

BYLAW NO. 5 - 2017

A BYLAW of the City of Swift Current, in the Province of Saskatchewan to outline the basic ethical standards and values for members of Council in accordance with provisions of The Cities Act.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SWIFT CURRENT, IN CITY COUNCIL ASSEMBLED ENACTS AS FOLLOWS:

Short Title

This Bylaw will be known as the “***Code of Ethics Bylaw***”.

I. PREAMBLE:

As members of Council, we recognize that our actions have an impact on the lives of all residents and property owners in the community. Fulfilling our obligations and discharging our duties responsibly requires a commitment to the highest ethical standards.

The quality of the public administration and governance of the City of Swift Current, as well as its reputation and integrity, depends on our conduct as elected officials.

II. PURPOSE AND INTERPRETATION:

The purpose of this Bylaw is to outline basic ethical standards and values for members of Council. It is to be used to guide members of Council respecting what their obligations are when fulfilling their duties and responsibilities as elected officials.

This Bylaw is to be interpreted in accordance with the legislation applicable to the municipality, the common law and the policies and bylaws of the municipality.

Neither the law nor this Bylaw is to be interpreted as exhaustive, and there will be occasions on which a Council will find it necessary to adopt additional rules of conduct in order to protect the public interest and to enhance the public confidence and trust in local government.

It is the responsibility of each member of Council to uphold the standards and values set out in this Bylaw.

III. STANDARDS & VALUES

A. *Honesty*

Members of Council shall be truthful and open in their roles as Council members and as members of the communities they serve.

B. *Objectivity*

Members of Council shall make decisions carefully, fairly and impartially.

C. *Respect*

Members of Council shall treat every person, including other members of Council, municipal employees and the public, with dignity, understanding and respect.

Members of Council shall not engage in discrimination, bullying or harassment in their roles as members of Council. They shall not use derogatory language towards others, shall respect the rights of other people and groups, shall treat people with courtesy, and shall recognize the importance of the different roles others play in local government decision making.

D. *Transparency and Accountability*

Members of Council shall endeavor to conduct and convey Council business and all their duties in an open and transparent manner, other than those discussions that are authorized to be dealt with in a confidential manner in closed session, so that stakeholders can view the process and rationale used to reach decisions and the reasons for taking certain actions.

Members of Council are responsible for the decisions that they make. This responsibility includes acts of commission and acts of omission.

E. *Confidentiality*

Members of Council shall refrain from disclosing or releasing any confidential information acquired by virtue of their office except when required by law or authorized by Council to do so. Members shall not take advantage of or obtain private benefit from information that is obtained in the course of or as a result of their official duties or position and that is not in the public domain. This includes complying with *The Local Authority Freedom of Information and Protection of Privacy Act* in their capacity as members of Council of a local authority.

F. *Leadership and the Public Interest*

Members of Council shall serve their constituents in a conscientious and diligent manner and act in the best interests of the municipality. A member shall strive, by focusing on issues important to the community and demonstrating leadership, to build and inspire the public's trust and confidence in local government.

Members of Council are expected to perform their duties in a manner that will bear close public scrutiny and shall not provide the potential or opportunity for personal benefit, wrongdoing or unethical conduct.

G. Responsibility

Members of Council shall act responsibly and in accordance with the Acts of the Parliament of Canada and the Legislature of Saskatchewan, including *The Cities Act*.

This duty includes disclosing actual or potential conflicts of interest, either financial or otherwise relating to their responsibilities as members of Council, following policies and procedures of the municipality, and exercising all conferred powers strictly for the purpose for which the powers have been conferred. Every member of Council is individually responsible for preventing potential and actual conflicts of interest.

H. Certification

Members of Council shall have a current Safe Places Certification at the time of taking the Oath or Affirmation of Office. If not, the member of Council shall obtain Safe Places Certification within 60 days of taking the Oath or Affirmation of Office. Members of Council shall maintain a Safe Places Certification throughout their term of office.

