



City of Hamilton
SENIORS ADVISORY COMMITTEE
AGENDA

Meeting #: 23-01
Date: January 6, 2023
Time: 10:00 a.m.
Location: YouTube Channel Streaming for Virtual Meetings
All electronic meetings can be viewed at:
City's YouTube Channel:
<https://www.youtube.com/user/InsideCityofHamilton>

Lisa Maychak, Senior Manager, Age-Friendly City (905) 546-2424 ext. 1721

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1. CEREMONIAL ACTIVITIES	
1.1 Land Acknowledgement	
2. APPROVAL OF AGENDA	
(Added Items, if applicable, will be noted with *)	
2.1 January 6, 2023	
3. DECLARATIONS OF INTEREST	
4. APPROVAL OF MINUTES OF PREVIOUS MEETING	
4.1 December 2, 2022	5
5. COMMUNICATIONS	
6. DELEGATION REQUESTS	
7. CONSENT ITEMS	
8. PUBLIC HEARINGS / DELEGATIONS	

9. STAFF PRESENTATIONS

- 9.1 Tania Amaral- Senior Project Manager, Special Supports, Healthy & Safe Communities Department, City of Hamilton - Snow Angels

10. DISCUSSION ITEMS

10.1 Working Groups

10.1.a Getting Around Hamilton Working Group

10.1.b Elder Abuse Working Group

10.1.c Housing Working Group

10.1.d Communications Working Group

10.2 Working Committees

10.2.a Age-Friendly Plan Governance

10.2.b Senior Kick Off Event

10.2.c International Day of Older Persons

10.2.d McMaster Institute of Research

10.2.e Ontario Health Coalition

- Member C. Fernandes will continue to send out communication through L. Maychak to members via email.

10.2.f Our Future Hamilton

10.2.g Senior of the Year Award

11. MOTIONS

12. NOTICES OF MOTION

13. GENERAL INFORMATION / OTHER BUSINESS

- 13.1 Code of Conduct Review and Feedback by AC's January 2023

15

- 13.2 Approval of SAC's 2018-2022 Achievements

13.3 April Meeting date falling on Stat holiday

14. PRIVATE AND CONFIDENTIAL

15. ADJOURNMENT



Hamilton

Committee

December 2, 2022

Minutes 22-012

10:00am –

Due to the COVID-19 and the Closure of City Hall

All electronic meetings can be viewed at:

City's YouTube Channel

<https://www.youtube.com/user/InsideCityofHamilton>

In Attendance:

Penelope Petrie (Chair), Maureen McKeating, Marian Toth, Marjorie Wahlman, Ann Elliott, David Broom, Peter Lesser, Alexander Huang, Tom Manzuk, Sheryl Boblin, Noor Nizam

Also, in Attendance:

Lisa Maychak, Project Manager, Healthy & Safe Communities Department
Kim VanderMeulen, Program Secretary, Healthy & Safe Communities Department
Graeme Wallace, Program Secretary, Healthy & Safe Communities Department

Absent with Regrets:

Aref Alshaiikhahmed, Sarah Shallwani, Councilor N. Nann, Councilor T. Jackson, Kathryn Wakeman, Carolann Fernandes,

Absent: Kamal Jain, Steve Benson,

1. CEREMONIAL ACTIVITIES (Item 1)

- (i) Land Acknowledgement presented by A. Elliott.

P. Lesser has volunteered to read the Land Acknowledgement at the next meeting.

2. APPROVAL OF AGENDA (Item 2)

The Chair advised the Committee of the following changes to the agenda:

- (i) Addition of Communication received from Sarah Shallwani (Item 13.7)
- (ii) Age-Friendly Survey (Item 13.8)

(S. Boblin/A. Huang)

That the Seniors Advisory Committee approves the December 2, 2022 agenda, as amended.

CARRIED

3. APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

- (i) Spelling correction of D. Broom's surname.

(M. Wahlman/A. Elliott)

That the Seniors Advisory Committee approves the September 9, 2022 minutes, as amended.

CARRIED

4. DISCUSSION ITEMS (Item 10)

- (i) **Working Groups (Item 10.1)**

(M. Wahlman/P. Lesser)

That the following updates be received:

(a) Getting Around Hamilton Working Group

- There are no updates from this working group.

