions defined by the *Resort Municipality of Whistler Act (1975)*. These three laws are described further in the sections below.

## Community Charter

The *Community Charter* provides the statutory framework for the RMOW and sets out its core areas of authority, including:
- Broad powers (for example, municipal services, public health regulation and entering into agreements)
- Property taxation
- Financial management
- Procedures (for example, adopting bylaws)
- Bylaw enforcement

The *Community Charter*'s broad powers include fundamental municipal powers:
- Corporate ("natural person") powers
- Service powers
- Regulatory powers
- Specific powers (for example, expropriation)

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[6] "Foundational Principles of Responsible Conduct for BC's Local Governments", January 2018, foundational_principles_responsible_conduct.pdf (gov.bc.ca), (accessed May 23, 2022).

To balance the broad powers provided to local governments, the *Community Charter* contains accountability and public participation provisions, such as:

- Elector approval processes
- Annual municipal reporting
- Ethical conduct rules for elected officials

The *Community Charter* also addresses municipal-provincial relations, with principles, consultation requirements and dispute resolution processes.

Refer to: *Community Charter*

## Local Government Act

The *Local Government Act* is the primary legislation for regional districts and improvement districts (as they are not governed by the *Community Charter*), setting out the framework for structure and operations, as well as the main powers and responsibilities. Certain provisions of the *Local Government Act* also apply to municipalities for matters not covered by the *Community Charter* (for example, municipal tax sales).

The *Local Government Act* also covers important authorities for both municipalities and regional districts, such as planning and land use powers and statutory requirements for administering elections. Other key election rules, such as campaign financing rules that apply to local elections and assent voting are set out in the *Local Elections Campaign Financing Act* and regulations.

Refer to: *Local Government Act*; *Local Elections Campaign Financing Act*

## Resort Municipality of Whistler Act

Whistler is classified by the Province as a resort community. This means that Whistler is afforded additional powers and responsibilities – such as greater control over form and character of development and the ability to levy development cost charges to subsidize resort employee housing. According to section 14.1 of the *Resort Municipality of Whistler Act*, the purpose of defining Whistler as a resort municipality is to "*to promote, facilitate and encourage the development, maintenance and operation of the resort land.*" With this resort designation there are some additional provincial requirements. One example is that the RMOW is required by the *Resort Municipality of Whistler* Act to have an Official Community Plan.

Refer to: Resort Municipality of Whistler Act

## Compliance

Much of the legal framework the RMOW is governed by provincial law. A key component of good governance is making sure that decisions made by the RMOW are consistent with all relevant provincial legislation or other law and are within the powers of Council so that they can make robust and lasting decisions. Understanding and adhering to legislation minimizes the risk that decisions made by Council are unlawful and subject to legal

challenge. Council members are expected to be sufficiently familiar with any legislation and bylaws that apply to their position as members of Council and to recognize potential liabilities, seeking legal advice where appropriate.

The courts also play a significant role in the responsible conduct framework as judges are responsible for making final decisions about legal matters that relate to responsible conduct issues. Some examples include a dispute between two elected officials resulting in a defamation lawsuit; a prosecution against an elected official for divulging personal information contrary to the *Freedom of Information and Protection of Privacy Act*; and a judicial review of a local government's failure to comply with closed meeting rules.

## Strategic Framework

An effective Council is one that is accountable and plans ahead. The decisions of Council are driven by the strategic framework of the RMOW. The strategic framework sets out the community's vision and strategic priorities; it allows the RMOW to envision and create its preferred future rather than wait and have to deal with whatever the future presents. The strategic framework helps Council allocate resources to achieve goals. The RMOW must respond to unlimited demands with limited resources[7] and needs to consider the big picture and address major issues facing the community and avoid focusing only on day-to-day and shorter-term issues.[8] Having a clear vision and priorities ensures that scarce resources – including the time and energy of Council and municipal staff – are allocated accordingly. There are four main plans that make up the strategic framework for the RMOW – the Community Vision, the Official Community Plan (OCP), the Corporate Plan, and the Five-Year Financial Plan (Budget) (together the Strategic Framework). All are summarized in this section.

## Community Vision

The Community Vision for Whistler articulates the high-level aspirations for the resort community, describing what the community collectively seeks to achieve now and over Whistler's long-term future. The Community Vision helps guide the RMOW's actions and strategic planning over time. It helps capture what is unique about the community, and what people most want to preserve and enhance. The Community Vision is at the forefront of every decision that Council makes.

**Whistler: A place where our community thrives, nature is protected and guests are inspired.**

- Our resort community thrives on mountain culture and the nature that surrounds us.
- We protect the land – the forests, the lakes and the rivers, and all that they sustain.
- We enjoy a high quality of life in balance with our prosperous tourism economy.
- We seek opportunities for innovation and renewal.

- We recognize the value of our history and the foundations of our resort community.
- We honour those who came before us and respect those who will come after us.
- We move forward with the Líl̓wat Nation and Squamish Nation and reconcile with the past.
- We value our relationships and work together as partners and community members.

The Community Vision is included within the Official Community Plan (OCP) to reinforce the important role of the OCP in pursuing the vision, and to better integrate the vision with supporting municipal policies. The current vision and OCP were updated and updated through an extensive process with the community, and have been in place since 2020.

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[7] C. Richard Tindal, Susan Nobes Tindal, "Guide to Good Municipal Governance", pg. 5, 2018.
[8] Ibid, pg. 1.

## Official Community Plan

The OCP is the RMOW's most important guiding document that sets long-term community direction. The OCP defines the strategies, actions, and policies required to achieve the Community Vision and move the community in the desired direction.

The OCP is a statutory policy document adopted by bylaw that guides the actions of the RMOW. All bylaws enacted or works undertaken by Council after adoption of the OCP must be consistent with this OCP. "Official Community Plan Bylaw No. 2199, 2018" was adopted by RMOW Council on June 23, 2020.

Municipalities in British Columbia are given the authority to adopt an OCP under the *Local Government Act*. Additionally, Whistler is required to have an OCP under the *Resort Municipality of Whistler Act*. As required in the *Local Government Act*, this plan addresses land use, infrastructure, housing, natural hazards, greenhouse gas (GHG) emissions targets, preservation of environmentally sensitive areas, and aggregate (sand and gravel) resources; and contains a regional context statement. The OCP also addresses social and environmental issues and site-specific development controls in the form of development permit area designations and guidelines—content that the *Local Government Act* indicates municipalities may include in an OCP. Further, the OCP has been extensively updated to recognize and integrate the interests of our Lil'wat Nation and Squamish Nation partners in Whistler's future, in a way that recognizes reconciliation and seeks to achieve our common values and mutual best interests, including the Squamish Nations' and Líl̓wat Nations' economic development interests.

Link to: [Whistler's Vision and OCP | Resort Municipality of Whistler](#)

## The Corporate Plan

Organizations achieve their visions through executing a strategic plan. To enable Council and municipal staff to stay focused on the future, the RMOW has a strategic plan – titled the RMOW Corporate Plan – that establishes a clear strategic direction for the RMOW for the period of the Corporate Plan. While the OCP focuses more on land use and development, the Corporate Plan articulates the collective high-level priorities identified by Council for their term and provides direction to the RMOW through strategies and actions. The Corporate Plan also contains the previous year's Annual Report and a summary of the current [Five-Year Financial Plan](#). The Annual Report uses indicator reporting to track the progress in different areas.

The Corporate Plan is linked heavily to the Five-Year Financial Plan ensuring resources are allocated in support of stated priorities, and that the strategies and actions in the Corporate Plan can be implemented.

## Five Year Financial Plan

In accordance with the *Local Government Act* and the *Community Charter*, the RMOW must annually adopt a Five-Year Financial Plan (Budget). The Budget outlines how the RMOW will allocate its available resources to achieve Council's priorities while continuing to deliver services and maintain assets. Once written, Council reviews, deliberates on, and

approves the Budget. To meet provincial statutory requirements, at a minimum, the Budget must include:

- The current fiscal year and the next four fiscal years (five-year plan)
- Proposed expenditures (operating, capital, interest and principal payment on debt), funding sources (for example, taxes, fees, grants, new borrowing and debenture debt), and transfers to and from reserve funds and surplus
- Objectives and policies for the fiscal year regarding distribution of funding sources, the distribution of property taxes amongst various property classes, and the use of any permissive tax exemptions

The RMOW cannot budget for a deficit (planned expenditures and transfers to funds cannot exceed planned revenues, transfers from funds, and other cash contributions). However, if actual expenditures and net transfers from the previous year exceed that year's revenues and contributions, the resulting deficiency must be carried forward to the current year's financial plan as an expenditure. The RMOW must adopt their financial plan before they adopt the annual tax rate bylaws (which must be adopted before May 15 each year).

Reviewing and approving the budget is an important practice of good governance. The Budget is a tool that ensures Council and staff are focused on the same priorities, that resources are being allocated to advance Council priorities, and that the RMOW is making the best use of resources to ensure the best possible results for the community. As the RMOW completes budgeted activities they make progress toward achieving the Corporate Plan and the Community Vision.

Council is responsible for decisions, performance and achievements of agreed outcomes in the RMOW. It will set goals and targets as part of the Budget process and will monitor and evaluate progress towards these goals.

Link to: Budget

## Community Monitoring and Reporting

Since 1993, the RMOW has been monitoring and reporting on key indicators related to Whistler's social, economic and environmental performance, and Whistler's progress toward (or away from) the Community Vision, allowing the RMOW and community to build on successful programs, and to correct its course when necessary.

This program benefits the RMOW and the community through the following:
- Informing action planning for the RMOW and community stakeholders;
- Informing decision-making throughout the community;
- Ensuring transparency and accountability to community stakeholders; and
- Engaging Whistler businesses, residents and visitors by providing meaningful information to help illustrate connections between policy, actions and community health and ultimately to make progress toward our Community Vision.

The monitoring and reporting results for 90 indicators include data from various

organizations including Tourism Whistler, Statistics Canada, Whistler [Community Life Surveys](#), local utility providers, as well as municipal surveys such as the Whistler Community Life Survey, and internal data compiled from RMOW departments.

Key indicators were chosen through extensive community engagement, and each represents an important variable to help understand how Whistler is growing, changing and evolving over time.

A selection of these indicators have been identified as Corporate Performance Indicators for the RMOW specifically. While these indicators represent the collective progress of all community stakeholders, and while municipal staff do not have exclusive control or responsibility for them, the municipality is a key contributor toward these outcomes. These indicators provide meaningful targets to define the RMOW's aspirations and inform our actions.

The full list of indicators, performance data and more information about the monitoring program, visit [whistler.ca/getdata](http://whistler.ca/getdata). The RMOW also produces a summary of results in its [Annual Report](#).

## Municipal Plans and Strategies

The RMOW has various plans and strategies that were developed to guide specific areas of business such as housing, climate action or transportation. The purpose and intent is often to provide structure and vision for the responsible management of various municipal resources and to attain and fulfill core priorities as well as to provide guidance for the implementation, evaluation and reporting of initiatives. The strategies and plans change over time as they depend on the focus on Council and the community at the time.

## Summary

As a summary, the Community Vision, OCP, Corporate Plan, and Budget make up the RMOW's Strategic Framework. At the highest level there is the Community Vision – where we hope to be in the future. The OCP outlines how we will achieve the Community Vision from a land use and policy perspective and the Corporate Plan outlines the current focus of staff and Council. The Budget allocates resources to achieving all of the above. The CM Program tracks the RMOW's progress towards their goals.

# Council Roles and Responsibilities

## Introduction

Good governance is not possible without a clear definition of the roles and responsibilities of Mayor and Council.

At the end of this section the reader will understand:

- The role of Council as a collective and how they make decisions
- How Council exercises their powers
- Roles and responsibilities of Mayor and Council collectively and individually
- The importance of cohesion, teamwork, and embracing diverse ideas and conflicting views
- The factors that guide council decision making

## The Role of Council

The role of Council is to provide leadership and to make policy. Members of council are responsible for the overall direction of the RMOW through their role as policy makers. Policies set by Council are guidelines for staff to follow as it handles daily operations of the RMOW. As per the *Community Charter*, Council is the governing body. Every council member has the following responsibilities:

- to consider the well-being and interests of the RMOW and its community;
- to contribute to the development and evaluation of the policies and programs of the RMOW respecting its services and other activities;
- to participate in council meetings, committee meetings and meetings of other bodies to which the member is appointed;
- to carry out other duties assigned by Council;
- to carry out other duties assigned under the *Community Charter* or any other Act.

Day-to-day Council operations include:

- setting strategic direction;
- adopting the RMOW's Budget;
- broadly allocating resources to services, capital projects, programs and other priorities;
- representing citizens;
- engaging with the community; and,
- making policies and adopting bylaws

Council members collectively make decisions about what services the RMOW will provide to its residents, how services will be provided, and at what level. Council relies on the support, advice and assistance of staff during the decision-making process. Once decided, staff are responsible for implementing the decisions. Because the RMOW is a corporation of the residents of its area, the residents select Council through a democratic election. A general local election for the mayor and all council members is held every four years. An election must be held in the year 2022 and in every fourth year after that. Mayor and Council serve

four-year terms.[9] Even though new members may join, Council is a continuing body, notwithstanding changes in membership through the election process. Council is supported by municipal staff (officers and employees). While Council sets the policy direction for the RMOW, municipal staff implement that direction. The RMOW has a Chief Administrative Officer (CAO) that manages the organization's operations and serves as the primary point of contact between Council and staff. It takes a large organizational structure and a wide variety of employees to run programs, provide services and to implement the policies and decisions made by Council.

