WHISTLER

REGULAR MEETING OF GOVERNANCE AND ETHICS

STANDING COMMITTEE

MINUTES

Monday, March 6, 2023, 9:30 a.m.
Flute Room at Municipal Hall
For community members to watch via Zoom:

https://www.whistler.ca/municipal-gov/committees/governance-and-ethics-standing-committee

		Mtgs. YTD
Present:	Mayor, J. Crompton	2
	Councillor, C. Jewett	2
	Councillor, R. Forsyth (Chair)	2
Staff Present:	Chief Administrative Officer, V. Cullen	1
	General Manager of Corporate Service and Public Safety, T. Battiston	2
	Corporate Officer/ Manager of Legislative Services, P. Lysaght	2
	Manager of Corporate Projects, M. Comeau	2
	Manager of Communications, J. Smith	1
	Senior Communications Officer, Erin Marriner	2
	Special Legal Projects, B. Browning	1
	Legislative Services Administrative Assistant, P. Mendieta	2

1. CALL TO ORDER

Councillor R. Forsyth recognized the Resort Municipality of Whistler is grateful to be on the shared, unceded territory of the Lílwat People, known in their language as Líl̓wat7úl, and the Squamish People, known in their language as Sḵwx̱wú7mesh. We respect and commit to a deep consideration of their history, culture, stewardship and voice.

2. ADOPTION OF AGENDA

Moved By   C. Jewett

Seconded By   J. Crompton

That Governance and Ethics Standing Committee adopt the Regular Committee agenda of March 6, 2023.

CARRIED

3.   ADOPTION OF MINUTES

Moved By   C. Jewett

Seconded By   J. Crompton

That Governance and Ethics Standing Committee adopt the Regular Committee Meeting minutes of January 3, 2023.

                                                              CARRIED

4.   PRESENTATIONS AND DELEGATIONS

4.1   GAESC Terms of Reference Review

A GAESC Terms of Refence review was held.

4.2   Code of Conduct Review

A presentation by Brooke Browning, Special Legal Projects, regarding the Code of Conduct review.

- A Code of Conduct is a written document that sets shared expectations for the behavior of elected officials.

- It's a document that sets out how council members should conduct themselves with elected colleagues, staff, and the public while carrying out their responsibilities.

- Responsible conduct is essential for good governance, and a CoC should be a tool to promote this type of responsible behavior.

o Where can we find these rules of conduct?
   - Unwritten rules and general statements of principles (Societal norms, personal expectations, foundational principles of responsible Conduct for BC governments)
   - Legislation and Common Law: CC/LGA Duties of office, Confidentiality of Information (CC, FOIPPA), Conflicts of interest and other CC/LGA ethical conduct provisions, matters such as libel, slander, fraud (Criminal Code of Canada), Discrimination (BC Human Rights Code)
   - Local Government policy and Bylaws: RMOW Code of Conduct
   - Local Government Policy and/or process requires by legislation: WorkSafe harassment and bullying, procedure bylaw.

- Back in 2017, a CoC was created by the Working Group on Responsible Conduct, and in 2021, Municipal Affairs Statutes Amendment Act required all Local Governments to consider whether to establish a new CoC or revise an

existing one within six months from the first meeting after the General Local Election.

- The province's purpose is to increase the accountability of elected officials.

- Prescribed Principles
  - Respect
  - Integrity
  - Accountability
  - Leadership & collaboration

- Each Local Government can add other principles to guide the responsible of their officials.

  Next Steps:
- Look for Council direction to review existing CoC
- Review RMOW's existing CoC
- Review other Local Governments CoC

- March: GAESC Introduction
- April 3, 2023: Regular Council Meeting for Council to approve a revision of the RMOW CoC, followed by a meeting with SMT and GAESC workshop
- May: GAESC workshop (focus on enforcement)
- July: GAESC review (draft of CoC)

The Committee discussed problems other Local Governments are having around the misuse of the Code of Conduct as a political tool between Council members and/or the public.

The Committee considered the idea of appointing an Ethic Commissioner and investigating the possibility of collaborating with other municipalities by having one Commissioner that can assist two or more smaller municipalities.

Committee members also identified other areas to explore:
  - Overlap between the Governance Manual and the Code of Conduct.
  - Determine if the CoC will be an Appendix to the Governance Manual or a separate document.
  - Focus to create a CoC to better serve Council as a guide instead of a punitive document.