(b) Elder Abuse Working Group

A. Elliott reported this working group had a discussion on a draft motion submitted by D. Broom regarding Shalom Village. A suggestion was submitted to invite Sheila from Elder Abuse Ontario to this working group for a future meeting. M. Wahlman stated that A. Alshaikhahmed is now the new chair of the Elder Abuse Working Group.

(c) Housing Working Group

M. Toth reported the motion for Heat Mitigation was accepted from City Council. M. Toth was invited to attend an Age-Friendly Collaborative meeting and presented Housing Working Group activities undertaken. M. Toth will be meeting with L. Maychak and Kamba Ankunda, Housing Services to discuss the scope of the housing guide and its requirements.

(d) Communication Working Group

D. Broom reported that the last Communication Working Group meeting was cancelled and will be re-scheduled in January.

D. Broom also attended the Age-Friendly Collaborative meeting and highlighted the activities and achievements the Communication Working Group has made progress on.

CARRIED

(ii) Working Committees (Item 10.2)**(M. Wahlman/P. Lesser)**

That the following updates be received:

(a) Age-Friendly Plan - Governance Committee

A. Elliott reported that the Hamilton Council on Aging was not successful at obtaining a grant that looks at equity and dementia-friendly education but are pursuing other funding." The committee approved the terms of reference and are now looking at more recruitment for goal champions. Request to the committee for any suggestions of potential second goal champion partners from the community around transportation and public and outdoor spaces to please contact either A. Elliott or P. Petrie. L. Maychak will follow up with an email to the Senior's Advisory Committee to explain in detail what specifically the committee is looking for.

(b) Seniors Kick Off Event

- There are no updates from this committee.

(c) International Day of Older Persons Committee

L. Maychak reported the International Day of Older Persons event took place in October. M. Wahlman and A. Huang attended this event. M. Wahlman and A. Huang both reported the presentations were phenomenal, but the event was not as well attended as it has been in the past.

(d) McMaster Institute for Research on Aging

B. Spinner provided an update that this working committee no longer exists but will do some follow up with McMaster Institute on Research and Aging's Chief Executive Officer about other possible opportunities. The Seniors Advisory Committee will keep this item on the agenda at this time. P. Petrie has offered to reach out to her contacts at McMaster and see if there is another group that would be a good fit with the Seniors Advisory Committee. L. Maychak suggested that we invite Brenda Vrkljan to a future meeting to present on her research.

(e) Ontario Health Coalition

- Member C. Fernandes will continue to send the committee email updates through L. Maychak.

(f) Our Future Hamilton Update

- There are no updates from this committee.

(g) Senior of the Year Award

Seniors Advisory Committee members reported the Senior of the Year Award was a fantastic event and L. Maychak did an amazing job organizing it.

CARRIED

~~6.~~ MOTIONS**65. MOTIONS (Item 11)**

D. Broom put forward the following motion:

(i) Ongoing Abuses in Long Term Care Homes in the City of Hamilton

(D. Broom/Sheryl Boblin)

WHEREAS up until the end of January 2021, 119 deaths attributed to COVID 19 occurred in the 28 Long-Term Care homes in the City of Hamilton with 70% of those deaths in just 4 long-term care homes. One of those long-term care homes is Shalom Village, 60 Macklin St. N., Hamilton (Ward 1) where 17 deaths occurred.

WHEREAS, on April 9, 2022, CBC News article reported the Ministry of Long-Term Care inspectors allege the abuse at Shalom Village Long-Term Care home went undocumented, the home didn't do police checks on new employees and didn't follow proper protocol during a COVID-19 outbreak, among other things.

WHEREAS the inspection at the home with 127 licensed beds was conducted throughout the month of January and published online on Feb. 28. It resulted in 22 written notices, including the failure to protect residents from abuse, 16 voluntary plans of correction and five compliance orders.

WHEREAS the orders were each given dates to comply by, ranging from May 2, 2022, to Aug. 1, 2022.

WHEREAS the province says a registered practical nurse (RPN) watched a personal support worker (PSW) "inappropriately apply an intervention" to a resident, the "intervention" was a skin cream. The incident was not reported to management until four days after it had occurred, and there was no documentation of the incident or assessments conducted," read the inspection. As a result, [the PSW] was able to return to work and another abuse incident occurred. Shalom Village says the PSW who allegedly abused residents were "immediately removed from the home" and it "addressed the related training issues." Shalom

Village also says in the second alleged incident, nursing staff promptly contacted police and the home "fully cooperated with their investigation. "Police told CBC News that occurred in August 2021 and was for assault, not sexual misconduct". Police did not say if any charges resulted from the case.

