

Backgrounder: Enhancements to Local Government Responsible Conduct

Disclaimer: The information in this backgrounder is based on proposed legislative amendments in [Bill 17 – Municipal Affairs Statutes \(Codes of Conduct\) Amendments Act](#) which has not yet been enacted by the legislature. The information below is provided for information only and is intended to support local governments to consider steps to take to prepare for when the legislation and associated regulations secure Royal Assent.

Part 1 – Introduction

This backgrounder is intended to provide local governments an overview of expected enhancements to the responsible conduct framework. The backgrounder also illustrates considerations that local government staff can use to plan to operationalize processes in anticipation of an enhanced framework.

An enhanced framework is intended to:

- strengthen good governance through a standard of conduct for all local elected officials;
- support local governments that experience misconduct;
- set standard administratively fair processes for conduct complaints, investigations and enforcement;
- involve a neutral party to resolve and, if necessary, investigate a code complaint;
- increase accountability by providing for sanctions that may be recommended and imposed by a council or board when misconduct occurs; and,
- provide greater transparency and accountability through public reporting to build public trust and confidence.

The proposed code of conduct framework will apply to:

- Municipal Councillors
- Regional District Directors
- Vancouver Board of Parks and Recreation Commissioners
- Islands Trust Trustees
- Cultus Lake Park Board Commissioners

[Bill 17 – Housing and Municipal Affairs Statutes \(Codes of Conduct\) Amendment Act](#) was introduced in the Legislative Assembly on April 2, 2026. While legislation has advanced, the Bill has not completed all of the required legislative stages prior to the conclusion of the Spring 2026 legislative session. It is anticipated that the Bill will proceed through the remaining stages of the legislative process in the Fall 2026 legislative session.

The intent is to have the Bill and associated regulations in place for newly elected councils and regional district boards following the October 17, 2026 general local elections.

A future regulation intends to establish a province-wide code of conduct ('code') to set an expected standard of behaviour for all municipal councillors and regional district directors in B.C.

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Overview of Municipal Affairs Statutes (Codes of Conduct) Amendment Act

The legislation sets out the following, the:

- requirement for municipal councillors and regional district directors to comply with a code of conduct to be established by regulation;
- code complaint process that includes:
 - who can file a complaint;
 - what must be included in a complaint; and,
 - the requirement for a Designated Officer to refer a complaint to an independent investigator.
- power of the Minister to refer a code complaint to an independent investigator if the Designated Officer does not refer the complaint;
- powers of the investigator upon receiving a complaint that includes:
 - dismissal of the complaint;
 - recommendation to undertake mutual resolution; or,
 - an investigation to determine whether a breach of the code has occurred.
- sanctions that may be recommended by the investigator;
- confidentiality requirements related to the investigation;
- requirement that after concluding an investigation, the investigator must determine whether the code has been breached, and prepare an investigation report, with recommended sanctions, if applicable;
- process for councils and boards to impose those sanctions at a closed meeting that is attended by the investigator; and,
- requirements for public reporting (e.g., summary report and annual code of conduct report).

Under the legislation the following people may file a code complaint:

- Municipal councillors or regional district directors
- Local government staff in prescribed circumstances
- Municipal councillors or regional district directors on behalf of Individuals appointed to standing or select committees of a council or board

A person who files a complaint is the complainant.

Additional legislative amendments to support governance and clarify roles includes the removal of the:

- term “head and Chief Executive Officer” from the role of the Mayor and Board Chair; and,
- ability of the Mayor or Board Chair to suspend a local government officer without council or board approval.

Associated regulations will include the code of conduct, enforcement timelines, and criteria for a person to be a code investigator.

Role of Local Government Staff

Steps that local government staff can take to prepare for the enhanced code of conduct framework include:

- Planning orientation and training for councils and boards that includes a focus on expected behaviour of local government elected officials. *A PowerPoint about the new code of conduct framework will be made available when the legislation and regulation are brought into force.*
- Preparing staff reports for the new council or board to consider that:
 - describes local government bylaws and policies that may require updating once the code of conduct framework is in force; and,
 - options for councils and boards to fund (e.g., investigator costs) and select an investigator (e.g., ad hoc or shared service model) to assess and investigate code of conduct complaints.

