

Comparison Chart

Saskatoon Municipal Review Commission’s (SMRC) Recommendations, Current Code of Ethical Conduct Bylaw Provisions and the Administration’s Comments

SMRC Recommendations & Reasoning	Current Bylaw Provisions	Administrative Comments
<p>Recommendation #1 – Periodic Review</p> <p>That the City amend <i>Periodic Review, Section 6</i> (page 4) to ensure that <i>Bylaw 9537 may be amended at the end of each term of Council as well as at other times, as per the “living document” status of the Code.</i></p> <p><u>Reasoning:</u> In 2016, the City agreed to the SMRC recommendation of a “living document” policy status. This would ensure that the Code was periodically revised and was continually clarified as needed by the City Council, Integrity Commissioner, City Clerk, and City Solicitor. However, in practice this rule was unclear, resulting in delays to policy housekeeping and Information Note updates. City officials were instead often waiting for the SMRC review period to act. Explicit permission would ensure that the living document status is well understood.</p>	<p>Periodic Review</p> <p>6. This Bylaw shall be reviewed in accordance with subsection 13(4) of <i>The Saskatoon Municipal Review Commission Bylaw, 2014.</i></p>	<p>No Bylaw change recommended. Proposed that Information Notes be updated annually to reflect new rulings from the Integrity Commissioner.</p>
<p>Recommendation #2 – Statutory Obligations</p> <p>2(a) That the City review and update <i>Section 17. Statutory Obligations’ list of policies and bylaws.</i></p> <p>2(b) That the City clarify the phrasing of <i>“the City’s bylaws and policies, including, but not limited to:”</i>.</p>	<p>Statutory Obligations</p> <p>17. A member must respect and comply with all obligations imposed on the member by statute or other legal enactment, and by the City’s bylaws and policies, including, but not limited to:</p> <p style="padding-left: 40px;">(a) <i>The Cities Act;</i></p> <p style="padding-left: 40px;">(b) <i>The Local Government Election Act, 2015;</i></p>	<p>The list of policies has been reviewed and no changes are required.</p> <p>The wording in the Bylaw already provides that the list is not exhaustive.</p> <p>No additional Bylaw changes recommended. An Information Note will be added after this Section to provide some additional clarity.</p>

<p><u>Reasoning:</u> In view of recent discussions about this section, the City may wish to include some additional Council policies and bylaws in Section 17's list.</p> <p>Section 17 may be improved by rephrasing, or the inclusion of Information Notes in that section, to further explain the Integrity Commissioner's ability to refer to, or rule on, City policies and bylaws whether listed in Section 17 or not.</p>	<p>(c) <i>The Local Authority Freedom of Information and Protection of Privacy Act</i>;</p> <p>(d) <i>Criminal Code</i>;</p> <p>(e) <i>City Councillors' Travel and Training (C01-023)</i>;</p> <p>(f) <i>City of Saskatoon Anti-Harassment Policy and Investigative Procedures for Members of City Council and Senior Administration (C01-025)</i>;</p> <p>(g) <i>Communications and Constituency Relations Allowance (C01-027)</i>;</p> <p>(h) <i>Computer Acceptable Use (A02-035)</i> as an authorized user;</p> <p>(i) <i>Privacy and Confidentiality Policy (A02-042)</i> as an authorized individual.</p>	
<p>Recommendation #3 – Mandatory Courses and Orientation</p> <p>3(a) That the City expand the ethical conduct and conflict of interest course training and available resource materials discussed in <i>Section 16</i>.</p> <p>3(b) That the City expand Code <i>Section 16</i> to include a respectful workplace and anti-harassment course, and that this training instructs Council on <i>Policy C01-025, The Anti-Harassment Policy</i></p> <p><u>Reasoning:</u> Stakeholders indicated that expanding training and providing additional resource materials on</p>	<p>16.(1) A member must attend all training to be provided to members as directed by Council.</p> <p>(2) The training directed by Council will include a mandatory ethical conduct and conflict of interest course, presented by the Integrity Commissioner, to be held within one month of the first meeting of Council following the general election.</p>	<p>Proposed that Section 16 be replaced with wording similar to the following:</p> <p>16.(1) A member of Council must attend all training to be provided to members as directed by Council.</p> <p>(2) Within one month following the general election, a member of Council must attend the following training as directed by the City Clerk:</p> <p>(a) Conflict of interest training;</p> <p>(b) Code of ethical conduct training;</p>

