



PARK BOARD CODE OF CONDUCT POLICY

Park Board Committee Meeting
Monday, July 18, 2022



The purpose of this presentation is to report back with recommendations for a new code of conduct policy applicable to the Park Board Commissioners based on a review of best practices, consultation with the City of Vancouver's Integrity Commissioner and consideration of the City's Code of Conduct By-law.

- On October 1, 2019, Council passed a motion directing staff to review the operation of the current code of conduct policy and report back.
- On January 20, 2021, Council passed a motion directing the City Solicitor to bring forward the Code of Conduct By-law prepared by staff for enactment, and directed the City Manager to conduct a selection process and to put forwarded a recommended candidate for Integrity Commissioner. Council also approved a budget of \$200,000 for the Integrity Commissioner in 2021.
- On February 9, 2021, Council enacted Code of Conduct By-Law No. 12886 (the “By-Law”) and amended Code of Conduct Policy AE-028-01 to exclude elected officials and remove sections related directly to elected officials.
- On January 4, 2022, Council announced that it had appointed Lisa Southern as the City of Vancouver’s first Integrity Commissioner, effective January 1, 2022.

- The Code of Conduct By-Law enacted by Council in February 2021 does not apply to Commissioners or Park Board Appointed Advisory Board Members.
- In response to May 17, 2021 motion, Staff have prepared a code of conduct policy for Commissioners and Park Board appointed Advisory Board Members modeled on the Council By-law.
- In preparing both the Council by-law and the proposed Park Board policy, staff considered best practices in promoting and enforcing ethical standards, including reviewing both relevant academic literature and ethics regimes in other large municipalities in Canada.
- Staff additionally considered past practice under the City's previous code policy and current practice under the By-law.

- Staff propose that the Code of Conduct be in the form of a policy passed by resolution of the Park Board.
 - Park Board does not have authority to pass a code of conduct by-law.
 - Functional difference is minimal.
- The Code of Conduct Policy only applies to Commissioners and Advisory Board Members.
 - Does not apply to staff conduct, but does apply to complaints made by staff against Members.