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[9] *Community Charter*, Part 4, 81 (1)

The following Chart Represents the organizational structure of the Resort Municipality of Whistler:



- CAO
  - Corporate Coordinator
  - Manager Corporate Projects
  - HR
  - Smart Tourism ED Officer

- **GM Community Engagement and Cultural Services**
  - Library
  - Communications
  - Village Events and Animation
  - Receration & MPSC

- **GM Infrastructure Services**
  - Infrastructure Projects
  - Raods, Drainage & Solid Waste
  - Capital Services & Fleet
  - Engineering Services
  - Utilities
  - FCM

- **GM Climate Action, Planning & Devleopment Services**
  - Planning
  - Building
  - Climate and Environment
  - Resort Operations
  - Parks Planning
  - Transportation Planning

- **GM Coporate Services and Public Safety**
  - Finance
  - RCMP
  - Fire
  - Protective Services
  - IT
  - Leg Services

## Specific Duties and Responsibilities of Mayor and Council

### *Management and Human Resources*

Council has responsibility for:
  i.    The appointment and replacement of the Chief Administrative Officer (CAO); monitoring of the CAO's performance; approval of CAO's compensation; and provision of advice and counsel to the CAO in the execution of the CAO's duties;
  ii.   Approving terms of reference for the CAO;
  iii.  Reviewing the performance of the CAO, at least annually, against agreed upon written objectives;
  iv.   Ensuring that succession plans are in place, including programs to train and develop management; and
  v.    Approving certain matters relating to all employees, including:
    a.  The annual salary policy/program for employees; and
    b.  Benefit programs or material changes to existing benefit programs.

### *Planning and Strategy*

Council is a strategic body and has a responsibility to:
  i.    Participate, with management, in the development of, and ultimately approve the strategic plan, vision, and priorities of the RMOW;
  ii.   Participate, with management, in the development of, and ultimately approve the Corporate Plan; and
  iii.  Approve the Budget Five-Year Financial Plan which supports the Corporate Plan.

### *Financial and Legal Matters*

Council has the responsibility to:
  i.    Evaluate and assess information provided by management and others (e.g. external auditors) about the effectiveness of internal control and management information systems;
  ii.   Review progress in respect to the achievement of the priorities established in the annual operating and capital budgets;
  iii.  Approve annual financial statements and the release thereof by management;
  iv.   Approve contracts, leases, and other arrangements or commitments that may have a material impact on the RMOW;
  v.    Approve banking resolutions and significant changes in banking relationships;
  vi.   Review coverage, deductibles, and key issues regarding RMOW insurance policies;
  vii.  Approve the commencement or settlement of litigation that may have material impact on the RMOW;
  viii. Approve the appointment of external auditors; and
  ix.   Approve the borrowing of money.

*Risk Management*

Council has the responsibility to:

i. Ensure management identifies the principal risks of the RMOW's business and implements appropriate systems to manage these risks; and

ii. Receive, at least annually, reports from management and/or committees on matters relating to, among others, ethical conduct, environmental management, and related party transactions.

*Establishing Policy*

Council is a policy making body and has the responsibility to:

i. Approve, and monitor compliance with, all significant policies by which the RMOW is operated; and

ii. Direct management to ensure that the RMOW operates at all times within the applicable laws and regulations and to the highest ethical and moral standards.

iii. As a policy making body Council recognizes that the development and implementation of administrative plans to achieve Council policies and priorities are the primary concern of management.

*Compliance Reporting and Corporate Communications*

Council has the responsibility to:

i. Ensure that the financial results are reported fairly and in accordance with generally accepted accounting principles;

ii. Ensure the financial performance of the RMOW is adequately reported to the public, any security holders, and regulators on a timely and regular basis;

iii. Ensure the timely reporting of any other developments that have a significant and material impact on the RMOW;

iv. Ensure the RMOW has in place a policy to enable effective communication with the public;

v. Direct the preparation of an annual report, including performance measurement reporting and other information required by the *Community Charter*; and

vi. Hold an annual general meeting.

*Relationships with Key Stakeholders*

Council has a responsibility to:

i. Establish and sustain relationships with key stakeholders, including but not limited to Squamish Nation, Líl̓wat Nation, Tourism Whistler, Chamber of Commerce, Vail Resorts, corridor municipalities, and School District No. 48 and 93; and

ii. Generate partnership agreements to clarify roles and responsibilities.

*General Legal Obligations of Council*

A. Council is responsible for directing management to ensure that legal requirements have been met, and that documents and records have been properly prepared, approved and maintained.

B. Council approves bylaws for application within the RMOW.

C. British Columbia law and the *Community Charter* identify the following as legal requirements for Council:

      i. To act honestly and in good faith with a view to the best interests of the Corporation;

      ii. To exercise the care, skill, and diligence of a reasonably prudent person in comparable circumstances; and

To manage or supervise the management of the affairs of the RMOW.

## Exercise of Council Powers

Council members have an equal voice at the council table – every council member has one vote – and a majority vote is required to make a council decision. Council may only make decisions by bylaw or resolution passed at a regular or special meeting when a quorum of Council is present. Individual members of Council cannot make a valid and binding commitment on behalf of Council.

Bylaws are laws that formalize rules made by Council. Bylaws may be used for a variety of different purposes, including establishing meeting procedures, regulating services, prohibiting an activity, or requiring certain actions. The RMOW may also exercise some statutory authority through resolution, which is a formal record of decision by Council. In some cases, provincial legislation requires that a power be exercised by bylaw only; in other circumstances Council may have a choice to pass something either as a bylaw or a resolution. Individual members of Council cannot make a valid and binding commitment on behalf of Council. All such actions must be made as a collective judgment by a quorum at a properly constituted Council meeting. Council may not grant special privileges or immunities to individuals or corporations unless the *Community Charter* or the *Resort Municipality of Whistler Act* specifically provide for those powers.

## Council Decision-Making

Council is empowered to address the existing and future needs of their community by making collective decisions. The council role is to think through each and every issue and determine where it wants to take the community.

There are many factors that influence decision making including:

- Vertical relationships – municipal government receives its legal authority and existence from the Province.
- Horizontal relationships – with other local governing bodies in the area – other municipality, regional districts, various agencies, boards, and commissions
- Views and values of local residents and ratepayers
- Views, values, and personal agendas of individual members of council
- The expertise and advice (views, values, and personal agendas) of municipal staff
- The community vision and Official Community Plan
- The strategic priorities of the municipality
- The particular operating procedures and practices that are followed
- The traditions and culture of the municipality[10]

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[10] C. Richard Tindal, Susan Nobes Tindal, "Guide to Good Municipal Governance", pg. 3, 2018.

## Embrace Diverse Ideas and Conflicting Views

RMOW decisions and decision-making processes are open to an appropriate level of scrutiny and Council discussion and debate take place in an open forum when possible. RMOW welcomes healthy debate, diverse ideas and conflicting views as these lead to better decisions. Different lived experiences and fresh perspectives can provide valuable insights, uncover opportunities and bring out solutions that hadn't previously been considered but are better for the community.

## Supporting Decisions

Decisions made by Council should generate an atmosphere of confidence and a basis for action. For this to result, it is vital that decisions, once made, be accepted and supported. Communication, including an explanation of the process used in arriving at a decision, is critical to the acceptance of and support for decisions. Council members should feel free and confident to voice their views throughout the period prior to the decision. Once the vote has been taken, however, the decision is that of Council, acting as a whole, on behalf and in the best interests of the RMOW and the community. Council members must respect the decision, even when they did not vote in favour.

## The Role of the Mayor[11]

The Mayor is the head and Chief Executive Officer of a municipality. The Mayor has all the responsibilities of a Councillor plus a number of additional responsibilities. Under the *Community Charter* the Mayor must:

- Provide leadership to Council including by recommending bylaws, resolutions and other measures that may assist in the peace, order and good governance of the RMOW
- Reflect the will of Council and carry out other duties on behalf of council, such as attending ceremonies and meetings of other bodies
- Communicate information to Council, for example from the CAO or from meetings with other bodies
- Chair Council meetings, including overseeing their conduct, maintaining order and knowing the rules of governing meetings
- Establish standing committees and appoint people to those committees
- Provide, on behalf of Council, general direction to municipal officers about implementation of municipal policies, programs and other council directions
- Suspend municipal officers and employees if the Mayor believes this is necessary, subject to confirmation by Council under section 151 of the *Community Charter*

## Specific Duties and Responsibilities of the Mayor
The Mayor is the head and Chief Executive Officer of the RMOW. In addition to the responsibilities as a member of Council, the Mayor has the following responsibilities:

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[11] "Mayors & Councillors", Mayor and councillors - Province of British Columbia (gov.bc.ca), (accessed June 13, 2022).

A. The Public

    i.    Preside at public meetings;

    ii.    Be one of the primary spokespersons for the RMOW and the community, ensuring that the will of Council is reflected;

    iii.    In conjunction with the CAO, ensure that Council and management are appropriately represented at official functions and meetings with stakeholder groups and members of the public; and

    iv.    Undertake public service activities, as requested by Council and the CAO, in connection with the RMOW's communication objectives.

B. Council

    i.    Establish standing committees and appoint persons to those committees and if necessary remove persons;

    ii.    Recommend the appointment of Council members to various commissions, committees and stakeholder organizations;

    iii.    Maintain a close effective liaison with the CAO to facilitate the efficient conduct of Council related activities;

    iv.    Ensure the timeliness of actions set by Council and ensure that the Council's fiduciary responsibilities are fulfilled;

    v.    Attend committee meetings as appropriate and ensure the committee's functions and responsibilities are fulfilled;

    vi.    Together with the CAO, keep abreast of evolving governance practices and recommend for consideration of Council any changes in practices, policies, bylaws or administration support which might enhance the performance of the Council or otherwise be in the best interests of the RMOW and/or the community;

    vii.    Ensure Council and committee meetings are conducted in an efficient, effective and focused manner, and ensure the Council is performing effectively overall;

    viii.    Provide leadership to the Council, including recommending bylaws, resolutions and other measures that assist the peace, order and good government of the RMOW and assist the Council in reviewing and monitoring the strategy, policy and direction of the RMOW and the achievement of its objectives;

    ix.    Maintain a liaison and communication with all Councillors and Committee Chairs to co-ordinate input from Councillors, and optimize the effectiveness of the Council and its Committees;

    x.    Provide Council with regular briefings regarding appointments to, and the progress of, various committees;

    xi.    As necessary and appropriate, communicate with individual Councillors and the CAO between meetings;

    xii.    Review and assess Councillor attendance at meetings and address any concerns with the Councillor in question;

    xiii.    In collaboration with the CAO, ensure information requested by Councillors or committees is provided and meets their needs;

xiv.   In conjunction with the Chair of Committees of Council, review and assess the meeting attendance and performance of Committee members; and

xv.   Help ensure that Council performs at a strategic level.

C. Management

i.   Guide Council in monitoring and evaluating the performance of the CAO, ensuring the accountability of the CAO;

ii.   Provide advice to the CAO on major policy issues and new strategic initiatives;

iii.   Act as the principal sounding board, counsellor and confidante for the CAO, including helping to review strategies, define issues, maintain accountability, and build relationships;

iv.   Work with the CAO to ensure effective relations with Councillors, stakeholders and the public;

v.   Ensure that the CAO is made aware of any issues or concerns held by individual Councillors or by the Council collectively;

vi.   Work closely with the CAO to ensure that management strategies, plans and performance are appropriately presented to Council; and

vii.   Suspend municipal officers and employees in accordance with the Community Charter.

## The Role of Council Members

Under the *Community Charter* a municipal Councillor must:
- Consider the well-being and interests of the RMOW and its community
- Contribute to the development and evaluation of municipal policies and programs respecting its services and other activities
- Participate in council and committee meetings and contribute to decision making
- Carry out other duties as assigned by the council, such as heading committees
- Follow the rules in legislation, bylaws and council policies that establish any additional duties and set how council members exercise their authority

### Specific Duties and Responsibilities of Individual Councillors

Councillors, in exercising their powers and meeting their obligations, have the following duties and responsibilities:

A. Council Activity

As a member of Council, each Councillor will:

i.   Exercise good judgment;

ii.   Use his/her ability, experience, and influence constructively;

iii.   Respect confidentiality and in particular not disclose to the public confidential Council or RMOW information or documents;

iv.   Whenever possible, advise the Mayor and the CAO in advance of introducing significant and previously unknown information at a Council meeting;

v.    As necessary and appropriate, communicate with the Mayor and CAO between meetings;

vi.    Be available as a resource to the Mayor, CAO, and Council;

vii.    Demonstrate a willingness and availability for individual consultation with the Mayor or the CAO; and

viii.    Ensure that his or her personal contact information is current and distributed.

B.  Preparation and Attendance

To enhance the effectiveness of Council and Committee meetings, each Councillor will:

i.    Prepare for each Council and committee meeting by reading the reports and background materials provided for the meeting;

ii.    Attend every meeting, participate and vote; and

iii.    Ensure there is adequate information necessary for decision-making.

C.  Committee Work

In order to assist Council Committees in being effective and productive, a Councillor will:

i.    Participate on committees when appointed and become knowledgeable about the purpose and goals of the committee; and

ii.    Understand the process of committee work, and the role of management and staff supporting the committee.

## Meeting Attendance[12]

Meeting participation is one of council members' statutory responsibilities under the *Community Charter*. Council members are expected to attend every meeting, participate and vote. If a council member is absent from four consecutively scheduled regular meetings or for 60 days, whichever is longer, they are disqualified from holding office—unless the absence is due to illness or injury, or the person has permission from the Council to be absent. Final decisions about disqualification and removal from office are made by the Supreme Court, on application by the local government or by 10 or more electors of the jurisdiction.

