

BYLAW NO. 2017-4

THE CODE OF ETHICS BYLAW, 2017

THE COUNCIL OF THE CITY OF REGINA ENACTS AS FOLLOWS:

Part I General

Purpose

1 The purpose of this Bylaw is to:

- (a) adopt a code of ethics and other requirements to be applied to all members of Council;
- (b) set out a process for dealing with violations of the code of ethics and this Bylaw;
- (c) set out possible censure, sanctions or corrective actions for violations of the code of ethics and this Bylaw.

Statutory Authority

2 The statutory authority for this Bylaw is section 66.1 of *The Cities Act* and section 3.1 and Schedule I of Part III of the Appendix in *The Cities Regulations*.

Definitions

- 3(1) (a) **“City”** means the municipal corporation of the City of Regina or where the context requires the geographical area within the city limits;
- (b) **“City Clerk”** means the person appointed to the position of City Clerk for the City;
- (c) **“City Solicitor”** means the person appointed to the position of City Solicitor for the City;
- (d) **“Code”** means the code of ethics set out in Part II of this Bylaw;
- (e) **“Council”** means the Council of the City of Regina;
- (f) **“day”** means a calendar day;
- (g) **“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;
- (h) **“member”** means a member of Council and includes the mayor or a councillor;

- (2) Any words and terms not defined in this Bylaw shall have the meanings they are given in *The Cities Act*.

Application

- 4(1) This Bylaw applies to all members and operates together with and as a supplement to the applicable common law, policies and bylaws of the City and the following statutes and regulations:

- (a) *The Cities Act*;
 - (b) *The Local Government Election Act, 2015*;
 - (c) *The Local Authority Freedom of Information and Protection of Privacy Act*; and
 - (d) the *Criminal Code*.
- (2) This Bylaw does not apply with respect to violations of sections 114-119 of *The Cities Act*.
- (3) This Bylaw does not apply to any acts, behaviour or alleged violations of this Bylaw that occurred prior to the date this Bylaw came into force.

Part II Code of Ethics

Preamble

- 5(1) As members of Council, members recognize that their actions have an impact on the lives of all residents and property owners in the community.
- (2) Fulfilling members' obligations and discharging duties responsibly requires a commitment to the highest ethical standards.
- (3) The quality of the public administration and governance of the City, as well as its reputation and integrity, depends on the conduct of elected officials.

Purpose and Interpretation of Code

- 6(1) The purpose of this Code is:
- (a) to outline basic ethical standards and values for members;
 - (b) to guide members respecting what their obligations are when fulfilling their duties and responsibilities as elected officials.

- (2) This Code is to be interpreted in accordance with the legislation applicable to the City, the common law and the policies and bylaws of the City.
- (3) Neither the law nor this Code 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.

Standards and Values

- 7 It is the responsibility of each member to uphold the following standards and values set out in this Code:
 - (a) honesty;
 - (b) objectivity;
 - (c) respect;
 - (d) transparency and accountability;
 - (e) confidentiality;
 - (f) leadership and the public interest;
 - (g) responsibility.

Honesty

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

Objectivity

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

Respect

- 10(1) Members shall treat every person, including other members, municipal employees and the public, with dignity, understanding and respect.
- (2) Members shall not engage in discrimination, bullying, harassment or use derogatory language towards others in their roles as members of Council.
- (3) Members shall do the following:
 - (a) respect the rights of other people and groups;

- (b) treat people with courtesy;
- (c) recognize the importance of the different roles others play in local government decision making.

Transparency and Accountability

- 11(1) Members 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.
- (2) Members are responsible for the decisions that they make and this responsibility includes acts of commission and acts of omission.

Confidentiality

- 12(1) 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.
- (2) 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.
- (3) Members shall comply with *The Local Authority Freedom of Information and Protection of Privacy Act* in their capacity as members of Council of a local authority.

Leadership and the Public Interest

- 13(1) Members shall serve their constituents in a conscientious and diligent manner and act in the best interests of the municipality.
- (2) 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.
- (3) 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

- 14(1) Members shall act responsibly and in accordance with the Acts of the Parliament of Canada and the Legislature of Saskatchewan, including *The Cities Act*.

- (2) Members shall disclose actual or potential conflicts of interest, either financial or otherwise relating to their responsibilities as members of Council, and shall follow policies and procedures of the City, and exercise all conferred powers strictly for the purpose for which the powers have been conferred.
- (3) Every member is individually responsible for preventing potential and actual conflicts of interest.

Part III Integrity Commissioner

Appointment of Integrity Commissioner

15 The City shall appoint an integrity commissioner or integrity commissioners 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.

