



## **Staff Report for Council Meeting**

**Date of Meeting:** April 12, 2023

**Report Number:** SRCFS.23.022

**Department:** Corporate and Financial Services

**Division:** Office of the Clerk

**Subject:** **SRCFS.23.022 Code of Conduct for Local Boards**

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### **Purpose:**

The purpose of this report is to recommend for adoption a Code of Conduct for Local Boards (attached as Appendix “A” to staff report SRCFS.23.022) as required pursuant to section 223.2(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25

### **Recommendation(s):**

- a) That Staff Report SRCFS.23.022 regarding Code of Conduct for Local Boards be received.
- b) That Council adopt the Code of Conduct for Local Boards attached as Appendix “A” to staff report SRCFS.23.022.
- c) That Council direct City staff to prepare and present draft Rules of Procedure, pursuant to section 25.1 of the *Statutory Powers Procedure Act*, R.S.O. 1990, Chapter s. 22, to the City’s Adjudicative Local Boards for their consideration.

### **Contact Person:**

Stephen M.A. Huycke, Director, Legislative Services/City Clerk, extension 2529

Antonio Dimilta, City Solicitor, extension 2513

### **Report Approval:**

**Submitted by:** Sherry Adams, Commissioner of Corporate and Financial Services

**Approved by:** Darlene Joslin, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

## Page 2

### Background:

Section 223.2(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 requires a municipality to establish codes of conduct not only for members of the council of the municipality, but also for its local boards.

A “local board” is defined as a municipal service board, transportation commission, public library board, board of health, police services 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. It should be noted that the definition of local board for the purposes of the applicability of the Code of Conduct would exclude a board as defined in section 1 of the *Public Libraries Act*.

The City of Richmond Hill has several local boards, both adjudicative and non-adjudicative. The Committee of Adjustment would be an example of an adjudicative local board, whereas a BIA would be an example of a non-adjudicative local board.

Appendix “A” of this report provides a draft Code of Conduct for local boards. It follows the same organizational structure as the Council Code of Conduct. Definitions and commentary contained in the Council Code of Conduct may apply, where relevant, with necessary modifications and may be referred to for clarification and interpretive assistance in understanding. Provisions of the Council Code of Conduct, which are not relevant to members of local boards, have been eliminated.

Similar to the Council Code of Conduct, the City’s Integrity Commissioner would be responsible to perform, in an independent manner, the functions assigned in the Code of Conduct for Local Boards and the *Municipal Act, 2001*.

Any individual, including members of the public, staff, and another member, who has reasonable grounds to believe that a member has contravened the Code of Conduct for Local Boards, may proceed with a complaint pursuant to the Integrity Commissioner Procedures and in accordance with the *Municipal Act, 2001*.

If the Integrity Commissioner finds that a member has contravened the Code of Conduct for Local Boards, the Integrity Commissioner may recommend and Council may impose one of the following penalties on that Member:

- (a) A reprimand; or
- (b) The suspension of the remuneration paid to that Member (if any) for a period of up to 90 days.

Further, Council may impose other remedial actions recommended by the Integrity Commissioner that directly respond to the action or behaviour that is found by the Integrity Commissioner to have contravened the Code of Conduct for Local Boards.

## **Page 3**

Members are subject to removal from the local board or removal as chair of the local board by Council.

If Council approves the proposed Code of Conduct for Local Boards, the Office of the Clerk will advise all local Boards and Members of the adoption. Staff will make themselves available to these Members to generally explain the Code of Conduct for Local Boards and the applicable legislation.

Further, and in any event, pursuant to section 25.1 of the *Statutory Powers Procedure Act*, R.S.O. 1990, Chapter s. 22, the City's Adjudicative Local Boards may make their own rules governing their respective practice and procedure. There are practical advantages to having written rules of procedure for purposes of improving access and fostering consistency.

### **Financial/Staffing/Other Implications:**

The recommendations of this report do not have direct financial, staffing or other implications.

### **Relationship to Council's Strategic Priorities 2020-2022:**

The Code of Conduct for Local Boards aligns with the Priority of Strong Sense of Belonging and the City's commitment to make everyone feel welcome in Richmond Hill.

### **Climate Change Considerations:**

Climate Change considerations are not applicable to this staff report.

### **Conclusion:**

Appendix "A" provides a Code of Conduct for Local Boards required pursuant to section 223.2(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25.

### **Attachments:**

The following attached documents may include scanned images of appendixes, maps and photographs. All attachments have been reviewed and made accessible. If you require an alternative format please call the contact person listed in this document.

- Appendix "A" – Code of Conduct for Local Boards

## Page 4

### Report Approval Details

Document Title:	SRCFS.23.022 Code of Conduct Local Boards.docx
Attachments:	- Appendix A Code of Conduct for Local Boards.doc
Final Approval Date:	Mar 31, 2023

This report and all of its attachments were approved and signed as outlined below:

**Antonio Dimilta - Mar 31, 2023 - 3:28 PM**

**Sherry Adams - Mar 31, 2023 - 3:42 PM**

**Darlene Joslin - Mar 31, 2023 - 4:36 PM**