<p>conflicts of interest, ethics, as well as respect and harassment is needed. The latter training is highly recommended as it contributes to building a healthy workplace culture and addresses procedures for addressing problematic behaviour. <i>Policy C01-025, The Anti-Harassment Policy</i>, is referenced in Section 17. It predates the creation of the Integrity Commissioner position and requires policy housekeeping.</p>		<p>(c) Respectful workplace and anti-harassment training.</p> <p>Proposed that <i>The City of Saskatoon Anti-Harassment Policy and Investigative Procedures for Members of City Council and Senior Administration</i> be reviewed and if required, amendments be brought back to Council for consideration.</p>
<p>Recommendation #4 – Gifts and Benefits</p> <p>That the City amend <i>Gifts and Benefits, Section 38.(h)</i> to include language analogous to that used in the <i>City of Edmonton Council Code of Conduct</i>.</p> <p><u>Reasoning:</u> Restricting attendance from community events has proven to be problematic with respect to the ambassadorial role of members of Council for both Saskatoon and Edmonton. Edmonton’s Code, which was used as the policy model for this section, was recently amended to alleviate this problem.</p> <p>Edmonton’s revised Code, <i>Part L: Gifts and Benefits, Sections 1. (g) (i), (iii) and (iv) (see below)</i> is recommended as a policy model. Section 1. (g) (ii) is not to be included, because it was struck from that policy.</p> <p>“1. g) admission to, and food and beverages consumed at, community events and widely attended events such as conventions, conferences, sporting and arts events, banquets, or training and education programs, provided that: i) the Councillor’s attendance serves a legitimate purpose associated with the Councillor’s duties; ii) subsequently deleted iii) the admission is unsolicited by the Councillor; and</p>	<p>Gifts and Benefits</p> <p>35. In this Division, “gift or personal benefit” means an item or service of value that is received by a member for their personal use. It includes money, gift cards, tickets to events, clothing, jewelry, pens, discounts/rebates on personal purchases, entertainment, participation in sport and recreation activities, and invitations to social functions. Gift or personal benefit does not include:</p> <p>(a) food or beverages consumed at receptions, meetings, sporting events, or other similar activities; and</p> <p>(b) campaign contributions received by a member in compliance with <i>The Campaign Disclosure and Spending Limits Bylaw, 2006</i>.</p> <p>...</p> <p>37. A member must not accept a gift or personal benefit that is connected directly or indirectly with the performance of their duties unless permitted by the exceptions listed in section 38.</p> <p>38. A member may receive a gift or personal benefit if it is:</p>	<p>Proposed that Section 38(h) be amended in part by changing “tickets to meals, banquets, receptions, sporting events, or other similar activities” to “admission or tickets to meals, banquets, receptions, community events, business events, sporting events, charitable or fund-raising events, professional theatre events, concerns or other similar events.”</p>

iv) the value is reasonable and the invitations infrequent.”

- (a) compensation authorized by law, including compensation for serving on external bodies as a Council-approved City representative;
- (b) received as a normal or necessary incident to fulfilling the member’s duties;
- (c) received as an incident of protocol or social obligation;
- (d) a person’s volunteer time or activities provided to further the interests of the City or the member’s ward;
- (e) a suitable memento of a function honouring the member;
- (f) lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the Federal government or be a foreign government within a foreign country;
- (g) reimbursement of expenses associated with travel to and attendance at a conference or other event where the member is speaking or attending in an official capacity; or
- (h) tickets to meals, banquets, receptions, sporting events, or similar activities if:
 - (i) attendance serves a legitimate purpose associated with the member’s duties;