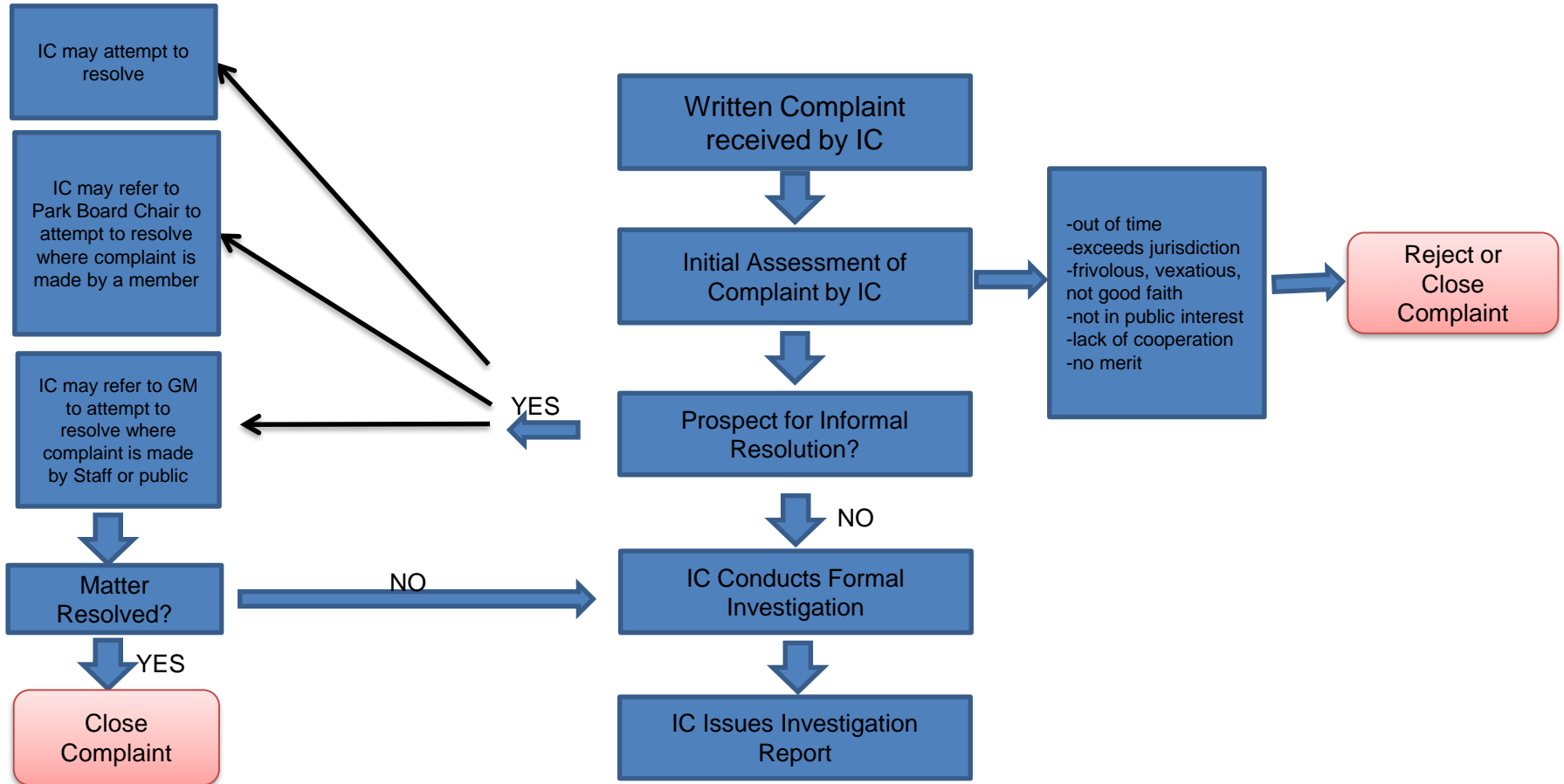
- Part 1: Standards and Values
 - Sets out standards and values: competence, fairness, integrity, leadership, respect, responsibility and transparency.
- Part 2: Communications and Confidentiality
 - Expectations regarding public communications and handling of confidential information
- Part 3: Conflicts of Interest
 - Use of municipal assets and services
 - Election activities
 - Influence
 - Gifts or Personal benefits

- Does not apply to conduct that may subject a Commissioner to disqualification under the *Vancouver Charter*.
- For ex. conflicts of interest where a Commissioner has a pecuniary interest.
- Vancouver Charter provides a remedy through application to a Court.
- Integrity Commissioner (IC) must reject any complaint that would more appropriately be addressed through another process.

- Appointment
 - By 2/3 majority of Commissioners.
 - Set term of 2 years.
- Duties and Responsibilities
 - Provide advice and recommendations;
 - Educate members, City staff and the public;
 - Assist with the informal resolution of complaints and confidential requests;
 - Conduct intake processes for complaints and, where warranted, investigate complaints;
 - Report to Park Board with recommendation on complaints;
 - Submit an annual budget for approval by Board;
 - Publish an annual report summarizing work and any advice and recommendations for improvements to the Code; and
 - Make a recommendation to Council on reimbursement of legal fees.

- Confidential Requests:
 - Identity of person is confidential (unless consent to disclose)
 - No formal complaint filed
 - IC attempts to informally address conduct with member
- Complaint Process
 - Preliminary Assessment by IC
 - Potential for Informal Resolution
 - Formal Investigation process

Summary of Complaint Process



- If IC determines no breach of Code:
 - Written report with reasons issued to Complainant, Respondent and Park Board with public release 48 hours after.

