

BYLAW NO. 4 – 2023

A BYLAW of the City of Swift Current, in the Province of Saskatchewan, to establish a Code of Ethics applicable to all Members of Council and Members appointed to Boards and Committees of Council.

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

PART I - GENERAL

1. Short Title

This Bylaw will be known as the “***Code of Ethics Bylaw for Members of City Council and Council Committees***”.

2. Legislative Authority

This bylaw has been created to comply with sections 66.1 of *The Cities Act* and section 3.1 and Schedule 1 of Part III of the Appendix in *The Cities Regulations*.

3. Purpose

- 3.1 The purpose of this Bylaw is to outline the expected ethical standards and values for all members of Council and individuals appointed by City Council to any Board and Committee of Council.
- 3.2 This Bylaw is to be used to guide behaviour respecting obligations when fulfilling duties and responsibilities in such a role as an elected official and City Council appointed members of a Board or Committee.
- 3.3 This Bylaw also establishes and provides a procedure for the investigation and enforcement of the expected standards and values.
- 3.4 This Bylaw must be interpreted in accordance with the applicable legislation, the common law, and the policies and bylaws of the City.
- 3.5 Neither the law nor this Bylaw is to be interpreted as exhaustive, and there will be occasions on which 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.
- 3.6 It is the responsibility of each member of council to uphold the standards and values set out herein.

4. Definitions

In this Bylaw, and in any resolution of the Council passed pursuant thereof, unless the context otherwise requires, the term or expression:

- a) **“Act”** means *The Cities Act*.
- b) **“Business day”** means any day except any Saturday, Sunday, or Statutory Holiday.
- c) **“Campaign period”** means the 90-day period preceding a general election or a by-election.
- d) **“City Clerk”** means the person appointed as City Clerk pursuant to section 85 of *The Cities Act* and includes a person acting as his/her designate.
- e) **“City resources”** includes City-owned, City-supplied or City-paid cell phones, smart phones, computers, other electronic devices, phone number, email address, website, business cards, official photographs, facilities, equipment, records, supplies, services, staff time, and the City crest/logo.
- f) **“Chief Administrative Officer”** means the person appointed as the administrative head of the City of Swift Current pursuant to section 84 of *The Cities Act* and includes a person acting as his/her designate.
- g) **“Committee”** means a committee, board, or other body duly appointed by Council.
- h) **“Complainant”** means an individual, either personally or on behalf of an organization, or member of Council submitting a complaint.
- i) **“Confidential information”** means information that may be considered en camera by Council or Council Committees pursuant to *The Cities Act* and falls within the exemptions in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*.
- j) **“Council”** means Council for the City of Swift Current, elected pursuant to the provisions of *The Local Government Elections Act*, as the governing body of the municipality.
- k) **“Election campaign”** means all activities related to the re-election of a member and not to their duties under *The Cities Act* as a member.
- l) **“Election day”** means election day as defined in *The Local Government Election Act*.
- m) **“En Camera”** means the absence of the public or confidential.
- n) **“Family”** means the member’s spouse, partner, child, parent, sibling, in law, and stepparent, child, or sibling.
- o) **“Gift or personal benefit”** means an item or service of value that is received by a member for their personal use. It includes money, gift cards, tickets to events, clothing, jewelry, pens, discounts/rebates on personal purchases, entertainment, participation in sport and recreation activities, and invitations to social functions.
- p) **“Governance and Priority Committee”** means all members of Council present at a meeting of Council sitting in committee. Also known as GPC.

- q) **“Integrity Commissioner”** means the person or persons appointed by the City to fulfill the duties and responsibilities assigned to that office pursuant to this Bylaw.
- r) **“Member”** means the Mayor, Councillor or an appointed individual to a committee or board of Council.
- s) **“Nomination day”** means nomination day as defined in *The Local Government Election Act*.
- t) **“Personal information”** means personal information about an identifiable individual that is recorded in any form, as further specified in section 23 of *The Local Authority Freedom of Information and Protection of Privacy Act*.
- u) **“Resident”** means an individual, property owner, or member of Council eligible to vote in a City of Swift Current local election.
- v) **“Social Media”** shall mean any third-party hosted, web-based, and mobile technologies that allow the creation and exchange of user-generated content to share opinions, information, promote discussion, and build relationships. These include, but are not limited to, blogging, digital applications, document-sharing, forums and discussion boards, photo sharing, social networking, and video sharing.
- w) **“Staff”** means any staff member of the City, whether full time, part time, contracted, seasonal or volunteers.

Words and terms not defined in this Bylaw shall have the meanings provided in *The Cities Act*.

5. Statutory Obligation/ Application

- 5.1 A Member must respect and comply with all obligations imposed on the Member by statute or other legal enactment, and by the City’s bylaws and policies, including but not limited to:
 - a) *The Cities Act*;
 - b) *The Local Government Election Act*;
 - c) *The Local Authority Freedom of Information and Protection of Privacy Act*; and
 - d) *the Criminal Code*.
- 5.2 In the event of a conflict between this Bylaw and another City Bylaw or Policy governing Member conduct, this Bylaw governs.
- 5.3 This Bylaw does not apply with respect to violations of sections 114 – 119 of *The Cities Act*.

- 5.4 This Bylaw does not apply to any submissions of this nature received by the City prior to the date this Bylaw comes into force.
- 5.5 This Bylaw continues to apply to a Member throughout an election campaign period and during any paid or unpaid leave of absence while elected to office.