WHEREAS there was a case of alleged neglect when a resident was hurt while two PSWs were caring for them, but the report states it has no written statements or eyewitness accounts from either PSW. "When interviews were not conducted with all witnesses as part of an alleged abuse investigation, the results of the investigation may have been inaccurate, which placed residents at risk for being abused in the future," the report read.

WHEREAS The Hamilton Spectator now reports on Wednesday November 23, 2022 "More allegations of abuse at Shalom Village that a second provincial inspection of Shalom Village again raises allegation of abuse, delays in reporting and insufficient background checks of staff.

WHEREAS infection, prevention, and control (IPAC) have been found for a second time at the home on Macklin Street north, Hamilton. The inspection also claims food service workers were so unaware of resident's diets that a senior was served a meal known to make them sick.

WHEREAS leadership has been in upheaval during the pandemic with a revolving door of CEO's, administrators, and directors of care. As of July 2022, a former CEO has returned to Shalom Village to take charge. Yet the Ministry of Long-Term Care inspection, carried out on multiple dates from August 11 to September 1, resulted in one compliance order stemming from allegations of abuse and neglect involving consent and pain management issues. In addition, the report revealed the home didn't comply with an order from the February inspection to train all staff by May 2nd on the province's zero tolerance policy of abuse and neglect of residents.

WHEREAS the inspector found 10 staff members hired between May and July did not go through proper checks. Over the course of the pandemic, the province has allowed homes to hire staff

while police checks were pending. However, the new hires are supposed to sign declarations that list any criminal charges, orders, or convictions as well as findings or proceedings around misconduct. However, no declarations were done until July 21, despite the inspection in February flagging issues around police checks. The PSW at the center of sexual abuse allegations in the first inspection hadn't been properly checked by the home.

WHEREAS a staff member is alleged to have given a resident medication despite the senior adamantly refusing it. The inspector found documentation validating the resident didn't need the medication that was supposed to only be given when required.

WHEREAS another resident was alleged to have been frequently denied pain medication by the staff member. The resident and family members complained about the pain medication being withheld but the inspection found no investigation (by the home) was done. "Failing to investigate allegations of neglect may have placed the resident and others at risk" stated the inspection. In addition, the resident alleged they were physically harmed three times, but no investigation was done despite a charge nurse being informed. There is no indication the police were informed as required under the Long-Term Care Act. The home was ordered to give the problem staff member education on what constitutes abuse and neglect as well as residents' rights, consent, and pain management. It was also ordered to ensure allegations of abuse and neglect against a specific resident are immediately reported and investigated. The director of care and their assistant were ordered to review the home's policy on mandatory reporting.

WHEREAS allegations around delayed reporting abuse, Shalom Village was also accused of failing to immediately report an unexpected death. The death occurred after the resident was sent to hospital because of a "significant unexpected change" in their health. The inspection claims the director wasn't immediately informed about it and Shalom Village waited two

days to put the death into the province's critical incident reporting system.

WHEREAS the inspection also found failings when it came to an altercation between two residents that resulted in injuries, none bad enough to require hospitalization. Both residents had a documented history of this type of behavior. There is no indication of any police involvement as required under the Long-Term Care Act.

WHEREAS the inspection flagged concerns about food service workers being unaware of resident's diets, preferences, and special needs. A resident approached the inspector to express concern about being served a food that was known to make them sick despite it being written in their care plan as off limits.

WHEREAS in a second case, a resident had specific nutritional needs related to a health condition that weren't being met despite several complaints from the senior and their family.

THEREFORE, BE IT RESOLVED:

- (a) That Council for the City of Hamilton, the councilor for Ward 1 be made aware of the flagrant and ongoing abuses at Shalom Village; ~~and -~~
- (b) That Council for the City of Hamilton request that the Ministry of Long-Term Care Ontario take charge of Shalom Village until such time as home is compliant and proper leadership is in place to mitigate any future abuses at this home.

CARRIED

(M.Wahlman/P. Lesser)

CARRIED

7. GENERAL INFORMATION/OTHER BUSINESS (Item 13)

(A. Elliott/M. McKeating)

That the following information be received:

(i) Role of Secretary (Item 13.1)**(A. Huang/D. Broom)**

The Seniors Advisory Committee (SAC) is looking for volunteer to fill the role of the secretary for this term. Member Tom Manzuk has volunteered to take on this role.