Designated Officers will be responsible for receiving and referring a code complaint to an independent investigator. The role of the Designated Officer is administrative and impartial and includes:

Designated Officers are defined in proposed legislation as the Chief Administrative Officer or Corporate Officer.

- receiving the complaint form;
- reviewing the complaint form to confirm it is complete;
- requesting the complainant to complete the complaint form if it is missing information, if applicable;
- procuring an investigator; and,
- referring the complaint to the investigator.

Designated Officers will not be decision-makers when it comes to code of conduct-related complaints and do not advocate for complainants or respondents in relation to a code complaint.

If a complaint is not appropriately referred to an investigator by the Designated Officer, the minister may refer the complaint to an investigator. It is expected that the minister's authority would only be used in exceptional circumstances and where considerable time has passed since the complaint was submitted to the Designated Officer (e.g., over one month).

Part 2 – Preparations for Enhancements to the Responsible Conduct Framework

Below are **recommended** steps that local governments can consider to prepare for when the *Municipal Affairs Statutes (Codes of Conduct) Amendment Act* and associated regulations

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are brought into force. It is up to individual councils and boards to determine whether to complete preparations before or after the code of conduct framework comes into force. Any reference to an existing local government code bylaw or policy will be considered a reference to the provincial code once the legislation is brought into force.

Orientation and Training

Local governments will need to consider how to introduce the standards of conduct and a new code complaint process as part of the orientation process for councils and boards once the legislation and associated regulations are in force. A PowerPoint presentation to support local government staff to train councils and boards on the new code of conduct framework will be made available. Subsequent guides will include information for local government elected officials and local government staff.

Orientation and training for councils and boards that includes strategies for working together is key to supporting long-term collaborative working relationships and foster good governance. Some municipal councillors and regional district directors may not have previous experience working in a formal governance environment and may need additional training about the expectations of their new role in elected office.

Local government staff play a key role in educating and advising municipal councillors and regional district directors about the following:

- roles and responsibilities in governing the community (e.g. role of council or board versus staff);
- procedural and legislative rules for local government (e.g., confidentiality, procedure bylaw, open meeting rules);
- collaborative decision-making; and,
- local government operations (e.g., financial planning, taxation and bylaws).

Training can support municipal councillors and regional district directors to develop a shared understanding of the standards of behaviour and the code complaint process once the new framework is in force. Information about informal resolution techniques (e.g., conflict resolution) may support municipal councillors and regional district directors to resolve conduct-related matters when they arise and act as a preventative measure to formal code complaints being lodged. Refresher sessions following by-elections or significant local government staffing changes and/or new staff hires is also recommended.

Local governments are encouraged to have municipal councillors and regional district directors engage in regular, meaningful dialogue about how they will govern, and the standards of behaviour expected while carrying out their official duties. Discussions about the standards of behaviour can be held at sessions following the general local elections, by-elections and regularly throughout the four-year term of office as needed.

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Ongoing leadership development and periodic training (e.g., through the [Local Government Leadership Academy](#)) on governance topics for municipal councillors and regional district directors supports good governance practices. A shared understanding of roles, responsibilities, and appropriate conduct can strengthen a council or board's decision-making culture and reduce the likelihood that conduct concerns would escalate into formal complaints.

Local governments may want to explore regional learning opportunities between local governments to engage qualified facilitators or consultants to educate newly elected councils and boards. A collaborative approach may help municipal councillors and regional district directors to operate with the same understanding and information, reduce duplication of effort (and potentially costs), and support a consistent approach to training across the region.

Additional training topics that may support municipal councillors and regional district directors to understand expected behaviours and potentially alleviate unnecessary code complaints through training and education include:

- providing Indigenous cultural safety and cultural training;
- training about conflict-of-interest;
- understanding leadership and learning styles;
- developing conflict resolution skills;
- reviewing local government policies that support appropriate conduct (e.g., communication, workplace safety, social media, bullying and harassment policies); and,
- WorkSafe BC requirements.

