

CITY OF YORKTON

BYLAW NO. 1/2017

**A BYLAW OF THE CITY OF YORKTON IN THE
PROVINCE OF SASKATCHEWAN TO ADOPT A
CODE OF ETHICS FOR MEMBERS OF COUNCIL
AND MEMBERS APPOINTED TO BOARDS,
COMMITTEES, CONTROLLED CORPORATIONS
AND OTHER BODIES ESTABLISHED BY
COUNCIL OF THE CITY OF YORKTON**

Disclaimer:

This information has been provided solely for research convenience. Official bylaws are available for the Office of the City Clerk and must be consulted for purposed of interpretation and application of the law.

CITY OF YORKTON

BYLAW NO. 1/2017

**A BYLAW OF THE CITY OF YORKTON IN THE PROVINCE OF SASKATCHEWAN
TO ADOPT A CODE OF ETHICS FOR MEMBERS OF COUNCIL AND MEMBERS
APPOINTED TO BOARDS, COMMITTEES, CONTROLLED CORPORATIONS AND
OTHER BODIES ESTABLISHED BY COUNCIL OF THE CITY OF YORKTON**

=====

WHEREAS, Section 66.1 (1) of *The Cities Act*, requires that a Council shall, by bylaw, adopt a code of ethics that applies to all Members of the Council;

AND WHEREAS, Section 66.1(2) of *The Cities Act*, requires that the code of ethics must define the standards and values that the Council expects Members of Council to comply with in their dealings with each other, employees of the city and the public;

AND WHEREAS, Section 66.1(3) states that, no Member of Council shall fail to comply with the city's code of ethics;

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 in 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 Yorkton, as well as its reputation and integrity, depends on the conduct of elected officials;

AND WHEREAS, Section 66.1(5) of *The Cities Act*, requires that the Code of Ethics must include the prescribed model code of ethics; comply with any prescribed requirements regarding adoption, updating and public accessibility; and, set out the process for dealing with contraventions of the Code of Ethics;

AND WHEREAS the Council of the City of Yorkton deems it desirable to adopt certain principles and guidelines for the conduct of all public officials, including Members of Boards, Committees, Controlled Corporations and other bodies established by Council of the City of Yorkton;

NOW THEREFORE, the Council of the City of Yorkton in Council assembled enacts as follows:

1. In this bylaw:
 - a) a reference to a Member of Council shall include Members of Boards, Committees, Controlled Corporations and other bodies established by Council, unless specifically referenced as an elected official;
 - b) Words importing male persons include female persons and singular reference includes plural reference;
 - c) 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.
2. Elected Officials and Officials appointed to Boards, Committees, Controlled Corporations and other bodies established by Council shall adhere to the basic ethical standards and values set out herein, acknowledging that this code is not to be interpreted as exhaustive, and there will be occasions on which Council may 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 code, which are:
 - a) *Honesty* – Members of Council shall be truthful and open in their roles as Council Members and as Members of the community 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 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 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. Members of Council shall be loyal to the objectives established by City Council and the programs developed to attain those objectives. No elected/appointed official shall in their official capacity, either privately or publicly, contradict or fail to present the official policy established by City Council.
- g) *Responsibility* – Members of Council shall act responsibly and in accordance with the Act of the Parliament of Canada and the Legislature of Saskatchewan, including *The Cities Act*. This duty includes disclosing actual and 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. In addition to the prescribed conflicts of interest set out in Section 115(1) of *The Cities Act*, specific conflicts of interest would also include:
- 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 official duties or would tend to impair his 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. Consequently, all Members of Council are prohibited from accepting gifts with a value in excess of \$300.00 or favours from vendors. No Member of Council shall accept any gift valued in excess of \$100.00 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.

