



Hamilton Board of Health Report for Consideration

To: Chair and Members
Hamilton Board of Health

Date: January 26, 2026

Report No: BOH26005

Subject/Title: Board of Health Adoption of Code of Conduct

Ward(s) Affected: (City Wide)

Recommendations

- 1) That the Board of Health **ADOPT** the City of Hamilton's Code of Conduct for Local Boards as its own Code of Conduct and that David Boghosian, the City's current Integrity Commissioner **HAVE ALL THE POWERS AND DUTIES** in respect of the Board of Health and its Code of Conduct as are provided for in the *Municipal Act, 2001*.

Key Facts

- The purpose of this report is to recommend that the Board of Health adopt the City of Hamilton's Code of Conduct for Local Boards as its own Code of Conduct and that David Boghosian, the current City Integrity Commissioner, be the Integrity Commissioner for the Board of Health; and,
- The adoption of the Code of Conduct for Local Boards will further enhance the accountability and transparency measures for the Board of Health in alignment with good governance and best practices in place at other Boards of Health.

Financial Considerations

The Integrity Commissioner is currently engaged as the Integrity Commissioner for the City and its local boards and as such there are no financial implications attached to their continued engagement.

Background

The Board of Health for the City of Hamilton (the “Board”), was established pursuant to section 48 of the *Health Protection and Promotion Act* and section 11 of the *City of Hamilton Act, 1999*. The Board has various duties and responsibilities under both statutes and related regulations.

Under subsection 1(1) of the *Municipal Act, 2001* (the “Act”), a board of health is a “local board”. That said, boards of health are subsequently exempted from some specific statutory requirements found in this legislation. For example, the legislative obligations for councils and local boards to enact a Procedure By-law (Section 238) and to establish various mandatory policies (Section 270) include boards of health. In contrast, the Act’s requirements in Section 223.2 that municipalities establish codes of conduct for “members of council of the municipality and its local boards”, expressly exempts boards of health from the definition of “local board” in Section 223.1. While it is worth noting that the *Municipal Conflict of Interest Act* does provide some oversight regarding the conduct of both members of council and local boards, including boards of health as it relates to the members’ pecuniary interests, there is no express statutory requirement to enact codes of conduct for boards of health.

Analysis

The Ontario Public Health Standards, include Organizational Requirements that address many areas of good governance and management practice, as well as the development of appropriate policies and by-laws to ensure their implementation. Within the Good Governance and Management Practices Domain, for example, it is required that boards of health develop and implement policies or by-laws regarding the functioning of the governing body, including conflict of interest and confidentiality. The adoption of the City’s Code of Conduct for Local Boards is consistent with this Requirement.

The Council Code of Conduct continues to apply to Council members who are also members of the Board of Health. However, the Council Code of Conduct currently does not apply to community or educational representative members on the Board of Health. The Code of Conduct for Local Boards (attached as Appendix “A” to Report BOH26005) was approved by Council at its meeting on April 12, 2023 and came into effect on May 1, 2023. Continuing with the Code of Conduct for Local Boards ensures consistency of expectations for all Board of Health members and allows for the framework that was in place for all members before the transition to the semi-autonomous model approved by Council to be the standard. The engagement and utilization of the current Integrity Commissioner will provide advisory, educational, complaint investigation and complaint adjudication services.

Alternatives

Should the Board decide to not adopt the Code of Conduct for Local Boards, the Board could still choose to not have a code of conduct or develop its code of conduct. These alternatives are not recommended by staff.

Previous Reports Submitted

- [BOH25007](#) - Semi-Autonomous Board of Health Transition Process
- [BOH25016](#) – Establishment of the Semi-Autonomous Board of Health
- [BOH25018](#) – Board of Health By-laws, Policies, and Orientation

Consultation

- Lisa Shields, City Solicitor, Legal Services
- Grace Mater, General Manager, Healthy and Safe Communities Department
- Mike Zegarac, General Manager, Finance and Corporate Services

Appendices and Schedules Attached

Appendix “A” to Report BOH26005: Code of Conduct for Local Boards

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**Submitted and
recommended by:**

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