

BYLAW NO. 2020-14

THE REGINA CODE OF CONDUCT AND DISCLOSURE AMENDMENT
BYLAW, 2020

THE COUNCIL OF THE CITY OF REGINA ENACTS AS FOLLOWS:

- 1 The purpose of this Bylaw is to do the following:
 - (a) amend Bylaw 2002-57, being *The Regina Code of Conduct and Disclosure Bylaw* to do the following:
 - (i) remove all employees from the application of the code of conduct and disclosure rules in the Bylaw as employees will instead be subject to a corporate policy;
 - (ii) retain a process in the Bylaw for disclosing conflicts of interest and dealing with violations for the City Manager, City Clerk and City Solicitor as these positions report directly to Council;
 - (iii) retain the code of conduct and disclosure rules and process for disclosing conflicts of interest and dealing with violations in the Bylaw for non-council members on City boards, committees and commissions identified in the Bylaw;
 - (iv) update the references to the former legislation, *The Urban Municipalities Act, 1984* to reflect the equivalent *Cities Act* provisions as well as update any other outdated references; and
 - (b) amend Bylaw 2003-70, being *The City Manager's Bylaw*, to expressly authorize the City Manager to establish an employee code of conduct under the powers, duties and function of the City Manager to coincide with the City Manager's general authority over employees.
- 2 Section 1 of Bylaw 2002-57 is repealed and the following substituted:
 - "1. The purpose of this Bylaw is to:
 - (a) establish and apply a code of conduct and disclosure of land holdings requirement with respect to non-council members appointed by Council to committees, boards and commissions created by Council; and

Approved as to form this ____ day of _____, 20__.

City Solicitor

- (b) establish a process for disclosing conflicts of interest and dealing with violations of any employee code of conduct by the City Manager, City Clerk and City Solicitor as these positions report directly to Council.”

3 Section 2 of Bylaw 2002-57 is repealed and the following substituted:

“2. The authority for this Bylaw is sections 8 and 55 of *The Cities Act*.”

4 Subsections 3(1) and (2) of Bylaw 2002-57 are repealed.

5 Subsection 3(3) of Bylaw 2002-57 is amended by:

- (a) striking out “designated to comply with the requirements of section 36 of the Act, in addition to members of the City and District Planning Commissions, who are expressly named in clause 36(2)(d) of the Act” and substituting “required to fill out and file a land holdings disclosure form with the City Clerk in a form attached as Schedule ‘A’”;
- (b) adding the following clauses after clause (a):
 - “(a.1) Regina Planning Commission;”
 - “(a.2) Mayor’s Housing Commission;”
- (c) repealing clauses (e) and (g); and
- (d) amending clause (h) by striking out “Old”.

6 Section 4 of Bylaw 2002-57 is repealed and the following substituted:

- “4. (1) The Code of Conduct applies to all persons appointed to any board, committee or commission created by Council, except for members of Council in so far as the following provisions provide.
- (2) Subject to subsection (3), employees of the City of Regina are not subject to this Bylaw and are instead subject to any employee code of conduct policy approved by the City Manager.
 - (3) While the City Manager, City Clerk and City Solicitor are subject to any employee code of conduct policy approved by the City Manager, the process for disclosing conflicts of interest and dealing with violations of the policy are set out in this Bylaw.”

