

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.



ADVISORY BODIES CODE OF CONDUCT

Document Type: Council Policy

Effective Date:

Policy Number: C-LS-2023-002

Approved By:

A. BACKGROUND

On November 25, 2021 the Province of British Columbia added sections 113.1 and 113.2 to the *Community Charter* to require all local governments to publicly consider whether to establish a new code of conduct or revise an existing one within six months of a general local election. The last B.C. general local election was held on October 15, 2022.

The City of Burnaby Council adopted the Burnaby Code of Conduct Bylaw (Bylaw No. 14557) in Spring of 2023, in which Council recommended a separate policy be created for Appointed Members of the public who sit on committees, commissions and boards. The intent of this Policy is to set out clear yet distinct expectations from Appointed Members from elected Council members.

B. DEFINITIONS

Advisory Bodies

means Select and Standing Committees and Commissions, Boards and other ad hoc groups who have been appointed by Mayor and/or Council.

Appointed Member(s)

means an individual that has been appointed by the Council to serve on a Committee, Commission, or Board and includes representatives from third party organizations who have been appointed to sit on Committees. For clarity purposes, Appointed members do not include Council members or City staff.

City

means the City of Burnaby.

CAO means the employee appointed to the role of Chief Administrative Officer under section 147 of the *Community Charter*

Corporate Officer means the employee appointed to the role of Corporate Officer under section 148 of the *Community Charter*

C. PURPOSE

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

The common goal of members of Council, staff, and members of Advisory Bodies is to inspire public confidence and trust in local government. Due to their affiliation with the City, it is important that Appointed Members demonstrate respect for the City, its residents, City staff, and those elected and appointed to manage the operations of the City.

D. AUTHORITY

The Legislative Services department, under the direction and authority of the Corporate Officer, is responsible for the administration of this Policy.

E. PRINCIPLES AND STANDARDS OF CONDUCT

The four foundational principles prescribed in the Burnaby Code of Conduct Bylaw (Bylaw No. 14557) are the standards of conduct applicable to all Appointed Members:

1. 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.

2. 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.

3. 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.

4. 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.

F. POLICY

In addition to the foundational principles, Appointed Members will:

1. Always conduct themselves with integrity and will remain respectful of their duties and mindful always of the long-term results achieved for the benefit and protection of City of Burnaby residents.
2. Always conduct themselves with accountability and the willingness to account for and accept responsibility for their own conduct, behaviours, words, actions and decisions.
3. Be respectful and conduct themselves 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.
4. Refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other committee members, staff, members of the public, members of Council, and guests during meetings as well as interactions in person, via phone and all forms of written correspondence.
5. Be entitled to make comments expressing their opinions regarding matters before the Advisory Body or to Council if such statements clearly state they are putting forward personal views of the Appointed Member and not those of the Advisory Body or Council.

6. Not criticize the conduct of other Appointed Members, Council members, or staff who are often assigned as representatives to the Advisory Bodies. It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Appointed Members, staff, members of the public, Council Members, or the City of Burnaby in general at any time in any format.

G. 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:

1. a direct or indirect pecuniary interest in the matter, or
2. 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:

1. remain or attend at any part of a meeting during which the matter is under consideration;
2. participate in any discussion of the matter at such a meeting;
3. vote on a question in respect of the matter at such a meeting; or
4. 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.

H. 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.

I. COMPLAINT PROCEDURE

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

When a complaint or concern has been alleged that an Appointed Member is not adhering to this 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 improve the Appointed Member's behaviour, information will be brought before Council by the CAO or Corporate Officer, in a closed meeting of Council, and considered.

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

1. require the Appointed Member to apologize to any person adversely affected by the breach;
2. counsel the Appointed Member;
3. terminate the Appointed Member's appointment; or
4. 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.

J. RELATED CITY POLICIES AND PROCEDURES

- [Conflict of Interest Policy](#)
- [Respectful Workplace Policy](#)
- [Burnaby Procedure Bylaw](#)
- [Burnaby Code of Conduct Bylaw](#)

Review Date:

Amendment Date(s):