Code of Conduct Investigators

Financial Planning to Fund Investigations

Local governments will need to consider how best to incorporate the funding required to contract an investigator to assess and investigate code complaints into their annual financial planning process. The cost of funding code of conduct investigations will vary between local governments. The amount of funding required will depend on the number of code complaints each year.

There are three options local government may choose to consider during the annual budgeting process:

- 1) Anticipate the approximate fund amount that may be needed for investigations and incorporate that amount into the financial plan bylaw under "general administration". The funds do not need to be a line item in the bylaw; however, the

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amount can be included in as part of the totals for “general government” and “property taxation”.

- 2) Use section 188 of the *Community Charter* [applies to Regional Districts s.377(1)(f) of the *Local Government Act*] to adopt a bylaw that creates a reserve fund for the purpose of funding investigations. Reserve funds contributed in this manner may only be used for that purpose and may be carried over from year-to-year.
- 3) Establish a regional district service that a municipality and electoral area can participate in to fund investigations and include the operating cost in the regional district’s financial plan.

Selecting the Investigator

The legislation will require the Designated Officer to refer code complaints to an investigator after receipt of a written complaint. The Designated Officer’s role is to ensure the complaint is complete before referring it to an investigator.

The regulation will describe the experience investigators must have to be an investigator under the new framework. Councils and boards may want to select one or more persons who meet that criteria **in advance** of a potential code complaint. Selection of an investigator or the creation of a roster of investigators is recommended within six months following the 2026 general local elections. Councils and boards may want to revisit an established roster of investigators in the nine months prior to general local elections.

Investigators used to assess and investigate code complaints must meet the prescribed criteria set by regulation.

Information on prescribed criteria will be available in a subsequent guide when the regulation is enacted.

Selecting or creating a roster of investigators before a code complaint is received can support the Designated Officer to efficiently refer complaint forms if or when needed. Creating a roster of potential investigators (e.g., two to three investigators) prior to a code complaint may also reduce any political dynamics around complaint handling and selection optics. Local government staff will need to review local procurement policies and establish a selection process to support contracting an investigator.

Councils and boards may want to explore the following options to contract the services of an investigator.

1) Local Government Pre-Appointment or Prequalified List

- Pre-appoint an investigator or procure a qualified list of investigators in advance of a code complaint through a Request for Information or a Request for Qualifications process. Local governments may need to review their procurement policies to allow for contracting investigation services.

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2) Regional Model

- Investigator Service - create a shared investigator service for some or all regional district participants.
- Region-wide pre-qualified List - establish a shared pre-qualified list of investigators for use by regional district members. The regional district would outline how members use the list, such as the conditions of use and method(s) to select someone from the list. This type of list may be used under a shared investigator service or as a general benefit to the regional district and its members.

3) Ad Hoc Contracting

- The Designated Officer runs a local procurement process based on local government procurement policies when a complaint is received. The local government may wish to determine the approximate dollar value of an investigation when considering the procurement method to contract an investigator on an ad-hoc basis. The local government's legal council, if any, may be a helpful resource to create an estimate on the complexity and investigative needs for the complaint.

Code Complaint and Mutual Resolution Forms

Sample code complaint and mutual resolution forms will be provided in a subsequent guide to promote consistency, and completeness.

If a local government prefers to develop its own code complaint form – the form will need to meet the minimum requirements set by legislation when it is brought into force.

The complaint forms described in the legislation will be submitted to the Designated Officer and must include the following information:

- the name of the complainant;
- the name of the respondent;
- the section of the code the respondent is alleged to have contravened;
- a description of the alleged contravention, and when it occurred;
- a description of efforts to informally resolve the complaint (if applicable);
- a statement from the complainant as to whether they would be willing to participate in a mutual resolution process; and,
- if applicable, any supporting document or other information related to the complaint.

Local Bylaw and Policy Review

Local governments may want to review existing bylaws and/or policies that contain references to an existing local code of conduct. A staff report can outline recommended steps and timing to amend relevant bylaws or policies to align with the legislation and associated regulation once it is in force.

