



Council Policy

Policy Title: Code of Conduct for ~~Citizen~~ **Public Members Appointed to Council-Established Boards, Commissions and Committees**

Policy Number: ~~CC045~~-TBD

Report Number: PFC2020-0589

Adopted by/Date: Council / 2020 June 15

Effective Date: 2014 December 15

Last Amended: ~~2020 June 15~~ TBD

Policy Owner: City Clerk's Office

1. POLICY STATEMENT

- 1.1. Boards, Commissions and Committees provide The City of Calgary Council with recommendations regarding important civic issues. They have an integral role in bringing together ~~the citizens of Calgary~~ **Calgarians**, Members of Council and City Administration in achieving the common purpose of building and strengthening the community. Accordingly, ~~citizen~~ **Public** Members must serve, and be seen to serve, The City of Calgary and its residents in a conscientious manner.
- 1.2. ~~Citizen~~ **Public** Members of Boards, Commissions and Committees are expected to carry out their duties with integrity, impartiality and transparency. In the performance of their duties, ~~citizen~~ **Public** Members cannot use their appointment to pursue or advance their own personal interests or personally benefit from any recommendations rendered by the Boards, Commissions and Committees on which they serve.

2. PURPOSE

2.1. The purpose of this Council policy is:

2.1.1. To establish the minimum standards of conduct expected of all ~~citizen~~ **Public** Members appointed to Council established Boards, Commissions and Committees.

2.1.2 To provide guidance to ~~citizen~~ **Public** Members of Boards, Commissions and Committees on the conduct expected of them when applying and serving with regard to:

- a. Conflict of interest;
- b. Confidentiality;
- c. Acceptance and disclosure of gifts and benefits;

- d. Conduct during meetings;
- e. Use of The City of Calgary and Board, Commission and Committee property, technology and resources; **and**
- f. Political activity and elections; **and**
- g. **Leaves of absence.**

2.1.3 To provide guidance with regard to reporting breaches of this Council policy.

3. DEFINITIONS

In this Council policy:

- a. "Boards, Commissions and Committees" means a Council Board, Commission, Committee or other body established by The City of Calgary Council under the Municipal Government Act RSA 2000, c M-26 or the Police Act RSA 2000, c P-17.
- b. "Chair" means the Chair of a Board, Commission or Committee;
- c. "Confidential Information" means any information (oral or written) that is received in confidence by the Board, Commission or Committee, and that a Board, Commission or Committee is required to refuse to disclose, in accordance with the *Freedom of Information and Protection of Privacy Act*, RSA 2000 c F-25;
- d. "Conflict of Interest" means a situation when a ~~citizen~~ **Public** Member has a private or personal interest sufficient to influence or to appear to influence the objective exercise of his or her duties (adopted from The City of Calgary Administration policy: *Conflict of Interest Policy* HR-LR-004(B));
- e. "Corporation" means a body corporate incorporated or continued under the *Business Corporation Act* and not discontinued under the *Business Corporation Act* (adopted from the *Business Corporation Act* RSA 2000 c B-9);
- f. "External Board, Commission or Committee" means a Board, Commission, Committee or other body not established by The City of Calgary Council but whose membership includes a Council appointee;
- g. "Gifts and Benefits" means items, services and entertainment of value that are received by a member of a Board, Commission and Committee for their personal use. Gifts and benefits include, but are not limited to money, tickets to events, memberships, real property, clothing, jewelry, food or beverages, discounts/rebates on personal purchases, free or subsidized drinks or meals,

entertainment, participation in sport and recreation activities and invitations to social functions (Code of Conduct for Elected Officials Bylaw 26M2018;

- h. **“Public Member” means ~~a citizen appointed to a Board, Commission or Committee by The City of Calgary Council~~ an individual who is not a Member of Council or City of Calgary Administration representative and who has been appointed to a BCC by Council;**
- i. “Political Activity” means being a candidate for elected office, campaigning for a candidate for elected office, fundraising for an election campaign, promoting a political party or special interest cause (adopted from The City of Calgary Administration policy: *Conflict of Interest Policy* HR-LR-004(B));
- j. “Quasi-Judicial Boards” means the Assessment Review Board (~~ARB~~), the Licence ~~& and~~ Community Standards Appeal Board (~~LCSAB~~), and the Subdivision ~~& and~~ Development Appeal Board (~~SDAB~~); and
- k. “Wholly-Owned Subsidiaries” means a Corporation of which Council is the sole Shareholder.

