

Guidance for Arena Board Members about Article VIII of the Code of Conduct and the *Municipal Conflict of Interest Act*

Purpose of the Bulletin

1. The purpose of this Interpretation Bulletin is to assist arena board members to understand how Article VIII (Improper Use of Influence) of the Code of Conduct for Members of Local Boards (Restricted Definition) (the "Code of Conduct", or "Code") and the *Municipal Conflict of Interest Act* (the "MCIA") apply to decisions or actions relating to vendors, organizations, teams or other organizations that use the arena *and* with which the member also has a role—e.g., as a user (e.g., player, parent), member, or employee.

Principles

2. Arena board members are public office holders. The public expects the highest standards of conduct from all citizen members who are appointed to local boards to act on their behalf.
3. Arena stakeholders, including an arena's vendors, tenants, and teams or organizations making use of the arena expect board members to carry out their work conscientiously and diligently, and in ways that promote public confidence and advance the interests of the arena as a whole, and that members make decisions with open minds.
4. Members are often appointed to local boards because they are active in the community. Members are expected to have points of view regarding matters affecting an arena, and may act on them through board votes or discussions.

Guidance

5. Members may be required to make decisions about organizations in which they, or their family members, friends or associates participate to varying degrees. For example, a member may be required to consider and vote on a decision about scheduling ice time for a team on which the member's children play.

6. The fact that a member is connected to an organization that uses the arena's facilities is not in and of itself a violation of the Code of Conduct or the MCIA.
7. Members have responsibilities to familiarize themselves with the Code of Conduct, and the MCIA, and ensure that their conduct meets those standards. In particular, members are obliged under the Code to ensure they do not use their office for improper purposes – i.e., purposes unrelated to the work of the arena. Under the MCIA, when a matter comes before the board in which a member has a pecuniary or financial interest, they must disclose that pecuniary interest and not participate in the discussion or the vote on that matter.
8. If the board is about to make a decision that impacts an organization for which the member – or their friend, family, or business associate – is an organizer, owner, founder, employee, director, shareholder, officer or agent, the member should seek advice from the Integrity Commissioner about whether the Code of Conduct and/or the MCIA applies.
9. If the *only* connection to an organization is that the member is a regular fee-paying participant, there is no issue requiring additional advice so long as the member does not use the debate or vote to specifically and intentionally benefit their personal circumstances (e.g., a motion to change schedules to specifically benefit their own schedule).
10. A member may advocate for a personal interest in a particular type of sport or activity, so long as the member can maintain an open mind and is capable of being persuaded when considering the issues.

Further Information

This interpretation bulletin and the examples provide general information only. Members of arena boards are encouraged to seek confidential advice from the Integrity Commissioner with respect to specific situations. If you have any questions, please contact:

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City of Toronto

Examples for Interpretation Bulletin: Arena Board Members, Article VIII and the MCIA

Proper Conduct

A member of an arena board is known in the community as playing women's hockey, encouraging women and girls to play hockey, and organizing events involving women's hockey. The board regularly discusses what kinds of activities it should focus on, and what the arena should promote and program. At each meeting, the member makes a suggestion involving women's hockey.

The Board member's conduct is proper. Members are expected to have points of view about arena activities. Further, members may have affinities for particular activities. These are not improper interests or conflicts of interest. Board members should engage with each other's ideas, and discuss and vote on those matters they think are in the arena's and the community's best interests, subject to the limits of the Relationship Framework and City and arena policies.

An arena has non-prime ice time available for individual community members to rent. A board member regularly rents ice for his neighborhood shinny during these open times. He also votes on setting the arena's ice rental rates and ice time schedule.

The member's conduct is proper, and he may continue to vote on these matters. His votes do not constitute improper uses of his influence or conflicts of interest. Article VIII of the Code of Conduct specifies that a member may consider and vote on matters that affect the member as among a broad class of persons. Since non-prime ice time is available to all members of the public, and the member is paying the rates that all renters pay, he is no different from anyone else who wants to use the arena. Members are expected to be interested in the arena and its activities, and this means that they are free to use the arena as they otherwise would if they were not on the board.

An arena board member plays in a community adult hockey league that is allocated prime time ice by the City at the arena and also at another nearby arena. The member does not have any organizational or administrative role in the league, and did not help the league apply for ice time. As a board member, the member reviews the prime time ice the City has allocated to groups at the arena, and votes on a schedule allocating prime time hours for the upcoming season based on the City's allocation.

The member's conduct is proper. The member has respected the City's Ice Allocation policy because the member has simply reviewed the City's allocation of ice time, wherein groups applied to the City and were allocated time by City staff. Members are expected to have an interest in arena activities, and the member's role as a hockey player is consistent with this expectation.

In this case, because the member does not have a role in running the hockey league and did not help the league apply for ice time, the member's loyalties do not appear to be torn between the arena and the league, and the member is able to carry out his board duties.

Improper Conduct

An arena board member is part of a group of parents who manage a community youth figure skating club that annually applies for prime time ice at the arena and has historically practiced there. She signed the group's ice time application and helped poll other parents regarding which days and times the group should skate. As a board member, the member reviews the prime time ice the City has allocated to groups at the arena, and votes on a schedule allocating prime time hours for the upcoming season.

The member's conduct is improper and contravenes Article VIII of the Code of Conduct (Improper Use of Influence). The member has a role in managing the skating club, was part of its application for ice time, and took part in deciding when it should skate; In future, the member should declare an interest in the club when decisions affecting its ice time are on the board's agenda, recuse herself from the discussion and vote on the ice time schedule, and leave the room until the vote has taken place. The member should also seek confidential advice from the Integrity Commissioner to see if there are other types of decisions the board makes affecting the club that the member should also recuse herself from. Since the member has a management role in the club, she should be aware of the possibility that so many of the board's decisions will affect the club that she may have to consider stepping down from either the board or the club's management.

An arena board Chair is a parent of a child in a community youth hockey league. At a board meeting where the board is voting on the upcoming season's prime time ice schedule for all arena users, the Chair expresses a strong opinion that the league should be allocated more hours because his child needs more practice time. The Chair introduces a motion to reduce an adult hockey league's hours to less than the time allocated by the City and transfer the hours to the youth hockey league. When the Parks, Forestry, and Recreation liaison to the board protests that the Ice Allocation

Policy provides applicants with a minimum number of hours, the Chair asks that the comments be struck from the board's minutes.

The member's conduct is improper and contravenes Articles VIII (Improper Use of Influence), as well as other parts of the Code of Conduct. Under Article XV (Failure to Adhere to Council or Local Board Policies and Procedures), the board is required to follow the City's Ice Allocation Policy, which is a Council policy. The Policy provides that City staff allocate ice time on a city-wide basis, and arena boards are responsible for scheduling the allocated time. Under Article XII (Conduct Respecting Staff), members are also prohibited from interfering with City and arena staff's duties, including City staff's duties to provide advice to the board about City policies. In other words, by striking the staff member's comments from the minutes, the Chair is not allowing City staff to give the board advice.

Finally, because the Chair stated that his child needed more practice time—a personal interest—as the reason for introducing the motion, the Chair is improperly exercising the influence of his position. A member may generally advocate for certain types of activities (such as youth hockey) in compliance with City and board policies, but must not use their influence for their own personal benefit or the benefit of a friend or family member.

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