CARRIED

(ii) 2023 Procedural Handbook (Item 13.2)

A reminder to the Senior Advisory Committee to review the 2023 Procedural Handbook and send any feedback to L. Maychak by January 31, 2023, who will forward to Clerks.

(iii) Follow up on Heat Mitigation motion (Item 13.3)

M. Toth provided an update that Council has approved this motion.

(iv) Motion to approve SACs 2018-2022 Achievements (Item 13.4)

This item will be brought back in January to the agenda once L. Maychak provides updates on the status of motions previously submitted by the Seniors Advisory Committee.

(v) 2018-2022 Achievements (Item 13.6)

P. Petrie provided a presentation on the Senior Advisory Committee's achievements and the request for 2023 budget to Emergency and Community Services Committee. This will now proceed to council for approval.

(vi) Communication from Sarah Shallwani (Item 13.7) (D. Broom/M. Wahlman)

S. Shallwani has submitted her resignation to the Senior Advisory Committee (SAC). The SAC committee has accepted her resignation.

(vii) Age-Friendly Survey (Item 13.8)

The Age-Friendly survey will be emailed to members of this committee by L Maychak. Seniors Advisory Committee members are asked to share this survey with their contacts. Survey link: www.emailmeform.com/builder/emf/HCoA/2022AgeFriendlyHamilton

8. ADJOURNMENT (Item 15)

(A. Huang)

That the Seniors Advisory Committee be adjourned at 12:04

CARRIED

Next Meeting: January 6, 2023

Authority: Item,
Report (FSC21081 (A))
CM:
Ward: City Wide

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

To ESTABLISH A CODE OF CONDUCT FOR LOCAL BOARDS

WHEREAS sections 8, 9 and 10 of the Municipal Act, 2001 authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes; and

WHEREAS subsection 223.2(1) of the Municipal Act, 2001 requires the City of Hamilton to establish a code of conduct for members of its local boards;

NOW THEREFORE the Council of the City of Hamilton enacts the following Code of Conduct for Local Boards:

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The Code of Conduct for Local Boards shall be as set forth in Schedule 1 to this By-law.
2. This By-law comes into force on the day it is passed.

PASSED this _____, 2022.

F. Eisenberger
Mayor

Andrea Holland
City Clerk

Schedule 1

CITY OF HAMILTON CODE OF CONDUCT FOR LOCAL BOARDS

Part 1

General Introduction, Framework, and Interpretation
Guiding Principles

- 1: Avoidance of Conflicts of Interest
- 2: Gifts, Benefits and Hospitality
- 3: Confidential Information
- 4: Use of City Resources
- 5: Election Campaigns
- 6: Improper Use of Influence
- 7: Business Relations
- 8: Member Conduct
- 9: Media Communications
- 10: Respect for the Town By-laws and Policies
- 11: Respectful Workplace
- 12: Conduct Respecting Staff
- 13: Reprisals and Obstructing
- 14: Acting on Advice of Integrity Commissioner

Part 2

Adjudicative Boards

- 15: Additional Requirements for Members of Adjudicative Boards
- 16: Communications with Parties
- 17: Independent Nature of Adjudicative Tribunals

Part 3

Complaint Protocol

Consequences of Failure to Adhere to Code of Conduct

Part 1

General Introduction, Framework, and Interpretation

This document is a Code of Conduct for members of Local Boards, both adjudicative and non-adjudicative. 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.

This Code of Conduct is to be given broad, liberal interpretation in accordance with applicable legislation and the definitions set out herein. Commentary in this Code is illustrative and not exhaustive.

Members shall seek to serve the public interest by upholding both the letter of the law and the spirit of the laws and policies established by the Federal parliament, Ontario legislature, and by City Council. The provisions of this Code are intended to be applied in concert with existing legislation and go beyond the minimum standards of behaviour set out in current federal and provincial statutes.

Guiding Principles

Members shall act with honesty and integrity, serving in a diligent manner, and performing their duties in a manner which promotes public confidence.

Members are expected to perform their duties as a member of the Local Board and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.

Members shall serve the public in a conscientious and diligent manner.

Members should be committed to performing their functions with integrity, impartiality and transparency.

Members shall perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.

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.