	<p>(ii) the person extending the invitation or a representative of the inviting organization is in attendance; and</p> <p>(iii) the value is reasonable and the invitations infrequent.</p>	
<p>Recommendation #5 – Clarify Influence</p> <p>5(a) That the City amend <i>Division V, Influence (Sections 52-59)</i> to describe “<i>Influence</i>” and “<i>Conflicts of Interest</i>” as separate sections.</p> <p>5(b) Move <i>Section 43., Support for Charities</i> and place it within <i>Division V, Influence</i>, following a discussion of conflicts of interest.</p> <p>5(c) Amend phrasing used within <i>Section 43., Support for Charities</i> to reflect its connections to conflicts of interest and influence.</p> <p><u>Reasoning:</u> Presently, “conflicts of interest” are not clearly defined in the Code, yet much information on the topic is spread throughout the policy. For example, <i>Division V, Influence</i> and <i>Support for Charities</i> both relate to conflicts of interest, but neither refers to conflicts of interest. The City of Edmonton’s <i>Council Code of Conduct – Part G: Conflicts of Interest; and Part H: Use of Influence</i> would be a suitable policy model for such clarification.</p> <p>In 2014, Ombudsman investigated a case involving breaches of trust and conflicts of interest in the RM of Sherwood No. 159. This case would spur on the code of ethics amendments to <i>The Cities Act</i>, but prior to this legislation passing, the Ombudsman helped develop a</p>	<p>Support for Charities</p> <p>43.(1) A member may lend their support to and encourage community donations to registered charitable, not-for-profit and other community-based groups, as long as monies raised through fundraising efforts go directly to the groups or volunteers or chapters acting as local organizers of the group.</p> <p>(2) A member shall not directly manage or control any monies received relating to community or charitable organization fundraising, unless the member is an employee of the community or charitable organization.</p> <p>(3) A member shall not communicate with, solicit or accept support in any form from an individual, group or corporation with any planning, conversion or demolition variance application or procurement proposal pending before Council.</p> <p>(4) Nothing in this section affects the entitlement of a member to:</p> <p>(a) urge constituents, businesses or other groups to support community events put on by others in the City to advance the needs of a charitable organization;</p>	<p>Proposed that a conflict of interest section be added to the Code. The Code will reference the provisions of <i>The Cities Act</i>. The ability of members of Council to obtain external legal advice with respect to a possible conflict of interest will be included.</p> <p>Proposed that the Support for Charities Section be moved to the new conflict of interest section.</p>

Code of Conduct for the RM. The RM's policy specifically included a section on *Support for Charities*, which presented ways to avoid conflicts of interest. Under the advice of the Ombudsman, in 2016, the SMRC recommended the *Support for Charities* section. Moving and reframing this section as a discussion of influence and conflicts of interest would bring clarity to this portion of the Code.

- (b) play an advisory ex officio, honorary, board director or membership role in any charitable or non-profit organization that holds community events in the City; or
- (c) collaborate with the City and its agencies, boards or commissions to hold community events.

**DIVISION V
Influence**

Improper Use of Influence

- 52. A member must only use the influence of their office for the exercise of their official duties.
- 53. A member must not use, or attempt to use, their office for the purpose of intimidating, influencing, threatening, coercing, or directing City staff.
- 54. A member must be independent and impartial, and must not provide preferential treatment to any person or organization except as warranted by the ordinary and lawful discharge of the member's duties.
- 55. A member must not use the prospect of future employment by a person or entity, or other future economic opportunities, to detrimentally affect the performance of their duties to the City.
- 56. A member should avoid carrying out their duties in any manner that may reasonably be perceived as being in conflict with any future endeavour that may be undertaken by the member.