PART II - CODE OF ETHICS

Code of Ethics for Members of Council / Council Committee

6. Preamble

- 6.1 Citizens expect the highest standards of conduct from City Council, the Members they elect to local government. Members of council, also recognize that their actions have an impact on the lives of all residents and property owners in the community. Fulfilling Members' obligations and discharging duties responsibly requires a commitment to the highest ethical standards.
- 6.2 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.

7. Standards and Values

Members must uphold the standards and values set out in this Bylaw, namely:

Honesty and Integrity

- 7.1 Members shall:
 - a) be truthful, honest and open in their roles as Members with other Members, City Staff, the public and the community they serve;
 - b) ensure that their actions are consistent with the shared principles and values collectively agreed to by the majority of Council; and
 - c) follow through on their commitments, correct errors in a timely and transparent manner, and engage in positive communication with the community.

Objectivity

- 7.2 Members shall make decisions carefully, fairly, and impartially.

Respect

- 7.3 Members shall treat every person, including other Members, City staff, and the public, with dignity, understanding, and respect.

- 7.4 Members shall show consideration for every person's values, beliefs, experiences, and contributions to discussions.
- 7.5 Members shall not engage in harassment or behaviour that is discriminatory, indecent, insulting, or abusive, nor use derogatory language towards others, in their roles as Members.
- 7.6 Members shall:
- a) respect the rights of other people and groups;
 - b) treat people with courtesy; and
 - c) recognize the importance of the different role's others play in local government decision-making.

Transparency and Accountability

- 7.7 Members 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 an en camera session, so that stakeholders can view the process and rationale used to reach decisions and the reasons for taking certain actions.
- 7.8 Members are responsible for the decisions they make including acts of commission and acts of omission.
- 7.9 Members shall listen to and consider the opinions and needs of the community in all decision-making and allow for appropriate opportunities for discourse and feedback.

Confidentiality

- 7.10 Members 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.
- 7.11 Members shall not take advantage of or obtain private benefit from information obtained in the course of, or as a result of, their official duties or position, and not in the public domain.
- 7.12 Members shall comply with *The Local Authority Freedom of Information and Protection of Privacy Act* in their capacity as Members of Council.

Leadership and the Public Interest

- 7.13 Members shall serve their constituents in a conscientious and diligent manner and act in the best interests of the City.

- 7.14 Members shall strive to build and inspire the public's trust and confidence in local government by focusing on issues important to the community and demonstrating leadership.
- 7.15 Members shall consider the issues before them and make decisions as a collective body recognizing the democratic majority, and acknowledging its rationale, when articulating personal opinions on a decision of Council.
- 7.16 Members 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.

Responsibility

- 7.17 Members shall act responsibly and in accordance with the Acts of the Parliament of Canada and the Legislature of Saskatchewan, including *The Cities Act*.
- 7.18 Members shall disclose actual or potential conflicts of interest, either financial or otherwise relating to their responsibilities as Members of Council, follow policies and procedures of the City, and exercise all conferred powers strictly for the purpose for which the powers have been conferred.
- 7.19 Each Member is responsible to prevent potential and actual conflicts of interest.

8. Certification

Members shall have a current Safe Places Certification at the time of taking Oath or Affirmation of Office. If not, the Member shall obtain Safe Place Certification within sixty (60) days of taking the Oath or Affirmation of Office. Members shall maintain such Safe Place Certification throughout their term of office.

9. Acknowledgement

Acknowledgement of the requirement of Council Members to comply with the Council Code of Ethics, shall be affirmed by completion of the '*Oath or Affirmation Member of Council*', upon their swearing-in, identified in Schedule "A" hereto.

PART III - ETHICAL CONDUCT

DIVISION I

Good Governance, Roles and Duties

10. Transparent, Accountable and Good Governance

- 10.1 Members shall endeavor to conduct and convey City business and all their duties in an open and transparent manner, other than for those matters that by virtue of legislation Members are authorized to deal with in a confidential manner en camera.
- 10.2 A Member must in the discharge of their office:
- a) Act in the best interests of the City taking into account the interests of the City as a whole, and without regard to the Member's personal interests;
 - b) Consider all decisions and issues thoughtfully, consistently, impartially, and fairly by considering all relevant facts, opinions, and perspectives;
 - c) Bring to the attention of Council any matter that would promote the welfare or interest of the City;
 - d) Act competently and diligently; and,
 - e) Attend Council meetings and vote on any matter brought to a Council meeting attended by the Member unless the Member must abstain under *The Cities Act*, another enactment or at law.
- 10.3 A member must attend all training to be provided to Members as directed by Council and during Council Orientation.

DIVISION II

Privacy

11. Confidential Information

- 11.1 In this section "confidential information" means information that may be considered en camera by Council or Council Board and Committee pursuant to *The Cities Act* and falls within the exemption in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*.
- 11.2 A Member must protect confidential information. This includes the following duties:
- a) A Member must not disclose confidential information, including to City staff, or to persons outside the City, except as authorized by Council;

- b) A Member must not use confidential information with the intention to cause harm or detriment to Council, the City or any other person or body;
 - c) A Member must protect confidential information from inadvertent disclosure,
 - d) A Member must use confidential information only for the purpose for which it is intended to be used;
 - e) A Member must take reasonable care to prevent the examination of confidential information by unauthorized individuals; and
 - f) A Member must not take personal advantage of, or use for their own benefit, corporate or financial opportunities learned about through confidential information.
- 11.3 A Member who is appointed to the board of another organization, in their role as a Member may report all permitted information from that board to Council.
- 11.4 By virtue of their office, in either oral or written form, Members may only use, collect, and disclose information in accordance with *The Local Authority Freedom of Information and Protection Act*.
- 11.5 A Member must only access and use City information during the normal course of their duties.
- 11.6 A Member must retain records and other information in accordance with best practices and must respond in good faith to all requests for information made pursuant to *The Local Authority Freedom of Information and Protection of Privacy Act*.

