

# Saskatoon Municipal Review Commission – 2022 Municipal Code of Conduct Committee Report

## ISSUE

The Saskatoon Municipal Review Commission (“SMRC”) has provided a report, along with recommendations, regarding *The Code of Ethical Conduct for Members of City Council Bylaw, 2019* (“Code”). Which recommendations should the City of Saskatoon adopt?

## BACKGROUND

### 2.1 History

A report from the SMRC Code of Conduct Committee was tabled with the Governance and Priorities Committee (“GPC”) at its meeting held on [June 20, 2022](#). GPC resolved as follows:

1. That the report of the Saskatoon Municipal Review Commission dated June 1, 2022 entitled 2022 Municipal Code of Conduct Committee Report, be tabled and considered at the August 22, 2022 meeting of the Governance and Priorities Committee; and
2. That the report be forwarded to the Administration for review and comment at the August, 2022 meeting of the Governance and Priorities Committee.

### 2.2 Current Status

City Council passed Bylaw 9537, *The Code of Ethical Conduct for Members of City Council Bylaw, 2019* on [April 29, 2019](#), with amendments considered by City Council at its meeting held on [July 29, 2019](#).

### 2.3 Public Engagement

No public engagement has been conducted regarding this matter. A copy of this report has been shared with the SMRC.

### 2.4 City of Saskatoon’s Current Approach

[Bylaw No. 9242, The Saskatchewan Municipal Review Commission Bylaw, 2014](#) establishes the SMRC and outlines the mandate of each Committee of the SMRC and when each Committee shall report on

matters within their mandates. Section 13 of Bylaw No. 9242 outlines the Code of Conduct Committee's reporting requirements to City Council.

## 2.5 Approaches in Other Jurisdictions

Several other jurisdictions in Canada have codes of conduct for members of Council. Provincial and federal levels of government also have codes of conduct established for elected officials. We conducted a jurisdictional scan of other Canadian cities, focusing, in particular, on the Gifts and Benefits provisions of each. Attached at Appendix 1 is a chart outlining the information obtained from the jurisdictional scan. Examples from other jurisdictions on other issues are provided throughout the report.

## OPTIONS

This report is the Administration's response to the *2022 Municipal Code of Conduct Committee Report* from the SMRC, which is attached to this report as Appendix 2. The SMRC has made 13 recommendations. The Administration has responded to each recommendation and put forward Administrative recommendations in response, where required. Options have been provided for some of the recommendations of the SMRC for the consideration of City Council. Attached as Appendix 3 is a chart showing the proposed changes.

### **Recommendation #1 – Periodic Review**

***That the City amend Period Review, Section 6 (page 4) to ensure that 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.***

Bylaws of the City are amended frequently. These amendments are proposed because of administrative operational need, legislative changes, and/or judicial interpretations. All City of Saskatoon bylaws are living documents, meaning that bylaw amendments can be brought forward at any time by the Administration or by Notice of Motion by a member of Council. Proposed amendments are then considered by City Council and resolutions are passed if amendments are desired. The City Solicitor's Office then drafts the appropriate bylaw amendments and brings them to City Council for approval.

The Code is similar to all other City bylaws and amendments can be brought forward at any time in the usual way. The difference with the Code is that it is also subject to an additional mandated review by the SMRC every four years. Given the nature of the Code, it is useful to have a third party provide that review on a regular basis. The Administration will also, however, continue to bring forward amendments for consideration in the usual way. No amendment is required to the existing Code.

With respect to Information Notes, Subsection 5(3) of the Code specifically states that the Information Notes in the Code do not in themselves form part of the Code and have no legal effect. They are inserted simply as a reader's aid.

The Administration recognizes that these should be updated regularly based on changes in practice or new rulings by the Integrity Commissioner. As the Code is relatively new, this practice has not been undertaken regularly. Going forward, it will be the intention of the Administration to review the Information Notes annually with the assistance of the Integrity Commissioner and update them. A bylaw amendment is not required to update the Information Notes as they do not form part of the Code. The Administration will review the current Information Notes at the end of each year and update them at the beginning of each new year with a target date of completion by February 1<sup>st</sup> each year. Updates will be reflected in the publicly available Code on both the City's website and available at the City's Clerk's Office.

No recommendation has been put forward by the Administration.