- 7 Section 5 of Bylaw 2002-57 is repealed.
- 8 Subsection 6(1) of Bylaw 2002-57 is amended by striking out “section 33 of the Act” and substituting “sections 114-115 and sections 117-119 of *The Cities Act*”.
- 9 Clause 7(g) of Bylaw 2002-57 is amended by striking out “employee’s” and substituting “person’s”.
- 10 Subsection 8(1) of Bylaw 2002-57 is repealed and the following substituted:
- “8. (1) Where a member of a board, committee or commission perceives they are or may potentially be in conflict with the code of conduct provisions in this Bylaw, the person shall disclose it to the City Clerk.
- (1.2) Where the City Clerk or City Solicitor perceives they are or may potentially be in a conflict of interest with the code of conduct provisions in an employee code of conduct approved by the City Manager, the City Clerk or City Solicitor shall disclose it to the City Manager for consideration and adjudication.
- (1.3) Where the City Manager perceives they are or may potentially be in a conflict of interest with the code of conduct provisions in an employee code of conduct approved by the City Manager, the City Manager shall disclose it to the Mayor and the Deputy Mayor for consideration and adjudication.”
- 11 Subsection 9(1) of Bylaw 2002-57 is repealed and the following substituted:
- “9. (1) Where a person wishes to file a complaint that a member of a board, committee or commission has breached this Bylaw, they may file a complaint in writing with the City Clerk or the City Manager.
- (1.2) Where a person wishes to file a complaint that the City Clerk or City Solicitor has breached an employee code of conduct policy approved by the City Manager, they may file a complaint in writing with the City Manager.
- (1.3) Where a person wishes to file a complaint that the City Manager has breached an employee code of conduct policy approved by the City Manager, they may file a complaint in writing with the City Clerk.”
- 12 Subsection 10(1) of Bylaw 2002-57 is repealed and the following substituted:

- “10. (1) Where a disclosure is received or a written signed complaint is received involving the City Clerk or City Solicitor, the City Manager shall:
- (a) review the disclosure or complaint to determine whether there has been or is a real likelihood of a breach of the employee code of conduct;
 - (b) provide appropriate direction to the City Clerk or City Solicitor or take appropriate remedial action, which may take the form of:
 - (i) advice on how the employee should act in the future;
 - (ii) a written waiver of the breach if the breach is insignificant or does not violate the spirit and intent of the code of conduct;
 - (iii) directing the employee to divest any outside investment or interest or place such interest in a blind trust;
 - (iv) discipline, however any dismissal can only be decided by City Council.
- (1.2) Where the Mayor and Deputy Mayor receive a disclosure from the City Manager, the Mayor and Deputy Mayor shall:
- (a) review the disclosure to determine whether there has been or is a real likelihood of a breach of the employee code of conduct;
 - (b) provide appropriate direction to the City Manager or take appropriate remedial action, which may take the form of:
 - (i) advice on how the City Manager should act in the future;
 - (ii) a written waiver of the breach if the breach is insignificant or does not violate the spirit and intent of the code of conduct;

- (iii) directing the City Manager to divest any outside investment or interest or place such interest in a blind trust;
- (iv) discipline, however any dismissal can only be decided by City Council.

(1.3) Where a disclosure is received or a written signed complaint is received involving a member of a board, commission or committee created by Council, the City Clerk shall place it on the private agenda of the next Executive Committee meeting for consideration.

(1.4) Where a complaint is received involving the City Manager, the City Clerk shall place it on the private agenda of the next Executive Committee meeting for consideration.”

13 Subsections 10(3) and (4) are repealed.

14 Subclause 11(1)(d) and subsections 11(2) and (3) are repealed.

15 Section 12 is amended by striking out “*The Urban Municipality Act, 1984*, in particular sections 32-37, and the *Criminal Code of Code R.S.C. 1985*, c. C-46, in particular sections 122-125” and substituting “*The Cities Act* and the *Criminal Code of Canada*.”

16 Section 13 is repealed and the following substituted:

“13. Where this Bylaw conflicts with any provision of *The Cities Act*, or any successor to that Act, the Act shall take precedence to the extent of the conflict.”

17 The attached Schedule “A” is added to Bylaw 2002-57.

18 Bylaw 2003-70, being *The City Manager’s Bylaw* is amended by adding the following section after section 8:

“8.1 Pursuant to sections 85.1 and 100 of *The Cities Act*, the City Manager is delegated the authority to establish a code of conduct for employees.”

19 This Bylaw comes into force on March 1, 2020.

READ A FIRST TIME THIS 26th DAY OF February 2020.