	<p>57. If serving as a reference or recommending an individual for employment with the City, a member must comply with the City's hiring practices and must not use their role as an elected official to unfairly influence any hiring decisions.</p> <p>58. A member must not contact or attempt in any way to influence any member of a quasi-judicial body before which the City may be a party regarding a matter before that body.</p>	
<p>Recommendation #6 – Election Period Social Media</p> <p>That the City amend <i>and expand</i> Section 70. (2) to clarify the requirements of elected members use of personal and City social media accounts during the election period.</p> <p><u>Reasoning:</u> Inappropriate social media account use in the election period is a frequent and complex issue, and incumbents and other candidates often have questions that relate to Section 70. The Code's text or Information Notes ought to be expanded to clarify issues regarding an incumbent's City social media accounts, including discussions of links to previous City posts, requirements for referencing messages, and that there is no requirement to delete or close existing City accounts or pre-existing shared messages and materials.</p>	<p>70.(1) A member may only use the City's website, social media, email and phone number for official duties.</p> <p>(2) A member will maintain separate websites, social media, email and phone number for all campaign activities and communications. These accounts shall include, where possible, a disclaimer that they are not City-funded, nor do they reflect City policy during a campaign period. Account names should not include the member's current position title, where possible (for example, Jane Smith is preferable to Councillor Jane Smith). ...</p>	<p>Proposed that Section 70(1) be amended to make it clear that existing Councillor websites, social media, email and phone numbers do not need to be deleted during an election period.</p> <p>Proposed that Section 64 be amended to remove reference to October 31st and instead reference "until after election day in a general election year".</p>
<p>Recommendation #7 – Integrity Commissioner Annual Reports</p> <p>That the City amend Part IV – Integrity Commissioner, Section 84(k.) to provide a more fulsome description of what may be contained within an Annual Report.</p>	<p>84. The Integrity Commissioner shall:</p> <p>...</p> <p>(k) publish an annual report on the work of the Integrity Commissioner including examples in general terms of advice and advance rulings rendered and complaints received and disposed of.</p>	<p>Proposed that Clause 84(k) be amended to provide a more fulsome description of what may be contained within the Integrity Commissioner's annual report.</p> <p>No bylaw change recommended regarding interim reports.</p>

Reasoning: There were uncertainties as to what information would be included in annual reports, as well as a desire to have the option to request more frequent reports. In addition, there was an interest in requesting information on general trends of both substantiated and unsubstantiated complaints.

The City of Edmonton’s *Integrity Commissioner Bylaw 18567* provides a suitable policy model:

At least once annually, the Integrity Commissioner will provide a report to Council that includes:
(a) a summary of the activities undertaken by the Integrity Commissioner during the past year;
(b) an analysis of any trends or general observations that can be drawn from the complaints received and investigations conducted in the past year; and
(c) any other matters the Integrity Commissioner deems relevant.

And the City of Edmonton’s *Council Code of Conduct – Investigation*, provides an addition:

“Nothing in this bylaw restricts the Integrity Commissioner from providing interim reports to Council on any matter relevant to a complaint, including reports of any interference, obstruction, or retaliation with an ongoing investigation.”

Recommendation #8 – Informal Complaints

That the City amend and expand *Informal Complaint, Section 86*, to suggest procedures for addressing complaints and seeking resolutions informally.

Informal Complaint

86. Any person who has identified or witnessed conduct by a member that the person believes is in contravention of this Bylaw may advise the member that the conduct violates the Bylaw and encourage the member to stop.

Proposed that Section 84 be amended to suggest procedures for addressing complaints and seeking resolution informally, including the addition of language allowing the Integrity Commissioner to refer a complaint to mediation or a third party upon consent of both parties.

Reasoning: Stakeholders discussed the issues of harassment, respect, and processes for directly addressing complaints. They indicated that additional guidance in this process may be beneficial, as additional clarity in process is valuable in the stressful moments that problems occur. The SMRC recommends the City of Barrie's *Informal Complaint* section as a potential policy model:

Informal Complaints

25.1 Any individual who has identified or witnessed behaviour or activity by a member that appears to be in contravention of the Code may address their concerns in the following manner:

- (a) Advise the member that their behaviour or activity contravenes the Code;*
- (b) Encourage the member to stop the prohibited behaviour or activity;*
- (c) If applicable, confirm to the member your satisfaction or dissatisfaction with his or her response to the concern identified;*
- (d) Keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information including steps taken to resolve the matter.*
- (e) If not satisfied with the response received through the informal process, an individual may proceed with a formal complaint through the Integrity Commissioner as outlined in section 25.2.*

Another good policy model is found in the City of Edmonton's *Council Code of Conduct* section on *Complaints* which contains a provision allowing the Integrity Commissioner to assist in seeking informal resolutions:

<p><i>If the Integrity Commissioner determines that informal resolution may be possible, they may, with written consent of both the complainant and respondent Councillor(s), refer the complaint to the Ethics Advisor or another third party for resolution.</i></p> <p><i>If a complaint cannot be resolved informally, the Integrity Commissioner will conduct a formal investigation. Formal investigations must be conducted in a fair, timely, and confidential manner that respects the principles of procedural fairness and natural justice.</i></p>		
<p>Recommendation #9 – Clarity in Complaint Procedures</p> <p>That the City amend <i>Part V Complaints, Sections 86-94</i> for clarity in language and processes.</p> <p><u>Reasoning:</u> The Complaints section of the Code is written in a legalistic style that may be challenging to interpret, and it is presented in a format that does not present information in the order that is most useful. The text in this section should be accessible to the lay public and presented in clear, step-by-step processes. The SMRC requests that the City revise this section so that a reader can easily find and understand (in order):</p> <ol style="list-style-type: none"> 1. Their privacy rights, responsibilities, and costs if they choose to issue a complaint. 2. The requirements of a complaint to be suitable for the Integrity Commissioner’s mandate. 3. How to issue a complaint, what communication may occur, and the response time frame. 4. The investigation process, duties of the complainant and respondent, and time required. 	<p style="text-align: center;">PART V Complaints</p> <p>Informal Complaint</p> <p>86. Any person who has identified or witnessed conduct by a member that the person believes is in contravention of this Bylaw may advise the member that the conduct violates the Bylaw and encourage the member to stop.</p> <p>Formal Request for Investigation</p> <p>87.(1) Subject to section 83, any person may request an investigation to determine if a member has violated this Bylaw by submitting a complaint to the Integrity Commissioner in the form in Schedule “A” or in any other form approved by the Integrity Commissioner.</p> <p>(2) The complaint must:</p> <p>(a) be in writing;</p>	<p>No Bylaw changes recommended. Materials will be put together for the public around the Complaints Process.</p>

5. The ruling process, the role of the City Council in the ruling, the duties of the complainant and respondent, and the time periods involved.

The City of Edmonton’s *Council Code of Conduct* section on *Complaints* provides an example of a clear process in plain language, and it is presented in a logical order. The SMRC suggests it be used as a general model for content and formatting.

(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, and 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) The Integrity Commissioner may investigate a complaint that does not comply with subsections (1) and (2) if, in the Integrity Commissioner’s opinion, the circumstances warrant.

(4) An investigation of a complaint received on or after August 1 in a general election year shall be deferred and kept confidential until after the first meeting of Council following the general election.

Initial Complaint Classification

88.(1) Given the broad nature of the obligations in this Bylaw and the potential for overlap with other legislative and common law requirements, complaints shall be directed, if possible, to another process or forum if another process or forum would be more appropriate for addressing the complaint.

(2) On receipt of a complaint pursuant to section 87, the Integrity Commissioner, or the City Solicitor and City Clerk in the circumstances of subsection 83(1), shall make an initial determination if 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 if a complaint would be more appropriately addressed through another process, the Integrity Commissioner, or the City Solicitor and City Clerk in the circumstances of subsection 83(1), 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 they must pursue the allegation with the appropriate police service;

(b) if the complaint is with respect to non-compliance with *The Cities Act*, including sections 114 through 119 of *The Cities Act*, the complainant shall be advised that they must pursue the allegation pursuant to *The Cities Act*;

(c) if the complaint is with respect to non-compliance with a more specific Council policy or bylaw with a separate complaint procedure, the complainant shall be advised that they must pursue the allegation under the procedure;

(d) if the complaint is with respect to a matter that 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;