### **Recommendation #2 – Statutory Obligations**

***2.(a) That the City review and update Section 17. Statutory Obligations' list of policies and bylaws.***

***2.(b) That the City clarify the meaning of "the City's bylaws and policies, including, but not limited to:".***

A specific list of bylaws and policies is already included in Section 17. The existing list has been reviewed but the Administration does not recommend the addition of any other documents. The use of the wording "including, but not limited to" has been judicially interpreted to mean that the list provided is not exhaustive and that the list may include other items not specifically listed. An Information Note is proposed to be added to the Code under this Section to reflect that the list is not exhaustive, and the Integrity Commissioner may refer to other policies and bylaws that would apply in the circumstances whether they are specifically listed or not. No amendment to the Code is required and as a result the Administration has not put forward a recommendation.

### **Recommendation #3 – Mandatory Courses and Orientation**

***3.(a) That the City expand the ethical conduct and conflict of interest course training and available resources discussed in Section 16.***

***3.(b) That the City expand Code Section 16 to include respectful workplace and anti-harassment course, and that this training instructs Council on Policy C01-025, The Anti-Harassment Policy.***

The Administration supports additional training for members of Council. It is proposed that Section 16 of the Code be amended to include wording similar to the following:

16. (1) A member of Council must attend all training to be provided to members as directed by Council.

- (2) Within one month following the general election, a member of Council must attend the following training as directed by the City Clerk:
  - (a) Conflict of interest training;
  - (b) Code of ethical conduct training; and
  - (c) Respectful workplace and anti-harassment training.

This change would mandate the requirement to take the training identified but would allow City Council to direct other training be provided as determined. A recommendation has been put forward by the Administration to make this amendment to the Code.

The SMRC suggested that *The City of Saskatoon Anti-Harassment Policy and Investigative Procedures for Members of City Council and Senior Administration* should be reviewed. It has been in place since December 18, 2006. The Administration agrees that a review of this Policy is warranted. A recommendation has been put forward by the Administration that this Policy be reviewed, and any required amendments be brought back to City Council for consideration.

#### **Recommendation #4 – Gifts and Benefits**

***That the City amend Gifts and Benefits, Section 38. (h) to include language analogous to that used in the City of Edmonton Council Code of Conduct.***

The SMRC has recommended an amendment to the Gifts and Benefits section of the Code. The SMRC has suggested the Code be amended to include wording similar to that in the City of Edmonton bylaw. Attached as Appendix 1 is a summary of the Gifts and Benefits section from several other jurisdictions in Canada.

The Administration recognizes that the Gifts and Benefits section of the Code has generated much discussion since implementation of the Code. City Council is looking for clarity around the rules with respect to gifts and benefits so that it is clear what action they need to take to comply with the Code.

Currently, the Code provides:

#### **Gifts and Benefits**

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:

- (a) food or beverages consumed at receptions, meetings, sporting events, or other similar activities; and
- (b) campaign contributions received by a member in compliance with *The Campaign Disclosure and Spending Limits Bylaw, 2006*.

...

38. A member may receive a gift or personal benefit if it is:

- (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 by 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;

- (ii) the person extending the invitation or a representative of the inviting organization is in attendance; and
- (iii) the value is reasonable and the invitations infrequent.

The City of Edmonton's bylaw provides as follows:

*Part L: Gifts and Benefits*

In this part, "gift" means a fee or advance paid to or a gift or personal benefit provided with the Councillor's knowledge to a Councillor, the Councillor's family, or to a Councillor's employee, that is connected directly or indirectly to the performance of the Councillor's duties.

1. No Councillor will accept a gift, unless it is:
  - a) compensation authorized by legislation, including compensation for serving on external bodies as a Council-approved City representative;
  - b) suitable mementos (e.g. personal plaques, books, coffee mugs, pen and pencil sets, ties, and scarves) received as an incident of accepted protocol or normal expression of courtesy, or a reasonable memento of a function honouring the Councillor;
  - c) a political contribution otherwise authorized and reported by law, such as in the case of Councillors running for office;
  - d) services provided without compensation by persons volunteering their time to further the interests of the City or the Councillor's ward;
  - e) food, lodging, transportation, or entertainment provided by other levels of government or by the government of a foreign country, or by a conference, seminar, or event organizer where the Councillor is attending in an official capacity;
  - f) in-kind (non cash) sponsorships or donations for community events organized or run by a Councillor, or a third party on behalf of a Councillor, provided that the event will be held in accordance with the standards of conduct and decorum expressed or implied in this code of conduct;
  - 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) DELETED (S. 2, Bylaw 19578, February 22, 2021)
- iii) the admission is unsolicited by the Councillor; and
- iv) the value is reasonable and the invitations infrequent.  
(S.3, Bylaw 18861, May 14, 2019)

Some options have been presented for the consideration of City Council.