12. Personal Information

By virtue of their office, a Member must comply with *The Local Authority Freedom of Information and Protection of Privacy Act*, ensuring all reasonable and necessary measures are taken to protect the personal or private information of individuals.

DIVISION III

Respectful Conduct

13. Respectful Conduct of Members and Harassment

- 13.1 A Member must treat Provincial dignitaries, other Members, City staff, and the public appropriately and without abuse, bullying or intimidation and participate in maintaining a work environment free from discrimination and harassment.

13.2 All communication shall be delivered in a respectful, cooperative, non-threatening, and non-offensive manner with a display of respect for the opinion of others.

13.3 Members shall encourage public respect for:

- a) Council as a whole;
- b) Other Members individually;
- c) The City as an organization;
- d) City staff;
- e) City Bylaws; and,
- f) City Policies.

14. Professional Codes of Conduct

Members of Council with professional affiliations, such as accountants, lawyers, engineers, auditors, etc., may be subject to more than one Code of Ethical Conduct. If a situation arises that may cause conflict or confusion, the Member shall consult with the Chief Administrative Officer or the City Clerk.

15. Council, GPC, or Board and Committee Meeting Conduct

15.1 Members will exercise their authority to make decisions in a manner that demonstrates fairness, respect for differences and an intention to work together for the common good and in the public interest.

15.2 Members will prepare for meetings by reviewing materials in advance, if possible, and will be respectful and attentive to, and ask informed questions of the public and City staff providing information at a Council or Board and Committee meeting.

15.3 Members will not provide information contained in records or documents at a meeting unless those records or documents have been provided to all of Council in advance.

15.4 Members will make all reasonable effort to attend and participate diligently in all Council and Council Committee meetings, as well as meetings of any other body the Member is appointed to on behalf of Council.

15.5 If a Member cannot attend a Council or GPC meeting, the Member will notify the Mayor and City Clerk of the reason for their absence and may authorize the chair to announce the reasons for the Member's absence at the meeting.

15.6 Members will treat all persons equal in the performance of his or her official duties and, shall refrain from giving preferential treatment to any person, group, or organization.

- 15.7 Members who act as chair of a meeting will, at the start and throughout the meeting, set expectations for appropriate decorum and conduct for all in attendance.

16. Council-Staff Protocol

- 16.1 Members must direct queries and obtain all necessary information regarding the operations and administration of the City from the Chief Administrative Officer using processes established by the Chief Administrative Officer.
- 16.2 Members who receive complaints and/or requests for operational services or assistance shall direct the individual through the complaints process on the City's website or to the appropriate department for assistance and advise the Chief Administrative Officer.
- 16.3 Members of Council appointed to any board or committee separate of Council may submit requests for information to the appropriate Board Chair overseeing the respective board or committee, copying the Chief Administrative Officer and City Clerk.
- 16.4 Members will respect the role of City staff to provide neutral and objective information without undue influence and interference.
- 16.5 A Member must not use, or attempt to use, their office for the purpose of intimidating, influencing, threatening, coercing, or directing City staff.
- 16.6 Members must not request City staff to undertake personal or private work on behalf of the Member or accept such work from City staff.
- 16.7 A Member must not demand City staff to engage in partisan or political activities at any level of government or subject any City staff to reprisal for a refusal to engage in such activities.
- 16.8 A Member must not subject any City staff to reprisal for any engagement in partisan or political activities, at any level of government, which is done in their personal capacity.
- 16.9 Members must not participate in any way or attempt to influence the hiring of City staff, other than those position specified within legislation.
- 16.10 If serving as a reference or recommending an individual for employment with the City, a Member must comply with the City's hiring practices and must not use their role as an elected official to unfairly influence any hiring decisions.
- 16.11 A Member must not attempt to use a relationship with a family Member who is also an employee with the City for the Member's personal gain or benefit.

17. Communication with Public/ Media and Social Media Relations

- 17.1 That unless otherwise authorized, the Mayor is the Chief Spokesperson for Council related to issues of governance, long term planning, major changes in operations and other decisions made by City Council.
- 17.2 Members shall use complete discretion and be respectful when commenting on public forms so that it does not prejudice any City business, matters before Council, Administration, or fellow Members of Council.
- 17.3 When commenting on matters relating to City business, Members must ensure that confidentiality is protected in accordance with the *Local Authority Freedom of Information and Protection of Privacy Act* at all times.
- 17.4 The conduct of Members on social media shall be consistent with their obligations as an elected official for the municipality, including any relevant legislation, City Bylaws and Policies.
- 17.5 Without limiting the ability of a Member to hold a position on an issue and respectfully express their opinions, Members must accurately communicate the decisions of Council to ensure respect and integrity in the decision-making processes of Council.
- 17.6 Subject to sections 16 and 17, Members must not respond to a formal inquiry, comments from the media, social media, or complaints from a third party regarding the City of Swift Current unless it is within the scope of their position to do so.
- 17.7 Members may use their social media profiles as a secondary City of Swift Current information source only after information has been officially released by the City, including the sharing of information released via the City's website and social media accounts.
- 17.8 No Member may engage in negotiations or make representation commitments on behalf of the City unless authorized to do so by Council but may advocate for the City's interests on topics agreed to by the majority of Council to any level of government or non-governmental body as opportunities arise.
- 17.9 If a Member becomes aware of or receives an inquiry that is specific to another Member, the Member will refer the matter to the other Member or request that the inquiring individual contact the other Member or the Mayor.