4. APPLICABILITY

This Council policy:

- 4.1 Does not supersede or replace legislation or bylaws;
- 4.2 Supplements any existing Code of Conduct policy established by a Board, Commission or Committee as per their governing authority. Where the Board’s, Commission’s or Committee’s Code of Conduct policies are silent and do not address a specific matter, Members should consult and abide by this Council policy;
- 4.3 Takes precedence where there is a conflict between an existing Code of Conduct policy established by a Board, Commission or Committee and this Council policy;
- 4.4 Does not take precedence in the circumstance where Council has approved a Code of Conduct policy, terms of reference containing a Code of Conduct policy, or any other document specific to a particular Board, Commission or Committee;
- 4.5 Does not preclude any Board, Commission or Committee from establishing a code of conduct as empowered by their governing authorities and deemed appropriate for their operation;

- 4.6 Applies to all Members appointed to Boards, Commissions and Committees, other than corporations, Quasi-Judicial Boards and Wholly-Owned Subsidiaries;
- 4.7 Does not apply to External Boards, Commissions and Committees;
- 4.8 Does not apply to the Calgary Public Library Board established under the *Libraries Act* RSA 2000 c L-11;
- 4.9 Does not apply to Business Improvement Areas established under the *Municipal Government Act* RSA 2000 c M-26;
- 4.10 Does not apply to Members of Council who are bound by the *Disclosure Policy for Members of Council (CC044)*, Code of Conduct for Elected Officials Bylaw (Bylaw Number 26M2018), the *Respectful Workplace Policy (HR-LR-001(B))* and the policy on *Workplace Violence Prevention (GN-040)*;and
- 4.11 Does not apply to members of City Administration who are bound by the *Code of Conduct (HR-LR-005(A))*, *Conflict of Interest (HR-LR-004(B))*, the *Transparency and Accountability Policy (CC039)*, the *Respectful Workplace Policy (HR-LR-001(B))* and the policy on *Workplace Violence Prevention (GN-040)*.

5. **PROCEDURE**

- 5.1 The *Code of Conduct for **Citizen Public** Members Appointed to Council Established Boards, Commissions and Committees* will be available online, and can be viewed by ~~interested citizen anybody~~ prior to making an application for a Council appointment to a Board, Commission or Committee.
- 5.2 Appointment to a Board, Commission or Committee is contingent on submitting a completed Declaration following an appointment.

Members shall:

- 5.2.1 Receive a copy of the *Code of Conduct for **Citizen Public** Members Appointed to Council Established Boards, Commissions and Committees* and complete a *Declaration* form (**Appendix Schedule A**) no later than thirty (30) days following their initial appointment to a Board, Commission or Committee and following any subsequent re-appointment.
- 5.2.2 Submit completed *Declarations* to the Administrative or Resource Staff of their Board, Commission or Committee, who shall retain the *Declarations*

for the duration of the Member's appointment and forward a copy to the City Clerk's Office.

- 5.2.3 Abide by the *Code of Conduct for **Citizen Public** Members Appointed to Council Established Boards, Commissions and Committees* in discharging their duties.

5.3 Conflict of Interest

- 5.3.1 In the performance of their duties, Members must avoid conflicts of interest, or any situations that could give rise to a potential or perceived conflict of interest;
- 5.3.2 If a Member is in doubt about whether any situation involves a conflict of interest or may lead to a potential or perceived conflict of interest, the Member must seek guidance from the Chair at the earliest possible opportunity. The Chair will determine whether the situation in question constitutes a real, potential or perceived conflict of interest;
- 5.3.3 Should the Chair determine that such a conflict of interest exists, then the following steps will be taken:
- i. If the conflict of interest is declared outside of a meeting of the Board, Commission or Committee, then the Member must formally declare the conflict of interest (in writing) to the Chair, and must abstain from any discussions related to the matter and from attempting to influence a vote on the matter.
 - ii. If the conflict of interest is declared during a meeting of the Board, Commission or Committee, then:
 - a. The Member must leave the room in which the meeting is being held and not return to the meeting until all discussion and voting related to the matter are concluded; and
 - b. The Member's conflict of interest declaration must be recorded in the Minutes of the Board, Commission or Committee meeting.
 - iii. If a Member believes that another Member of their Board, Commission or Committee is in a real, potential or perceived conflict of interest, then the Member must inform the Chair at the earliest possible opportunity. If a Member believes that the Chair is

in a real, potential or perceived conflict of interest, then the Member must inform the Vice-Chair at the earliest possible opportunity.