- 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 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 refrains from participating in any decisions made in relation to the contract.
- h) *Obligation to Citizens* – Members of Council are agents for public purposes and hold office for the benefit of citizens. They are to uphold and carry out the laws of the City, as well as applicable federal and provincial laws, so as to foster and enhance respect for government. In regard to discharging their duties of office, no Member of Council shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen, such as:
- (i) *Use of Public Property* – No Member of Council shall request or permit the use of City owned vehicles, equipment, materials or property for personal convenience or profit.
 - (ii) *Political Activity* – No Member of Council shall promise an appointment to any City position as a reward for any political activity
- i) *Other Affiliation* – Where any elected/appointed official is required to be a Member of a professional organization or association by nature of his occupation and the official is bound to observe the professional organization's or association's code of ethics or rules of conduct, a breach of such code of ethics shall also be considered a breach of this code of ethics bylaw.

3. The procedures for handling contraventions of the Code of Ethics:

- a) An individual, organization or Member of Council may submit a Formal Complaint Form (see Appendix A attached hereto), by sending the form directly to the City

- Clerk, either by mail, e-mail, fax or courier. The City Clerk shall present the completed and signed form to Council at the next 'Committee of the Whole Council Meeting (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 Code of Ethics shall be conducted in an In-Camera Committee of the Whole Council Meeting session.
 - d) If the claim is found to be substantiated, Council may, by resolution, impose an appropriate penalty detailed in Section 4(a) to (h) based on the severity of the contravention of the Code of Ethics.
 - (i) Any action taken by Council shall 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 Council's decision, which includes:
 - (i) Informing the complainant 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.
 - 4. 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.
 - 5. Should a Member of Council breach any of the principles outlined in this Code of Ethics, 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 money/gifts received;
 - (d) removal of the Member from Council Committees and/or bodies;

- (e) dismissal of the Member from a position of Chairperson of the Committee;
 - (f) reprimand.
6. Acknowledgement of the requirement of Council Members and Members of Boards, Committees, Controlled Corporations and Other Bodies appointed by Council to comply with the Council Code of Ethics, shall be affirmed by the following forms being completed:
- a) in the case of a Council Member, the signed ‘Oath or Affirmation – Member of Council’, identified in Appendix B hereto; or
 - b) in the case of a Member of a Board, Committee, Controlled Corporation or Other Body appointed by Council, the signed ‘Acknowledgement Form’ identified in Appendix C hereto.
7. Bylaw No. 44/2003 is hereby repealed.
8. This bylaw shall come into force and effect upon the passage thereof.

MAYOR

CITY CLERK

Introduced and read a first time this 9th day of January, A.D., 2017.

Read a second time this 9th day of January, A.D., 2017.

Read a third time and adopted this 9th day of January, A.D. 2017

APPENDIX 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 Yorkton to conduct an investigation whether or not the following Member(s) of the City of Yorkton

(Council/Board/Committee/Controlled Corporation/Other Body Established by Council (please specify))

Has (have) contravened the Code of Ethics:

(Member(s) of Council, Board, Committee, Controlled Corporation or other Body Established By 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. Date: _____, Time: _____, Location of Conduct _____
2. Specific clauses of Bylaw No. 1/2017, that have been contravened: _____

3. The particulars of names and addresses of all persons involved, and all of the witnesses:
i) _____
ii) _____
iii) _____
iv) _____
(use back side for additional information)
4. Any exhibits – list and attach:
i) _____
ii) _____
iii) _____
(use back side for additional information)

Name, Signature and Address of Complainant

Date

APPENDIX B

Oath or Affirmation – Member of Council

I, _____, having been elected to the office of _____ in
the _____ of _____,

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

_____, Saskatchewan

this _____ day of _____, 20_____.

Signature of Declarant

*A Commissioner for Oaths for Saskatchewan,
a Notary Public, a City Clerk, etc.
(as the case may be)*

My commission expires _____

APPENDIX C

ACKNOWLEDGEMENT FORM

I have read and understand the 'Code of Ethics – Council and Committee Members Policy' No. 10.30 for the City of Yorkton and acknowledge that it is my responsibility to comply with all of the policy requirements contained therein and any revisions made to it.

MEMBER OF THE BOARD, COMMITTEE,
CONTROLLED CORPORATION OR
OTHER BODY ESTABLISHED BY COUNCIL:

NAME (PRINTED):

SIGNATURE:

DATE:

COPY