DIVISION IV

Property

18. Personal Gain, Gifts and Benefits

18.1 Members must not accept a fee, advance, loan, gift, or personal benefit that is connected directly or indirectly to the Members duties, except as follows:

- a) Compensation authorized by law, including compensation for serving on external bodies as a Council-approved City representative;
- b) Received as a normal or necessary incident to fulfilling the Member's duties;
- c) Received as an incident of protocol or social obligation, provided that the value of the gift or benefit does not exceed \$500;
- d) Received in relation to a person's volunteer time or activities provided to further the interests of the City;
- e) A suitable memento of a function honouring the Member;
- f) Lodging, transportation, and entertainment provided by Provincial, Regional, and Local Governments or political subdivisions of them, by the Federal Government or by a conference, seminar, or event organizer where the Member is either speaking or attending in an official capacity;
- g) Reimbursement of expenses associated with travel to and attendance at a conference or other event where the Member is speaking or attending in an official capacity; or
- h) Non-cash gifts from vendors not exceeding \$500 including but not limited to meals, gifts, fruit baskets, flowers or sporting or other event tickets;
- i) Tickets to meals, banquets, receptions, sporting events, or similar activities exceeding a \$500 value if:
 - (i) attendance serves a legitimate purpose associated with the Member's duties;
 - (ii) the person extending the invitation, or a representative of the inviting organization is in attendance; and
 - (iii) the value is reasonable and the invitations infrequent.

18.2 A Member must, as soon as practicable, return to the donor any gift or personal benefit that does not comply with this Bylaw, along with an explanation as to why the gift or personal benefit cannot be accepted.

- 18.3 In the case of exceptions listed in subsections 18.1 b), c), e), f), g), and h), if the value of the gift or personal benefit exceeds \$500 or if the total value of gifts or personal benefits received from one source during the calendar year exceeds \$500, the Member shall include the information required by section 18.2 on the annual disclosure statement.
- 18.4 For each gift or personal benefit that must be disclosed pursuant to section 18.3 either individually or as part of a cumulative total, the disclosure statement shall indicate:
- a) the nature of the gift or personal benefit, by description, photograph, or both;
 - b) the estimated value of the gift or personal benefit;
 - c) the source of the gift or personal benefit; and
 - d) the circumstances under which the gift or personal benefit was given or received.
- 18.5 A Member must file an annual disclosure statement and submit it to the City Clerk not later than November 30th of each year outlining the information described in subsection 18.4 or stating that there is nothing to disclose.
- 18.6 Disclosure statements pursuant to subsection 18.5 will be a matter of public record in the prescribed format determined by the City Clerk.

19. Support for Charities

- 19.1 A Member may lend their support to and encourage community donations to registered charitable, not-for-profit and other community-based groups, as long as monies raised through fundraising efforts go directly to the groups or volunteers or chapters acting as local organizers of the group.
- 19.2 A Member shall not directly manage or control any monies received relating to community or charitable organization fundraising, unless the Member is an employee of the community or charitable organization.
- 19.3 A Member shall not communicate with, solicit or accept support in any form from an individual, group or corporation with any planning, conversion or demolition variance application or procurement proposal pending before Council.
- 19.4 Nothing in this section affects the entitlement of a Member to:
- a) urge constituents, businesses or other groups to support community events put on by others in the City to advance the needs of a charitable organization;
 - b) play an advisory ex-officio, honorary, board director or Membership role in any charitable or non-profit organization that holds community events in the City; or

- c) collaborate with the City and its agencies, boards or commission to hold community events.

20. City Assets, Resources, and Services

- 20.1 A Member must not use, or permit the use of, City land, facilities, equipment, supplies, services, staff or other resources for activities other than the business of the City.
- 20.2 A Member may use City assets that are generally available to the public on the same terms and conditions offered to the public, including complying with booking procedures and paying applicable fees.
- 20.3 A Member may use communication facilities, such as computers, telephones, email, and mobile devices, provided by the City for personal use provided that such use is not offensive or inappropriate, or would not cause harm to any person.
- 20.4 A Member will comply with all information security procedures applicable to City staff and will not take any actions that may compromise the integrity or security of the City's information systems.
- 20.5 A Member must not attempt to obtain financial gain from any of the City's intellectual property and acknowledges that the City's intellectual property is owned by the municipal corporation.
- 20.6 A Member will maintain their constituency and City records in accordance with City policies and applicable laws.
- 20.7 Immediately prior to the end of their elected term of office, Members will return City assets, including City records to the City Clerk in accordance with all relevant City policies.
- 20.8 Subject to subsection 20.7, immediately prior to the end of their elected term of office, Members may return or make arrangements for the purchase of their assigned electronic equipment with the City Clerk in accordance with all relevant City Information Technology policies.
- 20.9 Members who do not complete a full term of office must return all City assets, including City records and electronic equipment as soon as reasonably possible to the City Clerk.
- 20.10 All emails or messages sent or received, files stored, and use of internet on City devices and through the City's firewall are subject to inspection, tracing, logging, *The Local Authority Freedom of Information and Protection of Privacy Act*, and any future investigations.
- 20.11 No Member shall obtain financial gain from the use or sale of City-developed intellectual property, computer programs, technological innovations, or other patent, trademark, copyright held by the City.