## Indemnification

Members of Council are covered under "Municipal Officials Indemnification Bylaw No. 1960, 2011". The Bylaw indemnifies Council members against claims for damages arising out of the performance of their duties and in addition, pay the actual costs incurred in a court proceeding arising out of the claim. There are some exceptions to this indemnity such as knowingly misappropriating funds.

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[12] "Meeting Attendance", Local government council and board procedures. Local government council and board procedures - Province of British Columbia, (accessed September 26, 2022).

## Delegation of Authority[13]

Council can delegate its powers, duties and functions to a Council member, a Council Committee, an officer or employee, or to another body established by Council. Delegation allows the delegated person or body to conduct detailed and focused consideration of the operation or administration of a service or function. Delegation also allows Council to focus on the broader and longer-term needs of the RMOW, for example, service policies. Successfully delegating its powers, can enable Council to focus and streamline its agenda and staff can be empowered and assigned more routine responsibilities of councils.

## Delegation Limitations[14]

The broad authority to delegate is balanced with accountability to the public by having specific limitations on delegation and, in certain cases, reconsideration mechanisms for those decisions made by a delegated person or body.

There are specific limitations under the *Community Charter* on the delegation of power because it is Council that is directly accountable to the public for its decisions. Certain decision-making authority cannot be delegated such as a power or duty:

- That can only be exercised by bylaw
- Established by legislation that the council:
  - Gives its approval or consent to,
  - Makes recommendations on, or
  - Accepts an action, decision or other matter (for example, municipal council can consent to participate in a regional district service, but cannot delegate making the decision to participate as it is a power established in the *Local Government Act*)
- Established by an enactment, for example, by statute or by bylaw, that Council hear an appeal or reconsider an action, decision or other matter
- To appoint or suspend a municipal officer, except where Council has delegated that authority to the chief administrative officer
- To terminate the appointment of a municipal officer

Additionally, a power to impose a remedial action requirement under the *Community Charter* or the making of a bylaw cannot be delegated.

The *Local Government Act* also limits municipal delegation. For example, a council cannot delegate the authority to issue a development variance permit.

Refer to to: *Local Government Act*, Part 6, Division 7 - Delegation of Board Authority

Refer to: *Community Charter,* Part 5, Division 6 - Delegation

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[13] "Municipal Delegation of Powers or Duties," Municipal delegation of powers or duties - Province of British Columbia (gov.bc.ca), (accessed July 13, 2022).
[14] Ibid

# Responsible Conduct Framework

A robust responsible conduct framework for council members is important to ensure the RMOW can effectively provide for the good governance of the community. Responsible conduct refers to how members of Council conduct themselves in their relationships with other Council members, staff and the public. Responsible conduct builds and inspires public trust and confidence in local government and local government decision-making. Alternatively, poor conduct erodes public trust and in turn good governance.

This section will cover the main components that support responsible conduct of Council members including societal norms and foundational principles, legislative requirements, RMOW policies and bylaws including the Code of Conduct, orientation and training, informal resolution, and enforcement. Together, these components help prevent conduct issues from occurring and provide policy levers that can be engaged when preventative measures fail and poor conduct occurs.

At the end of this section the reader will understand:

- How societal norms and foundational principles provide the basis for how Council members fulfill their individual and collective roles and how they interact with each other, with staff and with the public
- The legislative requirements of responsible conduct relating to Conflict of Interest guidelines
- The RMOW policies and bylaws that can be used to support responsible conduct, including the Code of Conduct
- Council orientation and training as it relates to preventing poor conduct
- Informal resolution and enforcement of conduct issues

## Societal Norms[15]

The set of unwritten rules, or norms, that typically provide a foundation for how Council members conduct themselves with their colleagues, with staff, and with the public are important in helping the RMOW provide good governance to the community. These norms may sometimes be seen as the shared understanding of how things should be done that fills the space between the written rules and guides day-to-day behaviour. These norms include:

- conduct of Council members is grounded in respect and honesty;
- the public (or collective) interest is more important than personal interests;
- Council members take into account the implications of options and various perspectives when making decisions for their community;
- council discourse, public discussions and other aspects of democratic processes are carried out civilly and respectfully; and
- the differing roles and responsibilities of Council and staff are clearly understood by all participants.

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[15] "Responsible Conduct of Local Government Elected Officials Working Group on Responsible Conduct Consultation Paper", March 2017, ResponsibleConduct Consult_Paper_March302017.pdf (multiscreensite.com) (accessed June 02, 2022).

## Foundational Principles of Responsible Conduct[16]

There are four foundational principles that guide the conduct of elected officials in BC--integrity, accountability, respect, and leadership & collaboration.[17] The foundational principles provide a basis for how council members fulfill their individual and collective roles and how they interact with each other, with staff and with the public.[18] A high-level definition of each foundational principle, along with a general description of the type of conduct that upholds each principle, is provided below. These four principles can be used as a guide for council members against which to assess their own conduct.[19]

1. **Integrity** – means being honest and demonstrating strong ethical principles. Conduct under this principle upholds the public interest, is truthful and honourable.
2. **Respect** – means having due regard for others' perspectives, wishes and rights; it also means displaying deference to the offices of local government, and the role of local government in community decision making. Conduct under this principle is demonstrated when a member fosters an environment of trust by demonstrating due regard for the perspectives, wishes and rights of others and an understanding of the role of the local government.
3. **Accountability** – means an obligation and willingness to accept responsibility or to account for ones actions. Conduct under this principle is demonstrated when council members, individually and collectively, accept responsibility for their actions and decisions.
4. **Leadership and Collaboration** – means an ability to lead, listen to, and positively influence others; it also means coming together to create or meet a common goal through collective efforts. Conduct under this principle is demonstrated when a council member encourages individuals to work together in pursuit of collective objectives by leading, listening to, and positively influencing others.

Additional information: *Foundational Principles of Responsible Conduct for BC Local Governments*

## Legislation

Many components of good conduct are set out in provincial law; most in the *Community Charter*.

## Conflict of Interest Legislation

Council members are bound by the Conflict of Interest provisions set out in the *Community Charter*. If Council members participate in making a decision as part of their role on Council and they are aware (or ought to reasonably be aware) that this would give them an opportunity to further their private interests (or to improperly further the private interests of another person), there is a conflict of interest. A Council member cannot, whether before, during or after a Council meeting, attempt in any way to influence the discussion or voting on any matter before Council in which they have a conflict of interest. What this means

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[16] "Foundational Principles of Responsible Conduct for BC's Local Governments", January 2018, foundational_principles_responsible_conduct.pdf (gov.bc.ca), (accessed May 23, 2022).
[17] Ibid
[18] Ibid
[19] Ibid

practically, is that if a Council members believes that they are in conflict on a particular matter, they should declare the conflict as soon as reasonable possible and excuse themselves from any discussion or deliberation on that matter. They should leave the Council Chambers in these cases and not discuss the matter with any other member of Council. Addressing conflicts of interest appropriately is about being ethical, which is essential to good governance[20].

## Types of Conflicts of Interest – Pecuniary and Non-pecuniary[21]

There are two types of conflict of interest - pecuniary (financial) and non-pecuniary. A pecuniary conflict is one in which the Council member has a direct or indirect financial interest (either to gain or lose financially). A non-pecuniary conflict is one in which the council member, or a family member or close personal contact, stands to realize a personal benefit from a favourable decision on the matter but represents no personal financial gain for the Council member. As non-pecuniary conflicts can be more nuanced – a Council member has a non-pecuniary conflict of interest if the following qualifications are met:

- The council members interest in the matter is immediate and distinct from the public interest
- It can be reasonably determined that council members private interest in the matter will influence their vote on the matter
- The council members, or a family member or close personal contact, stands to realize a personal benefit from a favourable decision on the matter

The key consideration is whether a reasonable person would conclude that a private interest or personal benefit could influence or affect the decision making and be in conflict with the council member's public duties. Examples of non-pecuniary interests would commonly arise out of family or personal relationships or involvement in sporting, social, religious or other cultural groups or associations.

## Real, Potential, and Perceived Conflict of Interest

In addition to types of conflict of interest, there are also forms which include real, potential and perceived. A real conflict of interest involves a direct conflict between the council member's official current duties and responsibilities and existing private interests. A potential conflict of interest arises where a council member has private interests that could conflict with their official duties in the future. A perceived conflict of interest can exist where it could be perceived, or appears, that a council member's private interests could improperly influence the performance of their duties – whether or not this is in fact the case.[22]

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[20] "Conflicts of Interest: Municipal Council Members." Ombudsman Saskatchewan, OMB-Conflict-of-Interest-Brochure.pdf (ombudsman.sk.ca), (accessed June 13, 2022).
[21] "Ethical standards for locally elected officials," Ethical standards for locally elected officials - Province of British Columbia (gov.bc.ca), (accessed June 13, 2022).
[22] "Report of the Commission of Inquiry into the Facts of Allegations of Conflict of Interest Concerning the Honourable Sinclair M. Stevens," 1987, Canada Privy Council, pages 29, 32.

*Inside Influence[23]*

Section 102 of the *Community Charter* prohibits a council member from using their office to attempt to influence a decision of the RMOW if that council member has a direct or indirect pecuniary interest in the matter.

Link to: *Community Charter*, Section 102 - Restrictions on inside influence

*Outside influence[24]*

The *Community Charter* prohibits a council member who has a direct or indirect pecuniary interest in a matter from using their office to attempt to influence a decision of any other person or body.

Refer to: *Community Charter*, Section 103 - Restrictions on outside influence

*Exceptions from conflict restrictions[25]*

The *Community Charter* provides some exceptions to the restrictions on conflict of interest and inside and outside influence, such as:

- A council member's pecuniary interest is an interest in common with the electors of the jurisdiction
- A council member's pecuniary interest, related to a local service, is in common with other persons who are or would be liable for the local service tax
- A matter under consideration relates to the remuneration, expenses or benefits payable to council members in their capacity as members of that elected body
- The pecuniary interest is so remote or insignificant that it cannot reasonably be viewed as likely to influence the council member
- A council member has a legal right to be heard in respect of a matter or to make representations to the elected body, in which case the official may appoint a representative to exercise that right
- The pecuniary interest or conflict is allowed through a regulation

Refer to: *Community Charter*, Section 104 - Exceptions from conflict restrictions

**Conflict of Interest Exceptions Regulation[26]**

The *Conflict of Interest Exceptions Regulation* allows council members to be appointed by their local government to serve on certain society or corporate boards, without risk of disqualification based on financial conflict of interest simply because of their appointment. Appointments to society and corporate boards must be made by the RMOW. When those

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[23] "Ethical standards for locally elected officials," Ethical standards for locally elected officials - Province of British Columbia (gov.bc.ca), (accessed June 13, 2022).
[24] Ibid
[25] "Ethical standards for locally elected officials," Ethical standards for locally elected officials - Province of British Columbia (gov.bc.ca), (accessed June 13, 2022).
[26] Ibid

representatives are officially appointed by their local governments, they will not be in a pecuniary conflict of interest simply because of their appointment when discussing and voting on matters concerning the society or corporation at meetings of the local government.

Refer to: *Conflict of Interest Exceptions Regulation*

### *Gifts[27]*

Council members will sometimes receive gifts. It can sometimes be sensitive and difficult for Council members to determine what to do with gifts. The *Community Charter* states that a council member may only accept a gift or personal benefit (items or services of value that are received by Council members for their personal use) received as an incident of protocol or social obligations that normally accompany the responsibilities of elected office. Council members must not otherwise directly or indirectly accept a fee, gift or personal benefit that is connected with the member's performance of the duties of office. Council members are required to disclose gifts or benefits received and accepted where the value exceeds $250 in a 12 month period. Failure to comply can result in a conflict of interest violation.

Refer to: *Community Charter*, Section 105 - Restrictions on accepting gifts

### *Contracts[28]*

Section 107 of the *Community Charter* requires public disclosure of any contract in which a council member, or a person who was a council member within the previous six months, has a direct or indirect pecuniary interest. This requirement applies to contracts between the RMOW and a current or former council member, as well as to contracts between the RMOW and persons or companies with whom the council member is connected. It could also include contracts where the council member's spouse or other close relative is the party that contracts with the RMOW. Along with materiality, Council will need to be aware of public perception about any business relationship between themselves and the organization they represent or represented. Current and former council members should apply a practical approach to disclosing contracts. Current or former council are required to advise the Corporate Officer as soon as reasonably practicable of any such contracts. When in doubt, err on the side of disclosure.

Refer to: *Community Charter*, Section 107 - Disclosure of contracts with council members and former council members

### *Use of Insider Information[29]*

Section 108 of the *Community Charter* restricts existing or former council members from using information that was obtained during the official's time in office, which is not available to the general public, to gain or further a direct or indirect pecuniary interest. As the legislation does not specify a time limit for this restriction, the restriction applies indefinitely, or until the information is available to the general public.

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[27] Ibid
[28] Ethical standards for locally elected officials.
[29] Ibid.

Refer to: *Community Charter*, Section 108 - Restrictions on use of insider information

## Penalties and Failure to Address a Conflict of Interest[30]

The *Community Charter*, *Local Government Act* and related legislation provide direction around consequences for conflicts of interest, inside influence, outside influence, gifts, contracts and insider information. A council member who contravenes the ethical standards provisions in the *Community Charter* may be disqualified from holding public office and may have to forfeit and financial gain that resulted. Electors or the local government may apply to the Supreme Court for a declaration of disqualification and for an order to forfeit financial gain. Section 108 of the *Community Charter* sets out that a council member who is disqualified cannot run until the next general local election if the Supreme Court of B.C. finds them in contravention of these rules setting ethical standards. The judicial system (the courts) plays a significant role as judges are responsible for making final decisions about legal matters that relate to responsible conduct.[31]

Additional information on Conflict of Interest can be found in:

- *Community Charter*, Section 108.1 – Disqualification from office for convening conflict rules

## Court order to achieve quorum[32]

There may be instances when more than one council member is required to declare a pecuniary or non-pecuniary conflict of interest. The removal of several council members may result in a loss of quorum and the inability to make decisions. Quorum is the number of council members required to be present in order for a council or board to do business. Legislation specifies that quorum is achieved when there is a majority of council members.