Moved By   C. Jewett

Seconded By   J. Crompton

That the GAESC direct staff to seek Council approval to review to Code of Conduct; and

That the GAESC endorse the proposed timeline for revision of the Code of Conduct (subject to Councils approval of review).

4.3 Committees of Council Review Project

A presentation by Erin Marriner, Senior Communications Officer, regarding the Committees of Council Review Project.

Project Purpose:

- To ensure the RMOW Committee Program is effective and aligned with current municipal priorities.

Scope:

- Standing and Select Committees of Council, and Council Appointed Boards
- Future phases of the project will look at:
    - Council Board appointments
    - RMOW Partner Organization Boards
    - An inventory of all RMOW working groups and non-council committees.

Project Stakeholders:

- Drivers: responsible for gathering data, running project workshops, writing reports and documents, communicating project updates, developing outputs, etc.
- Approvers: make decisions about the project
- Contributors: are part of the project process but are not approving of the project (unless they are also an Approver)
- Informed: are kept informed of project status and decisions. They don't have the authority to change any outcomes (unless they are also an Approver).

Accomplishments to Date:

- Confirmed staff resources
- Introduced project to Council, staff involved with Committees, and Committee members
- Gathered the data:
    - Surveys
        - Great engagement
        - Council, SMT (20 responses)
        - Committee membership (56 responses)

- 200 pages of data

- Interviewed a staff person from each Committee to understand the Committee-specific context not captured in the surveys

- Collected background information

- Documented (in detail) the key findings from the surveys, interviews, and background research, including the value of Committees, problems, root causes, and questions to consider as we work to identify solutions.

Findings Highlights

- Committee value:
    - A summary of the value committees bring was shared:
        - Add value
        - Provide advice
        - Crucial for public engagement
        - Allow for a deep dive
        - Enhance partner collaboration
        - Help solve complex problems
        - Help move actions forward
        - Provide insight into priorities and industry trends
        - Provide access to professional advice
        - Provide "political buffer"
        - Gauge interest in initiatives
        - Dry run for staff presentations
        - Save time in public engagement
        - Keeps a topic front and centre

- Areas of Improvement:

    - The linkage between Committee work and council decision-making needs to be clarified.
    - Some Committees are not advisory.
    - Committees lack diversity.
    - Committees are only one part of the community engagement toolkit.
    - The Committee Program is decentralized and siloed.
    - Roles, responsibilities, and expectations need to be clarified.
    - There are too many Committees.
    - Committee meeting facilitation needs improvement.

A project timeline was shared with the group including these next steps:

- Confirm problems and root causes

- Brainstorm and select solutions (workshops)

- Prioritize solutions

- Seek approval for solutions
- Build solutions and outputs
- Seek further approval

The Committee discussed the need to include Committee members in the upcoming workshops in order to capture a more diverse opinion in areas where the Program might need improvement.

Committee members also identified other areas to take in account:

- Minute-taking needs more detail or other reporting mechanisms may be needed.
- Consider how we bring more awareness of the fact that many committee meetings are open to the public to attend. The potential to allow the public to participate via Zoom.
- Clarity regarding the Chair and Staff lead roles and importance of communication between these two roles.
- Include the Code of Conduct, which contemplates conflict of interest, in the Council Committee Project.
- Need of an onboarding program for the Committees
- The need for facilitation during committee meetings and requirement for training in this area.
- Consider the early wins we want to achieve to demonstrate progress.
- The mandate of each committee needs to be more clear, this could be in terms of reference, part of what is signed off, as well as onboarding package.

It was acknowledged that all of these areas of consideration have been accounted for and documented in the review thus far.

The Committee clarified that is Council who gives the mandate to the Committees and not the other way around.

4.4 Council Meeting Public Q&A Format

A presentation by Pauline Lysaght, Manager of Legislative Services, regarding the Council Meeting Public Q&A Format.

- The presentation aimed to share information about the RMOW Q&A system.
- The review of the RMOW Q&A system came up in the Community Engagement Review and has been a priority of this committee for review.
- The purpose of the Public Q&Ais to provide a public engagement opportunity during council meetings.
- Challenges of the Current RMOW Q&A Format:
  - The timing and outcome are unpredictable for the speaker and RMOW.
  - No opportunity for RMOW preparation, which may result in an unsatisfactory response.
  - Question is asked in advance of a presentation about the topic.
  - May feel more contentious than the speaker or RMOW would prefer.
  - The format requires questions when many people just want to comment.