- 20.12 No Member shall use information gained in the execution of his or her duties that is not available to the general public for any purposes other than carrying out their official duties.

DIVISION V

Influence

21. Improper Use of Influence

- 21.1 A Member must only use the influence of their office for the exercise of their official duties.
- 21.2 A Member must not use, or attempt to use, their office for the purpose of intimidating, influencing, threatening, coercing, or directing City staff.
- 21.3 A Member must be independent and impartial and must not provide preferential treatment to any person or organization except as warranted by the ordinary and lawful discharge of the Member's duties.
- 21.4 A Member must not use the prospect of future employment by a person or entity, or other future economic opportunities, to detrimentally affect the performance of their duties to the City.
- 21.5 A Member should avoid carrying out their duties in any manner that may reasonably be perceived as being in conflict with any future endeavour that may be undertaken by the Member.
- 21.6 A Member must not contact or attempt in any way to influence any Member of a quasi-judicial body before which the City may be a party regarding a matter before that body.

PART IV – ELECTION

A Member must comply with *The Local Government Election Act*, and the City of Swift Current General Election Bylaw No. 7 – 2020 in undertaking election campaign activities and fundraising.

DIVISION I

Elections and Campaign Activities

22. Communications

- 22.1 Public events and advertising or media paid for through City budgets allocated for Council use or public events organized or sponsored by Members using any

City budgets or assets must be completed ninety (90) days before general voting day in a general election year.

- 22.2 A Member must not issue City-funded mass email distributions between nomination day and election day.
- 22.3 A Member must not use City postage or other resources for mass mailings of any kind between nomination day and election day.
- 22.4 A Member must not place City information updates in community newsletters or social media between nomination day and election day.
- 22.5 A Member must not use any City communications facilities or services for their campaign; this includes the use of media addresses, email addresses and distribution lists, the City's photo library, website development, writing or print material services.
- 22.6 No Member will refer to themselves in election campaign advertisements as "Councillor" or "Mayor".
- 22.7 A Member may only use the City's website, social media, email, and phone number for official duties.
- 22.8 A Member will maintain separate websites, social media, email and phone number for all campaign activities and communications. These accounts shall include a disclaimer that they are not City-funded, nor do they reflect City policy during a campaign period.
- 22.9 Website and email distribution lists that are used for official duties may not be used for campaign activities and communications.
- 22.10 Links are not allowed on City websites or external websites paid for by the City to a Member's campaign website at any point in time during a term of office. This does not prevent the Returning Officer from providing links to campaign websites for all candidates on the Elections website.

23. City Staff, Functions, and Other Resources

- 23.1 No Member shall use the services of City staff for election campaign related purposes during hours in which those City staff receive any compensation from the City.
- 23.2 City staff shall not work for or run an election campaign.
- 23.3 A Member must not seek individual advice from City staff regarding election rules and processes, or regarding their obligations as candidates, including any

obligations as candidates that may apply while the Member holds office. Nothing restricts a Member from receiving information available to all candidates for an election.

- 23.4 City resources must not be used by a Member or staff for election campaigns or for a fundraising event at any point during a term of office.
- 23.5 Under no circumstances should Member's offices be used to engage in election campaign related activities.
- 23.6 City data must not be used by Members for election campaigns or fundraising events unless those data sources are publicly available, and all fees associated with the use of the data have been paid for by the election campaign funds.
- 23.7 Any election campaign related activities that occur in City Hall or any civic facility must take place in a location that is normally available for rental to the public and that has been arranged and paid for through the normal rental process.
- 23.8 A Member who is nominated to run for re-election must not participate in any City-sponsored events requiring them to perform official ceremonial duties between nomination day and election day.
- 23.9 A Member who is nominated to run for re-election must not wear the Mayor's Chain of Office at any event between nomination day and election day.
- 23.10 A Member must not use their office to gain an unfair advantage over other candidates, or to provide an unfair advantage for a candidate.

24. Other Elections

- 24.1 A Member must not use City resources to promote or oppose the candidacy of any person to elected office in any Municipal, Provincial, or Federal campaign.
- 24.2 A Member may choose to take an unpaid leave of absence to run for elected office of another government.
- 24.3 During a period of leave under subsection 24.2, the Member:
 - a) shall not receive any confidential agendas, communications or documents from the City;
 - b) shall receive copies of all public information;
 - c) shall not be required to return their City resources, but will not use them for any non-civic purpose; and
 - d) shall not be reimbursed for any mileage, travel expenses or similar expenses.

PART V - INTEGRITY COMMISSIONER

25. Appointment of Integrity Commissioner

25.1 Council shall appoint an Integrity Commissioner to undertake the duties and responsibilities assigned to that office pursuant to this Bylaw:

- a) for a specified period of time;
- b) on an ad hoc basis; or
- c) jointly with another municipality or municipalities.

25.2 The appointment of an Integrity Commissioner may be made, suspended, or revoked only if the majority of Council vote to do so.

26. Interim or Ad Hoc Appointment

26.1 This section is applicable in the following circumstances:

- a) if the City has not yet entered into a contract for the appointment of an Integrity Commissioner for a specified term;
- b) in the interim period between the expiry of the appointment of one Integrity Commissioner and their re-appointment or the appointment of a new Integrity Commissioner;
- c) if the appointed Integrity Commissioner is unable or unwilling to act; or
- d) if the City appoints an Integrity Commissioner on an ad hoc basis.