In such cases, the RMOW may wish to consider applying to the Supreme Court of B.C. for an order. Under section 129 of the *Community Charter*, the Supreme Court may order that all or specified locally elected officials may discuss and vote on the matter, despite their conflict of interest, and set any conditions it considers appropriate on the participation of the elected officials.

Refer to: *Community Charter,* section 129 - Quorum for conducting business

## Meeting Conduct

While most conduct pertaining to council and committee meetings are governed by RMOW Bylaws (covered in next section) Section 133 of the *Community Charter* provides a provision to expel someone acting improperly from a meeting. While rarely used, this can be a powerful tool to help contain conduct issues that arise during a meeting.

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[30] Ibid.
[31] Responsible conduct of locally elected officials - Province of British Columbia (gov.bc.ca)
[32] "Ethical standards for locally elected officials," Ethical standards for locally elected officials - Province of British Columbia (gov.bc.ca), (accessed June 13, 2022).

## How to Declare a Conflict of Interest, Inside and Outside Influence, Contracts, and Gifts

As part of the role, council members must recognize when they are in contravention of the legislation governing Conflict of Interest. If a council member finds themselves in a situation where they may be in contravention, or if someone suggests that they are in a conflict, it is their personal responsibility to declare the conflict. Section B of the [Code of Conduct and Conflict of Interest Guidelines for Councillors](#) outlines how Council members will declare a conflict of interest, contract, or gift.

## Financial Disclosure Act

As per the Financial Disclosure Act, all elected local government officials, must complete a Financial Disclosure Statement disclosing assets, debts, and sources of income. The purpose of this is to identify what areas of influence and possible financial benefit an elected official might have by virtue of their office, and to ensure the public has reasonable access to the information.

## *Obtaining Legal Advice*[33]

If a council member is unsure if they have a conflict of interest, they may wish to seek legal advice. The RMOW will provide an individual Councillor with access to independent legal advice. There is no legislated requirement for council members to obtain legal advice on the question of a conflict of interest prior to making a declaration. However, where the question of conflict is not clear, it may be in the public interest for the RMOW to seek legal advice on a specific matter.

Under section 100 of the *Community Charter*, a council member is able to withdraw a declaration of conflict of interest if they have obtained legal advice on the question of conflict and have determined that they are entitled to participate in the matter at issue.

Additional information on Conflict of Interest can be found in:
Link to: *Community Charter*, Section 100 - Disclosure of conflict

## *Alternate Enforcement Approaches*[34]

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

- Incidents and complaints regarding bullying and harassment of an employee and/or other conduct that affects employees: Local governments are responsible for the safety of their employees at work. If a complaint relates to matters covered by legislated provisions to address workplace bullying and harassment, the complaint must be dealt with in accordance with the *Workers Compensation Act* and Occupational Health and Safety policies established by WorkSafeBC. There may also be other laws, local government policies or employment arrangements that will govern how to respond when an employee indicates they have been subjected to unsafe

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[33] Ibid
[34] "Responsible Conduct of Local Government Elected Officials Working Group on Responsible Conduct Policy Report", August 2017, Response_Conduct_LGPaper 2017.pdf  (accessed June 02, 2022).

working conditions or inappropriate behaviour.

- Prosecution of an offence: Some contraventions of legal requirements are offences which may, at the discretion of the provincial Crown Counsel, be prosecuted in court, and convictions may result in fines and/or imprisonment (e.g., unauthorized disclosure of personal information under the *Freedom of Information and Protection of Privacy Act*, and unauthorized disclosure of certain confidential information under the *Community Charter*, *Local Government Act* and related statutes).
- This list is not exhaustive. There are numerous other federal or provincial laws that provide enforcement processes (e.g., Court-based prosecutions under the Criminal Code of Canada for contravention of laws related to libel or slander; Human Rights Tribunal determination of discrimination complaints under the BC Human Rights Code).

## Oath of Office[35]

Once elected to council, each council member must complete an oath (or solemn affirmation) of office. If a council member fails to complete their oath of office within a specified period of time, they can be disqualified from holding office.

Refer to: *Community Charter*, Section 108.1 – Disqualification from office for contravening conflict rules

## Confidentiality

As stated in the *Community Charter*, a Council member or former council member must, unless specifically authorized otherwise by council:

- keep in confidence any record held in confidence by the municipality, until the record is released to the public as lawfully authorized or required, and
- keep in confidence information considered in any part of a council meeting or council committee meeting that was lawfully closed to the public, until the council or committee discusses the information at a meeting that is open to the public or releases the information to the public.

If the RMOW suffers loss or damage because a person contravenes these rules and the contravention was not inadvertent, the RMOW may recover damages from the person for the loss or damage.

Refer to: *Community Charter*, Section 117 (1) – Confidentiality

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[35] "Mayors & Councillors", Mayor and councillors - Province of British Columbia (gov.bc.ca), (accessed June 13, 2022).

## RMOW Policies and Bylaws

The RMOW has adopted a number of policy and procedural tools that can be used to support responsible conduct, including such things the RMOW Council Procedure Bylaw (including Roberts Rules of Order), the Code of Conduct Council orientation and training, informal resolution, and enforcement.

## RMOW Council Procedure Bylaw[36]

Section 124 of the *Community Charter* requires that municipal councils establish procedures for council meetings. "Council Procedure Bylaw No. 2207, 2018" includes rules for how meetings are conducted, how decisions are made and recorded, how participants (including the public) are involved in meetings, and how other meeting matters, such as meeting schedules and notice requirements are handled. When used effectively the procedure bylaw provides for efficient meetings and transparent decision-making. The Council Procedure Bylaw helps Council proactively set a positive tone for meetings and allows Council and staff to encourage a collaborative approach that fosters respectful conduct and open debate at meetings. Understanding meeting processes and procedural rules enables Council members to know what is expected and to act accordingly. The Council Procedure Bylaw applies to council meetings and Committees of Council.

Link to: [Council Procedure Bylaw](#)

### *Roberts Rules of Order*

Roberts Rules of Order is a meeting protocol for conducting meetings and making group decisions in an orderly fashion; and is another tool used to promote responsible conduct. As per the "Council Procedure Bylaw No. 2207, 2018" Robert's Rules of Order apply to Council meetings and Committees where applicable and outline the order in which to conduct business (for example, call to order, roll call, reading of minutes) and the way to introduce a motion to the table and to put the motion to a vote. Using these rules encourages all Council members to use the same language and participate in deliberation and debate in the same manner, which helps to keep meetings orderly and efficient. Robert's Rules of Order are different from the procedure bylaw because these rules are not legislated but rather commonly agreed upon rules and customs for deliberation and debate.

## Code of Conduct

A Code of Conduct is an important tool for promoting responsible conduct and one that demonstrates Council's commitment to good governance.[37] A Code of Conduct is a written document that sets shared expectations for how Council members should conduct themselves while carrying out their responsibilities, and in their work as a collective decision-making body for their community.[38] It spells out the standards Council feels are important to be commonly understood by all members and clarifies conduct expectation. The RMOW first

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[36] "Procedure Bylaw for B.C.'s Local Governments," December 2020, Procedure Bylaw Guide: For B.C.'s Local Governments, (accessed May 03, 2022).

[37] "Model Code of Conduct Getting Started on a Code of Conduct for Your Council/Board," April 2021, MODEL COC_Aug2018_FINAL_enforcement.pdf (ubcm.ca), (accessed July 15, 2022).

[38] "Companion Guide: Getting Started on a Code of Conduct for Your Council/Board," April 2021, Comp_Guide_Aug2018_FINAL_updates.pdf (ubcm.ca), (accessed July 15, 2022).

adopted the Code of Conduct in 2005 and was later amended in 2023.

The RMOW has designated the Corporate Officer and the Chair of the Governance and Ethics Committee to be responsible for the administration and monitoring of the guidelines as well as providing training and guidance to Council members. Details on reporting an Alleged Breach of the Guidelines can be found in Section D of the *Code of Conduct.*

## Council Orientation and Training

It is important for the RMOW to provide training to Council members around expectations when it comes to responsible conduct. Building a clear understanding about conduct rules and expectations early in a term – including those that are legislated (e.g., conflict of interest) and those that are established through the Code of Conduct – can be a key factor in Council members meeting these expectations. When expectations are clear, conduct issues can be avoided, reducing the need for enforcement of the Code of Conduct. The goal is to shape an organizational culture of trust and respect, where participants work effectively together and councils govern well.

## Council Orientation

At the beginning of each term, Council is provided an in-depth orientation. Part of the Council training at the beginning of the term will cover Responsible Conduct. More information in regards to the council onboarding and orientation is found in section Orientation for New Councillors on page 41.

## Training

Leadership development can play a significant role in maintaining responsible conduct and good governance.[39] Additionally, trust and respect can be improved through understanding one's role and how it fits with the roles of others, building cultural humility. Similarly, skill development in areas like effective communication, chairing a meeting, dispute resolution, and strategic thinking can support both good governance and responsible conduct. Leadership and skill development should be a priority for Council members.

Training opportunities for Council that relate to leadership:
- Participate in the Local Government Leadership Academy's Annual Forum, which enables council members to learn formally from speakers, and informally through networking with colleagues from around the province.
- Scenario-based training where participants work through difficult situations or areas of conflict and practice skills to effectively deal with them;
- Training to increase understanding of the history and experiences of people who make up the community and avoid stereotypes and discrimination;
- Confidential coaching or mentoring for individual members of the Council; or
- Pre-election candidate orientation, so individuals considering running for office know what they're getting into (see Candidate 101 presentations).
- Consider developing a process to involve your Council or Board in determining their

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[39] "Foundational Principles of Responsible Conduct for BC's Local Governments", January 2018, foundational_principles_responsible_conduct.pdf (gov.bc.ca), (accessed May 23, 2022).

leadership and skills development priorities.

- Consider fairness training or coaching for all Council members to raise awareness of the need for fair process in everything they do. This can lead to fewer conduct issues in the first place, and support informal resolution discussions if issues do arise, potentially avoiding the need for all parties to default to legal positions in the early stages of those discussions.
- Keep in mind… there may be stereotypes, faulty assumptions or misinformation behind some conduct issues; what equity training, education or other actions will be needed to support prevention?[40]

More information in regards to the council onboarding and orientation is found in section Council Training.

## Governance Manual

This Manual is an important part of preventing conduct issues as it clearly outlines the expectations for Council. Council and staff are encouraged to refer to the Manual when conduct questions arise.

## Providing Advice

In addition, compliance can be improved and conduct issues avoided if the RMOW provides Council members with trusted advice in response to their concerns about how they can comply with conduct rules. It is important that Council members feel comfortable seeking advice on how to comply with conduct rules or when they are unsure or uncertain as to the preferred course of action. Councillors can seek advice from the CAO or the Corporate Officer.

## Dealing with Conduct Issues

Poor conduct can take many forms. Examples of poor conduct include, but are not limited to:

- Disputes among Council members
- Inappropriate behaviour towards staff
- Questionable behaviour at council or committee meetings or in interactions with the public
- Conflict of interest violations
- Alleged breaches of procedures or rules during meetings or the duty to respect confidentiality

Even subtle actions can become pervasive, escalate over time, erode relationships and impair the ability of the local government to fulfill its most basic responsibilities to make collective decisions in the interests of the community.[41] Ideally conduct issues can be managed through adhering to legislation and RMOW policies and bylaws (including the Code of Conduct), council orientation and training, and general good governance measures; but not always. When poor conduct takes place, or a complaint is brought forward, there two

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[40] "Companion Guide: Getting Started on a Code of Conduct for Your Council/Board," April 2021, Comp_Guide_Aug2018_FINAL_updates.pdf (ubcm.ca), (accessed July 15, 2022).
[41] "Foundational Principles of Responsible Conduct for BC's Local Governments", January 2018, foundational_principles_responsible_conduct.pdf (gov.bc.ca), (accessed May 23, 2022).

approaches available – informal resolution and enforcement.

## Informal Resolution

Informal approaches are aimed at resolving conduct issues, through productive discussion toward mutually satisfactory solutions. "Conduct is often about relationships, and with the collective governance model of local governments, good working relations are critical to good governance. Informal resolution can help to maintain relationships[42]."  Informal resolution can lead to better outcomes than enforcement processes because informal resolution tends to be:

- More effective in finding solutions that are satisfactory to all parties;
- Quicker, leaving less time for the problematic conduct to remain unchecked and less time for relationships to erode further;
- Less divisive since parties are brought together to work towards solutions that work for all, helping to rebuild trust and repair relationships (whereas in enforcement processes, parties oppose each other to prove or disprove a contravention); and
- Less legalistic, cumbersome and complex, which can also mean they are considerably less costly.
- Given these advantages, in most circumstances the RMOW will pursue informal approaches to the fullest extent possible to see if they can resolve the conduct issues.

**"It's worth putting a lot of effort into prevention and informal resolution of conduct issues. There are enforcement processes if that doesn't work, but in practice, local governments are finding more success with informal methods."[43]**

Informal resolution can take the form of council check-ins, reminders, one-on-one conversations, and mediated conversations.

### *Check-ins*

As Council progresses through their term it may be beneficial to host check-ins about how to work together more effectively. Check-ins can be helpful if specific issues arise or if Council is finding that interpersonal dynamics are regularly getting in the way of making decisions. Check-ins can be a proactive way to identify and address areas of concern, including conduct, conflict, or collective 'blind-spots' that get in the way of effective discussion and decision-making. This can help to build trusting relationships as well as identify policy or procedural changes to overcome systemic barriers, and/or learning topics that could support both.