5.4 Confidential Information

- 5.4.1 Members must not disclose confidential information (verbal or written) by any means, unless the Member is authorized to do so by law or in accordance with the *Freedom of Information and Protection of Privacy Act* RSA 2000 c F-25;
- 5.4.2 Members must not use confidential information acquired during their appointment to a Board, Commission or Committee for their personal use or gain, or for the personal use or gain of their family and friends; and
- 5.4.3 Members must not use confidential information following the completion of their term on a Board, Commission or Committee for their personal use or gain, or for the personal use or gain of their family and friends.

5.5 Acceptance and Disclosure of Gifts and Benefits

- 5.5.1 Members must not solicit a gift or a benefit, by virtue of their position on a Board, Commission or Committee, for their personal use or for the personal use of their family, friends or associates;
- 5.5.2 Members must not accept a gift or a benefit, with the exception of a common hospitality that is connected directly to their duties on a Board, Commission or Committee; and
- 5.5.3 Gifts and Benefits, with the exception of a common hospitality that is connected directly to a Member's duties on a Board, Commission or Committee, must be disclosed to the Chair at the earliest possible opportunity.

5.6 Conduct at Meetings in Performing Duties

- 5.6.1 Members must be aware of their Board's, Commission's or Committee's mandate, and their governing legislation, bylaws, terms of reference, and any other policies and procedures;
- 5.6.2 Members must attend all meetings, except those where: ~~approval for absence was granted by the Committee where the Member is required to take a leave of absence in accordance with this Council policy;~~
 - i. **the Public Member is required to take a leave of absence in accordance with sections 5.8.2 and 5.8.3 of this Council policy; or**

- ii. **approval for Leave of Absence has been granted to the Public Member by the Board Chair or Committee in accordance with section 5.19 of the Council policy on Governance and Appointments of Boards, Commissions and Committees (CP2016-03).**

5.6.3 Members must conduct themselves in accordance with the established policies and procedures for the conduct of their Board's, Commission's or Committee's meeting;

5.6.4 Members must conduct themselves in a professional and transparent manner, and must refrain from engaging in conduct that is disruptive to the conduct of the meeting; and

5.6.5 Members must treat each other fairly, recognizing and valuing the diversity among Members, and ensuring their behavior is respectful at all times.

5.7 Use of The City of Calgary and Board, Commission and Committee Property, Technology and Resources

5.7.1 Members must not use The City of Calgary and Board, Commission and Committee property, technology and resources (capital and human) for any purpose other than the purpose associated with the performance of their duties as a Member of a Board, Commission or Committee;

5.7.2 Members must not use The City of Calgary and Board, Commission and Committee property, technology and resources (capital and human) for personal gain or for the gain of their family and friends; and

5.7.3 Members must return all such property, technology and resources upon completion of their term.

5.8 Political Activity and Elections

5.8.1 Members must not use The City of Calgary and Board, Commission and Committee property, technology and resources (capital and human) for any political activity.

5.8.2 Local jurisdictions

- i. Members seeking elected office for The City of Calgary Council, school district or school division shall immediately advise the Chair, and must take a leave of absence for the period commencing on nomination day (as set by the *Local Authorities Election Act* RSA 2000 c. L-21) and ending one week following election day.

5.8.3 Provincial and Federal Elections

- i. Members seeking elected office for provincial or federal government shall immediately advise the Chair and must take a leave of absence for the period commencing with the issue of a writ of election and ending with the announcement of the official election results.

5.9 Breaches

- 5.9.1 Any real, or alleged, breach may be reported to the City Auditor in accordance with the *Whistle-Blower Policy (CC026)*;
- 5.9.2 Any real, or alleged, breach must be reported to the Chair. In the case that the real, or alleged, breach is related to the Chair, then it must be reported to the Vice-Chair;
- 5.9.3 Where a real, or alleged, breach is reported to the Chair, or the Vice-Chair depending on the circumstance, the Chair and/or Vice-Chair, will take the following actions:
 - i. Provide the Member whose conduct breached, or may have breached this Council policy with the case against them in writing and with an opportunity to respond (verbally or in writing);
 - ii. Rule whether a breach occurred, and document the decision;
 - iii. If a Member is deemed to have breached this Council policy, the Chair and/or the Vice-Chair may add the breach to the In-Camera Agenda of the next scheduled meeting, or call a special meeting;
 - iv. If warranted, the Board, Commission or Committee, as a whole, may direct the Chair, or Vice-Chair to bring forward a written report to Council through Administration. The report will be forwarded to the In-Camera portion of the Council Agenda, and must include the following:
 - a. Nature of the breach;
 - b. Submission, if provided, of the Member whose conduct breached this Council policy; and
 - c. The Board's, Commission's or Committee's recommendation to Council.
- 5.9.4 Where Council is satisfied that a breach of this Council policy occurred, Council may by resolution:

- i. Suspend the Member for a period of time deemed appropriate by Council; or
- ii. Revoke the Member’s appointment on the Board, Commission or Committee.

6. SCHEDULE

6.1 **Schedule A:** Code of Conduct for **Citizen Public** Members Appointed to Council Established Boards, Commissions and Committees Declaration

7. AMENDMENTS

Date of Council Decision	Report / Bylaw	Description
2020 June 15	PFC2020-0589	Amendments to add the text “or the <i>Police Act</i> RSA 2000, c P-17.” to the definition in section 4.a for a Board, Commission and Committee. Three other minor amendments to update references to current terminology and policy.
2017 July 31	PFC2017-0433 Bylaw 35M2017	Bylaw 44M2006 is repealed and replaced with Procedure Bylaw 35M2017.
2015 March 30	LGT2015-0232	Council adopted the following amendments: (1) The Council policy does not take precedence in the circumstances where Council has approved a Code of Conduct policy, terms of reference containing a Code of Conduct policy, or any other document specific to a particular Board, Commission or Committee; (2) Citizen Public Members must attend all meetings, except those where approval for absence was granted by the Committee or where the Member is required to take a leave of absence in accordance with this Council policy; (3) Citizen Public Members seeking elected office for The City of Calgary Council, school district or division are required to take a leave of absence for the period commencing

		<p>on nomination day and ending one week following election day; and (4) Citizen Public Members seeking elected office for the provincial or federal government are required to take a leave of absence for the period commencing with the issue of a writ of election and ending with the announcement of the official election result.</p>
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8. **REVIEWS**

Date of Policy Owner's Review	Description
<p>2019 December 02</p>	<p>Minor revisions to replace the:</p> <ol style="list-style-type: none"> 1. Reference to the rescinded "Gifts and Benefits Policy for Members of Council (CC043)", in the Definitions section, part 4g and the Applicability section, part 5.10 of this Council policy, with the "Code of Conduct for Elected Officials Bylaw (Bylaw Number 26M2018)". 2. Reference to the rescinded "Ethical Conduct Policy for Members of Council (CC042)", in the Applicability section, part 5.10 of this Council policy, with the "Code of Conduct for Elected Officials Bylaw (Bylaw Number 26M2018)". 3. Reference to the "Business Revitalization Zone" under the Applicability section, part 5.9 of this Council policy, with "Business Improvement Areas"



Schedule A

**~~Code of Conduct for Citizen Public Members Appointed to
Council Established Boards, Commissions and Committees~~**

Declaration

INSTRUCTIONS: Each Member must complete this Declaration no later than thirty (30) days following their initial appointment to a Board, Commission or Committee and following any subsequent re-appointment. The Declaration is to be submitted to the Administrative or Resource Staff of the Board, Commission or Committee, where it will be retained for the duration of the Member's appointment. A copy of this Declaration is to be forwarded to the City Clerk's Office.