26.2 Where the circumstances in subsection 26.1 apply, then the processes outlined in this Bylaw apply, however, they shall be altered as follows:

- a) formal written complaints of a violation of this Bylaw shall be submitted jointly to the City Solicitor and the City Clerk;
- b) upon receipt of a formal complaint, the City Solicitor and City Clerk shall consider the following in making a determination as to whether the complaint shall be investigated:
 - (i) whether the complaint falls within the jurisdiction of this Bylaw;
 - (ii) whether there are sufficient grounds for an investigation; and
 - (iii) whether the complaint is frivolous or vexatious.
- c) where a determination is made that a complaint shall be investigated, the City Solicitor and the City Clerk shall rely on the Integrity Commissioner to carry out the duties in this Bylaw including investigating and determining if the Member has violated the Bylaw and reporting and making recommendations to Council Compliance

Committee on appropriate censure, sanctions, or corrective actions, if applicable.

- d) Council shall appoint a Compliance Committee composed of three (3) members of Council. One (1) of the duties of this Committee is to conduct a hearing, if recommended by the Integrity Commissioner, to determine whether a contravention occurred.
- e) The Council Compliance Committee shall give reasonable notice to the charged Member prior to the hearing.
- f) The charged Member shall have the option of being represented by legal counsel.
- g) While the Council 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.
- h) If the Council 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 36 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.

27. Duties and Responsibilities

27.1 The Integrity Commissioner shall:

- a) subject to section 26, assess all written complaints to determine if there is jurisdiction to investigate, sufficient grounds for an investigation, opportunity for settlement or if the complaint is frivolous and vexatious;
- b) investigate and conduct inquiries into contraventions of this Bylaw;
- c) determine and report to an en camera meeting of Council as to whether a Member is in contravention of this Bylaw;
- d) make confidential recommendations to Council on whether to impose sanctions or require corrective actions if there is a contravention; and
- e) publish a public annual report on the work of the Integrity Commissioner including examples in general terms of advice and advance rulings rendered and complaints received and disposed of.

27.2 The Integrity Commissioner shall, if requested:

- a) provide oral advice and written advance rulings and recommendations to Members on questions of compliance with this Bylaw;

- b) provide Council with specific and general advice on this Bylaw and issues of compliance with this Bylaw;
- c) prepare written materials for distribution to, and use by, Members regarding the role of the Integrity Commissioner and the ethical obligations and responsibilities of Members under this Bylaw;
- d) prepare written materials and content for the City's website for distribution to, and use by, the public, to aid in their understanding of the role of the Integrity Commissioner and the ethical obligations and responsibilities of Members under this Bylaw;
- e) deliver educational programs to Members and staff regarding the role of the Integrity Commissioner and the ethical obligations and responsibilities of Members under this Bylaw; or,
- f) provide advice and recommendations to Council regarding amendments to this Bylaw.

28. Reliance on Integrity Commissioner's Advance Ruling

- 28.1 Member may request that the Integrity Commissioner provide a written advance ruling and a recommendation on questions of compliance with this Bylaw.
- 28.2 The Integrity Commissioner may make any inquiries they consider appropriate to provide the Member with a written advance ruling and recommendations.
- 28.3 If the conduct of a Member is being investigated in a matter that was the subject of a written advance ruling or recommendations by the Integrity Commissioner, the Member may rely on, and the Integrity Commissioner is bound by the ruling or recommendations by the Integrity Commissioner if:
 - a) the Member disclosed all known specific facts to the Integrity Commissioner at the time of the request and those facts remain unchanged;
 - b) the Member requested an advance ruling prior to taking any action; and
 - c) the Member followed the advance ruling or recommendations.
- 28.4 The City shall appoint a different, ad hoc Integrity Commissioner to deal with a specific complaint in the following circumstances:
 - a) if a complaint is received with respect to an issue that the Member has received an advance ruling or recommendations from the appointed Integrity Commissioner;
 - b) the appointed Integrity Commissioner is not bound by the advance ruling or recommendations as the conditions in section 28.3 have not been met; and

- c) the appointed Integrity Commissioner would not be able to fairly deal with the complaint because of the information already provided by the Member.

28.5 The Integrity Commissioner is not bound by oral advice given to any Member.

PART VI – COMPLAINTS

DIVISION I

29. Informal Complaint Resolution Process

- 29.1 Any person, either individually or on behalf of an organization, who has identified or witnessed conduct by a Member that the person believes is in contravention of this Bylaw may advise the Member that the conduct violates the Bylaw and encourage the Member to stop.
- 29.2 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 apply additional penalties based on the severity of the contravention.

30. Formal Request for Investigation

- 30.1 Formal written complaints of a violation of this Bylaw shall be submitted to the City Clerk in the form attached as Schedule “B” or in any other form approved by the City Clerk and must include the associated fee.
- 30.2 The City Clerk shall forward all formal written complaints received to the Integrity Commissioner upon receipt of a complaint and the applicable submission fee.
- 30.3 The Complaint must:
 - a) be in writing;
 - b) be dated and signed by an identifiable person; and
 - c) set out all of the grounds and information related to the violation including the date, time and location of the alleged violation, the name of the accused Member, an explanation as to which provision of the Bylaw has been violated, and any evidence in support of the allegation including the names and statements of any witnesses.
- 30.4 The Integrity Commissioner may investigate a complaint that does not comply with section 30.3 if, in the Integrity Commissioner’s opinion, the circumstances warrant.
- 30.5 Complaints or investigation within ninety (90) days prior to a municipal election shall be suspended until after election day.

