

EXECUTIVE COMMITTEE OF COUNCIL**TO:** MAYOR AND COUNCILLORS**SUBJECT: ADVISORY BODIES CODE OF CONDUCT POLICY****RECOMMENDATION:**

THAT the Advisory Bodies Code of Conduct (Policy No. C-LS-2023-002) included as Attachment 1 to the report titled “Advisory Bodies Code of Conduct Policy” dated October 4, 2023, be approved.

REPORT

The Executive Committee of Council, at its Open meeting held on October 4, 2023, received and adopted the *attached* report seeking Council approval for the proposed Advisory Bodies Code of Conduct Policy, which prescribes expectations for appointed members Council Committees, Commissions and Boards (“Advisory Bodies”) to fulfill their roles and responsibilities based on the principles of integrity, accountability, respect and leadership.

On behalf of Executive
Committee of Council,

Councillor S. Dhaliwal
Chair

Councillor R. Lee
Vice Chair

TO: EXECUTIVE COMMITTEE OF COUNCIL (ECC)
FROM: GENERAL MANAGER CORPORATE SERVICES
SUBJECT: **ADVISORY BODIES CODE OF CONDUCT POLICY**
PURPOSE: To seek approval for the proposed Advisory Bodies Code of Conduct Policy, which prescribes expectations for appointed members Council Committees, Commissions and Boards (“Advisory Bodies”) to fulfill their roles and responsibilities based on the principles of integrity, accountability, respect and leadership.

RECOMMENDATION

THAT the Advisory Bodies Code of Conduct (Policy No. C-LS-2023-002) included as Attachment 1 to the report titled “Advisory Bodies Code of Conduct Policy” dated October 4, 2023 be approved.

EXECUTIVE SUMMARY

This proposed Advisory Bodies Code of Conduct (Policy No. C-LS-2023-002) prescribes expectations for appointed members to Advisory Bodies to fulfill their roles and responsibilities based on the principles of integrity, accountability, respect and leadership.

1.0 POLICY SECTION

The policy is established and enforced in accordance with the *Community Charter*, *Freedom of Information and Protection of Privacy Act*, and the Council Code of Conduct Bylaw.

2.0 BACKGROUND

During the development and introduction of the Council Code of Conduct Bylaw in early 2023, the Executive Committee of Council requested a separate review of the Code of Conduct to consider the distinct expectations and legislative requirements of appointed members of Council Committees, Commissions and Boards (“Advisory Bodies”).

The discussion from the Executive Committee of Council indicated the need to provide a separate Code of Conduct for Advisory Bodies, as appointed members are not held to the same legislative requirements as elected officials. This report provides the proposed Council policy, which can be approved by Council, by resolution, and can be amended at any time, at Council’s discretion.

3.0 GENERAL INFORMATION

The proposed Advisory Bodies Code of Conduct Policy (**Attachment 1**) is drafted to address appointed members of Committees, Commissions and other Council appointed bodies, based on the same foundational principles in the Council Code of Conduct Bylaw, adopted on April 3, 2023.

The purpose of the proposed Advisory Bodies Code of Conduct Policy is to promote a high standard of ethical conduct from those in appointed roles by proactively fostering respectful relationships between decision-making and advisory bodies of Council and City staff, contractors and volunteers, and with the public they serve and represent.

By requiring both Council and Committee members to act in accordance with their own Codes of Conduct, it protects the public interest as well as staff, contractors and volunteers who provide services to the City, while giving Council the authority to handle complaints, violations or other aspects of the policy effectively and efficiently.

The proposed Advisory Bodies Code of Conduct Policy is based on four foundational principles, which are prescribed in the provincial Principles for Codes of Conduct Regulation that make up the Council Code of Conduct Bylaw. These principles are as follows:

- a) Integrity: Integrity is conduct and behaviour that respects and upholds the public interest and promotes public confidence in local government. Integrity is based on honesty and the active demonstration of the highest ethical standards and professionalism in all dealings.
- b) Accountability: Accountability is conduct and behaviour that exhibits the willingness to account for and accept responsibility for one’s conduct, behaviours, words, actions and decisions.
- c) Respect: Respect is to behave and conduct oneself with politeness, honour, and care shown towards someone or something by demonstrating due regard, deference and consideration for the perspectives, wishes, beliefs, traditions, values and rights of others.
- d) Leadership and Collaboration: Leadership and collaboration are conduct and behaviour that demonstrates the ability to lead, guide, actively listen, mobilize and positively influence others, while encouraging people to come together to meet and work around a common goal or objective, or to resolve conflict through collective means and efforts.

Rather than requiring appointed members to adhere to *Community Charter* standards intended for elected officials under a bylaw, the Advisory Bodies Code of Conduct policy includes key governance expectations within the policy itself. Key sections include:

1. CONFLICT OF INTEREST

If an Appointed Member attending a meeting considers they are not entitled to participate in the discussion of a matter, or to vote on a question in respect of a matter, because the member has a direct or indirect pecuniary interest in the matter, or another interest in the matter that constitutes a conflict of interest, the Appointed Member must declare this and state in general terms the reason why the member considers this to be the case.

After making a conflict of interest declaration on a matter, the Appointed Member must not:

- i) remain or attend at any part of a meeting during which the matter is under consideration;
- ii) participate in any discussion of the matter at such a meeting;
- iii) vote on a question in respect of the matter at such a meeting; or
- iv) attempt in any way, whether before, during or after such a meeting, to influence the voting on any question in respect of the matter.

An Appointed Member who contravenes these conflict of interest requirements will have their appointment revoked unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Questions, concerns or complaints regarding any conflict of interest regarding an Appointed Member will be directed to the Corporate Officer or the CAO.

2. ACCEPTANCE OF GIFTS

An Appointed Member must not, directly or indirectly, accept a fee, gift or personal benefit that is connected with the Appointed Member's performance of the duties of their appointment.

Gifts or personal benefits that are received as an incident of the protocol or social obligations that normally accompany the responsibilities of the appointment or compensation authorized by law are exempt from this policy.

3. COMPLAINT PROCEDURE

Concerns or complaints will be submitted to the Corporate Officer or CAO.

When a complaint or concern has been alleged that an Appointed Member is not adhering to the Advisory Bodies Code of Conduct, the Corporate Officer or CAO will meet with the Appointed Member in confidence to address the concerns.

If there is not a mutually agreeable plan to resolve the complaint/concern, information will be brought before Council by the CAO or Corporate Officer, in a closed meeting, for Council consideration.

Where Council finds that an Appointed Member has breached this Advisory Bodies Code of Conduct, Council may decide by resolution to:

- i) require the Appointed Member to apologize to any person adversely affected by the breach;
- ii) counsel the Appointed Member;
- iii) terminate the Appointed Member’s appointment; or
- iv) implement such other measures as Council deems appropriate.

For clarity purposes, Council has the authority to revoke appointments to Appointed Members from any Advisory Body for other reasons outside of this policy at any time.

4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

Burnaby actively utilizes the City’s website as a primary platform for information sharing, and this policy once approved will be available online under the Committees, Commissions and Boards webpage. Following adoption of the proposed policy, staff will provide all Advisory Bodies in-person training during the Advisory Bodies’ orientation sessions planned for January 2024.

5.0 FINANCIAL CONSIDERATIONS

Not applicable.

Respectfully submitted,

Juli Halliwell, General Manager Corporate Services

ATTACHMENTS

Attachment 1 – Advisory Bodies Code of Conduct Policy (C-LS-2023-002)

REPORT CONTRIBUTORS

This report was prepared by Nikki Best, Director of Legislative Services.