Definitions:

"Adjudicative Board" means a Local Board that functions as a tribunal

"Council" means the Council of the City of Hamilton

"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, and niece/nephew
- in-laws, including mother/father, sister/brother, daughter/son
- any person who lives with the Member on a permanent basis.

"Local Board" means a Local Board as defined in s.223.1 of the *Municipal Act*, or s. 1 of the *Municipal Conflict of Interest Act*, and includes citizen advisory committees and other bodies established by Council whose members are appointed by Council;

"Member" means a member of a City of Hamilton Local Board;

"Staff" includes employees, seasonal and contract workers, and volunteers of the City of Hamilton and/or of a City of Hamilton Local Board;

Rule 1: Avoidance of Conflicts of Interest

In this Rule:

1. A disqualifying interest is an interest in a matter regarding which a reasonable person fully informed of the facts and circumstances would conclude that the Member could not participate impartially in the decision-making process related to the matter either because to do so would not be in compliance with the Municipal Conflict of Interest Act, or, because the Member's relationship to persons or bodies involved in the matter or affected by the decision is so close, a reasonable person would conclude that the Member could not effectively carry out their public duty with impartiality.

2. A non-disqualifying interest is an interest in a matter that, by virtue of the relationship between the Member and other persons or bodies associated with the matter, is of such a nature that a reasonable person fully informed of the facts and circumstances would conclude that the Member could still participate impartially in the decision-making processes related to the matter only so long as:

The Member fully discloses the interest so as to provide transparency about the relationship; and

The Member states why the interest does not prevent the Member from making an impartial decision on the matter.

3. Members shall not participate in the decision-making processes associated with their role or position when they have a disqualifying interest in a matter. Participation includes attempting to influence an outcome, whether the decision to be made is to be made by the Local Board or a member of staff with delegated authority or operational responsibility.

4. Members may participate in the decision-making process related to a matter in which they have a non-disqualifying interest provided they file at their earliest opportunity a Transparency Disclosure in a form and manner established by the City Clerk acting in consultation with the Integrity Commissioner.

5. 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.
6. Members shall not appear before their Local Board on their own behalf or as a representative on behalf of any party.
7. Members shall not contract with the Local Board for the sale, rental or purchase of supplies, services, material or equipment, and shall not engage in the management of a business or otherwise profit directly or indirectly from a business that relies on an approval from the Local Board.

Commentary

Members of BIAs will frequently have an interest in common with other members of the BIA in matters that come before the Board, and as such would be exempted from the obligation to declare a disqualifying interest. Care should be taken however to recognize the existence of a disqualifying interest when the Member stands to gain or otherwise benefit in a manner that can be differentiated from others in the BIA. For example, while all members of the BIA would similarly benefit from the holding of a festival, any BIA member who supplies goods or services to the festival at a profit or loss would have a disqualifying interest in the event. The display of merchandise or the promotion of services at an event would not amount to a disqualifying interest.

Where a Member contributes to an event 'at cost', a disqualifying interest would not arise.

Rule 2: Gifts, Benefits and Hospitality

No Member shall accept any fee, gift or benefit that is connected, directly or indirectly, with the performance of the Member's duties, except as permitted by one or more of the exceptions listed below:

- compensation authorized by law;
- such gifts or benefits that can be considered incidental mementos or tokens of appreciation

Rule 3: Confidential Information

Confidential information includes any discussion that takes place between members of the Local Board when it is in a closed meeting; and includes information in the possession of, or received in confidence by, that the board or the City is either prohibited from disclosing, or is required to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA").

No Member shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law, or authorized to do so by the Local Board or, if applicable, by Council.

No Member shall use confidential information for personal or private gain, or for the gain of relatives or any person or corporation, either directly or indirectly.

Rule 4: Use of City Resources

No Member should use municipal equipment , or permit the use of Local Board or City land, facilities, equipment, supplies, services, staff or other resources (for example, Local Board or City-owned materials, websites, Local Board and City transportation delivery services,) for activities other than the business of the Local Board or the City; nor should any member obtain personal financial gain from the use or sale of Local Board or City-developed information, intellectual property (for example, inventions, creative writings and drawings), computer programs, technical innovations, or other items capable of being patented, since all such property remains exclusively that of the Local Board or City.

Rule 5: Election Campaigns

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.

Rule 6: Improper Use of Influence

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.

Rule 7: Business Relations

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.

Rule 8: Member Conduct

Members shall conduct themselves with decorum at all times.