- If IC determines that Code has been breached:
 - IC must prepare written investigation report providing reasons for the determination;
 - Report must make recommendations as to appropriate sanctions, or if member took reasonable steps to avoid breach, breach is trivial, inadvertent or an error in judgment made in good faith, IC may recommend no sanction be imposed;
 - IC must deliver confidential report to Respondent;
 - 48 hours after delivery of report to Respondent, IC must deliver report to the Complainant and Park Board;

- After delivery of report to Complainant and Council, IC must make the report available to the public

- Park Board determines the appropriate sanctions to be imposed
- Park Board must make determination within 30 days of receipt of report (unless Park Board votes to extend)
- Prior to making determination, Respondent must be provided an opportunity either in person or in writing to comment on the decision and any recommended sanctions
- Park Board must deliberate and vote on the report in a public meeting

- Park Board specific definitions and procedures.
- Updates to standards and values.
- Recommended changes:
 - clarification that complaints by staff against Commissioners or Advisory Board Members will be subject to the complaint and resolution procedures set out in the proposed Policy;
 - expanded disclosure to General Manager in the case of staff complaints to ensure workplace obligations are met;
 - clarification that the Integrity Commissioner has the power to make recommendations on the reimbursement of legal fees incurred in relation to a complaint; and
 - the ability to make orientation and education sessions mandatory.

- The Province recently passed [Bill 26 – 2021: Municipal Affairs Statutes Amendment Act \(No. 2\), 2021](#) (the “Act”), with [Sections 53 & 54](#) of the Act [brought into force](#) on June 13, 2022.
- These sections amend the Vancouver Charter to require both Council and Park Board to consider establishing a code of conduct, or determine whether to review any existing code of conduct, within six (6) months after its first meeting following a general election.
- Should the Board approve the proposed Policy, within 6 months of the first meeting of the Park Board after the election on October 15, 2022, the Board will be required to consider whether to review the Policy. It may be possible to coordinate this review with the annual budget and annual report process for the Integrity Commissioner contemplated in the proposed Policy.

- On June 13, 2022, the Province also enacted the Principles for Codes of Conduct (Vancouver Charter) Regulation (the “Regulation”) which set out four principles that both Council and the Park Board must consider in establishing or determining whether to review any existing code of conduct. These principles are as follows:
 - members must carry out their duties with integrity;
 - members are accountable for the decisions that they make, and the actions that they take, in the course of their duties;
 - members must be respectful of others; and
 - members must demonstrate leadership and collaboration.

- While the Regulation only applies to prescribed reviews under the Act, the proposed Policy does seek to address each of these principles.
- Integrity, respect and leadership in the public interest are expressly identified in Section 1.1 as standards and values that a Member must uphold.
- The complaint and resolution procedures hold Members accountable through third party adjudication by an Integrity Commissioner.
- Additional wording has been added to leadership in the public interest to address collaboration by specifying that Members must act both individually, and jointly with other Members, in the best interests of the Park Board.

- To align with best practices, staff recommend the Park Board approve the recommendations outlined in the report. Upon approval, the proposed Park Board Code of Conduct Policy, will come into force immediately and be applicable to the conduct of Commissioners and Park Board appointed Advisory Board Members.
- Additionally, the General Manager will identify a candidate for Integrity Commissioner to recommend for approval by the Park Board. As per Section 4.6 of the proposed Policy, the General Manager may appoint an ad hoc Integrity Commissioner in the interim.
- As well, per the recent legislative changes to the Vancouver Charter, the Code of Conduct policy will be presented to the Board within six months of the first meeting following the 2022 municipal election to decide whether the Policy should be reviewed.

- A. THAT the Vancouver Park Board approve the proposed Code of Conduct Policy in the form attached as Appendix “A” to this report.

- B. FURTHER THAT the Park Board direct the General Manager, Parks and Recreation, to identify and recommend a candidate for Integrity Commissioner for approval by the Park Board.