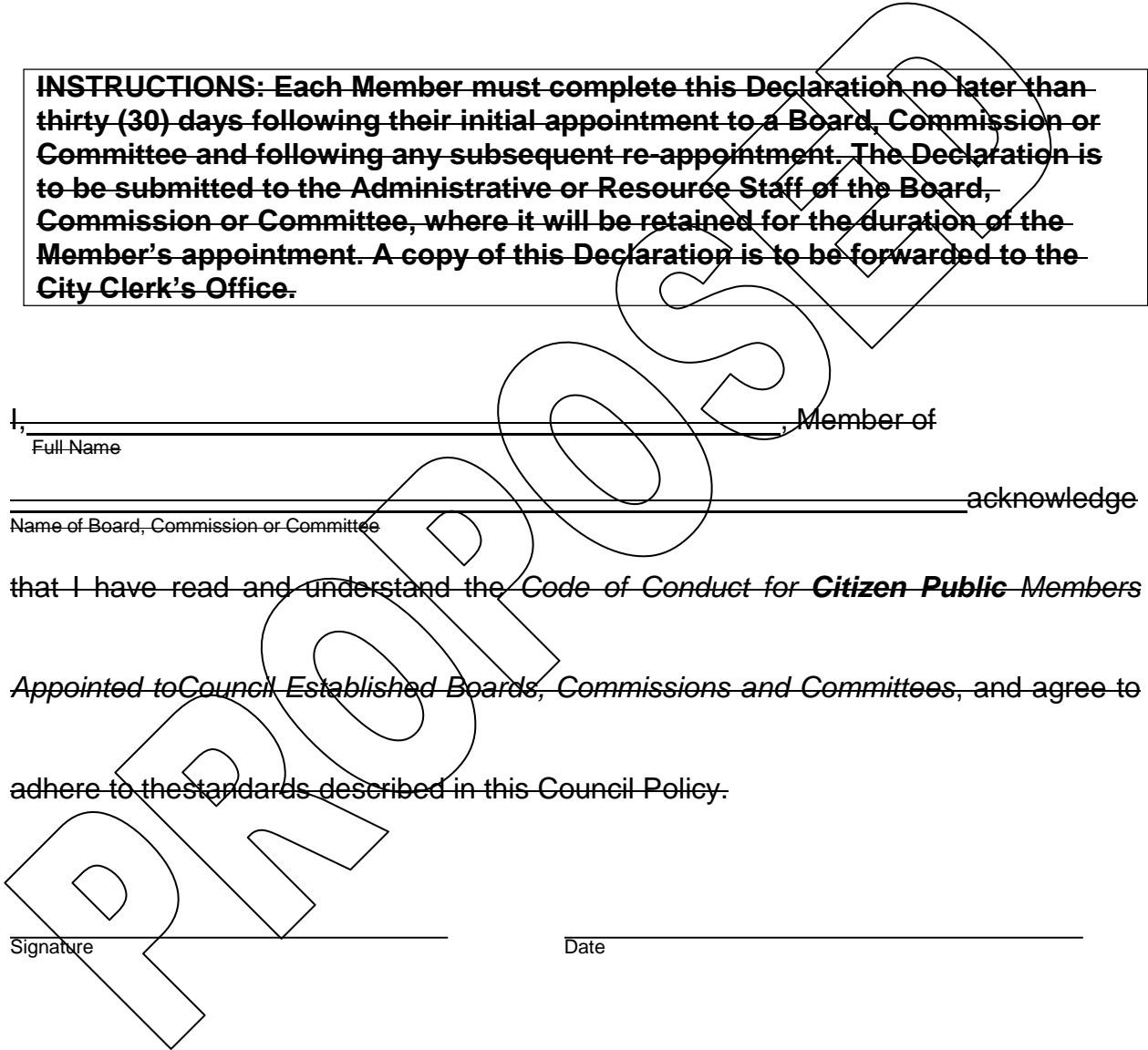
I, _____, Member of
Full Name

_____, acknowledge
Name of Board, Commission or Committee

that I have read and understand the Code of Conduct for **Citizen Public** Members
~~Appointed to Council Established Boards, Commissions and Committees~~, and agree to
adhere to the standards described in this Council Policy.

Signature

Date





Schedule A

Declaration of Compliance with the Code of Conduct for Public Members Appointed to Council Established Boards, Commissions and Committees Policy CC045 (“the Policy”)

Initials 1. The undersigned Public Member hereby declares that the Public Member has received a copy of the Policy, has read and understands the Policy, and agrees to adhere to the standards described in the Policy;

Initials 2. The undersigned Public Member further declares that the Public Member understands that non-compliance to the Policy will be subject to consequences, up to and including revocation of the Public Member’s appointment by Council; and

Initials 3. The undersigned Public Member consents to the use of electronic signatures and agrees that this Declaration may be signed, delivered, and retained electronically, and that the electronic signature of the Public Member legally binds them to the terms of this Declaration.

Name of Board, Commission or Committee (BCC)
Date
Public Member Name (Print)
Signature

Personal information in this Declaration is collected under the authority of section 33(c) if the *Freedom of Information and Protection of Privacy Act (Alberta)* for the purpose of administering the Policy and ensuring compliance with the Policy. For information concerning the privacy of the information collected, please contact the Policy & Governance Coordinator at the City of Calgary PO Box 2100, Stn M, Calgary, AB, T2P 2M5, 403-268-4658 or BCCadministration@calgary.ca