	<p>(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 investigate, with any additional reasons and referrals that are appropriate.</p> <p>Frivolous Complaints</p> <p>89. Subject to section 83, if the Integrity Commissioner is 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 if an investigation has begun, it shall be terminated.</p>	
<p>Recommendation #10 – Integrity Commissioner Time Discretion</p> <p>That the City amend <i>PART V Complaints, Sections 86-94</i> to grant the Integrity Commissioner greater discretion regarding communication and reporting time requirements.</p> <p><u>Reasoning:</u> The former and current Integrity Commissioners indicated that, in the case of complex or multiple cases, more flexibility may be needed in the time periods allotted to address complaints. The <i>Schedule B Complaints</i> section of the <i>City of Edmonton’s Code</i> provides a good general example of policy language that addresses this need.</p> <p>Areas to target include the length of time required for the:</p> <ol style="list-style-type: none"> 1. Initial complaint response for both accepted and rejected complaints 2. Respondent to give an official response to the Integrity Commissioner 	<p>Investigation</p> <p>90.(1) If a complaint is not directed to another process or forum pursuant to section 88 or rejected pursuant to section 89, the Integrity Commissioner shall investigate the complaint and may attempt to settle the complaint.</p> <p>(2) The Integrity Commissioner shall:</p> <p>(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</p> <p>(b) serve a copy of the response provided upon the complainant with a request for a written reply within 10 business days.</p> <p>(3) If necessary, the Integrity Commissioner may:</p>	<p>No recommendation to extend this time frame. As of yet, there have been few complaints under the Code. More time to see how the provisions work is required before changes are recommended. The timelines currently outlined are reasonable and it would be unfair to both the complainant and members to draw out the process. Allowing the Integrity Commissioner to extend timelines at their discretion would put no mandatory time limit on the process. It is proposed that the Administration continue to monitor this issue and can bring forward a report recommending changes if it becomes apparent an adjustment is required.</p>

<p>3. Investigation to complete and ruling to be reached</p> <p>4. Ruling to be shared with the complainant and respondent, with the Governance and Priorities Committee, and with the City Council.</p>	<p>(a) speak to anyone relevant to the complaint; and</p> <p>(b) access any records relevant to the complaint, except a record that:</p> <ul style="list-style-type: none"> (i) contains information that is subject to solicitor-client privilege; (ii) was prepared by or for legal counsel for the City in relation to a matter involving the provision of advice or other services by legal counsel; or (iii) contains correspondence between legal counsel for the City and any other person in relation to a matter involving the provision of advice or other services by legal counsel. <p>(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.</p> <p>Investigation Report</p> <p>91.(1) The Integrity Commissioner shall report to the complainant and the member no later than 90 days after receipt of the complaint.</p>	
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(2) Subject to subsection (3), if the Integrity Commissioner determines that this Bylaw has been violated and the complaint is substantiated in whole or in part, the Integrity Commissioner shall report to Council the findings and the terms of settlement, recommended censure, sanctions or corrective actions.

(3) The report mentioned in subsection (2) will first be considered in camera by the Governance and Priorities Committee.

(4) If the complaint is dismissed, other than in exceptional circumstances, the Integrity Commissioner shall not report to Council except as part of an annual or periodic report.

(5) 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.

(6) If the Integrity Commissioner determines that this Bylaw has been violated 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

92.(1) Council shall consider and respond to an investigation report from the Integrity Commissioner no more than 90 days after the report is first

	<p>considered by the Governance and Priorities Committee.</p> <p>(2) Upon receipt of an investigation report from the Integrity Commissioner Council may, in circumstances where the Integrity Commissioner has determined that this Bylaw has been violated, impose the censure, sanctions and corrective actions recommended by the Integrity Commissioner or any other censure, sanctions and corrective actions allowed by law.</p> <p>(3) Possible censure, sanctions or corrective actions may include the following:</p> <ul style="list-style-type: none"> (a) a letter of reprimand addressed to the member; (b) requesting the member to issue a letter of apology; (c) publishing a letter of reprimand or request for apology and the member’s response; (d) requiring the member to attend training; (e) suspending or removing the member from Council committees or other bodies; (f) suspending or removing the member from a position of chairperson of a Council committee. 	
<p>Recommendation #11 – Complainant Privacy</p> <p>4.(a) That the City amend <i>Confidentiality, Section 9[4]</i> so that it precedes <i>Initial Complaint Classification (Section 88)</i> and follows <i>Formal Request for Investigation (Section 87)</i>.</p>	<p>Formal Request for Investigation</p> <p>87.(1) Subject to section 83, any person may request an investigation to determine if a member has violated this Bylaw by submitting a complaint to the Integrity commissioner in the form in Schedule “A” or in any other form approved by the Integrity Commissioner. ...</p>	<p>A disclaimer or note regarding complainant privacy will be added to the Schedule “A” Complaint Form.</p>