### **Option 1: Status Quo**

Under this option, the wording of the Code would not be amended. Instead, the Administration would focus on the creation of Information Notes and materials outlining past rulings of the Integrity Commissioner and providing additional direction on this issue to provide clarity to City Council. As an example, materials from the City of Toronto are attached as Appendix 4. Members of Council can also request an advance ruling from the Integrity Commissioner prior to accepting a gift or benefit.

#### Advantages

- Current wording is already less restrictive or similar to that of several other jurisdictions so would be consistent.
- Helps to prevent accusations of influence or bias against members of City Council.
- Promotes transparency and accountability to the public.

#### Disadvantages

- May discourage members of City Council from attending some events.

### **Option 2: Amend the Code in Part as Per the SMRC Recommendation**

Under this option, the Code would be amended to make the language more consistent with the language of the *Communications and Constituency Relations Allowance Policy*. It would broaden the language of the section, but not make the language the same as the City of Edmonton.

Rather than provide clarity, there are some parts of the City of Edmonton language that could have the opposite effect and cause further confusion. For example, food or beverages consumed is already excluded from the definition of “gift or personal benefit” in Section 35. Further, conferences and training are already covered by the *City Councillors’ Travel and Training Policy* and Section 30(g) of the Code. Including that language here just adds confusion.

Instead, it is proposed that under this option the wording be amended from “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, concerts or other

similar events.” The remaining conditions outlined in the section would remain as currently worded:

- (i) attendance serves a legitimate purpose associated with the member’s duties;
- (ii) the person extending the invitation or a representative of the inviting organization is in attendance; and
- (iii) the value is reasonable and the invitations infrequent.

The proposed amendment meets the intent of the SMRC recommendation, which was to clarify the types of events that may be attended by members of Council.

Advantages:

- Provides additional clarity on the types of events that members of Council may attend.
- Conditions for attendance are consistent with several other jurisdictions.
- Helps to prevent accusations of influence or bias against members of Council.
- Promotes transparency and accountability to the public.

Disadvantages

- May discourage members of Council from attending some events.

### **Option 3: Implement SMRC Recommendation**

This option would be to simply implement the SMRC recommendation and amend the section to the same wording as that in the City of Edmonton bylaw.

Advantages:

- Depending on the interpretation by the Integrity Commissioner, it may broaden the events that members of Council can attend.

Disadvantages:

- Potentially causes confusion with respect to how other City Council policies interact with the Code.
- Not consistent with the wording of most other jurisdictions which require the person extending the invitation or a representative of the inviting organization to be at the event.
- Inconsistent with other provisions of the Code.

The Administration is recommending Option 2 – Amend the Code in Part as Per the SMRC Recommendation. In recognition of City Council’s desire for more clarity around what events they can attend, this option expands the list of the types of events that members of Council can attend, while balancing the reasons for having the provision;

those being possible influence, bias, transparency and accountability. Removing the requirement for the person extending the invitation or a representative of the inviting organization to be in attendance may cause confusion as to whether the event is associated with the member's duties. The list of conditions is consistent with the wording of several other jurisdictions and the combination thereof could be argued to provide the most clarity. The Administration's intent would be to work with the Integrity Commissioner to add Information Notes to supplement this Section and provide additional clarity. The materials created by the City of Toronto (Appendix 4) would serve as a guide.

### **Recommendation #5 – Clarify Influence**

***5. (a) That the City amend Division V, Influence (Sections 52-59) to describe "Influence" and "Conflicts of Interest" as separate sections.***

***5. (b) Move Section 43., Support for Charities and place it within Division V, Influence, following a discussion of conflicts of interest.***

***5. (c) Amend phrasing used within Section 43., Support for Charities to reflect its connections to conflicts of interest and influence.***

The SMRC has recommended some amendments to the Code around influence and conflicts of interest. The City of Edmonton's bylaw is provided as an example.

Currently, Subsection 4(3) states that the Code does not apply to violations of Sections 114-119 of *The Cities Act* (the conflict of interest provisions). There are Information Notes in the Code regarding conflicts of interest, but they reinforce that conflicts of interest are excluded from the provisions of the Code.

