

CITY OF PRINCE ALBERT

BYLAW NO. 3 OF 2017



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OFFICE CONSOLIDATION

CODE OF ETHICS BYLAW

BYLAW NO. 3 OF 2017

Including the Following Amendments:

<u>AMENDMENTS</u>	<u>DATE PASSED</u>
Bylaw No. 2 of 2018	April 16, 2018

CITY OF PRINCE ALBERT

BYLAW NO. 3 OF 2017

A Bylaw of The City of Prince Albert to define the standards and values expected of members of Council in dealing with each other, employees of The City and the Public.

WHEREAS, pursuant to Section 66.1 of *The Cities Act* and Section 3.1, Schedule 1, of *The Cities Regulations*, a Council shall adopt a Code of Ethics that applies to all members of Council.

AND WHEREAS the Council of The City of Prince Albert recognizes that their actions have an impact on the lives of all residents and property owners in the community and fulfilling their obligations and discharging their duties responsibly requires a commitment to the highest ethical standards.

AND WHEREAS the Council understand that the quality of the public administration and governance of The City of Prince Albert, as well as its reputation and integrity, depends on their conduct as elected officials.

NOW THEREFORE THE COUNCIL OF THE CITY OF PRINCE ALBERT IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

PART I INTERPRETATION

SHORT TITLE

1. This Bylaw may be cited as “Code of Ethics Bylaw.”

PURPOSED AND INTERPRETATION

2. The purpose of this code is to outline basic ethical standards and values for members. It is to be used to guide members respecting what their obligations are when fulfilling their duties and responsibilities as elected officials.
3. This code is to be interpreted in accordance with the legislation applicable to the municipality, the common law and the policies and bylaws of the municipality.
4. Neither the law nor this code 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.

DEFINITIONS

5. (1) In this Bylaw:

- (a) "Council" means the Mayor and Councillors of the City elected pursuant to the provisions of *The Local Government Election Act, 2015*.
- (b) "Councillor" means the Council member duly elected in the City as a Councillor, in accordance with *The Local Government Election Act, 2015*.
- (c) "Mayor" means the Council member duly elected in the City of Prince Albert as the Mayor in accordance with *The Local Government Election Act, 2015*.
- (d) "Member" means the Mayor or Councillor.
- (e) Words implying the male persons include female persons and singular references include plural references.

(2) A reference in this Bylaw to an enactment of the Legislative Assembly of Saskatchewan is a reference to the enactment as amended from time to time.

APPLICATION

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

PART II STANDARDS AND VALUES

HONESTY

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

OBJECTIVITY

8. Members shall make decisions carefully, fairly and impartially.

RESPECT

9. Members shall treat every person, including other members, municipal, employees and the public, with dignity, understanding and respect.
10. Members shall not engage in discrimination, bullying or harassment in their roles as members. 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.

TRANSPARENCY AND ACCOUNTABILITY

11. 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 closed session, so that stakeholders can view the process and rationale used to reach decisions and the reasons for taking certain actions.
12. Members are responsible for the decisions that they make. This responsibility includes acts of commission and acts of omission.

CONFIDENTIALITY

13. 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. 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 a local authority.

LEADERSHIP AND THE PUBLIC INTEREST

14. Members 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.
15. 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 person benefit, wrongdoing or unethical conduct.

RESPONSIBILITY

16. Members shall act responsibly and in accordance with the Acts of the Parliament of Canada and the Legislature of Saskatchewan, including *The Cities Act*.
17. This duty includes disclosing actual or potential conflicts of interest, either financial or otherwise relating to their responsibilities as members, 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 is individually responsible for preventing potential and actual conflicts of interest.