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

Possible questions for a check-in:

- What enhancements could be made to our policies or procedures to avoid conduct issues?

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[42] "Forging the Path to Responsible Conduct in Your Local Government,

[43] "Foundational Principles of Responsible Conduct for BC's Local Governments", January 2018, foundational_principles_responsible_conduct.pdf (gov.bc.ca), (accessed May 23, 2022).

- Do we have specific issues that seem to be evolving that should be a priority (e.g., release of confidential information)?
- What can we put in place that would resolve these issues (e.g., does everyone understand their legal obligations, are there changes to our information-sharing practices that could help, and is this something the Council should discuss in a check-in)?
- What kinds of things are causing tension at the Council table (e.g., whether something discussed in a closed meeting should have been in an open meeting; whether or not a member is in a conflict of interest in a particular matter; lack of respect because of such things as different political views, backgrounds, experience, age, gender identity or sexual orientation)?
- Would training help?
- Is additional information needed, either generally or on a case-by-case basis?

### *Reminders*

Some conduct issues can be dealt with on the spot through strong leadership. If procedural or code of conduct incidents occur in a meeting, the mayor can remind a council member of their obligation to comply in real time. Alternately, Councillors can raise a point of order in relation to the conduct.

### *Conversations*

All council members are accountable for their conduct and the vast majority are responsible, but lapses do occur. When this takes place, Council members may consider sitting down with the individual impacted by their conduct if they are willing. It's a good opportunity to clear the air, to make an apology if that's in order. This can help to defuse the situation, understand other points of view, discover common ground and jointly problem solve ways to work better together. It is important to avoid accusations, so it may be prudent to prepare for the conversation by considering how best to share perspectives and find mutual interests, and by thinking about what might be needed to set things right. Depending on how wide the impact, consider whether to have this conversation with the full Council or just those involved. Who is involved in these conversations, and how the process unfolds, will depend on the situation and in part, who is willing and able to work through the issues.

### *Mediated Conversations*

Sometimes council members aren't able to resolve the issues themselves and having a facilitator can help. Choosing the right person depends on the situation.
Typical choices include:
- The Mayor or the Acting Mayor;
- An official who provides advice or support in relation to conduct; or
- An independent third party with experience in dispute resolution. The choice will depend on the nature and significance of the conduct issue, who has the needed skills, and whether all parties see the facilitator as neutral.

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

## Enforcement of the Code of Conduct

Enforcement processes are aimed at determining whether there was a conduct contravention, and deciding on sanctions if a contravention is found. Enforcement of the Code of Conduct should be considered a last resort option, as the process can be lengthy, expensive, can erode public trust, and deteriorate relationships. In general, enforcement processes are reserved for occasions when informal resolution efforts are not successful and when other laws, policies, or employment arrangements do not govern how to respond or are not applicable to the contravention. The RMOW will want to consider all applicable legislation and policies before initiating a Code of Conduct enforcement process. Code of conduct enforcement does not replace other enforcement approaches that may be available or required.

## Importance of Fair Process

A key factor in enforcement is ensuring a high standard of fairness throughout the process. The RMOW is obligated to ensure its decision processes are fair. Ways to ensure the process is fair include:

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

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

## Confidentiality[44]

The *Community Charter* and *Local Government Act* provide rules around what must be dealt with in open meetings, and what may or must be dealt with in closed meetings. The *Freedom of Information and Protection of Privacy Act* provide rights of access to certain records, as well as a requirement to protect personal information. The RMOW will need to ensure compliance with these laws as it implements its enforcement process. Within these legislated parameters, there may be some discretion for the RMOW to make choices about whether to conduct some parts of the enforcement process in open or not. Where there is sufficient discretion, the RMOW may wish to consider where confidentiality is needed to support a fair process, where transparency is needed to enhance public confidence in the process, and how to balance these two objectives in each step of the process and overall. For example, to protect the privacy of the individuals involved and ensure investigations are free from bias, most local governments maintain confidentiality throughout the complaint and investigation processes (e.g., notifying only those involved and requiring them to maintain confidentiality). Once the investigation is complete, and if it finds there was a contravention, the balance can

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[44] "Forging the Path to Responsible Conduct in Your Local Government," April, 2021, Forging the Path to Responsible Conduct.pdf (ubcm.ca), (accessed June 23, 2022).

sometimes shift towards transparency by providing for consideration of, and decisions on, investigators' reports and sanctions in an open Council meeting. This is typically because the legislation requires this (i.e., the subject matter does not meet the criteria for discussion in a closed meeting) and/or the RMOW considers the public interest is best served by making these decisions transparently.

## Responsible Conduct Roles

Everyone has a role to play in responsible conduct and good governance[45].

- Every council member is accountable for their own conduct and must make sure they are always acting ethically and responsibly.
- The mayor provides leadership and can lead by example, maintain order at meetings and propose policy changes, but they cannot, on their own, ensure the Council operates as it should.
- All Council members influence how the collective works, and in the interest of serving their community, all can take steps to work effectively together, including speaking up when problems arise.
- Staff provide professional advice to the Council and carry out its decisions in an effective, efficient and non-partisan manner. The relationship between elected and staff officials is intertwined, so it is vital for both to understand and respect one another's roles. Developing effective lines of communication, and trustful, respectful relationships between elected and staff official's supports good governance, even under challenging circumstances. The CAO is your one employee and your ally to help elected officials be successful.

A council decision is the decision of the RMOW. All council members must respect the decision, even when they did not vote in favour.

## The Best Interests of the RMOW and the Community

Mayor and Council must act within the best interest of the RMOW and the community. This includes acting in good faith and with a standard of care and working as a team.

Good Faith

Councillors, in exercising their powers and performing their duties, must act honestly and in good faith with a view to the best interests of the RMOW and the community. The key elements of the standard of behaviour are that a Councillor:

- Must act honestly and in the best interests of the RMOW and not in his or her self-interest or the interest of his or her family or private business;
- Must not act in the best interest of some special interest group, constituency, or any particular member of the public if such action would be contrary to the best interests of the RMOW or act as a director or officer of such a group while sitting and considering or voting on a Council matter;
- Not take advantage personally of opportunities that come before him/her in the course of performing his/her Council duties;
- Must disclose to the RMOW any personal or private interests which he/she holds that may conflict with the interests of the RMOW;

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[45] Ibid

- Must not disclose matters which are considered the confidential business affairs of the RMOW, subject to prior authorization by Council; and
- Must not use his or her office for personal gain.

## Cohesion and Teamwork

Recognizing that cohesiveness of Council and teamwork with management are important elements in Council effectiveness, each Councillor will:

- Work toward ensuring cohesion and teamwork among Councillors and management with the aim of developing an authentic working partnership with the CAO and municipal management, acknowledging each other's mutually dependent, but differentiated roles;
- Establish an effective, independent, and respected presence and a collegial relationship with other Councillors and management; and
- Be a positive force with a demonstrated interest in the long-term success of the RMOW.

# Council Development

To ensure Council is performing effectively in the overall interests of the RMOW and the community, the RMOW will invest in Council orientation and training, will provide Council with an opportunity to evaluate their effectiveness, and provide council remuneration.

At the end of this section the reader will understand:
- The purpose of orientation for new Councillors and what they will learn
- The training program and options for Council
- The annual Council Evaluation Questionnaire purpose and process
- Details of Council remuneration

## Orientation for New Councillors

The RMOW has an orientation program for new and returning Council members. The orientation outlines the roles and responsibilities of Council members and lays the groundwork for effective working relationships with council members and staff. The orientation program includes a package of written information about the duties and obligations of Councillors, the operations of the RMOW, and documents from recent Council meetings. As well, opportunities will be made for meetings and discussion with senior management and other Councillors.

## Council Training

Throughout their term(s) Council members have the opportunity to attend municipal conferences, workshops, and training sessions. The RMOW will cover registration, hotel and travel costs in order to attend pre-approved training, workshops, and conferences for Council members. All Council members are permitted and encouraged to attend newly elected officials training which is put on by the Local Government Leadership Academy following each municipal election.

Prior to committing to a course, workshop, or conference, Council members must complete the *Permission to Attend Conference/Course* form and submit this to the CAO.

## Evaluation of Council

Each year, the Governance and Ethics Standing Committee of Council will administer a survey titled the Council Evaluation Questionnaire (Questionnaire). The Questionnaire is an opportunity for Council to reflect on their shared effectiveness and performance as they make decisions on behalf of the RMOW and advance on their collective focus areas. Additionally, the Questionnaire allows Council to identify areas for improvement as they continue their work together. The Questionnaire is completed anonymously and the responses shared in a Closed Council meeting. Individual responses will be kept confidential.

Details and process of the Questionnaire can be found in section 3 of the Governance and Ethics Standing Committee Terms of Reference. The full Questionnaire can be found in Appendix DA: Council Evaluation Questionnaire.

## Council Remuneration

Council's annual remuneration is provided by *Council Policy A-30: Council Remuneration* and is paid out of general revenue. A portion of the remuneration is paid as an allowance for expenses incurred in the discharge of duties associated with the office. The remuneration is paid, in part, in recognition of the time Council members must spend away from their families, businesses or employment to fulfill the requirements of public office.

# Committees of Council

Committees of Council are established to study issues, provide particular expertise, provide opportunities for public involvement in municipal matters, and make recommendations to help Council make decisions. Often, Committee members develop and maintain a deeper level of knowledge on matters of a technical nature which helps to inform Council decision making. When citizen representatives are appointed, they serve in a voluntary capacity and bring local knowledge, expertise and experience to specific areas of civic concern. The work of committees typically aligns with Council Priorities. The legal framework for Council Committees is set out in the Community Charter. This section outlines the types of Committees and the regulations that accompany them.

## Types of Committees

There are two types of Committees, Standing and Select. Council Committees are defined in the *Community Charter[46]* as:
(a) a select committee of a council,
(b) a standing committee of a council, or
(c) any other body established by a council that is composed solely of council members.

The RMOW has both Select Committees and Standing Committees. A full list of current RMOW Committees of Council are available here.

## Standing Committees of Council

Standing committees are established by the Mayor for the purposes of undertaking specific work of Council and providing advice and recommendation to Council as a whole. At least half the members of a standing committee must be Council members. The Mayor has the sole authority to form and appoint members to standing committees.[47]
The current Standing Committees of Council are:
- Audit and Finance;
- Governance and Ethics; and
- Human Resources.

This structure is subject to change from time to time as Council considers which of its responsibilities can best be fulfilled through more detailed review of matters in a committee format.

Link: Committees of Council Terms of Reference

Link: Appendix B: Terms of Reference for the Audit and Finance Standing Committee
Link: Terms of Reference for the Governance and Ethics Standing Committee (update in 2021)

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[46] *Community Charter*, Sections 141, 142
[47] Ibid, Section 141

## Select Committees of Council

Select committees are established by Council as a whole to consider or inquire into any matter and to report its findings and opinion to Council. At least one member of a select committee must be a Council member. Select committees are formed and their members appointed by a majority vote of the Council members present at the meeting.[48] Select committees allow Council to receive advice, ideas and feedback from persons other than Council members and staff. The use of select committees provides opportunities for residents to get involved in municipal affairs and influence public policy.

## Committee Regulations

Committees are advisory in nature and function within the authority set out in their terms of reference or by bylaw. Committees do not replace Council as final decision makers and make no staff direction on administrative matters. Unless decision-making authority has been delegated to a committee by bylaw or resolution, Committees function solely as advisory bodies that provide recommendations to Council. The *Community Charter* provides Council with the authority to rescind Committee appointments.[49]

## Committee Meetings

Committee meetings are open to the public unless the topic relates to a subject included in Section 90 of the *Community Charter*. Minutes of each committee are approved by the Chair and the committee and are forwarded to Council, usually in a meeting package, and are available to the general public on the website. The *Community Charter* and the Council Procedure Bylaw outlines rules of conduct for committee meetings.

## Committee Appointments

Appointments are made by Council as set out in the terms of reference of each committee. At the beginning of their four-year term and each December following, Council members are appointed to internal Committees and Boards. A full list of Council Appointments to RMOW Committees is available here.

## Outside Agency Appointments

Members of Council serve as a link between community organizations and the RMOW. Members of Council represent the RMOW on regional government boards, boards, and committees. A full list of Council Appointments to RMOW Partner Organizations and is available here.

## Subsidiary Boards

The RMOW has several subsidiary organizations. A full list is available here.

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[48] *Community Charter*, Section 123
[49] *Community Charter*, Section 144

# Stakeholder and Community Engagement

It is important that the community and relevant stakeholders are engaged in the decisions and actions that affect them. Doing so helps to build mutual understanding and trust and is part of good governance and leads to better decision-making and ultimately more successful outcomes since community priorities and needs are directly embedded and there is alignment with community members.[50] Some community engagement activities are legislated, while others are part of overall good governance and guided by RMOW policies and tools.

At the end of this section the reader will understand:

- The community engagement activities required by provincial legislation
- The RMOW policies and tools that outline how the RMOW will engage with the public, including the channels available for public engagement
- Guiding Principles for Council regarding Constituency Relations
- Guidelines for internal Council communication


In terms of citizen engagement, the RMOW will:

- Create mechanisms for citizen's participation in decision-making and policy development;
- Encourage the participation of people in decisions affecting their lives;
- Seek and use feedback from customers to improve customer satisfaction;
- Practice the most effective communication methods for the initiative or program;
- Make available online relevant RMOW services;
- Provide consultation guides, including a citizens guide; and
- Provide e-consultation capability.