I. Gifts and Benefits

No member of Council shall accept a fee, gift or personal benefit greater than \$500.00 that is connected directly or indirectly with the performance of his or her duties of office. For these purposes, a fee or gift or benefit that is paid to or provided with the member's knowledge to a member's spouse, partner, child or parent that is connected directly or indirectly to the performance of the member's duties is deemed to be a gift to that member.

IV. CONTRAVENTION OF THE CODE OF ETHICS

A. Complaint Procedure

- 1) The City of Swift Current shall in each year appoint an Integrity Commissioner to investigate any alleged contraventions of the Code of Ethics Bylaw. In conducting that investigation, he/she may interview any person that has knowledge of matters relevant to the investigation and may examine any and all relevant evidence. Upon completion of the investigation, he/she shall recommend to the Compliance Committee of Council one of the following actions:

- i. To dismiss the complaint;

- ii. To apply to the Court of Queen's Bench for an order for disqualification pursuant to section 120 of *The Cities Act*; or
 - iii. To proceed to hear the complaint and determine whether a contravention occurred. In this event, the Integrity Commissioner shall set out the wording of the charge and shall forward the charge to both the Compliance Committee and the charged member.
- 2) Council shall appoint a Compliance Committee composed of three members of Council. One of the duties of this Committee is to conduct a hearing, if recommended by the Integrity Commissioner, to determine whether a contravention occurred.
- i. The Contravention Committee shall give reasonable notice to the charged member prior to the hearing.
 - ii. The charged member shall have the option of being represented by legal counsel.
 - iii. While the Compliance Committee shall conduct the hearing in such a manner as to provide the charged member with due process and a fair hearing, it shall retain discretion as to the process it uses.
- 3) A member of Council or an employee of the City of Swift Current may report an alleged contravention of the Code of Ethics Bylaw to the Integrity Commissioner.
- 4) If the Complaints Committee finds the complaint is substantiated, it shall refer the matter to Council to assess the appropriate penalty. Council may, by resolution, impose an appropriate penalty detailed in Section C based on the severity of the contravention of the Code of Ethics Bylaw.
- i. Any action taken by Council should include a time frame to complete the expected remedial action.

B. Contravention During A Council Meeting

If Council is of the opinion that a member has violated the Code of Ethics during a Council meeting, Council may require the member to remove themselves for the remainder of the Council meeting. Council may thereupon refer the matter to the Integrity Commissioner.

C. Remedial Action if Contravention Occurs

Should a Member of Council breach any of the principles outlined in this Bylaw, Council may impose the following penalties:

- 1) An apology, either written and/or verbal, by the member of Council to the impacted individual(s), Council, and/or the general public.
- 2) Educational training on ethical and respectful conduct.

- 3) Repayment of moneys/gifts received.
- 4) Removal of the Member from Council Committee.
- 5) Dismissal of the Member from a position of Chairperson of a Committee.
- 6) Removal of the Council member from any national or provincial organization, civic board, commission, authority or committee.
- 7) Restriction of access to civic services or City Hall.
- 8) Restrictions on how documents are provided (eg. no electronic copies, but only watermarked paper copies).
- 9) Reduction in salary and/or benefits and/or expenses.
- 10) Reprimand.
- 11) Any other sanction as deemed suitable by the Council.

Coming Into Effect

This Bylaw shall come into force and have effect from and after the date of the final passing thereof.

_____ **MAYOR** _____ **CITY CLERK**

INTRODUCED AND READ a first time this 13th day of March, 2017.

READ a second time this 13th day of March, 2017.

READ a third time and finally passed this 13th day of March, 2017.

ACKNOWLEDGEMENT FORM

I have read and understand the Code of Ethics Bylaw for Council for the City of Swift Current and acknowledge that it is my responsibility to comply with all of the policy requirements contained herein and any revisions made to it.

NAME (PRINTED): _____

SIGNATURE: _____

DATE: _____