31. Initial Complaint Classification

- 31.1 Given the broad nature of the obligations in this Bylaw and the potential for overlap with other legislative and common law requirements, complaints shall be directed, if possible, to another process or forum if another process or forum would be more appropriate for addressing the complaint.
- 31.2 On receipt of a complaint pursuant to section 30.1, the Integrity Commissioner shall make an initial determination if the complaint is, on its face, a complaint with respect to non-compliance with this Bylaw.
- 31.3 If a complaint is not, on its face, a complaint with respect to non-compliance with this Bylaw, or if a complaint would be more appropriately addressed through another process, the Integrity Commissioner or City Clerk, in the circumstances of section 26.1, shall advise the complainant in writing as follows:
 - a) if the complaint is an allegation of a criminal nature consistent with the *Criminal Code*, the complainant shall be advised that they must pursue the allegation with the appropriate police service;
 - b) if the complaint is with respect to non-compliance with *The Cities Act*, including sections 114 through 119 of *The Cities Act*, the complainant shall be advised that they must pursue the allegation pursuant to *The Cities Act*;
 - c) if the complaint is with respect to non-compliance with a more specific Council Policy or Bylaw with a separate complaint procedure, the complainant shall be advised that they must pursue the allegation under that procedure;
 - d) if the complaint is with respect to a matter that is subject to an outstanding complaint under another process such as a court proceeding, a Human Rights complaint or similar process, the investigation may be suspended pending the result of the other process;
 - e) in other cases, the complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the Integrity Commissioner to investigate, with any additional reasons and referrals that are appropriate.

32. Frivolous Complaints

Subject to section 26, if the Integrity Commissioner is of the opinion that a complaint is frivolous, vexatious, or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, an investigation shall not be conducted or if an investigation has begun, it shall be terminated.

33. Submission Fees

- 33.1 If the Integrity Commissioner is of the opinion that a complaint has sufficient grounds for investigation or insufficient grounds for an investigation but was

reasonably made in good faith, Submission Fees as set out in Schedule “A” shall be reimbursed to the complainant.

- 33.2 If the Integrity Commissioner is of the opinion that a complaint is frivolous, vexatious, or not made in good faith, Submission Fees as set out in Schedule “A” shall be retained by the City.

PART VI – INVESTIGATION & REPORT PROCESS

34. Investigation

- 34.1 If a complaint is not directed to another process or forum pursuant to section 31 or rejected pursuant to section 32, the Integrity Commissioner shall investigate the complaint and may attempt to settle the complaint.
- 34.2 The Integrity Commissioner shall:
- a) serve the complaint and supporting material on the Member whose conduct is in question with a request that a written response to the allegation by way of affidavit or otherwise be filed within ten (10) business days;
 - b) serve a copy of the response provided upon the complainant with a request for a written reply within ten (10) business days; and
 - c) Upon notice to the complainant and the respondent, the Integrity Commissioner may extend the deadlines described in subsection 34.2.
- 34.3 If necessary, the Integrity Commissioner may:
- a) speak to anyone relevant to the complaint; and
 - b) access any records relevant to the complaint, except a record that:
 - (i) contains information that is subject to solicitor-client privilege;
 - (ii) was prepared by or for legal counsel for the City in relation to a matter involving the provision of advice or other services by legal counsel; or
 - (iii) contains correspondence between legal counsel for the City and any other person in relation to a matter involving the provision of advice or other services by legal counsel.
- 34.4 The Integrity Commissioner shall not issue a report finding a violation of this Bylaw on the part of any Member unless the Member has had reasonable notice of the basis for the proposed finding and any recommended sanctions or corrective actions and an opportunity either in person or in writing to comment on the proposed finding and any recommended sanctions, or corrective actions.

35. Investigation Report

- 35.1 Subject to subsection 34.3, the Integrity Commissioner shall report to the complainant and the Member no later than sixty (60) business days after receipt of the complaint.
- 35.2 Upon notice to the complainant and the respondent, the Integrity Commissioner may extend the deadlines described in subsection 35.1.
- 35.3 Subject to subsection 34.4, if the Integrity Commissioner determines that this Bylaw has been violated and the complaint is substantiated in whole or in part, the Integrity Commissioner shall report to Council the findings and the terms of settlement, recommended sanctions, or corrective actions.
- 35.4 If the Integrity Commissioner determines that this Bylaw has been violated and the complaint is substantiated in whole or in part, the Integrity Commissioner shall not report any recommended sanctions or corrective actions to the complainant.
- 35.5 The Integrity Commissioner's report will be considered en camera by Council.
- 35.6 If the complaint is dismissed, other than in exceptional circumstances, the Integrity Commissioner shall not report to Council except as part of an annual or periodic report.
- 35.7 Any recommended sanctions or corrective actions must be permitted in law and shall be designed to ensure that the inappropriate conduct does not continue.
- 35.8 If the Integrity Commissioner determines that this Bylaw has been violated although the Member took all reasonable measures to prevent it, or that a violation occurred that was trivial or committed through inadvertence or an error of judgement made in good faith, the Integrity Commissioner shall so state in the report and may recommend that no sanctions, or corrective actions be imposed.