## Required Engagement

Some community engagement activities are required by the *Community Charter* or the *Local Government Act*. These activities include:

- Council meeting procedures, including: Council packages, public question and answer period, public hearings, presentations and delegations, meeting minutes, and Council correspondence (letters to Council and their inclusion in Council packages and meetings).
- Statutory requirements for various planning, land use and development applications (e.g. public notices, bylaw readings and public hearings).
- A public process related to the municipal budget and annual report.
- Committees of Council, including associated: meeting agendas, meeting minutes, terms of reference, composition, and the recruitment and the selection/appointment process.

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[50] "*Community Engagement Review Findings & Recommendations Report 2019-2020*," appendix_a_-_engagement_review_-_findings_and_recommendations_report.pdf (whistler.ca)

## RMOW Policies and Guidance

The RMOW has several policies and tools that provide guidance on public engagement.

## Community Engagement Policy

The RMOW has a Community Engagement Policy to guide community and stakeholder engagement.

The objectives of the Community Engagement Policy are to:

- Clarify when the RMOW should engage community members and stakeholders in the decisions that affect them;
- Guide the organization in the design and delivery of community engagement processes;
- Support good governance, decision-making, and improved mutual understanding and trust between the organization and the community; and
- Support and help achieve the OCP, which includes the Community Vision, and the Corporate Plan, both of which reference the need to engage the community in decision-making.

The Community Engagement Policy outlines guiding principles and engagement criteria that helps staff determine whether or not to engage community members and/or stakeholders in decision-making processes.

## Channels for Engagement

The RMOW provides community members with ongoing, continual, on-demand access to municipal staff, Council and other sources of information. These channels include:

- Whistler.ca, including information, some online services, reporting to/contacting the organization
- Email notices, including Whistler Today and news releases
- Social media (Facebook, Twitter, Instagram)
- Access to staff in-person at various locations, including Municipal Hall (front desk and building, planning and engineering departments), Meadow Park Sports Centre, Library
- Access to departments via email and phone
- Access to Council via email, letters and phone
- After-hours emergency channels

## Council Engagement Channels

There are also many avenues for stakeholders and community members to engage with Council including:

- **Council Meetings** – the public can attend council meetings or watch council meetings live on-line, or view videos of past meetings.
- **Public Hearings** – Review the rezoning application process, write to Mayor and Council regarding the proposed Bylaw or present to Mayor and Council at a Public Hearing.

- **Ask Questions** – Ask questions to members of council during the comment and question period at the start of every Council Meeting.
- **Write a letter** to Council for their consideration at the meeting.
- **Present to Council –** Members of the public can present to Council during Delegations at Regular Council Meetings.
- **Contact Members of Council –** Contact Mayor and Council by phone, mail or email.

## Guiding Principles and Policies for Constituency Relations

### Introduction

This section outlines the manner in which Council and management interact with constituents and stakeholders and underscores the need to develop meaningful partnerships if Whistler is to achieve its shared vision.

### Relationships with Constituents and Stakeholders

Council has a responsibility to:

- Develop an understanding of the key stakeholders and the unique political, business, social and environmental factors affecting the success of Whistler

- Establish and sustain relationships with key stakeholders, including but not limited to Squamish Nation and Líl̓wat Nation, Tourism Whistler, Chamber of Commerce, Vail Resorts, corridor municipalities, and School District No. 48 and to generate partnership agreements to clarify roles and responsibilities; and

- Seek community input before significant planning or strategic decisions are made.

### Council Communications Policy

Council has responsibility to approve the Council Corporate Communications Policy. The principal spokespersons for the RMOW in its communications with stakeholders and the public are the Mayor, CAO and the Manager of Communications. It is understood that other Councillors, General Managers and other technical experts may, from time to time, be requested to assist with such communications. It is expected that when communications from stakeholders are made to the Mayor or other individual Councillors, management will be informed and consulted to determine an appropriate response to be made by the RMOW.

### External Communications

Each Councillor is responsible for understanding and adhering to the guidelines regarding Councillor external communications which are outlined in the Council Corporate Communications Policy. When there is some doubt in a Councillor's mind regarding his/her external communications role, the Councillor must seek clarification from the Mayor or CAO.

### Public Representation

In conjunction with the CAO, the Mayor ensures that Council and management are appropriately represented at official functions and meetings with stakeholder groups and members of the public.

## Partnerships

The issues facing Whistler cannot be addressed by any one agency working alone. Working together is essential to achieve success and sustainability in the future. Partnerships are fundamental to achieving the Community Vision that must be owned and actively supported by those who live, work and play in Whistler, along with major stakeholder groups, local and regional organizations. Partnership Agreements with key stakeholders will form the foundation for moving forward collectively.

# Council Guidelines and Accountabilities

This section outlines how Council will carry out its duties and the manner in which Council delegates authority to the Chief Administrative Officer (CAO) to conduct the activities of the municipality.

This section:

- Provides guidelines for how the Council will carry out its operating duties and be held accountable for these
- Describes the roles and responsibilities of the CAO
- Outlines how Council evaluates CAO performance
- Provides other necessary guidelines for Councillors to ensure effective relationships with the CAO and municipal staff
- Establishes processes to ensure thorough and timely reporting to and effective oversight and decision-making at the Council level

## Council Relationship with Staff

Council's interactions with staff are important to achieving Council's goals. Council members provide direction, while staff manage and implement council's decisions and direction. The roles and responsibilities of council and staff are distinct and interdependent. All local governments in B.C. must have at least two officer positions: one responsible for the local government's corporate administration (Corporate Officer) and the other responsible for its financial administration (Director of Finance).[51] The RMOW employs a CAO to oversee the administration (staff) of the municipality and is the only member of staff directly hired by the council. The CAO is responsible and accountable for hiring and supervising all other staff. In general terms, RMOW staff:

- implement the direction, decisions and policies of council and manage the RMOW's resources;
- provide council with information and professional advice to ensure informed decision-making; and,
- communicate RMOW policy and decisions to the public and other orders of government

## Chief Administrative Officer

The CAO is Council's only staff member. By hiring a CAO, whose main focus is on the day-to-day operations of the RMOW and the implementation of council's decisions, Council is able to concentrate on policy making. While the CAO has a relationship with all members of Council, the relationship between the CAO and the Mayor provides a critical link between Council and staff. As council's principal advisor, the CAO holds Council accountable to their policies and procedures, and brings forward well-balanced, unbiased information that allows Council to make informed decisions.

### *Regular Check-ins*

The CAO and Mayor meet regularly to discuss their work together.

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[51] "Thinking about running for local office Brochure," February 2022, Province of British Columbia, thinking_about_running_local_office.pdf (gov.bc.ca), (accessed July 6, 2022)

## The Performance Evaluation for the CAO

The CAO is evaluated annually to ensure they receive constructive and timely feedback on their performance. The performance evaluation of the CAO takes into account the responsibility and authority granted to the CAO. The performance evaluation of the CAO will be led by the Human Resources Standing Committee.

### The Performance Evaluation Criteria

The following documents constitute the benchmarks against which the review takes place:
  i.    A written statement of goals or primary objectives for the year under review. These goals have been agreed to by the CAO and Council at the beginning of the year under review.
  ii.   The performance of the RMOW against objectives set out in the Business Plan.
  iii.  Council approved terms of reference for the CAO (refer to Appendix E B on page 83 67).

### CAO's Self-Appraisal

  i.    The CAO writes his/her own self-appraisal judging his/her performance against the benchmarks outlined in the Performance Evaluation Criteria.
  ii.   The CAO discusses his/her self-appraisal with the Human Resources Committee in advance of their evaluation of him/her.
  iii.  The Director of Human Resources acts in an advisory capacity to the Human Resources Committee and Council.

### Council Involvement

  i.    Each member of the HRSC develops an assessment of the CAO's performance and communicates this to the HRSC Chair. In developing their assessments, HRSC members will invite input from other Councillors.
  ii.   The HRSC Chair consolidates the individual assessments into a draft Council Appraisal Statement and then reviews the draft statement with the HRSC.
  iii.  The Mayor and the HRSC Chair discuss the draft Council Appraisal Statement (as modified) in general terms with the full Council before meeting with the CAO.
  iv.   The HRSC Chair and the Mayor discusses the statement with the CAO.

### CAO Feedback

The CAO may provide a written response to the review to Council through the Mayor.

## Timing and Responsibilities of Performance Evaluation

| Activity | Who | When |
|---|---|---|
| Corporate Plan is approved by Council for the coming year | Council<br>CAO | January |
| CAO develops a set of objectives for the coming year that are approved by Council | CAO<br>Council | February |
| CAO prepares self-appraisal for past year and submits to HRSC | CAO<br>HRSC | February |
| CAO discusses self-appraisal with HRSC | President<br>HRSC | February |
| HRSC members submit their written assessments of CAO to HRSC Chair | HRSC | February |
| HRSC Chair summarizes input from HRSC members and reviews with the HRSC and Mayor | HRSC Chair<br>HRSC<br>Mayor | February |
| HRSC Chair and Mayor discuss the appraisal in general terms with Council | HRSC Chair<br>Mayor<br>Council | February |
| HRSC Chair and Mayor finalize appraisal and review with CAO | HRSC Chair<br>Mayor<br>CAO | February |
| CAO (if she/he wishes) provides written response to the Council through the Mayor | CAO | March |

## Council Relations with Management and Staff

### Contacts with Management and Staff

Council acknowledges that individual Councillors and management staff will have occasion to be in contact with one another outside Council meetings. Councillors, individually, must use judgment in their contact with management and recognize that they do not have the authority to direct management or any other employee. Written communications from Councillors to management staff will be copied to the Mayor and CAO. The expectation is that the Mayor and CAO will be kept advised of such discussions by either the Councillor or manager.

## Guidelines for Council in Its Relationship with Management

### *Introduction*

There are three parts to the following guidelines:
    A. Agreement on Basic Principles
    B. Outline of Responsibilities
    C. Governance Dos and Don'ts


The first part outlines overall principles of Council-Management relations. The second part maps out responsibilities of Council and management. The third part provides everyday guidelines for behaviour.

**Agreement on Basic Principles [1]**

To better understand Council's relationship to management, it is first important to establish agreement on the following:

i. Council's primary relationships as a governing body are outside the organization—with the community whose welfare and interests it serves— rather than inside the organization, with staff. Council's primary responsibility is to define the services, facilities and other benefits that, in its opinion, are desirable for all or part of the community—rather than directly controlling the implementation of programs and policies inside the municipal organization.

ii. Council's commitment is to representing the ownership interests of the community it serves; in effect the community are the "owners" of the municipality. A Council with a legitimate ownership relationship with the community will not act as if its job is to represent individual consumers of municipal services, special interest groups, or even staff. It will see its relationship with management as a way of ensuring that the resources of the overall community "owners" are effectively applied and shepherded— for the benefit of those consumers Council chooses, on behalf of "owners", to serve.

iii. As the ultimate policy-making authority of the municipality, Council serves its community as a collective group, not as individual Council members. The roles and responsibilities of the Council are defined first as a group and, only then, can the roles and responsibilities of individual Councillors be derived from these. Therefore, Council's primary relationship with management is as a group.

iv. The Council speaks authoritatively when it passes an official motion at a properly constituted meeting. Statements by individual Councillors have no authority. When the Council speaks, it is with "one voice" or not at all. "One voice" does not however require unanimous votes nor does it prevent individual Councillors from informing the group with their views and insights. But it does require all Councillors, even those who lost the vote, to respect the decision that was made. Once again, this principle applies to how Council and Councillors exert authority over management—collectively rather than independently.

v. The broad role of Council is as a governing group. This defines its key relationships with management. Council's role is to be a proactive:

| Advocate | Represent the community and bring their views into the Council's decision-making process; respond to enquiries fairly and impartially |
| Leader | Set strategic and policy direction and empower management |
| Overseer | Evaluate performance measures and hold management accountable |
| Steward | Shepherd resources of the Municipality |
| Reporter | Report to the public, other governments, stakeholders, others[52] |

vi. While the Council has total authority over and accountability for the municipality, it relies on management to carry out the work of the municipality—that is to exercise most of the authority and fulfill most of the accountability. This belief in the need for professional management requires Council to clearly define the expectations that it has of management in helping Council fulfill its roles. These expectations are generally based on sound principles of delegation and include:

| Council Role | Expectation of Management |
| --- | --- |
| Advocate | <ul><li>Assist Council with information about community needs and in responding to community enquiries</li><li>Act as an "ambassador" for the municipality along with the Mayor and Council, deriving authority</li><li>from Council as a whole</li></ul> |
| Leader | <ul><li>Provide professional advice and leadership to inform the strategic direction of Council</li><li>Contribute proactively to development and evaluation of the policies and programs of the municipality</li><li>Ensure that the policies and programs are implemented</li><li>Provide overall corporate and operational management and exercise overall management responsibility for all staff</li></ul> |
| Overseer | <ul><li>Assist Council with defining appropriate performance indicators and measures of "success"</li><li>Advise and inform Council on the operation and affairs of the municipality in a consistent, effective</li><li>and timely fashion</li></ul> |
| Steward | <ul><li>Shepherd the resources of the Resort Municipality on a day-to-day basis</li><li>Partner with Council in defining future resource requirements</li></ul> |

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[52] Based on *Board Roles and Accountabilities*, as defined by the BC Board Resourcing and Development office of the Province of BC. [WMC addition of the Advocacy role].

| Reporter | ▪ Assist Council with informing and dealing with the needs of the community and other constituents and seeking input from community leaders |
| | ▪ Be responsible for record keeping for all Council's decisions |
| | ▪ Be responsible, on behalf of Council, for reporting to the community on accomplishments and issues |

**vii.** It is a common principle in governing bodies that a board, and hence Council, should use a single point of delegation for meeting all the Council's expectations for organizational performance and should hold this position appropriately accountable. It is essential in this situation that the Council delegate to this position (of CAO Chief Administrative Officer) all the authority that such extensive accountability deserves. By using a CAO, Council can express its expectations for the entire organization without having to work through all the internal divisions of labour.

