

**City of Burlington
CODE OF CONDUCT FOR
LOCAL BOARDS AND COMMITTEES**

NON-ADJUDICATIVE & ADJUDICATIVE

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Part 1

General Introduction, Framework and Interpretation

The requirements for codes of conduct and appointment of an Integrity Commissioner for local boards are contained in Part v.1 of the Municipal Act, 2001

Section 223.1 provides the following definition for a local board:

“local board” means a local board other than.... (e) a board as defined in section 1 of the *Public Libraries Act*; (g) such other local boards as may be prescribed. (Note: no regulations prescribing local boards for the purpose of this position have been passed)

As well, s. 204(2.1) provides that a Board of Management of a BIA **“is a local board of the municipality for all purposes”**.

Although section 223.1 does not refer back to section 1(1) being the more general definition section, the definition contained at s.1(1) provides as follows:

“local board” means a municipal service board, transportation commission, public library board, board of health, police service board, planning board or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority.

This document is a Code of Conduct for members of Local Boards. Local Boards sometimes referred to as committees or tribunals, are as defined in s.223.1 of the Municipal Act and as identified by the municipality.

The Code of Conduct for Local Boards follows the structure as recommended by the City of Burlington’s Integrity Commissioner.

Guiding Principles

Members shall act with honesty and integrity, serving in a diligent manner, and performing their duties in a manner which promotes public confidence.

Rule 1: Avoidance of Conflicts of Interest

Members shall avoid situations of real or apparent conflict of interest or bias.

Members shall avoid participating in or influencing a proceeding when the member, or another person with whom the member has a close personal or professional

relationship, has a financial or other private interest that may be affected by the proceeding or its outcome. Members shall not appear before the Local Board or committee on their own behalf or as a representative on behalf of any party.

Commentary: *Members of BIAs will frequently have an 'interest in common' as business owners. Care should be taken to recognize an interest, when the Member stands to gain or otherwise benefit, in a manner that can be differentiated from others in the BIA. Where a Member contributes to an event 'at cost', no 'interest' is deemed to arise by reason only that the Member's business is a sponsor of the event.*

Rule 2: Gifts, Benefits and Hospitality

No Member shall accept any Gift, except for Gifts that are deemed to have zero value in the Council Code of Good Governance.

Members should recuse themselves from any hearing, to avoid any perception of bias or conflict of interest which may arise as a result of a gift, benefit or hospitality provided by any of the parties or participants potentially affected by the decision of the Local Board.

Rule 3: Confidential information

Members shall not disclose to any member of the public any confidential information acquired by virtue of their position.

Confidential information includes any discussion that takes place between members of the Local Board or Committee when it is in a closed meeting.

Rule 4: Use of City Resources, Election Campaigns

No member should use municipal equipment or staff, or other municipal services or resources for their own private purposes, or for election campaign purposes.

Rule 5: Election Campaigns

No member, while identifying themselves as a member of a Local Board or Committee, shall undertake any election campaign or election-related activities or work on, fund-raise, endorse or otherwise contribute to the election campaign of any person running in the municipal election for the municipality where the member serves on the Local Board and/or committee.

Members of Local Boards are prohibited from fundraising for, endorsing, or otherwise contributing to the election campaign of any person running for a seat on Council.

Rule 6: Improper Use of Influence, Business Prospects

No member shall use the influence of his or her position for any purpose other than the duties as a member of the Local Board and/or committee.

Rule 7: Business Relations

No member shall allow the prospect of future employment by a person or entity to affect the performance of his/her duties as a member of the Local Board and/or committee.

Rule 8: Member Conduct

Members shall always conduct themselves with decorum.

Members shall maintain proper control over meetings demonstrating respect for everyone who is involved in the meeting.

Members are expected to attend all meetings of the Local Board or Committee. If a member misses more than three (3) meetings during their term, the Chair, after hearing and considering any explanation provided by the member, may ask the member to resign, or request that Council remove the member.

Rule 9: Media Communications

Members shall accurately communicate recommendations and proceedings of their Local Board. If a member is contacted directly by the media, the member should refer the media to the Chair, or in the absence of the Chair, to the Vice-Chair.

Members of Local Boards should generally not comment to the media in relation to any decision made by the board or the rationale behind such decision. On the rare occasion when a comment may be appropriate, only the Chair shall serve as a media contact and all enquiries shall be referred to him/her.

Rule 10: Respect for City By-laws and Policies

Members shall adhere to and encourage public respect for the Local Board and/or committee, the municipality and its by-laws, policies and procedures.

Rule 11: Respectful Workplace

Members are governed by the relevant workplace harassment & respect in the workplace policies in place for staff.

Rule 12: Conduct Respecting Staff

Members of local boards and committees shall be respectful of the role of staff to advise based on political neutrality. Members shall respect the professionalism of staff, and not exert undue influence on staff.

Rule 13: Reprisals and Obstructing

It is a violation of this Code of Conduct to obstruct the Integrity Commissioner in the carrying out of his/her responsibilities.

It is a violation of this Code of Conduct to engage in any activity in retaliation against any person because he/she has made a complaint to or otherwise communicated with the Integrity Commissioner.

Rule 14: Acting on Advice of Integrity Commissioner

Advice given by the Integrity Commissioner is binding on the Integrity Commissioner in the event of a complaint.

Part 2

ADDITIONAL REQUIREMENTS APPLICABLE TO LOCAL BOARDS

Rule 15: Communications with Parties

Written communication to a Local Board shall take place only through the Secretary of the board or the appropriate municipal staff assigned to such board and shall be copied to all parties or their representatives as appropriate. Oral communications with the Local Board about current proceedings shall take place only in the presence of or with the consent of all parties.

Where a party is represented by a representative, all communication between the adjudicative board and the party shall be through the representative, except for notices of hearing, which shall be served upon all parties and their representatives known to the Local Board as appropriate.

Rule 16: Independent Nature of Local Boards

The Chairs of Local Board should ensure that the actions of any member, as well as Council members and staff attending adjudicative board meetings, are consistent with the arm's-length, quasi-judicial nature of the adjudicative board. Any actions compromising this position should be immediately dealt with by the Chair or panel chair.

Members of Local Boards operating at arm's-length from Council should refrain from seeking advice on their roles and responsibilities from Council members. In clarifying their roles and responsibilities, members should seek advice from appropriate staff.

A Local Board is required by the applicable laws to operate at arm's-length from and independently of Council. Members should therefore not request members of Council to intervene on applications considered by the board. Members of Council are only permitted to communicate to the board regarding a matter before the board by a letter addressed to the Secretary of the board which is available to all parties.

Part 3

COMPLAINT PROTOCOL

The Formal Inquiry Protocol contained in the Council Code of Good Governance applies with necessary modifications to complaints regarding members of Local Boards.

CONSEQUENCES OF FAILURE TO ADHERE TO CODE OF CONDUCT

Members who are found by the Integrity Commissioner to have failed to comply with the Code of Conduct for Local Boards may be subject to the following sanctions:

- (a) a reprimand; or
- (b) suspension of remuneration paid to the member in respect of his or her services as a member of the Local Board (if any).

Members may also be subject to such other remedial actions recommended by the Integrity Commissioner that directly flow from the action or behaviour of the member of the Local Board.

Members are subject to removal from the Local Board, or removal as Chair of the Local Board, by Council.