In recent years, the conflict of interest provisions of *The Cities Act* have been amended by the Province. Current training materials offered by the Province around municipal conflicts of interest suggest that it is the intention of the Province that code of ethics complaints can be made regarding conflicts of interest. Given this position, amendments are required to the Code to comply with this provincial direction.

The Administration is recommending that a conflict of interest section be added to the Code. Rather than follow the approach of the City of Edmonton, the recommendation is to simply refer to the provisions of *The Cities Act* in the Code as the rules regarding conflicts of interest to avoid creating situations where the Code is in conflict with the Act. This change would also necessitate changes to Subsection 4(3) and Clause 88(3)(b) of the Code. We would also recommend that the ability of members of Council to obtain external legal advice with respect to a possible conflict of interest be included in the Code. We note that the bylaw of the City of Calgary includes such a provision. Advice regarding conflicts of interest would be excluded from Section 85 – Reliance on Integrity Commissioner's Advance Ruling.

As recommended by the SMRC, Section 43 – Support for Charities can be moved to this Section of the Code. However, there is no need to amend the wording of this Section. Influence is different from conflicts of interest and after reviewing the portion of the Code with respect to influence, no changes to this Section are recommended. The additions of conflicts of interest to the Code should meet the intent of the SMRC recommendation. A recommendation has been included by the Administration to make these changes to the Code.

### **Recommendation #6 – Election Period Social Media**

***That the City amend and expand Section 70. (2) to clarify the requirements of elected members use of personal and City social media accounts during the election period.***

As outlined by the SMRC, “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 SMRC has suggested additions to the Information Notes to clarify this issue.

Section 70 currently states:

70. (1) A member may only use the City’s website, social media, email and phone number for official duties.
- (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).
- (3) Website and email distribution lists that are used for official duties may not be used for campaign activities and communications.
- (4) Links are not allowed on City websites or external websites paid for by the City to a member’s campaign website at any point in time during a term of office. This does not prevent the Returning Officer from providing links to campaign websites for all candidates on the Elections website.

The intention of the Section is to prevent incumbents from using their Councillor social media accounts to gain an advantage in the election. However, members of Council still have City Council related activities that must occur during an election period as they

are still members of Council during this period. The issue is how to provide clear rules that allow current members of Council to use their social media accounts for City Council business but prevent an advantage to incumbents during an election.

As currently provided in Subsection 70(1), Councillor websites, social media, email and phone numbers can only be used for official duties. The Administration is recommending that Subsection 70(1) be amended to add a specific provision directing that existing Councillor websites, social media, email and phone numbers do not need to be deleted during an election. Subsection 70(2), which requires members of Council to use separate websites, social media and phone numbers for all campaign activities and communications would remain as is. In addition, the Administration proposes to work with the Integrity Commissioner to provide some Information Notes on the use of social media. A recommendation has been put forward by the Administration on this issue.

The Administration is also suggesting a further amendment to Section 64 of the Code to remove the reference to October 31<sup>st</sup> and instead reference “until after election day in a general election year”. Election day is defined in the Code as the date defined in *The Local Government Election Act, 2015*. A recommendation has been put forward by the Administration on this issue.

### **Recommendation #7 – Integrity Commissioner Annual Reports**

***That the City amend Part V – Integrity Commissioner, Section 84(k.) to provide a more fulsome description of what may be contained within an Annual Report.***

The SMRC has suggested that more clarity is required around the Integrity Commissioner’s Annual Report and its contents. The SMRC has suggested wording from the City of Edmonton’s Integrity Commissioner Bylaw. The Administration supports this amendment, and a recommendation has been put forward by the Administration to make this amendment to the Code.

The SMRC has also suggested that the Code be amended to allow for interim reports to City Council on any matter relevant to a complaint. The Administration has concerns with allowing interim reports from the Integrity Commissioner during an investigation. Any issues of interference, obstruction or retaliation can be dealt with in the context of an investigation and subsequent reporting. The Integrity Commissioner is intended to be an external third party who is independent from City Council. Permitting interim reports while an investigation is ongoing arguably undermines, or may be perceived to undermine, the Integrity Commissioner’s independence. Further, the time period to address a complaint is relatively short in the Code and permitting interim reporting would make compliance with those timelines difficult to comply with. No recommendation has been put forward by the Administration for this amendment.