**viii.** The principle of single point of delegation is clearly understood and applied by both Council and staff in daily activities. If Council or Councillors bypass the authority of the CAO by directing their expectations at staff, not only is the principle of delegation undermined but so is the ability of the CAO to run the organization effectively. At the same time, if staff take note of what individual Councillors say to do, as if they work for individual Council members rather than the CAO, then Council should recognize this to be inappropriate behaviour and counter to the authority it has invested in the CAO.

**ix.** There are some areas where Council steps in to define staff parameters, establishing certain limits to delegated authority—this is in areas which can jeopardize the prudent and ethical conduct of the organization. Council has the responsibility to be proactive in identifying unacceptable situations, such as conflicts of interest, or specifying ethical standards as well as creating values to guide the organization and staff in their behaviours. Council also has the responsibility of listening to staff who have legitimate complaints of misconduct that cannot be safely communicated through normal management channels and of putting in place procedures for staff "whistle- blowing".

**x.** In all its relationships with management, Council should be mindful of the detail in which it involves itself, not only in matters requiring Council approval or decisions, but also in matters coming to Council or member attention for review or advice. In the continuum of size of issues, Council generally owns the broadest level, then successively smaller levels until it decides to delegate remaining decisions to be made by others. In deciding at which point to delegate, Council will remain mindful that excessive detail not only slows down decision and policy making but consumes the time of staff resources. Also, excessive detail in policies leaves little room for interpretation or flexibility that may be needed as circumstances change.

**xi.** For those matters which require Council decision, Council should be clear about its expectations for management support. It should also be mindful of distinguishing matters which require its approval from those about which it simply wishes to be informed. It should be clear in all such matters about:

- Who will prepare the case for decision or review
- Who will propose solutions
- Who will provide information
- Who will recommend solutions
- Who will review or advise
- Who will decide
- Who will execute/report after a decision is made.

The following sets out an outline of responsibilities related to governance issues. They are indicative rather than comprehensive but provide general guidance.

| Responsibility | Prepare/ Propose/ Inform | Recommend to Deciding Authority | Review/ Advise | Approve/ Decide | Execute/ Report |
|---|---|---|---|---|---|
| Direction | | | | | |
| Strategic Plan | Management | CAO | Council/ Community | Council | Management |
| Strategic Direction | Management/ Council | CAO | Council/ Community | Council | Management |
| Community Values (e.g. Sustainability) | Management/ Council | CAO | Council/ Ad Hoc Committee of Council/ Community | Council | Management Council |
| Vision and Mission | Mayor/ Councillors/ Management | Mayor/ Councillors/ CAO | Council | Council | Management Council |
| Strategic Initiatives | Mayor/ Councillors/ Management | CAO/ Management/ Ad Hoc Committee of Council | Mayor/ Council/ CAO/ | Council | Management Council |
| Organizational Performance | | | | | |
| Annual Corporate Plan | Management | CAO | Council/ Community | Council | Management |
| Annual Operating & Capital Budgets | Management | CAO | Council/ Community | Council | Management |
| Organizational Structure | CAO/ Management | CAO | Council/ HR Committee | CAO upon Advice of Council at senior levels | Management |
| Effectiveness of Processes & Practices | Management | CAO | Council | CAO | Management |

| Responsibility | Prepare/ Propose/ Inform | Recommend to Deciding Authority | Review/ Advise | Approve/ Decide | Execute/ Report |
|---|---|---|---|---|---|
| Financial, Asset and Risk Management | | | | | |
| External Auditor | Management | CAO/ Finance & Audit Committee | Finance & Audit Committee | Council | Management |
| Investment and Asset Management | Management | CAO/ Finance & Audit Committee | Finance & Audit Committee | Council | Management |
| Assessment Rate and specified other Charges | Management | CAO/ Finance & Audit Committee | Finance & Audit Committee | Council | Management |
| Risk Management Plan | Management | CAO/ Finance & Audit Committee of Council | Finance & Audit Committee | Council | Management |
| Human Resource Management | | | | | |
| CAO Appointment | Council (may delegate to HR Committee) | Mayor/ HR Committee | Council | Council | Mayor |
| CAO Compensation | Council (may delegate to HR Committee) /CAO | Mayor/ HR Committee/ CAO | Council | Council | Mayor |
| CAO/Sr. Management Succession Plan | CAO | CAO | Council/HR Committee | CAO | CAO |
| CAO Objectives & Performance Evaluation | CAO/ Council/HR Committee | Mayor/ HR Committee | Council | Council | Mayor/ HR Committee |
| Executive Objectives & Performance Evaluation | CAO/ Executives | CAO | Council | CAO | CAO |

| Responsibility | Prepare/ Propose/ Inform | Recommend to Deciding Authority | Review/ Advise | Approve/ Decide | Execute/ Report |
|---|---|---|---|---|---|
| Ethics, Conflict of Interest, Organizational Values | CAO/ Governance & Ethics Committee | Mayor/ Governance & Ethics Committee | Governance & Ethics Committee/ Council | Council | Management |
| Legal and Operational Issues | | | | | |
| By-Laws | CAO/ Management | CAO | Council | Council | CAO/ Management |
| Planning & Development | CAO/ Management | CAO | Council | Council | CAO/ Management |
| Municipal Services | CAO/ Management | CAO | Council | Council | CAO/ Management |
| Emergency & Security Planning | CAO/ Management | CAO | Council | Council | Management |
| Governance Functions | | | | | |
| Governance Policies | CAO/Mayor/ Councilors/ Governance & Ethics Committee | Mayor/ Councilors/ CAO/ Governance & Ethics Committee | Council or Governance & Ethics Committee | Council | Council/ Mayor/ CAO |
| Meetings/ Agenda | CAO/Mayor/ Council/ Management | Mayor/ CAO/ Management | Council | Council | Management |
| Terms of Reference for Committees | Mayor/ Council Delegated to Governance & Ethics Committee | Mayor | Mayor/ Council Delegated to Governance & Ethics Committee | Council | Governance Committee |

| Responsibility | Prepare/ Propose/ Inform | Recommend to Deciding Authority | Review/ Advise | Approve/ Decide | Execute/ Report |
|---|---|---|---|---|---|
| Appointment of Standing Committees/ Chairs | Mayor | Mayor | Council | Mayor | Mayor |
| Council Development & Orientation | CAO/Mayor/ Governance & Ethics Committee | CAO/Mayor/ Governance & Ethics Committee | Council | Council | CAO/ Management |
| External Relations and Communication | | | | | |
| Communications Policy | Mayor/ Management | CAO | Council | Council | Management |
| Constituency Relations— Major Issues | Mayor/ Councillors/ CAO | Mayor/ Councillors/ CAO | Council | Council | Mayor/ Councillors/ CAO |

## Governance Do's and Don'ts

To better assist Council in defining its governance relationship to management, the following do's and don'ts are provided for each of the Council's key roles.

*Council Guidelines in its Governance Relationship with Management*

| Role | What to do | What not to do |
|---|---|---|
| Advocate | ▪ Be committed to the well-being and viability of the community as a whole<br><br>▪ Prioritize community objectives and issues to be addressed<br><br>▪ Encourage and respect diverse points of view and vigorous debate<br><br>▪ Be fair and impartial in responding to constituent representations<br><br>▪ Deal with individual concerns or grievances and act as an advocate for constituents in a manner that respects the delegated authority and municipal priorities | ▪ Advocate individual interests as if they represent the community as a whole<br><br>▪ Expect management to respond to each new issue<br><br>▪ Encourage detailed debate over minor issues or discourage debate<br><br>▪ Promote particular points of view to staff rather than take to Council for overall discussion<br><br>▪ Address individual constituent concerns or grievances without appropriate understanding of delegated authority and other points of view |
| Leader | ▪ Be proactive in strategic thinking and provide clarity of long-term aims and objectives<br><br>▪ Make collective decisions and stand by them<br><br>▪ Provide leadership on ethics and integrity; be honest<br><br>▪ Have a positive, supportive and enthusiastic perspective; be open and constructive<br><br>▪ Consult and take professional advice from | ▪ Engage in unbalanced or random operational and tactical debates that take time away from strategic issues<br><br>▪ Fail to respect or attempt to reverse collective decisions<br><br>▪ Fail to demonstrate ethics and integrity as individuals<br><br>▪ Assume a critical perspective in all matters; challenge all proposals unduly |

| Role | What to do | What not to do |
|---|---|---|
| | management | ▪ Discourage or dismiss management input without<br>Cause |
| Overseer | ▪ Focus on ends—such as community outcomes and their measures<br><br>▪ Ensure that the powers, duties and functions of the municipality are appropriately carried out<br><br>▪ Independently and collectively obtain information from the CAO or designated staff<br><br>▪ Spend appropriate time on oversight of important issues<br><br>▪ Monitor Council's own performance and that of the CAO<br><br>▪ Empower and support the CAO<br><br>▪ Diligently prepare for meetings and use meeting time wisely; participate in development and training opportunities | ▪ Focus unduly on means— such as individual processes and practices<br><br>▪ Exercise powers or perform duties that are delegated to the CAO or designated staff<br><br>▪ Independently take enquiries or complaints to department staff<br><br>▪ Spend equal time on all issues, regardless of importance<br><br>▪ Monitor the performance of individual staff<br><br>▪ Undermine authority of the CAO<br><br>▪ Rely on individual updates or training from management |
| Steward | ▪ Demonstrate professionalism in making decisions, by-laws and policies for effective community development, quality services and wise use of resources<br><br>▪ Focus on key stewardship issues and decisions that involve significant community impact, expenditure, political sensitivity or large numbers of staff | ▪ Reverse or fail to respect prior decisions without regard to consequences on the community and staff<br><br>▪ Be involved in issues discussion and decision-making at all levels regardless of impact on the community<br><br>▪ Micromanage details of programs, services, operating and capital |

| Role | What to do | What not to do |
|---|---|---|
| | ▪ Seek appropriate information to understand and manage overall financial and other assets<br><br>▪ Ensure effective succession planning for the CAO and the management team<br><br>▪ Show respect and commitment toward municipal employees and for the dignity and worth of the services provided; learn about the organization and the capabilities of its human<br><br>▪ resources | budgets and municipal assets<br><br>▪ Fail to respect the CAO's authority to select and manage his/her executive team<br><br>▪ Question the efficacy of the municipal organization and individual staff capabilities/ performance in front of the public or other staff |
| Reporter | ▪ Disclose conflicts of interest, real and perceived and act in a manner that clearly indicates no improper influence<br><br>▪ Define and adhere to a communications policy<br><br>▪ Keep in confidence matters discussed in private at a council or council committee meeting<br><br>▪ Keep track of options considered as well as reasons for decisions made | ▪ Fail to address conflicts of interest or take on appointments that compromise ability to maintain public confidence<br><br>▪ Communicate own opinions rather than Council views<br><br>▪ Openly comment on Council disagreements when these were discussed in confidence<br><br>▪ Fail to respect and ignore reasons for prior decisions |

# Risk Management

This section outlines the RMOW's risk management framework which includes how risk is assessed, the roles and responsibilities of Council and staff in managing risk, and the effective reporting and communication of risk information to the public. Risk management is critical to the achievement of the RMOW's governance responsibilities.

## Risk Philosophy

The RMOW is continuously faced with the challenge of effectively managing risk.

To assist the RMOW in addressing its legal obligations, and managing risk, the municipality endeavours, through its policies and procedures, to meet or exceed statutory requirements and various standards (e.g. for such matters as workplace safety, accounting practice, and development approvals). As a further safeguard, the RMOW maintains appropriate insurance.

The RMOW also assesses risks as part of its due diligence when considering entrepreneurial (commercial) partnerships. Part of this due diligence includes the preparation of an exit strategy.

The remainder of the risk, and greatest ongoing challenge, relates to the RMOW's "credibility" and "good will". Managing this risk is critical to the long-term fiscal health and prosperity of the community and is greatly impacted by the conduct of the Council and professionalism of the RMOW's staff.

Council should have a continuing understanding of the principal risks associated with the activities of the Corporation. It is the responsibility of management to ensure Council is kept well informed of changing risks.

The principal mechanisms through which Council reviews risks are:
- On-going reports by the management;
- The strategic planning process; and
- The Audit and Finance Committee.

# Appendices

Appendix B: Terms of Reference for the Audit and Finance Standing Committee

A. **Purpose**

   i. The primary function of the Audit and Finance Standing Committee (AFSC or the Committee) is to assist Council in fulfilling its oversight responsibilities by reviewing:

      a. The financial information that will be provided to Council;

      b. The systems of internal controls that have been established by management and Council and their adequacy to ensure the Corporation meets its financial commitments; and

      c. All audit processes.

   ii. Primary responsibility for the financial reporting, information systems, risk management and internal controls of the Corporation is vested in management and is overseen by Council.

**Composition**

   iii. The Committee shall be comprised of three (3) Councillors.

   iv. Committee members shall be appointed by the Mayor.

   v. The Chair of the Committee shall be appointed by the Mayor.

