

Code of Conduct for members of local boards and advisory committees

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Purpose statement

This document is a Code of Conduct for members of local boards and advisory committees. Formalized standards and guiding principles help to provide a useful reference guide and a supplement to the legislative parameters within which members must operate. Members shall act with honesty and integrity, serving in a diligent manner, and performing their duties in a manner which promotes public confidence.

This Code of conduct (Code) is a general standard. It augments the laws which govern the behaviour of members, it is not intended to replace personal ethics. This Code cannot anticipate all circumstances in which members may need to exercise judgment. It is the responsibility of every member to conduct themselves ethically and professionally. Members seeking clarification on any part of this Code should consult with the Integrity Commissioner or Town Clerk.

Members must recognize the need to uphold both the letter and the spirit of the law including policies adopted by Council. This Code is consistent with the principles of transparent and accountable government, and reflective of the town's core values.

Scope

This Code applies to all members of local boards and advisory committees (herein referred to as 'local boards'), both adjudicative and non-adjudicative. Members of Town Council are also bound by the Council Code of Conduct.

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. Some additional restrictions apply to adjudicative boards and these are specified below.

Guiding Principles

1. Members shall serve the public in a conscientious and diligent manner.
2. Members should be committed to performing their functions with integrity, impartiality, and transparency.
3. There is a benefit to municipalities when members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise.

Principles of Conduct

1. Avoidance of Conflicts of Interest

- a) Members shall comply with their responsibilities under the *Municipal Conflict of Interest Act* and avoid situations of real or apparent conflict of interest with respect to their service on the local board.
- b) 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.
- c) Members shall not engage in an occupation or the management of a business that conflicts with their ability to diligently carry out their role as a member of a local board, and shall not in any case profit directly or indirectly from such business that does or has contracted with the Town of Oakville.

2. Gifts and Benefits

- a) Members shall not accept fees, gifts or personal benefits that are connected directly or indirectly with their service on the local board, except compensation or reimbursement authorized by established policies, procedures, or by-laws.
- b) A gift provided with the member's knowledge to a family member that is connected directly or indirectly to their service on the local board, is deemed to be a gift to that member.

3. Accessibility

- a) Members will be aware and respectful of social, cultural and other differences and act in a manner that promotes an appreciation of diversity. Members must be aware of barriers which may restrict access and participation in a manner contrary to the town's [Accessibility policy](#).

4. Confidential information

- a) A member shall:
 - i. only be entitled to have access to information in the possession of the town that is relevant to matters before the local board or that is relevant to their role as a member. Otherwise, they have the same access rights to information as any member of the public;
 - ii. follow the procedures for requesting information contained in the [Access to Records and Information Policy](#) and related procedure; and
 - iii. have a continuing obligation to keep confidential information confidential, even if the member ceases to be a member.

b) A member shall not:

- i. obtain access, or attempt to gain access, to confidential information in the custody or control of the town except in accordance with the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*;
- ii. disclose, release or publish by any means, including social media, any confidential information acquired by virtue of his or her service on the local board, in any form, except when required or authorized by Council or otherwise by law to do so;
- iii. use confidential information for personal or private gain or benefit, or for the personal or private gain or benefit of any other person or body; or
- iv. disclose to any individual or corporate third party, any information until such time that the local board has been advised by staff that the matter, or any part of the matter, can be made public subject to review by the head or designate under the *MFIPPA* or if directed to do so by a court.

5. Use of town resources

- a) No member shall use for personal purposes any town resource, town staff services, property, equipment, services, supplies, websites, webboards, or other town-owned materials, other than for purposes connected with the discharge of their duties.
- b) No member shall obtain personal financial gain from the use or sale of town developed intellectual property (for example, inventions, creative writings and drawings), computer programs, technical innovations or any other item capable of being patented. Members acknowledge and do not dispute that all such property remains exclusively that of the Town of Oakville.
- c) No member shall use information gained in the execution of his or her duties that is not available to the general public, for any purposes other than his or her service on the local board.
- d) No member shall use the services of town staff, or make requests for documents or information from town staff, unless such information is required for the purpose of carrying out their duties as public officials.

6. Work of a political nature

- a) No member shall use for election campaign purposes, any town resource, town staff services, property, equipment, services, supplies, websites, webboards, or other town-owned materials, other than for purposes connected with the discharge of their duties.
- b) No member, while identifying themselves as a member of a local board, 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.

- c) If a member is seeking elected office personally, they may note their service on a town local board in their personal campaign materials as background information; however, these materials must not imply that the town or local board is contributing to or endorsing the member's campaign in any way.
- d) Members may not use town resources for any type of political activity, including promoting or opposing the candidacy of any person to elected office in any municipal, provincial and federal campaign.