### **Recommendation #8 – Informal Complaints**

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

The SMRC has recommended adding clarity around the informal complaint process and has recommended language similar to that in the City of Barrie’s bylaw with respect to informal complaints. The Administration supports this suggestion, and a recommendation has been put forward by the Administration to make this amendment to the Code.

The Administration further supports the addition of language in the Code that allows the Integrity Commissioner, with the written consent of both parties, to refer the complaint to mediation or a third party if, in the opinion of the Integrity Commissioner, the complaint is of such a nature that it may be possible to resolve the matter through that process. If in this proposal the complaint is not resolved through that process, then the complaint would proceed to formal investigation. The City of Edmonton bylaw provisions would be used as a guide. The Administration has put forward a recommendation to make this amendment to the Code.

### **Recommendation #9 – Clarity in Complaint Process**

***That the City amend Part V Complaints, Sections 86-94 for clarity in language and processes.***

The SMRC has suggested Part V Complaints be amended to provide additional clarity. Specifically, the SMRC has suggested the City of Edmonton model.

Different cities draft bylaws in different ways. The City of Edmonton bylaw format is less formal; containing no specific section numbers, which makes amendments difficult. City of Saskatoon bylaws use a plain language drafting model, but the Administration is cognizant of the principles of statutory interpretation and the fact that courts interpret words in certain ways; thus, the need for some formality to a bylaw. For these reasons, the Administration is not in favour of the Edmonton approach.

This Part of the Code could be re-ordered as has been suggested by the SMRC, but the Administration does not feel that is needed. Instead, the City should focus on the content of the Code and make sure the provisions reflect the content City Council would like to see in the Code. Then Administration could work with the Integrity Commissioner to put together some materials for the public on the complaint process. This has been done with other bylaws and allows for the information to be formatted in a more readable style with graphics and perhaps checklists. The information could be made available on the City’s website under the Integrity Commissioner site. No recommendation has been put forward by the Administration.

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**Recommendation # 10 – Integrity Commissioner Time Discretion**

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***That the City amend Part V Complaints, Sections 86-94 to grant the Integrity Commissioner greater discretion regarding communication and reporting time requirements.***

The SMRC has suggested providing the Integrity Commissioner with more flexibility with respect to the time frames outlined in the Code.

Currently, the Code already contains some time parameters:

- Member has 10 business days to provide a written response after being served with complaint and support material by the Integrity Commissioner.
- Complainant has 10 business days to provide a written reply to response after being served by the Integrity Commissioner.
- Integrity Commissioner shall report to the complainant and the member no later than 90 days after receipt of the complaint.
- City Council shall consider and respond to an investigation report from the Integrity Commissioner no more than 90 days after the report is first considered by GPC.

The recommendation from the SMRC targets the no later than 90 days time frame for the Integrity Commissioner to investigate and report to the complainant and member after receipt of the complaint. The City of Edmonton allows this time period to be extended at the discretion of the Integrity Commissioner. Other municipalities also allow the Integrity Commissioner to extend the investigation time at their discretion (The City of Calgary, The City of Vancouver). The City of Barrie requires an interim report to the complainant and the member indicating when the complete report will be available if the investigative process is going to take more than 90 days. The City of Toronto does not appear to specify a time frame for an investigation.

The Administration does not currently recommend extending this time frame. As of yet, there have been few complaints under the City's 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 member to draw out the process. Allowing the Integrity Commissioner to extend timelines at their discretion would put no mandatory time limit on the process. An alternative would be to simply change the 90 days to 120 days to allow more time for investigation, but still have a set time frame set out in the Code. The Administration proposes to continue to monitor this issue and can bring forward a report recommending changes if it becomes apparent an adjustment is required. No recommendation has been put forward by the Administration on this issue.

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### **Recommendation #11 – Complainant Privacy**

***4. (a) That the City amend Confidentiality, Section 9[4] so that it precedes Initial Complaint Classification (Section 88) and follows Formal Request for Investigation (Section 87).***

***4.(b) That the City amend the Schedule “A” Complaint Form so that it includes a notice of privacy rights found in Confidentiality, Section 9[4].***

In accordance with earlier comments, a re-ordering of this Section is unnecessary. The obligation with respect to confidentiality already exists in the Code. However, amendments could be made to re-order the Code if City Council thinks that would be of benefit. Instead, it is suggested that an Information Note could be added after Section 87 to make this obligation clear. Further, it can be highlighted in both the previously discussed publicly available complaints process information package and on the Integrity Commissioner’s website. No recommendation has been put forward by the Administration with respect to this issue.

