



Public Complaints Process Policy No. 07.83

District of Lake Country
10150 Bottom Wood Lake Road
Lake Country, BC V4V 2M1
t: 250-766-5650 f: 250-766-0116
lakecountry.bc.ca

Date

The following was adopted as Policy at the **Regular Council Meeting** held on **February 20, 2007**.

Moved by : Councillor Rees
Seconded by: Councillor Clark

Resolution # 07.02.079

That the Public Complaints Policy No. 07.83 be adopted.

Amended at the Regular Council Meeting held on October 5, 2010.

Moved by: Councillor Scarrow
Seconded by: Councillor Rees
Resolution # 10.05.400

Purpose

The purpose of the policy is to provide members of the public with a process for filing complaints and requests for service.

Public Rights

In a democratic society members of the Public have the following rights:

1. The right to express an opinion
2. The right to request a municipal service
3. The right to request changes to bylaws, policies and procedures
4. The right to express concerns over municipal operations
5. The right to submit a complaint regarding delivery of a municipal service

Responsibility

Members of the Public and Municipal Officials have the following responsibilities:

1. The responsibility to be fair with a comment
2. The responsibility to be factual and truthful
3. The responsibility to respect opposing points of view
4. The responsibility to be respectful to others

5. The responsibility to consider matters with an open mind
6. The responsibility to obtain facts and carry out thorough research
7. The responsibility to follow process and meet timelines
8. The responsibility to respect the roles each play in the process

Places to File Complaints or Requests for Service

As outlined in more detail below, complaints or requests for service may be made orally to municipal officials at the District Office, presented in a public meeting or by writing a letter or sending an email to the District.

Complaints or requests that are made directly to individual elected officials will be forwarded to the Administrator and then given to the appropriate staff member for action. If the complaint is required to be in writing, the Administrator will contact the complainant.

Matters that will Not be Heard in a Public Meeting

1. Matters involving litigation
2. Matters being investigated or reviewed by another public body
3. Matters involving complaints against individuals
4. Matters involving personnel
5. Matters involving in-camera discussions
6. Matters involving a public hearing that has been closed by Council

The Chairperson has the authority and responsibility to intervene and stop a presentation that involves any of the above matters in a public meeting.

Municipal Roles in the Complaint Process

Council has the responsibility to adopt policies and bylaws, set service levels, establish budgets, and hear complaints and appeals.

The Mayor has the responsibility to recommend bylaws, resolutions and other measures that promote good government and receives complaints on behalf of the municipality.

The Administrator has the responsibility for overall management of operations of the municipality including its staff and receives complaints on behalf of the municipality.

Managers have the responsibility for management of service operations within their respective departments, supervising staff and dealing with operational complaints.

Statutory Officers have the responsibility to make specific decisions on behalf of the municipality and may hear appeals regarding those decisions.

Process

Operational and Administrative Procedures

To resolve an operational concern or an administrative procedure, a member of the Public is encouraged to first meet with staff or departmental managers. If the matter cannot be resolved, a written complaint may be filed with the Director of the Department who must respond in writing within 15 working days. A decision of the Director may be appealed to the Administrator who must respond within 15 working days. The decision of the Administrator may be appealed to Council who must respond within 30 working days.

Bylaw Enforcement

To resolve a bylaw enforcement matter, a member of the public is encouraged to first discuss the issue with the District's staff or bylaw enforcement officer. The complainant will in most cases be asked to submit a complaint in writing and the complaint will be processed in accordance with District policy on bylaw complaints. ~~The District will respond by telephone or in writing within 30 days to outline what action is being taken. As bylaw enforcement matters involve third parties, legal issues and privacy issues, it can take considerable time to resolve them. The District will respond to enquiries by telephone or email regarding the progress of a file; however the District will not provide a written response until the bylaw enforcement matter is concluded. If a bylaw enforcement matter has not been resolved within 6 months, a written complaint may be filed with the Director who must respond within 15 working days. A decision may be appealed to the Administrator who must respond within 15 working days and provide Council with a copy of the response.~~

Deleted by
Res. No.
10.05.400

Bylaws, Policies, Budgets, and Service Levels

A member of the Public, who has a concern or suggestion regarding a bylaw, policy, budget or service level, is encouraged to meet with a departmental Manager, Director or Administrator to discuss the matter beforehand. If unresolved, the concern or suggestion can be verbally presented to Council in a public meeting or by meeting with the Mayor. Alternately the concern can be filed in writing with Council. In either case, the concern or suggestion will be copied to the Administrator who will arrange for preparation of a report and the matter will be scheduled on a Council agenda for a decision. The District will provide a written response of the decision within 10 working days.

Conduct of Employees, Appointed and Elected Officials

A member of the public must file a written complaint with the Administrator regarding the conduct of an employee and a written response must be given within 30 working days. If the complaint involves an officer, the Administrator will copy Council with all correspondence. A member of the public must file a written complaint with Council regarding the conduct of the Administrator, an Appointed Official or an Elected Official and a written response must be given within 30 working days. A copy of a complaint received by the District must be given to the person who is the subject of the complaint.

Statutory Decision

A member of the public who has a concern over a decision of a statutory officer may meet with the Officer or file a written appeal regarding the decision. A copy of the appeal and any response will be given to the Administrator and Mayor or in the case where the decision involves the Administrator's or the Mayor's statutory function, a copy will be given to Council. A decision of a Statutory Officer cannot be over-ruled by the Administrator or Council. A written response from the Statutory Officer respecting an appeal will be given within 30 days and copied to the respective parties.

General

The District will not take action on a complaint or a service request that is anonymous.

When applying the provisions of the District's Public Complaint Process, Municipal Officials must comply with the Freedom of Information and Protection of Privacy Act.

Original signed by Mayor James Baker
Mayor

Original signed by Hazel Christy
Clerk

Amendment October 5, 2010:

Original signed by Mayor James Baker
Mayor

Original signed by Hazel Christy
Clerk