<p>4.(b) That the City amend the <i>Schedule “A” Complaint Form</i> so that it includes a notice of the privacy rights found in <i>Confidentiality, Section 9[4]</i>.</p> <p><u>Reasoning:</u> The privacy and anonymity of the complainant are important concerns when filing a complaint, and other municipalities take care to promptly address these. In the Code, the Formal Request for Investigation section (page 29) describes the process for making a complaint, but a discussion of the privacy rights of a complainant does not appear until Confidentiality, Section 9[4] (page 35). The inclusion of Confidentiality within the complaints section and a privacy disclaimer on the Complaints form would provide this useful information at the right time in the complaint procedure. The City of Winnipeg’s Code provides a good example of complainant privacy rights and disclaimers.</p>	<p>Confidentiality</p> <p>94.(1) The Integrity Commissioner, or the City Solicitor and City Clerk pursuant to section 83, will use all reasonable efforts to investigate complaints in confidence.</p> <p>(2) The Integrity Commissioner and every person acting under the Integrity Commissioner’s instructions shall preserve secrecy with respect to all matters that come to the Integrity Commissioner’s knowledge in the course of any investigation or complaint except as required by law.</p> <p>(3) While an investigation report provided to Council may be considered in camera by the Governance and Priorities Committee for the purposes of receiving advice including legal advice and deliberating on the report, when Council responds to a report, it shall do so in a public meeting and the report shall be available to the public.</p> <p>(4) An investigation report shall only disclose such matters as in the Integrity Commissioner’s opinion are necessary for the purposes of the report.</p>	
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	<p style="text-align: right;">Page 36</p> <p style="text-align: center;">Schedule "A" Complaint Form</p> <p>I hereby request that the Integrity Commissioner for the City of Saskatoon conduct an investigation into whether or not the following member(s) of Council has (have) contravened <i>The Code of Ethical Conduct, 2019</i>.</p> <p>I have reasonable and probable grounds to believe that the above member(s) has (have) contravened <i>The Code of Ethical Conduct, 2019</i> by reason of the following:</p> <p>Please insert, date, time and location:</p> <p>Include a listing of the specific provisions of the Bylaw that have been violated:</p> <p>Include an explanation as to the violation:</p> <p>Include particulars and names of all persons involved, and of all witnesses, and information as to how they can be reached:</p> <p>Attach additional pages as needed.</p> <p>Attached are copies of documents and records relevant to the requested inquiry.</p> <p>Date: _____</p> <p>_____ (signature of complainant)</p> <p>Name: Address: Telephone: Cell: E-mail:</p>	
<p>Recommendation #12 – Informed Complainant and Defendant</p> <p>That the City amend <i>Section 91(1)</i> to include language that requires that the Integrity Commissioner to report their ruling to the complainant, the respondent member, and the Governance and Priorities Committee at the same time.</p> <p><u>Reasoning:</u> In the interest of fairness, it is recommended that the complainant, member, and Governance and Priorities Committee all be informed of the Integrity Commissioner's ruling at the same time. The change here is that the complainant is informed at this earlier stage, rather than receiving no report until the report to Council.</p>	<p>Investigation Report</p> <p>91.(1) The Integrity Commissioner shall report to the complainant and the member no later than 90 days after receipt of the complaint. ...</p> <p>(4) If the complaint is dismissed, other than in exceptional circumstances, the Integrity Commissioner shall not report to Council except as part of an annual or periodic report.</p>	<p>Proposed that Subsection 91 be amended to include language clarifying that the Integrity Commissioner has the ability, in their sole discretion, to amend the report after consideration of the matter at the Governance and Priorities Committee and before it is presented to City Council.</p>

<p>Recommendation #13 – Dual Mandate</p> <p>That the City of Saskatoon continues to petition the Government of Saskatchewan to enact legislation to deal with the issue of dual mandates. At present, provincial law allows members of the municipal councils to also hold elected offices in the provincial government.</p> <p><u>Reasoning:</u> The City of Saskatoon approached SUMA on this issue, following the Code of Conduct report in 2015. The SMRC is requesting that to avoid any real or perceived conflict of interest, a Councillor who is elected to an office in another level of government shall resign from their position on Council the day after the election is confirmed. The previous City Solicitor noted: <i>“There is nothing in provincial legislation which requires this. To make this mandatory, an amendment to provincial legislation is required.”</i></p>	<p>N/A</p>	<p>N/A</p>
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