36. Council Review

- 36.1 Council shall consider and respond to an investigation report from the Integrity Commissioner within thirty (30) business days after the report is first considered.
- 36.2 Upon receipt of an investigation report from the Integrity Commissioner, Council may, in circumstances where the Integrity Commissioner has determined that this Bylaw has been violated, impose the sanctions and corrective actions recommended by the Integrity Commissioner or any other censure, sanctions and corrective actions allowed by law.
- 36.3 Possible censure, sanctions or corrective actions may include the following:

- a) a letter of reprimand addressed to the Member;
- b) requesting the Member to issue a letter of apology;
- c) publishing a letter of reprimand or request for apology and the Member's response;
- d) requiring the Member to attend training;
- e) suspending or removing the Member from Council committees or other bodies;
- f) suspending or removing the Member from a position of chairperson of Council or a Council appointed Committee.

37. Reprisals and Obstruction

- 37.1 No person shall obstruct the Integrity Commissioner in the carrying out of the Integrity Commissioner's duties or responsibilities.
- 37.2 No person shall threaten or undertake any active reprisal against a person initiating an inquiry or complaint under this Bylaw, or against a person who provides information to the Integrity Commissioner in the context of an investigation.
- 37.3 No person shall destroy documents or erase electronic communications related to a matter under investigation under this Bylaw or refuse to respond to the Integrity Commissioner when questioned regarding an investigation.

38. Confidentiality

- 38.1 Pursuant to section 26 and 30, the Integrity Commissioner will use all reasonable efforts to investigate complaints in confidence. The Integrity Commissioner and every person acting under the Integrity Commissioner's instructions shall preserve secrecy with respect to all matters that come to the Integrity Commissioner's knowledge in the course of any investigation or complaint except as required by law.
- 38.2 While an investigation report provided to Council may be considered en camera by a Council for the purposes of receiving advice including legal advice and deliberating on the report, when Council responds to a report, it shall do so in a public meeting and the report shall be available to the public.
- 38.3 An investigation report shall only disclose such matters as in the Integrity Commissioner's opinion are necessary for the purposes of the report.

PART VII - COMING INTO FORCE

39. Bylaw No. 5 - 2017 and all amendments hereto, are hereby repealed.

40. THIS BYLAW shall come into force and have effect from the date of final passing.

"Al Bridal"

"Jackie Schlamp"

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

INTRODUCED AND READ a first time this 15th day of May, 2023.

READ a second time this 15th day of May, 2023.

READ a third time and finally passed this this 15th day of May, 2023.

Schedule "A"

Oath or Affirmation – Member of Council

I, _____, having been elected to the office of Council in the City of Swift Current,

DO SOLEMNLY PROMISE AND DECLARE THAT:

1. I will truly, faithfully and impartially, to the best of my knowledge and ability, perform the duties of this office;
2. I am qualified to hold the office to which I have been elected;
3. I have not received and will not receive any payment or reward, or promise of payment or reward, for the exercise of any corrupt practice or other undue execution or influence of this office;
4. I have read, understand and agree to abide by the Code of Ethics, Rules of Conduct and Procedures applicable to my position as a member of council required of me by *The Cities Act* and any other Act and by the Council;
5. I will:
 - a) Perform the duties of office imposed by *The Cities Act* and any other Act or law and by the council.
 - b) Disclose any conflict of interest within the meaning of Part VII of *The Cities Act*; and
 - c) Comply with the Code of Ethics, Rules of Conduct and Procedures applicable to the office I now hold that are imposed by *The Cities Act* and any other Act and by the Council.

DECLARED before me at the City of Swift Current in the Province of Saskatchewan this _____ day of _____.

Commissioner of Oaths for Saskatchewan

Signature of Council Member

Commission expires: _____

Schedule "B"

Formal Complaint Form

Please note that knowingly signing a false affidavit may expose you to prosecution under the Criminal Code of Canada.

I, _____ of _____,
(First and Last Name) *(Address)*

do solemnly swear (affirm and declare) that the following contents of this statement are true and correct and hereby request the council of the City of Swift Current to *look into/ conduct an investigation/ inquiry/ follow-up on* whether or not the following member(s) of the City Council has (have) contravened the Code of Ethics:

Member(s) of council name(s)

I have reasonable and probable grounds to believe that the above member(s) has (have) contravened the Code of Ethics by reason of the following:

1. insert date(s), time and location of conduct;
2. include the sections of this bylaw that have been contravened;
3. provide the particulars and names of all persons involved, and of all witnesses;
4. provide contact information for all people listed;
5. any exhibits can be attached; and
6. if more space is required, please attach additional pages as needed.

I, _____ am a resident of the City of Swift Current.

My full name and contact information is as follows:

Name and full address

Email Address Phone Number

I have lived in the City for _____ years.

Please read and initial, confirming your understanding of the process:

_____ I understand a Submission Fee in the sum of \$100 must accompany this form.

_____ I understand the fee must be received by the City for an investigation to proceed.

_____ I will deliver a completed Schedule "B" and submission fee in an Envelope marked as CONFIDENTIAL addressed to the City Clerk for formal submission to the Integrity Commissioner.

_____ I understand that should my complaint be substantiated or deemed made in good faith by the Integrity Commissioner that the Schedule "B" Submission Fee will be returned to me following the conclusion of the investigation.

_____ I also understand that should the complaint be found by the Integrity Commissioner to be frivolous, vexatious, or not made in good faith that the Schedule "B" Submission Fee shall be retained by the City to help offset the costs associated with the investigation.

FOR OFFICE USE ONLY

(DATE FILED)

SIGNATURE OF CAO OR CITY CLERK

Signature

Date