**Duties and Responsibilities**

Subject to the powers and duties of Council, the Committee will exercise the following authority, powers and duties:

   vi. Financial Statements and Other Financial Information

      The Committee will review and recommend for approval to Council, financial information that will be made available by the Committee Chair to Council.
      This includes:

      a. Review and recommend approval of the Corporation's annual financial statements and report to Council before the statements are approved;

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b. Review and approve for release the Corporation's quarterly financial statements;

c. Review and recommend to Council for approval, the financial content of the annual report and any reports required by government or regulatory authorities;

d. Review the appropriateness of accounting policies and financial reporting practices used by the Corporation; and

e. Review any significant proposed changes in financial reporting and accounting policies and practices to be adopted by the Corporation.

vii. Risk Management, Internal Control and Information Systems

The Committee will review and obtain reasonable assurance that the risk management, internal control and information systems are operating effectively to produce accurate, appropriate and timely management and financial information. This includes:

a. Review the Corporation's risk management controls and policies;

b. Obtain reasonable assurance that the information systems are reliable and the systems of internal controls are properly designed and effectively implemented through discussions with and reports from management and the external auditor;

c. Monitor compliance with statutory and regulatory obligations; and

d. Monitor compliance with Levels of Financial Authority.

viii. External Audit

The Committee will review the planning and results of external audit activities and the ongoing relationship with the external auditor. This includes:

a. Review and recommend to Council for approval, engagement of the external auditor;

b. Review the annual external audit plan;

c.     Meet with the external auditor to discuss the Corporation's annual financial statements and the auditor's report including the appropriateness of accounting policies and underlying estimates;

d.     Review and advise Council with respect to the planning, conduct, and reporting of the annual audit, including but not limited to:

     1.     Any difficulties encountered, or restriction imposed by management, during the audit;

2.     Any significant accounting or financial reporting issue;

     3.     The auditor's evaluation of the Corporation's system of internal controls, procedures, and documentation; and

     4.     The post audit or management letter containing any findings or recommendation of the external auditor, including management's response thereto, and the subsequent follow- up to any identified internal control weaknesses; and any other matters the external auditor brings to the Committee's attention; and

e.     Meet periodically, and at least annually, with the external auditor without management present.

iv.     **Other**

a.     Review insurance coverage of significant risks and uncertainties;

b.     Review material litigation and its impact on financial reporting; and

c.     review the terms of reference for the Committee annually and make recommendations to Council, as required.

**B.**     Accountability

The Committee shall report its discussions to Council, by distributing the minutes of its meetings and where appropriate, by oral report at the next Council meeting.

Appendix C: Terms of Reference for the Human Resources Standing Committee

A.    Purpose

The purpose of the Human Resources Standing Committee (HRSC) is to assist Council in fulfilling its obligations relating to human resource and compensation matters, including the establishment and maintenance of a plan for continuity and development of senior management.

B.    Composition

i.    The HRSC shall be comprised of three Councillors, and one of whom is the Mayor.

ii.    The HRSC shall meet at least three times per year, with additional meetings at the discretion of the Committee Chair.

iii.    Committee members shall be appointed by the Mayor.

iv.    The chair of the Committee shall be appointed by the Mayor.

C.    Duties and Responsibilities

The HRSC will:

i.    Recommend a performance evaluation process for the Chief Executive Officer and, when approved, ensure the process is implemented.

ii.    Review and recommend the compensation policy and guidelines for the Corporation.

iii.    Review with the CAO, hiring and dismissal decisions concerning senior management.

iv.    Review annually the CAO's succession plans for senior management, including specific development plans and career planning for potential successors.

v.    Review with the CAO his or hers proposed major changes in the management organizational structure.

vi.    Review with the CAO any significant outside commitments

that the CAO is considering before the commitment is made. This includes commitments to act as a director or trustee of for-profit and not-for-profit organizations.

vii. Review and recommend to Council the annual compensation package for the CAO.

viii. Review annually the Committee's term of reference and recommend changes if necessary.

D. Accountability

The HRSC shall report its discussions to Council by distributing the minutes of its meetings and where appropriate by oral report at the next Council Meeting.

E. Committee Timetable

The timetable below outlines the Committee's schedule of activities:

| Activity | Who | When |
|---|---|---|
| • Review succession plans for senior management | • HRSC<br>• CAO | • February |
| • CAO Performance Evaluation | • HRSC<br>• CAO<br>• Council | • February - March<br>• (CAO Evaluation Process) |
| • Review compensation policy and guidelines | • HRSC<br>• CAO<br>• Council | • September |
| • Review CAO's compensation package | • HRSC<br>• CAO<br>• Council | • October |
| • Review HRSC terms of reference | • HRSC<br>• GESC<br>• Council | • October |

# Appendix ~~D~~A: Council Evaluation Questionnaire

The Questionnaire provides an opportunity for Council to personally reflect on the performance of Council as a whole as it relates to governance.

The Questionnaire is divided into two section:

- Section 1 - Questions Regarding Characteristics of a High Performing Council as Outlined in the Governance Manual
- Section 2 – General Questions Related to Council's Effectiveness and Performance

**Section #1: Questions Regarding Characteristics of a High Performing Council as Outlined in the Governance Manual**

This section of the Questionnaire provides an opportunity for Council to dig deeper and personally reflect on the performance of Council as a whole. The questions are based on the characteristics of a high-performance Council as outlined in the Manual.

All of the questions in this section are agree/disagree questions on a sliding scale. Also included is a "don't know" box and a comments section.

The scale below will follow each question:

---

1………………2…………………………3……………………..4……………………5

*strongly disagree*                                    *neutral*                          *strongly agree*

o   *or don't know*

Comments:

---

Questions:

1. All Councillors recognize their primary obligations are to provide advice and counsel to RMOW management and to monitor management and organizational performance, not to manage the organization.

2. All Councillors place the interests of the organization above any representative or constituent interests they may hold.

3. The Council has the tools and knowledge to effectively monitor and understand the organization's performance.

4. Councillors have a solid understanding of:
(a) the ongoing operation and function of the organization;
(b) the context of municipal government including the powers and limits of municipal government and the importance of advocacy with the Province;
(c) the political and social environment in which the organization operates.

5. Councillors receive information on a regular basis about the organization's:
(a) financial performance; and
(b) non-financial performance and activities.

6. The Council is regularly exposed to the senior management team and key managers during meetings and workshops.

7. The Council annually:
(a) Approves the corporate strategic objectives (Corporate Plan);
(b) Provides input and advice prior to the finalization of the Corporate Plan.

8. The Council annually approves the organization's operating and capital plans (Five-Year Financial Plan).

9. Councillors:
(a)  understand their common objectives;
(b)  are willing to dedicate the time to accomplish them; and
(c)  commit to acting in a respectful manner towards one another.

10.
(a) There is a clear and well-communicated set of Council guidelines or operating procedures to which the Council is committed.
b) Council adheres to these guidelines, roles and responsibilities.

11. The Council and CAO have mutual respect and an effective open relationship.

## Section 2 – General Questions Related to Council's Effectiveness and Performance

This section of the Questionnaire provides an opportunity for Council to holistically reflect on their shared effectiveness and performance as it relates to good governance of the municipality and to identify areas of improvement. The questions are more general in nature and we encourage Council members to leave comments in the space provided.

With the exception of the last question (question 22), all of the questions in this section are agree/disagree questions on a sliding scale. Also included is a "don't know" box and a comments section. Question 22 has a comment option only.

The scale below will follow each question:

| 1………………2……………………….3………..…………..4……..………………5 |
| :--- |
| *strongly disagree*                                *neutral*                                *strongly agree* |
| o   *or don't know* |
| Comments: |

Questions**:**

12. Council meetings are effective, involve respectful conduct (integrity, accountability, respect, leadership, and collaboration), and encourage transparency and open debate.

13. The number and subject matter of Committees is effective. The work done by Committees helps to inform Council decision-making and advance Council priorities.

14. Council is satisfied with the progress that has been made towards their collective priorities this term.

15. Current public engagement practices are effective in understanding and responding to the public interest.

16. Council decisions are consistently aligned with the vision, policies and objectives set out in the Official Community Plan.

17. The Community Monitoring Program is an effective set of indicators to measure organizational and

community trends and progress.

18. New and innovative ideas are heard with openness and divergent opinions are respected.

19. Council decisions are supported once they are made even when not everyone agreed with them.

20. Council maintains the confidentiality of Closed Council discussion and decisions.

21. Overall, Council is effective.

22. Are there areas of improvement for Council that you consider a priority? Please expand.

Comment:

**A.    Role of the Chief Administrative Officer**

The Chief Administrative Officer of the Resort Municipality of Whistler is responsible for managing the affairs of the organization in accordance with the policies and programs approved by Council.

The Chief Administrative Officer, under the direction of Council and in accordance with the Community Charter, relevant statutes, bylaws, and resolutions, maintains overall responsibility for effective and efficient coordination, directions and control of all financial and general administrative affairs and operations of the Municipality.

This position is responsible for providing leadership and guidance to Council and staff in the development and implementation of strategies, policies and programs that meet the needs of the resort community.

The Chief Administrative Officer plays a role within the SLRD on strategic issues affecting the Region and the Municipality.

**B.**    Environment and Scope

This position reports to Mayor and Council, and provides leadership for the organization through visioning, strategic planning, and special projects. This position refers to and/or consults with the Deputy Administrator and contributes as a member of the leadership team in the communication of municipal corporate objectives and adherence to the business plan.

The Chief Administrative Officer directly oversees the Deputy Administrator and provides guidance to the General Managers.

This position is challenged to develop and implement a plan to ensure the acquisition and effective management of the fiscal, physical, and human resources required by the Municipality to fulfill its mandate.

This position also assists Council by guiding, mentoring and educating Council and individual members as well as assisting the Council's Standing and Ad Hoc Committees to

carry out their duties and responsibilities.

**C.**     **Major Duties and Responsibilities**

    **i.**     **Advice and Support to Council**

        a.     Provide advice and support to Mayor and Council by recommending policies, programs, and services designed to meet the needs of the resort community, consistent with the strategic plan.

        b.     Inform the Mayor and Council of issues and developments of an operational or political nature that relate to the interests of the Municipality.

        c.     Provide advice to Council by recommending solutions to community issues and strategies for developing positive relationships with the community, resort partners, and other levels of government.

    **ii.**     **Strategic Plan**

        a.     Coordinate the development of strategic plans that guide the actions of the municipality, charting the future, identifying critical issues to be addressed and setting annual objectives and strategies.

        b.     Develop multi-year plans as well as annual work programs.

        c.     Guide and support the Deputy Administrator and General Managers in the annual business planning process.

        d.     Prepare and present to Council by November 30 each year a draft list of goals and objectives for the organization to achieve over the ensuing twelve months.

        e.     Submit to Mayor and Council on a regular basis an analysis of progress towards objectives established in the strategic plan, including rationale for any variances and potential recommendations for appropriate modifications of the plan.

**iii.** **Serve as the principal municipal liaison on external committees, commissions, and boards and with all other levels of government.**

    a.   Maintain effective contact with municipalities, regional districts, relevant provincial government departments where the interests of the Municipality are affected.

    b.   Provide regular updates to Council on the activities of key external committees and commissions.

**iv.** **Municipal Operations**

    a.   Develop and maintain an effective organizational structure that reflects the operational needs.

    b.   Carry out periodic reviews of the organization structure and staff evaluations to ensure attainment of Council's objectives.

    c.   Monitor emerging issues and trends to assess the potential impact on the Municipality.

**v.** **Leadership**

    a.   Provide leadership to the employees of the Municipality in order to capitalize on their full potential.

b.    Communicates the vision, values, and strategic direction of the Municipality to all employees so as to create an understanding of each individual's role in accomplishing Council's goals and objectives.

c.    Ensure the staff are committed to providing a high level of public service, creating a climate that supports a continual search for new and more effective approaches to fulfilling the Municipality's mandate.

**v.    Human Resources and Labour Relations**

a.    Recommend for consideration of Council the appointment, promotion, demotion, suspension and dismissal of Officers of the Municipality, subject to the provisions of applicable legislation and bylaws.

b.    Recommend for approval of Council corporate compensation policies.

c.    Prepare succession plans for all direct reports.

**vi.    Financial and Administrative Management**

Ensures effective financial and administrative systems are in place, which maximize the effectiveness of resource utilization within the objectives, policies, plans, and budgets established by Council.

## Appendix ~~F~~C: Characteristics of a High Performance/High Value Council

1. Councillors recognize their primary obligations are to provide advice and counsel to management and to monitor management, and organization performance, not to manage the organization.
2. Councillors place the interests of the organization above any representative or constituent interests they may hold.
3. The Council has the tools and knowledge to effectively monitor the organization's performance.
4. Councillors have a solid understanding of:
   a) the organization;
   b) the industry environment; and
   c) the political and social environment in which the organization operates.
5. Councillors receive information on a regular basis about the organization's:
   a) financial performance; and
   b) non-financial performance.
6. The Council is regularly exposed to the senior management team and key managers on a formal and informal basis.
7. The Council annually approves:
   a) the strategic objectives; and
   b) has the opportunity to work with management to provide input and advice prior to their finalization.
8. The Council annually approves the organization's operating and capital plans.
9. There are clear terms of reference for:
   a) the Council;
   b) the Mayor;
   c) the CAO;
   d) the Committees; and
   e) an individual Councillor.
10. There is:
    a) an annual comprehensive CAO evaluation process;
    b) involves input from each Councillor and the CAO.
11. The Council reviews and approves the compensation plan for:
    a) the CAO; and
    b) the senior management reporting to the CAO.
12. The Council annually reviews and approves succession plans for:
    a) the CAO; and
    b) the senior management team report to the CAO.
13. There are mechanisms in place that allow the Council to act independently of the CAO as necessary.
14. There is an annual review process for the evaluation of:
    a) the performance of the Council as a whole;
    b) the performance of committees, and

c) the performance of individual Councillors.

15. The Councillors communicate freely with one another – with and without management.

16. Councillors:

    a) understand their common objectives;

    b) are willing to dedicate the time to accomplish them; and

    c) Commit to acting in a respectful manner towards one another.

17. There is a clear and well communicated set of Council guidelines or operating procedures to which the Council is committed.

18. The Council and CAO have mutual respect and an effective open relationship.