

CITY OF SURREY

BYLAW NO. 20018

A bylaw to create the position of Ethics  
Commissioner and establish the Terms of Reference  
for an Ethics Commissioner Selection Committee

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WHEREAS section 154(1)(b) of the *Community Charter* authorizes Council to delegate its powers, duties and functions to an officer or employee of the municipality;

AND WHEREAS section 142 of the *Community Charter* authorizes Council to establish a select committee to consider or inquire into any matter and report its findings and opinion to Council;

AND WHEREAS the Council hereby establishes the Terms of Reference for an Ethics Commissioner Selection Committee;

AND WHEREAS the position of Surrey Ethics Commissioner is hereby established;

NOW, THEREFORE, THE COUNCIL of the City of Surrey ENACTS AS FOLLOWS:

**Definitions**

1. In this Bylaw:

"City Manager" means the Municipal Officer position of the City Manager;

"Commissioner" means the City of Surrey Ethics Commissioner;

"Committee" means the City of Surrey Ethics Commissioner Selection Committee;

"Code of Conduct" means a bylaw adopted by Council to regulate the ethical conduct of Council Members and to establish the process by which the Commissioner may investigate complaints of violations thereof;

"Council Member" means the Mayor or a Councillor;

"Formal Complaint" has the same meaning as in the Code of Conduct.

**Selection**

2. The purpose and structure of the Committee are as set out in the terms of reference attached to this Bylaw as Schedule A.

3. In accordance with the terms of reference, the Committee will recruit, review, interview, assess and recommend to Council the candidate for the position of the Commissioner.

### **Creation of Office**

4. The position of Commissioner is hereby established.

### **Appointment**

5. Council may by resolution appoint an individual to the position of Commissioner and approve the terms and conditions of the appointment.
6. The Commissioner may be appointed for an initial term of up to two-years.
7. The appointment may be renewed for a maximum of three one-year terms.
8. Where no appointment has been made under section 5, the City Manager may hire a third party to carry out one or more of the duties set out in this Bylaw or in the Code of Conduct.
9. Council may revoke the appointment of the Commissioner by resolution at any time.
10. If the Commissioner is involved in an ongoing investigation pursuant to the Council Code of Conduct when their appointment ends or is revoked, the Commissioner may complete the investigation unless Council passes a resolution directing otherwise.

### **Role**

11. The Commissioner is authorized to:
  - (a) Provide advice to Council Members on behaviour that would be consistent with the Council Members' ethical obligations under the Code of Conduct;
  - (b) Deliver training, as part of orientation or on an annual basis, on any aspects of ethical conduct that the Commissioner determines may be valuable for Council Members, which includes the ability to compel attendance of the Council Members;
  - (c) Receive, review, investigate and adjudicate complaints related to the conduct of a Council Member and violations of the Code of Conduct;
  - (d) Decide whether the matter is within the jurisdiction of the Commissioner;
  - (e) Adopt procedures, policies and protocols designed to ensure that Formal Complaints are fully and fairly investigated;
  - (f) Determine whether to proceed to investigate a Formal Complaint or dispose of the Formal Complaint in a summary manner;

- (g) Subject to the requirements of the Code of Conduct respecting procedural fairness, identify records and documentation received and reviewed during an investigation as confidential; and
  - (h) Provide advice and recommendations to Council regarding amendments to the Code of Conduct and any other policies, procedures or protocols governing Council Members' ethical behaviour.
12. The Commissioner may:
- (a) Prepare and deliver an annual report to Council containing a summary of the Commissioner's activities during the calendar year;
  - (b) Prepare forms, guidance documents and other resources related to the Commissioner's power, duties and functions; and
  - (c) Approve more detailed complaint and investigation procedures to supplement those set out in the Code of Conduct.
13. The Commissioner may delegate any or all of their powers, duties or functions.

**Citation**

14. This Bylaw may be cited as the "Ethics Commissioner Establishment Bylaw, 2020, No. 20018".

PASSED FIRST READING on the 10th day of February, 2020.

PASSED SECOND READING on the 10th day of February, 2020.

PASSED THIRD READING on the 10th day of February, 2020.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 24th day of February, 2020.

  
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MAYOR

  
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CLERK

## SCHEDULE A

### Surrey Ethics Commissioner Selection Committee Terms of Reference

**Authority** The Ethics Commissioner Selection Committee (the "Committee") is established by Council pursuant to section 142 of the *Community Charter*.

**Mandate** The purpose of the Committee is to recommend to Council an individual to serve as the Commissioner to advise and assist Council in furthering its objectives in regard to enhancing the openness, transparency and accountability of its decision making. The City Manager may establish relevant qualifications for members of the Committee, including the following:

- Residence and/or business interests in Surrey;
- Willingness to submit to a criminal record review and personal interview;
- Knowledge about, and interest in, the community;
- Commitment to protecting fairness, avoiding conflict of interest and maintaining neutrality and objectivity; and
- Willingness, ability and availability to meet the time commitments related to Committee duties.

Specific responsibilities of the Committee include:

- Reviewing and evaluating external recruitment firms to develop a recruitment process for the Commissioner;
- Retaining an external recruitment firm to execute the recruitment process, and confirming the detailed selection criteria for the Commissioner position;
- Reviewing and considering a short list of applications from the external firm's recruitment process;
- Creating list of applicants to interview who meet the minimum established selection criteria;
- Interviewing applicants, and assessing the results of the recruitment process; and
- Recommending to Council a short list for the appointment of the Commissioner, prior to the end of the Term of the Committee.

The desired qualifications of the Commissioner are:

- proven impartiality, neutrality and high ethical standards;
- senior-level management, municipal, legal, judicial or quasi-judicial experience;

- knowledge of municipal or other administrative law;
- knowledge of municipal governance;
- ability to interpret and apply the provisions of various statutes, regulations, policies and other enabling frameworks;
- knowledge of investigatory procedures and applicable legal principles, particularly as they relate to evidence, legal interpretation and natural justice; and
- an ability to provide services on an as-needed basis.
- The preferred candidate will not have previously been elected to Council, employed by the City of Surrey, nor involved in the political campaigns of any elected Council Member.

**Composition** The Committee is composed of 5 Members appointed by a resolution of Council, as follows:

- Three Members of the Public;
- Two City of Surrey Council Members; and
- One Legal Professional (non-voting member).

**Term** Members are appointed for a term set to expire on the day of the appointment of the Commissioner.

**Quorum** 3 Members

**Meetings** The Committee will meet as required.

**Agenda & Minutes** The Committee is not required to prepare an Agenda nor record for its meetings. Any records created by the Members are for their benefit in conducting its business.

**City Resources** Administrative resources including meeting space, use of City equipment, devices and supplies, staff time, including one legal professional.

**Reports to** Council