Local Government Code of Conduct Bylaws or Policies

Once the legislation comes into force, the provincially prescribed code of conduct will supersede any existing local government code of conduct. In cases where local government bylaws or policies are inconsistent or in conflict with the code, the provincial code of conduct prevails, therefore local governments are recommended to repeal code of conduct bylaws or policies (if any) once the code of conduct framework is in force.

An existing local government code of conduct bylaw or policy may be left in place until after the new code is in force to ensure that any code of conduct complaints made prior to the code of conduct framework coming into force has a process to follow. A pre-existing code complaint (e.g., made under a local code of conduct bylaw or policy) may be resolved under the local government's pre-existing code of conduct.

Key local government policies and bylaws that may need to be reviewed would include:

Council or Board Remuneration Bylaw or Policy

Most local governments have bylaws or policies that include provisions for municipal councillors and regional district directors remuneration, expense reimbursement, and benefits.

In some cases, local governments may need to amend a remuneration bylaw and/or policy if it is tied to the local government's current code of conduct bylaw or policy (e.g., sets a remuneration reduction scheme for a breach of the code). The legislation provides that a remuneration reduction sanction will be prescribed by regulation.

Other considerations may include:

- whether a councillor or regional district director is acting for a Mayor/Board Chair who is absent due to a suspension sanction (e.g., longer than 30 days) would receive increased remuneration; or,
- how an alternate director acting for an electoral area director due to a suspension sanction may be compensated (e.g., monthly stipend or per meeting fee).

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Indemnification Bylaw or Policy

Many local governments in B.C. provide for the indemnification of officers, employees and elected officials against a claim for damages resulting from the performance of their duties.

In most instances the local government would pay the legal costs awarded against any elected official, officer, employee stemming from such a claim.

Costs related to a code of conduct investigation that would fall under a local government's indemnification policy are considered as a separate cost from the costs of the investigator.

Municipal councillors and regional district directors involved in a code of conduct complaint may seek independent legal counsel during an investigation. As local governments set their own indemnification bylaws or policies, councils and boards will continue to have the flexibility to decide how and when a municipal councillor or regional district director is reimbursed for legal fees incurred in relation to a code of conduct complaint or investigation.

The legislation will require investigators to include a recommendation respecting indemnification of the parties to a code complaint.

Indemnification

The indemnification rules for local government officials are set out in [section 740](#) the *Local Government Act*.

Indemnification means the legal fees required or incurred to defend an action or prosecution brought against a person in connection with the person's performance of their duties or in relation to the conduct of municipal or regional district business. If indemnification applies then the local government pays the costs (e.g., legal advice).

Considerations

Councils and boards may need to consider the following questions when considering their indemnification bylaw or policy in the context of code complaints:

- How does the council or board want to indemnify a member when a code complaint is made? Specify details in the bylaw or on a case-by-case basis?
- Is there a limit to the amount of legal fees (i.e. specified amount) incurred by a member in relation to a code complaint that may be reimbursed?
- Does the bylaw or policy clearly set out the circumstances when indemnification is available respecting code complaints and investigations (e.g., council or board decision; or only on recommendation of the investigator)?
- Does the council or board want to provide indemnification for code complaints by resolution on a case-by-case basis? What are the pros/cons of this option?
- How does a council or board want to deal with complaints that are found to be frivolous or vexatious (e.g., would the complainant be eligible for indemnification if the complaint is dismissed as frivolous or vexatious)?
- Does the council or board want to specify that if the member is found to not be in breach of the code that they will be indemnified (e.g., person was acting in good faith and within scope of their duties)?

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Council or board discussions about proposed indemnification bylaw or policy amendments present opportunities to settle on the best approach for local circumstances.

If the local government has a solicitor, the council or board can articulate the approach or process for a complainant to seek legal advice in advance of a code complaint. This may be part of a preventative measure as municipal councillors and regional district directors develop understanding of the various aspects of the code and expected behaviours.

Procedure Bylaw

Procedure bylaws often cover general rules of conduct for municipal councillors and regional district directors at meetings – including compliance with the local government's code of conduct bylaw or policy and/or other behavioural standards expected during council or board meetings. Local governments may need to amend their procedure bylaw to update references to local codes of conduct to align with the legislation and associated regulations.

