

## **BYLAW 2017-1982**

### **A BYLAW OF THE CITY OF ESTEVAN TO ESTABLISH COUNCIL AND COUNCIL COMMITTEES CODE OF ETHICS FOR MEMBERS OF COUNCIL AND MEMBERS APPOINTED TO BOARDS, COMMITTEES, CONTROLLED CORPORATIONS AND OTHER BODIES ESTABLISHED BY COUNCIL.**

**WHEREAS**, Section 66.1 (1) the Council of the City of Estevan deems it necessary to establish a Bylaw to deal with: the conduct of Council and Council Committee's

**AND WHEREAS**, it is deemed necessary to establish a Bylaw to deal with other bodies established by Council, the conduct of Councillor and the conduct of members of Council Committees and other bodies established by Council.

**AND WHEREAS**, as Members of Council it is recognized that Council Members' actions have an impact on the lives of all residents and property owners to the community and fulfilling the obligations and in discharging duties as Council Members, there is a responsibility requiring a commitment to the highest ethical standards.

**AND WHEREAS**, the quality of the public administration and governance of the City of Estevan, as well as its reputation and integrity, depends on the conduct of elected officials.

**NOW THEREFORE**, the Council of the City of Estevan deems it necessary to establish basic rules for elected officials within the City of Estevan so that they may carry out their entrusted duties with impartiality and dignity, recognizing that the function of Council Members is at all times to serve the community and public

**NOW THEREFORE**, the Council of the City of Estevan enacts as follows:

#### **Short Title**

1. This Bylaw may be cited as the Code of Ethics.

#### **Legal Requirement**

2. This bylaw has been created to comply with Section - 66.1 of *The Cities Act* and as outlined in section 3.1, Schedule 1, of *The Cities Act*.

### **3. PART I CODE OF ETHICS**

#### **Code of Ethics for Members of Council**

##### **Purpose and Interpretation**

The purpose of this code 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 code is to be interpreted in accordance with the legislation applicable to the City of Estevan, the common law and the policies and bylaws of the City of Estevan.

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

##### **Standards and 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, City of Estevan 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 endeavour 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 focussing 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 City of Estevan, 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.

- i) *Incompatible Employment* – No elected/appointed official shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his/her official duties or would tend to impair his/her independence of judgement.
  
- ii) *Gifts and Favours* -Personal integrity and sound business practices require that relationships with vendors, contractors, or others doing business with the City, be such that no Member of Council can be accused of showing favoritism or bias toward the vendor. No Member of Council shall accept any gift valued in excess of \$300.00 from any person, firm or corporation which to their knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the City. Consequently Council Members are prohibited from accepting cash or items that can be easily converted to cash.

- iii) *Contracts with the City* – No elected or appointed official shall have any interest in any contract made by the City, Board, Committee, Controlled Corporation or Other Body established by Council for which he is a Member, except that such contract is for the sale and purchase of supplies, materials or equipment and for the rental thereof or for the construction of public improvements, if:
  - a) He/ Her is not authorized by law to participate on behalf of the City or any agent thereof, in the awarding of the contract; and
  - b) The contract is made upon a competitive bid in writing, publicly invited and publicly opened; and
  - c) All bids received and all documents pertaining to the award of the contract are available for public inspection in accordance with *The Cities Act*; and
  - d) He/ Her refrains from participating in any decisions made in relation to the contract.
  
- iv) *Appropriate Use*- Members of City Council are entitled to various City paid services or resources, and in using said resources they shall:
  - a) Follow the same rules and practices regarding reimbursement of travel expenses that are followed by civic staff
  - b) Use City Resources including civic staff, postage, photocopiers, phones, newsletters, stationery and any other civic property and equipment, with the exception of electronic devices, for civic business only; and
  - c) Refrain from including personal information on civic business cards or on civic webpages or social media.
  
- v) *Expectation of Privacy*- All city Council members are notified that all computers, cell phones, ipads and other electronic devices provided by the City are the property of the City and shall at all times, be treated as the City’s property. Council members are hereby notified that they are to have no expectations of privacy in the use of these devices. Council members may use these devices for personal as well as City purposes however, they are hereby notified:
  - a) all emails or messages sent or received on City devices are subject to the *Local Authority Freedom of Information and Protection of Privacy Act*;
  - b) all files stored on City devices, all use of internal email and all use of internet through the City’s firewall may be inspected, traced or logged by the City.
  - c) in the event of a complaint pursuant to this bylaw, it may require that any or all of the electronic devices provided by the City to Council members may be confiscated and inspected as part of the investigation including downloading information which is considered relevant to the investigation . All email messages or internet connections may be retrieved.

**PART II  
CONTRAVENTION OF THE CODE OF ETHICS**

**Complaint Procedure**

4. As required by clause (66.1(5)(c) of *The Cities Act*/93.1(5)(c) the following section details the procedure for handling contraventions of the code of ethics.

- (a) 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 of council in an *in camera* session.

- (b) Upon receipt of a complaint, Council shall discuss the complaint and take all necessary steps to ensure the complaint is valid.
- (c) All discussions surrounding alleged and substantiated contraventions of this policy shall be conducted in an *in camera* session at a meeting of council.
- (d) If the claim is found to be substantiated, Council may, by resolution, impose an appropriate penalty detailed in 5(a) to (f) based on the severity of the contravention of the code of ethics.
  - (i) Any action taken by Council should include a time frame to complete the expected remedial action.
- (e) Council shall inform the claimant, member of council, and any other relevant party of councils decision, which includes:
  - (i) Informing the claimant and member of council that the complaint is dismissed, or
  - (ii) Informing the complainant and member of council of the corrective action and/or the measures taken to ensure the behavior or activity does not continue.