7. Improper use of influence, business prospects

- a) Members shall be respectful of the fact that staff work for the whole corporation and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any other individuals.
- b) Members shall not exert undue influence on staff and shall not engage in any harassment of staff.
- c) 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.

8. Business relations

- a) 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, detrimentally or otherwise.
- b) No member shall borrow money from any person who regularly does business with the Town unless such person is an institution or company whose shares are publicly traded or who is regularly in the business of lending money, such as a bank or a credit union.
- c) No member shall act as an agent before Council or a committee of Council or any agency, board or committee of the Town.
- d) No member shall refer a third party to a person, partnership or corporation in exchange for payment or other personal benefit.

9. Communications

- a) Members shall accurately communicate recommendations and proceedings of their local board.
- b) If a member is contacted directly by the media, the member should refer the media to the local board's staff representative or the director of the town's Communications department, or designate.
- c) Members will keep confidential information confidential, until such time as the matter can properly be made public.
- d) In all media communications, including social media, members will treat each other, staff and members of the public with decorum, dignity and respect, and shall avoid messaging that amounts to abuse, bullying or intimidation.

10. Member conduct

Members shall:

- a) conduct themselves with decorum at all times;
- b) maintain proper control over meetings demonstrating respect for everyone who is involved in the meeting; and
- c) attend all meetings of the local board. If a member misses more than three (3) meetings during their term, the committee or board, after hearing and considering any explanation provided by the member, may ask the member to resign, or request that Council remove the member.

11. Respect for Town By-laws, Policies, and Workplace

- a) Members shall adhere to and encourage public respect for the local board, the town and its by-laws, policies and procedures.
- b) Members are governed by the Town's [Respectful Conduct Policy](#). All members have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation and to ensure that their work environment is free from discrimination and harassment.
- c) All complaints received involving members under the Respectful Conduct Policy shall be referred to the Integrity Commissioner for processing in accordance with the Integrity Commissioner – Inquiries/Advice Procedure.
- d) The *Ontario Human Rights Code* applies in addition to the Town's Respectful Conduct Policy.

12. Conduct Respecting Staff

- a) Members shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual member or faction of the Council.
- b) No member shall use, or attempt to use, their authority for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering in staff's duties, including the duty to disclose improper activity.
- c) Members shall respect the professionalism of staff, and not exert undue influence on staff.
- d) No member shall maliciously or falsely impugn or injure the professional or ethical reputation or the prospects or practice of staff, and all members shall show respect for the professional capacities of the staff of the Town.

13. Reprisals and Obstruction

- a) Members who are found by the Integrity Commissioner to have failed to comply with the Code of Conduct for members of local board and advisory committees may be subject to sanctions recommended by the Integrity Commissioner. Members may also be subject to such other remedial actions recommended by

- the Integrity Commissioner, if approved by Council, that directly flow from the action or behaviour of the member.
- b) Any complaint alleging failure to adhere to this Code by a member shall be referred to the Integrity Commissioner and the complaint will be dealt with in accordance with the [Integrity Commissioner – Inquiries/Advice procedure](#).
 - c) In extreme circumstances, members may be subject to removal from the local board or committee, or from their role as Chair of the local board or committee, if approved by Council.
 - d) It is a violation of this Code to obstruct the Integrity Commissioner in the carrying out of his/her responsibilities.
 - e) No member shall threaten or undertake any reprisal against a person initiating an inquiry or complaint under this Code, or against a person who provides information to the Integrity Commissioner in any investigation.
 - f) It is a violation of this Code to destroy documents or erase electronic communications or refuse to respond to the Integrity Commissioner where a formal complaint has been lodged under this Code.

14. Acting on Advice of Integrity Commissioner

- a) Any written advice given by the Integrity Commissioner to a member binds the Integrity Commissioner in any subsequent consideration of the conduct of the member in the same matter, as long as all the relevant facts were disclosed to the Integrity Commissioner, and the member adhered to the advice given.