Local governments may choose to include a process for a municipal councillor or regional district directors who has contravened the conduct and debate section of the procedure bylaw to apologize and continue to be a participant in the meeting. Having such a provision in a procedure bylaw may prevent circumstances escalating to a formal code of conduct complaint when a person may have taken an action in haste and then express regret for that action.

Closed Meetings Policy

Some local governments have closed meeting and confidentiality policies that refer to an existing local code of conduct. These internal policies may include processes whereby local government staff share agendas and other information in advance of a closed meeting. Legislation will require councils or boards to consider investigation reports that recommend sanctions in a closed meeting.

Local governments may need to adjust processes to protect confidential code of conduct information that is to be shared with the council or the board prior to a closed meeting. For example, the distribution list for closed meeting materials could be further restricted so that the confidential information is only distributed to those individuals that need to receive it. Record keeping practices may need to be reviewed to ensure these records are managed accordingly.

Social Media Policy

Many local governments have social media policies that identify who and how local government information is posted to its social media accounts (and in some cases moderate responses to content on the account). Social media policies can be reviewed during orientation for councils and boards to discuss the code of conduct and its application to social media.

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Municipal councillors and regional district directors must bear in mind that the line between personal and professional use of social media can blur. Social media interactions, even those considered private, are best treated as public interactions.

Social media training may include the following:

- policies for local government social media accounts;
- expected behaviours related to communication and social media;
- tips for managing social media accounts (both official and personal);
- how to clarify communication that is a personal opinion of the municipal councillor or regional district director;
- discussion about being mindful of personal posts or conversations on social media that may appear to be conducting local government business;
- the most appropriate avenues for engaging with the public on local government matters; and,
- discussion about privacy on the Internet and that posted information can sometimes be misconstrued.

Officers Bylaw

Local governments must, by bylaw, establish officer positions to fulfill the corporate duties and functions for corporate administration (Corporate Officer) and financial administration (Financial Officer) and may also establish other officer positions and assign specific duties to those positions. Other corporate and/or financial officer positions may include a Chief Administrative Officer (CAO), a Deputy Corporate Officer and Deputy CAO.

Under the legislation a Designated Officer is the person that receives code complaints and refers them to an investigator. As such, local governments will need to consider outlining in their “officer’s bylaw” which local government staff may be the Acting CAO or Corporate Officer and can receive code of conduct complaints if the Corporate Officer or CAO are absent and/or unable to fulfill their role as Designated Officers.

Other Local Government Policies and Tools

Other procedural policies and tools that refer to a local code of conduct that local governments may need to review include:

- respectful workplace;
- bullying and harassment policies; and,
- information and records handling (e.g. confidentiality, release of closed meeting information) and communication.

Code of Conduct Reporting

The legislation includes reporting requirements intended to support transparency and public accountability.

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Summary Reports

The legislation will require investigators to prepare a public summary report if a code of conduct complaint has led to an investigation. Local governments will need to make **all** summary reports provided by the investigator publicly available (e.g., on the local government website or at the local government office).

Annual Code of Conduct Report

The legislation will require local governments to annually prepare a code of conduct report before June 30 each year and make that report publicly available (e.g., on the local government website or at the local government office).

Staff can provide the annual report to the council or board for information and to support the council or board contemplate future financial planning for code of conduct investigations. The report information is intended to be aggregated data and is not complaint specific (e.g., complainants and respondent names).

The required annual code of conduct report must include the following information for the previous year:

- number of complaints filed;
- number of complaints withdrawn or dismissed;
- number of complaints dismissed where the complainant was required to pay costs;
- number of complaints resolved through mutual resolution;
- number of investigations conducted;
- number of each sanction imposed by council or board; and,
- costs associated with the use of an investigator.

Local governments may choose to include other information related to the responsible conduct in the annual report (e.g., indemnification related to code complaints or governance related training).

Local governments may want to consider which Designated Officer or other staff person will be responsible for publishing summary reports. Local governments may also want to determine who in the organization will be responsible for maintaining statistics and preparing the annual code of conduct report (e.g., Chief Administrative Officer or Corporate Officer).