- <u>Considerations for changes</u>:
  1. Allow comments as well as questions
  2. Reduce the time limit for each representation from 5 to 2-3 minutes
  3. Restrict questions/ comments to agenda topics
  4. Move questions/ comments associated with an agenda topic to follow that topic on the agenda
  5. Require/ allow for questions/ comments to be pre-submitted
  6. Require people to sign up when they get to the meeting
  7. Limit the total number of questions/ comments per meeting or the total time on the agenda allocated to this.

The Committee members discussed the different considerations and put forward a set of changes to the Public Q&A process for approval.

Moved By	J. Crompton
Seconded By	C. Jewett

That the GAESC recommend to Council the following changes for the Council Meeting Q&A as a pilot project:

1. Allow the public to make comments as well as questions;
2. Reduce the time limit for each speaker from 5 to 3 minutes and include a clock on the lectern to assist the speaker in time management;
3. Restrict speakers to asking questions or making comments to agenda topics only;
4. Continue to have the public comment and question period at the beginning of the meeting;
5. Require people to sign up to speak in advance of the meeting or at the meeting; and
6. Allow the Chair the discretion to determine if there will be a time limit for the public comment and question period at a meeting.

<div align="right">CARRIED</div>

Staff advised that these changes would be implemented as a pilot project and after that period the changes would be revisited to assess if they improve public engagement at Council meetings before formalizing the changes in the Council Procedure Bylaw.

NEXT STEPS:

- Staff to bring an Administrative Report to Council with the recommendations set out above for approval.
- If approved by Council, Communications will prepare a Comms plan to let the community know about the pilot project and the changes that will be tested.
- Communications will implement a feedback mechanism to report back to the GAESC after the trial period.

- If successful, the changes to the Council Procedure Bylaw will be presented to Council for approval.

4.5   Social Media Guidance

A presentation by Jennifer Smith, Manager of Communications, regarding Social Media Guidance.

General Guidance:

- Social media is a blend of personal and professional information.
- Presence should be authentic and interactive.
- Tone is important: be helpful, humble, positive, and kind always.
- When possible, move the discussion off social media, especially for larger, longer interactions.
- Response speaks to the whole community. People will be following the conversation but may not comment.
- When in doubt, seek out the Communications Manager or Manager of Legislative Services for PR/legal guidance.

Online Discussion on Forums:

- When something is wildly off base, we can:
  - approach the Pique with a story pitch.
  - counter negative sentiment on our own channels with targeted content.
  - issue statements and press releases to correct the record.
  - ask for a correction if a news article is inaccurate.

Personal Feeds:

- Share positive news, smiling photos and informative content on your own personal feeds.
- Recommend not having your accounts set as 'private'.
- Avoid deleting comments on your feed. This can generate backlash. Provide a respectful response and move the person off the front-facing feed to direct message to have a constructive discussion.
- When posting on social media, remember you are a representative of our brand. Be an advocate for the RMOW.
- Speak with kindness and respect, and be cautious with who you friend, follow, and repost (aligning yourself with a person can be seen as a form of endorsement).

Confidentiality and Ethics:

- Be careful not to post confidential information. If it didn't come out at an open council meeting, it needs to be checked.

- When you speak as a Councilor, you are lending credence to an issue by virtue of your title. You are representing the RMOW.

Rights and Licenses:

- Use your own photos on social media, photos, and videos you own the rights to or rights-free images.
- Feel free to repost the RMOW's content. You sharing our content helps grow our channels, which gets our message out there—both the message in question and future messages.

The Committee clarified that a Councilor has the right to comment regarding a matter they didn't support after Council made a decision. At this point, they are no longer representing the RMOW; that is the Councilor's perspective and opinion.

6.   TERMINATION

Moved By   C. Jewett

Seconded By   J. Crompton

That Governance and Ethics Standing Committee adjourn the following items for next GAES meeting:

- COTW Format
- Proposed 2023 GAESC Meeting Calendar
- Delegations (New Item to Agenda)

That Governance and Ethics Standing Committee terminate the Regular Committee meeting of March 6, 2023.

CARRIED

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Councillor, Chair, Ralph Forsyth

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Recording Secretary, P. Mendieta

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Mayor, Jack Crompton

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Councillor, Cathy Jewett