Interim or ad hoc appointment

16(1) This section is applicable in the following circumstances:

- (a) where 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 the appointment of a new integrity commissioner;
 - (c) where the appointed integrity commissioner is unable or unwilling to act; or
 - (d) where the City appoints an integrity commissioner on an *ad hoc* basis.
- (2) Where the circumstances in subsection (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 appoint an 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 on appropriate censure, sanctions or corrective actions, if applicable.

Duties and Responsibilities

- 17 Where the City has appointed an integrity commissioner, the integrity commissioner shall:
- (a) where requested, provide advance rulings and recommendations to members on questions of compliance with this Bylaw;
 - (b) except as provided in section 16, receive and assess all written complaints to determine if there is jurisdiction to investigate, sufficient grounds for an investigation or if the complaint is frivolous and vexatious;
 - (c) investigate and conduct inquiries as to violations of this Bylaw;
 - (d) determine and report to the Executive Committee and Council as to whether a member has violated this Bylaw;
 - (e) make recommendations on whether to censure the member, impose sanctions or require corrective actions where there is a violation.

Reliance on Integrity Commissioner' Advance Ruling

- 18(1) Where there is an integrity commissioner in place, a member may request, before they take any action, that the commissioner provide a written advance ruling and a recommendation on questions of compliance with this Bylaw.
- (2) The integrity commissioner may make those inquiries that the commissioner considers appropriate to provide the member with a written ruling and recommendations.
 - (3) Where the following circumstances exist a member may rely on a written advance ruling or recommendations provided by the integrity commissioner

and any integrity commissioner appointed by the City will be bound by the ruling and recommendations given, in the event an investigation is commenced regarding the conduct of the member in the same matter that was the subject of the ruling or recommendations:

- (a) a member discloses all known specific facts to the integrity commissioner and those facts remain unchanged;
 - (b) the member requests an advance ruling prior to taking any action; and
 - (c) the member follows the advance ruling or recommendations.
- (4) The City shall appoint a different *ad hoc* integrity commissioner to deal with a specific complaint in the following circumstances:
- (a) where 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 subsection (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.

Part III Complaints

Informal complaint

19 Any person who has identified or witnessed conduct by a member that the person believes is in contravention of this Bylaw may address the conduct by advising the member that the conduct violates the Bylaw and encouraging the member to stop.

Formal request for investigation

20(1) Any person may make a request for an investigation to determine if a member has violated this Bylaw by making a complaint directly to the integrity commissioner or, in the case of section 16, to the City Solicitor and City Clerk, in the form attached as Appendix "A" or in any other form approved by the integrity commissioner.

(2) 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.
- (3) An investigation of a complaint received on or after August 1 in any municipal election year, shall be deferred until after the inaugural meeting of the new Council and until then, shall be kept confidential.

Initial complaint classification

- 21(1) Given the broad nature of the obligations in the Code and the potential for overlap with other legislative and common law requirements, complaints shall be directed, where possible, to another process or forum if another process or forum would be more appropriate for addressing the complaint.
- (2) On receipt of a request for an investigation of a complaint, the integrity commissioner or, in the case of section 16, the City Solicitor and City Clerk, shall make an initial determination if the subject matter of the complaint is, on its face, a complaint with respect to non-compliance with this Bylaw.
- (3) If a complaint is not, on its face, a complaint with respect to non-compliance with this Bylaw, or the complaint would more appropriately be addressed through another process, the integrity commissioner or, in the case of section 16, the City Solicitor and City Clerk, 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 if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate police service;
 - (b) if the complaint is with respect to non-compliance with *The Cities Act*, including sections 114-119 of *The Cities Act*, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it in accordance with the processes outlined in that Act or with the Ombudsman pursuant to *The Ombudsman Act, 2012* if the Ombudsman has jurisdiction;

- (c) if the complaint is with respect to non-compliance with a more specific Council policy with a separate complaint procedure, the complainant shall be advised that the matter will be processed under that procedure;
- (d) if the complaint is in relation to a matter which 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 process, with any additional reasons and referrals that are considered appropriate.

Frivolous complaints

- 22 If the integrity commissioner or, in the case of section 16, the City Solicitor and City Clerk, are 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 where an investigation has begun, it shall be terminated.

Investigation

- 23(1) If a complaint is within the integrity commissioner's jurisdiction and not directed to another process or forum or rejected pursuant to section 22, the integrity commissioner shall investigate the complaint and may attempt to settle the complaint.
- (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 10 business days; and
 - (b) serve a copy of the response provided upon the complainant with a request for a written reply within 10 business days.
 - (3) If necessary, after reviewing the written materials, the integrity commissioner may speak to anyone relevant to the complaint and may enter any City work location.
 - (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 censure, sanctions or corrective actions and an opportunity either in person or in writing to comment on the proposed finding and any recommended censure, sanctions or corrective actions.