Members shall maintain proper control over meetings demonstrating respect for everyone who is involved in the meeting.

Members are expected to attend all meetings of the Local Board. If a member misses more than three consecutive (3) meetings during their term, the Chair, after hearing and considering any explanation provided by the member, may ask the member to resign, or request that Council remove the member.

Commentary

Members recognize the importance of cooperation and shall endeavour to create an atmosphere that is conducive to solving the issues before the Board, listening to various points of view and using respectful language and behaviour in relation to all those in attendance.

Rule 9: Media Communications

Members shall accurately communicate recommendations and proceedings of their Local Board.

If a member is contacted directly by the media, the member should refer the media to the Chair, or in the absence of the Chair, to the Vice-Chair.

Commentary

A Member may state that they did not support a decision, or voted against the decision, however a Member must refrain from making disparaging comments about other Members or staff, or about the Board's processes and decisions, in doing so.

When communicating with the media, a Member should at all times refrain from speculating or reflecting upon the motives of other Members in respect of their actions on the Board.

Members who engage in social media should recognize that the rules around decorum and respect apply regardless of the communications medium used. Because social media posts attract participation by others, Members hosting such sites or accounts should consider articulating and posting their own policy of addressing how frequently they will monitor the site for the purpose of identifying and removing disparaging, abusive or hateful comments.

Rule 10: Respect for the Town By-laws and Policies

Members shall adhere to and encourage public respect for the Local Board, the municipality and its by-laws, policies and procedures.

Commentary

A Member must not encourage disobedience of a City by-law in responding to a member of the public, as this undermines confidence in the City and in the Rule of Law.

Rule 11: Respectful Workplace

Members are governed by the workplace harassment and workplace violence policies in place for staff, recognizing that integrity commissioner is responsible for the administration and investigation of complaints.

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.

Rule 12: Conduct Respecting Staff

Members shall be respectful of the role of staff to advise based on political neutrality.

Members shall respect the professionalism of staff, and not exert undue influence on staff.

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 City.

Commentary

It is inappropriate for a Member to attempt to influence staff to circumvent normal processes in a matter, or overlook deficiencies in a file or application. It is also

inappropriate for Members to involve themselves in matters of administration or departmental management which fall within the jurisdiction of the City Manager.

Rule 13: Reprisals and Obstructing

It is a violation of this Code of Conduct to obstruct the Integrity Commissioner in the carrying out of their responsibilities, or to engage in any activity in retaliation against any person because they made a complaint to or otherwise communicated with the Integrity Commissioner.

Rule 14: Acting on Advice of Integrity Commissioner

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 known to the Member were disclosed to the Integrity Commissioner.

Members seeking clarification of any part of this *Code* should consult with the Integrity Commissioner.

Part 2

ADDITIONAL REQUIREMENTS APPLICABLE TO MEMBERS OF ADJUDICATIVE LOCAL BOARDS

Rule 15: In addition to the provisions applicable to Members of Non-adjudicative Local Boards, the following additional requirements are applicable with respect to the referenced rule:

Rule 2: Gifts, Benefits and Hospitality

Members should recuse themselves from any hearing, to avoid any perception of bias or conflict of interest which may arise as a result of a gift, benefit or hospitality which the Member may have received, from any of the parties or participants potentially affected by the decision of the Local Board.

Rule 5: Election Campaigns

Members of Adjudicative Local Boards are prohibited from fundraising for, endorsing, or otherwise contributing to the election campaign of any person running for a seat on Council.

Rule 9: Media Communications

Members of adjudicative boards should generally 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 them.

Rule 16: Communications with Parties

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.

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.

Rule 17: Independent Nature of Adjudicative Boards

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.

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. Members 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.

Part 3

COMPLAINT PROTOCOL

The Complaint Protocol contained in the Council Code of Conduct applies with necessary modifications to complaints regarding members of Local Boards.

CONSEQUENCES OF FAILURE TO ADHERE TO CODE OF CONDUCT

Members who are found by the Integrity Commissioner to have failed to comply with the Code of Conduct for Local Boards may be subject to the following sanctions:

- (a) a reprimand; or
- (b) suspension of remuneration paid to the member in respect of his or her services as a member of the Local Board (if any).

Members may also be subject to such other remedial actions recommended by the Integrity Commissioner that directly flow from the action or behaviour of the member of the Local Board.

Members are subject to removal from the Local Board, or removal as Chair of the Local Board, by Council.