READ A SECOND TIME THIS 26th DAY OF February 2020.

READ A THIRD TIME AND PASSED THIS 26th DAY OF February 2020.

Mayor

City Clerk

(SEAL)

CERTIFIED A TRUE COPY

City Clerk

Schedule “A”

Schedule "A"
CITY OF REGINA
DISCLOSURE OF OWNERSHIP OF LAND AND BUILDINGS
BY NON-COUNCIL MEMBERS ON BOARDS AND COMMITTEES

I, _____ member of _____
 (print name) (Name of Committee)
 hereby disclose that I or my spouse or a corporation incorporated or continued pursuant to The Business Corporations Act of which I or my spouse is a director or senior officer or in which I or my spouse have a controlling interest, and that is located in the urban municipality or in an adjoining municipality.

(Complete either 1 or 2)

1. Own or owns no land or buildings in the
 City of Regina or adjoining municipality

Mark X

OR

2. Own or owns lands or buildings in the
 City of Regina or adjoining municipality
 the particulars of which ownership are shown below:

Property Description and Location _____	Names in Which Property is Registered	Nature of Ownership Interest _____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- Note 1 Land and Buildings shall be listed and their location identified by civic address or legal description.
- Note 2 A person or a corporation owns lands or a building when the person or corporation has any right, title, estate or interest in the land or building.
- Note 3 Every person who is required to furnish a list of land and buildings owned by him is required to notify the Clerk within 30 days of any disposal or acquisition of land and buildings described in Note 1.

PLEASE COMPLETE REVERSE SIDE

(Name of Declarant)

(Address)

(Postal Code)

I, _____, of the City of Regina, 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.

Declared before me at the CITY }
of REGINA, in the Province of }
Saskatchewan, this _____ day of }
_____ A.D. 20_____. }

Signature of Declarant

A Notary Public or Commissioner for
Oaths in and for the Province of Saskatchewan

My appointment expires _____, 20____.

=====

FOR USE BY MUNICIPAL CLERK

Date Received: _____

Received By: _____

Date copy returned to _____ () Emailed
Member () Delivered in Person

ABSTRACT

BYLAW NO. 2020-14

THE REGINA CODE OF CONDUCT AND DISCLOSURE AMENDMENT BYLAW, 2020

PURPOSE:

The purpose of this bylaw is to amend Bylaw 2002-57 to remove all employees from the application of the code of conduct and disclosure rules in the Bylaw as employees will instead be subject to a corporate policy approved by the City Manager. In addition, the amended bylaw includes a process for disclosing conflicts of interest and dealing with violations for the City Manager, City Clerk and City Solicitor as these positions report directly to Council. Further, the amended bylaw retains the code of conduct and disclosure rules and process for disclosing conflicts of interest and dealing with violations in the Bylaw for non-council members on City boards, committees and commissions identified in the Bylaw. Finally, the amendments update outdated references in the Bylaw.

ABSTRACT:

This Bylaw amends Bylaw 2002-57 to remove employees so that they can instead be dealt with under a corporate policy approved by the City Manager. Other amendments were necessary to ensure that the Bylaw still covers non-council members on City boards, committees and commissions. A process for dealing with disclosures and complaints about the City Manager, City Solicitor and City Clerk is retained in the Bylaw as Council still has a role to play with respect to these positions.

**STATUTORY
AUTHORITY:**

Sections 8, 55, 85.1 and 100 of *The Cities Act*

MINISTER'S APPROVAL: N/A

PUBLIC HEARING: N/A

PUBLIC NOTICE: N/A

REFERENCE: EX20-2 from the January 15, 2020 Executive Committee meeting and CR20-6 from the January 29, 2020 Council meeting

AMENDS/REPEALS: Bylaw 2002-57 and Bylaw 2003-70

CLASSIFICATION: Administrative and Regulatory

INITIATING DIVISION: City Manager's Division and Citizen Experience, Innovation & Performance Division

INITIATING DEPARTMENT: People and Organizational Culture