15. Additional requirements applicable to members of adjudicative local boards

In addition to the other provisions of this Code, the following additional requirements are applicable with respect to member of adjudicative boards when conducting hearings, or other proceedings:

a) Communications

Members of adjudicative boards should 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.

b) Communications with Parties

- i. Written communication to an adjudicative 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 adjudicative board about current proceedings shall take place only in the presence of or with the consent of all parties.
- ii. Where a party is represented by a representative, all communication between the adjudicative board and the party shall be through the

representative, with the exception of notices of hearing, which shall be served upon all parties and their representatives known to the adjudicative board as appropriate.

c) Independent Nature of Adjudicative Boards

- i. The Chairs of adjudicative boards 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.
- ii. Members of adjudicative 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.
- iii. An adjudicative 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 adjudicative board. Under the Council Code of Conduct, members of Council are only permitted to communicate to the adjudicative board regarding a matter before the board by a letter addressed to the Secretary of the board or the appropriate municipal staff assigned to such board which is available to all parties.

Definitions

Adjudicative board: means a local board or committee which conducts hearings or other proceedings pursuant to law such as the *Statutory Powers Procedure Act*, including the following:

- i. Appeals Committee;
- ii. Committee of Adjustment;
- iii. Property Standards Committee; and
- iv. Municipal Election Compliance Audit Committee.

Adjudicator: means a person appointed by Town Council to an adjudicative board.

Clerk: means the Town of Oakville Town Clerk, or designate.

Code: means the "Code of Conduct for members of local boards and advisory committees" as established by Council pursuant to Section 223.2 of the *Municipal Act, 2001*.

Committee: means a committee, task force or other body constituted and appointed by Council, with the exception of adjudicative boards.

Complaint: means a written objection filed with the Integrity Commissioner pursuant to this Code and/or the *Municipal Conflict of interest Act* respecting a member.

Council: means the Council of the Corporation of the Town of Oakville.

Family: includes “child”, “parent” and “spouse” as those terms are defined in the *Municipal Conflict of Interest Act*, and also includes: step-child and grand-child, siblings and step-siblings, aunt/uncle, niece/nephew, first cousins, in-laws, including mother/father, sister/brother, daughter/son, any person who lives with the member on a permanent basis.

Gift: means money, fee, advance, payment, gift, gift certificate, promise to pay, property, travel, accommodation, entertainment, hospitality or any other personal benefit connected directly or indirectly with the performance of a member’s duties of office, but excludes:

- a. Compensation authorized by law;
- b. Political contributions otherwise reported by law, in the case of members running for office;
- c. Services provided by persons volunteering their time;
- d. Contributions of value that are specifically addressed in other provisions of this Code
- e. Gifts provided to the Town of Oakville and which are logged, archived and/or publicly displayed as such.

Integrity Commissioner: means the Integrity Commissioner appointed by Council pursuant to section 223.3 of the *Municipal Act, 2001*.

Local board: any board, commission, committee, body or local authority established or existing any power under any Act with respect to the affairs or purposes of the Town, including but not limited to those set out in Appendix A, excluding a school board, conservation authority, public library board, police services board, Oakville Enterprises Corporation and its subsidiaries, or the Oakville Municipal Development Corporation (O. Reg. 599/06).

Member: means a member of a local board of the Town of Oakville.

Publications: means communication to the offices of a Member, including subscriptions to newspapers, and periodicals.

Social media: means publicly available, third party hosted, interactive web technologies used to produce, post and interact through text, images, video and audio to inform, share, promote, collaborate or network.

Staff: means direct employees of the town whether full-time, part-time, contract or casual (including students and volunteers).

Town: means The Corporation of the Town of Oakville.

Town resources: includes, but it is not limited to, facilities, infrastructure, assets, branding, intellectual property, equipment, supplies, services, staff or any resource that belongs to or is funded by the town.

References and related documents

Council Code of Conduct

Employee Code of Conduct

Municipal Act, 2001;

Municipal Conflict of Interest Act (MCIA);

Municipal Elections Act, 1996;

Municipal Freedom of Information and Protection of Privacy Act (MFIPPA);

Criminal Code of Canada

Human Rights Code

Respectful Conduct Policy

Integrity Commissioner – Inquiries/Advice Procedure

Council – Employee Relations Policy

Accessibility Policy

Terms of Reference for each local board

Procedure By-law

Statutory Powers Procedure Act

Appendices

Appendix A – List of local boards

Appendix A

A local board is defined as any board, commission, committee, body or local authority established or existing any power under any Act with respect to the affairs of purposes of the Town, excluding a school board, conservation authority, public library board, police services board, or Oakville Enterprises Corporation and its subsidiaries, or the Oakville Municipal Development Corporation (O. Reg. 599/06).

This list may not be all inclusive and shall be amended by the Clerk's department, as required.

Boards

Bronte Village BIA

Downtown Oakville BIA

Kerr Village BIA

Visit Oakville

Town of Oakville Water & Air Rescue Force (T.O.W.A.R.F) |