#### **Contravention during a Council Meeting**

- 5. 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.

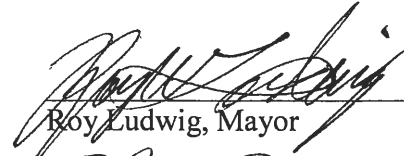
#### **Remedial Action if Contravention Occurs**

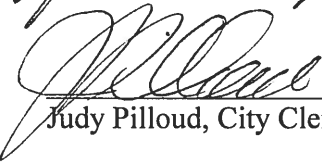
- 6. Should a Member of a Council breach any of the principles outlined in this code, the possible courses of action that are available to Council include but are not limited to:
  - (a) An apology, either written and/or verbal, by the Member of Council to the impacted individual(s), Council, and/or the general public.
  - (b) Educational training on ethical and respectful conduct.
  - (c) Repayment of moneys/gifts received.
  - (d) Removal of the Member from Council Committees and/or bodies.
  - (e) Dismissal of the Member from a position of Chairperson of a Committee.
  - (f) Reprimand.

**PART VII  
COMING INTO FORCE**

7. This bylaw shall come into effect on the day of its final passing.

CITY OF ESTEYAN

  
\_\_\_\_\_  
Roy Ludwig, Mayor

  
\_\_\_\_\_  
Judy Pilloud, City Clerk

Introduced and read a first time this 13<sup>th</sup> day of February, 2017.

Read a second time this 27<sup>th</sup> day of February , 2017.

Read a third time and adopted this 27<sup>th</sup> day of February, 2017.



**CITY OF ESTEVAN  
PUBLIC DISCLOSURE STATEMENT  
Form 1**

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Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

**Disclosure of Employer, etc.:**

Pursuant to sub clause 116(2)(a)(i) of *The Cities Act*, I hereby disclose the name of every employer, person, corporation, organization, association, or other body from which I or someone in my family receives remuneration for services performed as an employee, director, manager, operator, contractor, or agent:

<b>My Name or Name of Family Member</b>	<b>Payer</b>	<b>Nature of Relationship</b>

**Disclosure of Corporate Interests:**

Pursuant to sub clause 116(2)(a)(ii) of *The Cities Act*, I hereby disclose the name of each corporation in which I or someone in my family has a controlling interest, or of which I or someone in my family is a director or a senior officer:

<b>My Name or Name of Family Member</b>	<b>Name of Corporation</b>

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**Note:**

1. *This form must be completed within 30 days of election.*
2. *This form, when completed, is a public document.*
3. *The City Clerk will make amendments to this disclosure in accordance with subsequent declarations filed by the member.*
4. *The City Clerk will note the date on which this statement is amended.*

**Disclosure of Partnerships:**

Pursuant to sub clause 116(2)(a)(iii) of *The Cities Act*, I hereby disclose the name of each partnership or firm of which I or someone in my family is a member:

My Name or Name of Family Member	Name of Partnership or Firm

**Disclosure of Business Arrangements:**

Pursuant to sub clause 116(2)(a)(iv) of *The Cities Act*, I hereby disclose the name of any corporation, enterprise, firm, partnership, organization, association, or body that I or someone in my family directs, manages, operates or is otherwise involved in that:

- (a) transacts business with the municipality;
- (b) the council considers appropriate or necessary to disclose<sup>2</sup>; or
- (c) is prescribed:

My Name or Name of Family Member	Name of Corporation, Enterprise, Firm, Partnership, Organization, Association, or Body

**Disclosure of Property Holdings:**

Pursuant to (clause 116(2)(b) of *The Cities Act*, I hereby disclose the municipal address or legal description of any property located in the municipality or an adjoining municipality that is owned by:

- (i) me or someone in my family; or
- (ii) a corporation, incorporated or continued pursuant to *The Business Corporations Act* or the *Canada Corporations Act*, of which I or someone in my family is a director or senior officer or in which I or someone in my family has a controlling interest:

Owner(s)	Municipal Address or Legal Description	Municipality

<sup>2</sup> Described in a municipal policy or bylaw



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**Disclosure of Contracts and Agreements:**

Pursuant to (clause 116(2)(c) of *The Cities Act*, I hereby disclose the general nature and any material details of any contract or agreement involving me or someone in my family that could reasonably be perceived to be affected by a decision, recommendation or action of the council and to affect my impartiality in the exercise of my office:

My Name or Name of Family Member	General Nature and Any Material Details of Any Contract or Agreement

**DECLARATION**

I, \_\_\_\_\_, of the CITY OF ESTEVAN, in the Province of Saskatchewan, do hereby declare that to the best of my knowledge, information and belief, the statements and allegations contained and made in this form are true and complete, and I make this declaration for the purpose of official registration, in the full knowledge that it will be available for public examination.

Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
*Witness*

\_\_\_\_\_  
*Signature of Declarant*

Date Received: \_\_\_\_\_

**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 swear/(affirm and declare) that the following contents of this statement are true and correct and hereby request the council of the City of Estevan to *(look into/ conduct an investigation/ inquiry/ follow-up on)* whether or not the following member(s) of the City of Estevan 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.

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*(Signature of Complainant)*

\_\_\_\_\_  
*(Date signed)*

**For Office Use Only**

\_\_\_\_\_  
*(Date filed)*

Signature of \_\_\_\_\_  
*City Clerk*