PART III CODE OF CONDUCT

REPRESENTATION AT GATHERINGS AND MEETINGS ON BEHALF OF THE CITY

18. The Mayor shall represent City Council at all gatherings and meetings on behalf of The City.
19. If the Mayor is unavailable to attend the gathering or meeting, the Deputy Mayor shall represent City Council at the gathering or meeting on behalf of The City.
20. If the Deputy Mayor is unavailable to attend the gathering or meeting, a request will be forwarded to all members of Council to request their interest in attending the gathering or meeting and the Mayor shall determine the member(s) of Council to attend.
21. Notwithstanding Sections 18, 19 and 20:
 - (1) If a request is received for a specific member of Council to attend a gathering or meeting, the Mayor may consider and determine the requested member of Council to attend; and,
 - (2) If a request is received directly by a member of Council requesting whether they can speak at a gathering or meeting on behalf of The City, the Mayor may still attend the specific gathering or meeting and waive his speaking duties to a member of Council.
22. At some gatherings or meetings, there may be more than one (1) member of Council in attendance. When this occurs, acknowledgement of each member of Council attending shall be provided prior to bringing greetings at the gathering or meeting. Only the member of Council assigned to that gathering or meeting by the Mayor shall speak on behalf of The City.

23. If a member of Council is holding or attending a meeting on their own behalf, without the Mayor's approval, they shall ensure the group or organization clearly understands they are not representing City Council at the gathering or meeting. If the group or organization is wishing to make a specific request of City Council, they are to clearly outline their request in a correspondence and submit to City Council for consideration in accordance with City Council's Procedure Bylaw.
24. If City Council has given a direction to a specific Committee or a member(s) of Council or Administration, Councillors who are not a member of the specified Committee or who are not specifically named in the direction, shall have no authority to participate in the implementation of Council's direction.

(2/2018, s.1, ii)

PART IV CONTRAVENTION OF THE CODE OF ETHICS

25. As required by clause 66.1(5)(c) of *The Cities Act*, the following section details the procedure for handling contraventions of the code of ethics.
 - (1) To report an alleged contravention of the code of ethics, an individual/organization/member of Council may submit the form found in Schedule A, by sending the form directly to the City Clerk by mail, e-mail, fax or courier. The complaint will then be presented to Council at the next regular meeting in an incamera session.
 - (2) Upon receipt of a complaint, Council shall discuss the complaint and take all necessary steps to ensure the complaint is valid.
 - (3) All discussions surrounding alleged and substantiated contraventions of this bylaw shall be conducted in an incamera session at a meeting of Council.
 - (4) If the claim is found to be substantiated, Council may, by resolution, impose an appropriate penalty detailed in 20(a) to (f) based on the severity of the contravention of the code of ethics.
 - (a) Any action taken by Council should include a time frame to complete the expected remedial action.

- (5) Council shall inform the claimant, member, and any other relevant party of Council's decision, which includes:
 - (a) Informing the claimant and member that the complaint is dismissed, or
 - (b) Informing the complainant and member of the corrective action and/or the measures taken to ensure the behavior or activity does not continue.

CONTRAVENTION DURING A COUNCIL MEETING

- 26. If Council is of the opinion that a member has violated the code of ethics during a meeting, Council may require the member to remove themselves for the remainder of the meeting. Council may apply additional penalties based on the severity of the contravention.

REMEDIAL ACTION IF CONTRAVENTION OCCURS

- 27. Should a member breach any of the principles outlined in this code, the possible courses of action that are available to Council include but are not limited to:
 - (1) An apology, either written and/or verbal, by the member 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 Committees and/or bodies.
 - (5) Dismissal of the member from a position of Chairperson of a Committee.
 - (6) Reprimand.

(2/2018, s.1, i & iii)

PART V
MISCELLANEOUS

28. This bylaw shall come into force and take effect on the day of its final passing.

INTRODUCED AND READ A FIRST TIME THIS 23RD DAY OF JANUARY, AD 2017

READ A SECOND TIME THIS 23RD DAY OF JANUARY, AD 2017

READ A THIRD TIME AND PASSED THIS 23RD DAY OF JANUARY, AD 2017

"Greg Dionne"
MAYOR

"Sherry Person"
CITY CLERK

**Schedule A
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) (Full mailing address)

do solemnly declare that the following contents of this statement are true and correct and hereby request the Council of The City of Prince Albert to conduct an investigation whether or not the following member(s) of the City Council has (have) contravened the Council Code of Ethics:

Members(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 person 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.

(Signature of Complainant)

(Date signed)

For Office Use Only

(Date filed)

(Signature of City Clerk)