Investigation report

24(1) The integrity commissioner shall report to the complainant and the member no longer than 90 days after receipt of the request for investigation of the complaint.

- (2) Where the integrity commissioner determines that there has been a violation of this Bylaw and the complaint is substantiated in whole or in part, the integrity commissioner shall report to the Executive Committee the findings, the terms of settlement or recommended censure, sanctions or corrective actions.
- (3) Where the complaint is dismissed, other than in exceptional circumstances, the integrity commissioner shall not report to Executive Committee except as part of an annual or periodic report.
- (4) Any recommended censure, sanctions or corrective actions must be permitted in law and shall be designed to ensure that the inappropriate conduct does not continue.
- (5) If the integrity commissioner determines that a violation occurred 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 censure, sanctions or corrective actions be imposed.

Council review

25(1) Council shall consider and respond to an investigation report from the integrity commissioner within 90 days after the report is provided to the Executive Committee.

- (2) Upon receipt of the recommendations from the integrity commissioner, Council may, in circumstances where the integrity commissioner has determined there has been a violation of this Bylaw, impose the censure, sanctions and corrective actions recommended by the integrity commissioner or any other censure sanctions and corrective actions allowed by law.
- (3) Possible censure, sanctions or corrective actions may include but are not limited to:

- (a) a reprimand;
- (b) requiring that the member apologize to those impacted;
- (c) requiring educational training;
- (d) removing the member from Council committees or other bodies;
- (e) dismissing the member from a position of chairperson of a Council committee.

Reprisals and obstruction

26(1) No person shall obstruct the integrity commissioner in the carrying out of the commissioner's duties or responsibilities.

- (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.
- (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.

Confidentiality

27(1) The integrity commissioner or, in the case of section 16, the City Solicitor and City Clerk, will use all reasonable efforts to process complaints in confidence.

- (2) The integrity commissioner and every person acting under the commissioner's instructions shall preserve secrecy with respect to all matters that come to the commissioner's knowledge in the course of any investigation or complaint except as required by law.
- (3) While investigation reports provided to Executive Committee may be considered in a private meeting for the purposes of receiving advice including legal advice and deliberating on the report, when Council responds to an investigation report, it shall do so in a public meeting and the report shall be available to the public.
- (4) Where an integrity commissioner provides an investigation report to Executive Committee and Council on whether a member has violated this Bylaw, the report shall only disclose such matters as in the integrity commissioner's opinion are necessary for the purposes of the report.

28 This Bylaw comes into force on the day of passage.

READ A FIRST TIME THIS 30th DAY OF January 2017.

READ A SECOND TIME THIS 30th DAY OF January 2017.

READ A THIRD TIME AND PASSED THIS 30th DAY OF January 2017.

Mayor

City Clerk

(SEAL)

CERTIFIED A TRUE COPY

City Clerk

Appendix "A"
Request for Investigation - Complaint Form

I hereby request the integrity commissioner for the City of Regina conduct an investigation into whether or not the following member(s) of Council has (have) contravened *The Code of Ethics Bylaw*:

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

Please insert, date, time and location:

Include a listing of the specific provisions of the Bylaw that have been violated:

Include an explanation as to the violation:

Include particulars and names of all persons involved, and of all witnesses, and information as to how they can be reached:

Attach additional pages as needed.

Attached are copies of documents and records relevant to the requested inquiry.

Date:

(signature of complainant)

Name:

Address:

Telephone:

Cell:

E-mail:

ABSTRACT

BYLAW NO. 2017-4

THE CODE OF ETHICS BYLAW, 2017

PURPOSE:	To set out a code of ethics for members of Council, which includes a process for dealing with violations of the code as well as possible sanctions.
ABSTRACT:	This Bylaw incorporates the mandatory code of ethics from <i>The Cities Regulations</i> . This Bylaw also sets out a process for assessing, investigating, adjudicating and reporting on violations of the code of ethics. The proposed process includes using an integrity commissioner for these functions. The Bylaw also sets out possible censure, sanctions or corrective actions for violations of the code of ethics and this Bylaw.
STATUTORY AUTHORITY:	Section 66.1 of <i>The Cities Act</i> and section 3.1 of <i>The Cities Regulations</i>
MINISTER'S APPROVAL:	N/A
PUBLIC HEARING:	N/A
PUBLIC NOTICE:	N/A
REFERENCE:	EX17-4 from the January 18, 2017 Executive Committee meeting
AMENDS/REPEALS:	new bylaw
CLASSIFICATION:	Regulatory
INITIATING DIVISION:	City Manager's Office
INITIATING DEPARTMENT:	City Solicitor and City Clerk