With respect to the second part of this recommendation, the Administration agrees that adding a disclaimer or notice to the Schedule “A” Complaint Form would be a good addition. A recommendation has been put forward by the Administration to make this amendment to the Code.

### **Recommendation #12 – Informed Complainant and Defendant**

***That the City amend Section 91(1) 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.***

Subsection 90(4) of the Code states that 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.”

Further, Subsection 91(1) requires the Integrity Commissioner to report to the complainant and the member no later than 90 days after receipt of the complaint.

The Administration’s reading of the Code and understanding of the process is that the Integrity Commissioner already reports first to both the complainant and the member before reporting to GPC. This is recognized by the reporting requirement in Subsection 91(1). There is no corresponding time frame for reporting to GPC and City Council. At this stage, both the complaint and the member have the opportunity to provide comments on the findings of the Integrity Commissioner.

Substantiated complaints result in Integrity Commissioner reporting to GPC, in camera, where respondent members are afforded procedural fairness. Both complainants and members are afforded an opportunity to address GPC, in the presence of the Integrity Commissioner. GPC is entitled to ask questions. The process from beginning to end is designed to afford fairness to all parties, and therefore the Administration has not put forward a recommendation for amendments in response to this SMRC suggestion. Amendments could be considered if directed by City Council.

The Administration does, however, feel that the process before GPC and City Council could be amended to clarify that representations and responses made by parties before GPC may be considered by the Integrity Commissioner in their final reporting to City Council. A provision could be added permitting the Integrity Commissioner, in their discretion, to change their report before final reporting to City Council to account for information relayed during the hearing process before GPC. A recommendation has been put forward by the Administration to make this amendment to the Code.

### **Recommendation #13 – Dual Mandate**

***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.***

As outlined by the SMRC, this issue has been previously discussed. At its meeting held on [March 27, 2017](#), City Council resolved, in part:

- ...
4. That the City Solicitor be directed to consult with Saskatchewan Urban Municipalities Association (SUMA) and other cities and report back to City Council regarding the request to the Province of Saskatchewan to make it mandatory:
    - a. for sitting members of City Council to take a leave of absence from City Council when running for another level of government beginning at the time the writ is dropped; and
    - b. for sitting members of City Council to resign their position on City Council the day after their election is confirmed; ...

The City Solicitor wrote to SUMA on February 2, 2018, to consult as directed by City Council. The Cities of Regina, Moose Jaw and Prince Albert received copies of this letter. SUMA referred the February 2, 2018, letter to its Intergovernmental Affairs Committee for insight and recommendations. The Intergovernmental Affairs Committee met on March 1, 2018 and voted to “receive and file the letter as information”.

A legislative change would be required to enact this requirement. If City Council is interested in further pursuing this issue, it is recommended that a motion be put forward asking the Mayor to write to the Province on this issue and request the legislative change.

**RECOMMENDATION**

1. That the Governance and Priorities Committee recommend to City Council that Bylaw No. 9537, *The Code of Ethical Conduct for Members of City Council Bylaw, 2019* be amended as follows:

- (a) That Section 16 be amended to include language that a member of Council must attend conflict of interest training, code of ethical conduct training and respectful workplace and anti-harassment training within one month following a general election;
- (b) 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, concerts or other similar events (Option 2 – Amend the Code in Part as Per the SMRC Recommendation);
- (c) That a conflict of interest section be added to refer to the provisions of *The Cities Act* in the Code as the rules to avoid creating situations where the Code is in conflict with *The Cities Act* and that the ability of members of Council to obtain external legal advice with respect to a possible conflict of interest be included;
- (d) That the Support for Charities Section be moved to the new conflict of interest section;
- (e) That Section 70 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;
- (f) That Section 64 be amended to remove reference to October 31<sup>st</sup> and instead reference “until after election day in a general election year”;
- (g) That Clause 84(k) be amended to provide a more fulsome description of what may be contained within the Integrity Commissioner’s annual report;
- (h) 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;
- (i) That Schedule “A” Complaint Form be amended so that it includes a notice of privacy rights;
- (j) 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.

2. That the City Solicitor be instructed to bring forward the updated version of Bylaw No. 9537, *The Code of Ethical Conduct for Members of City Council Bylaw, 2019* to City Council for its consideration.

3. That the Administration review the City of Saskatoon *Anti-Harassment Policy and Investigative Procedures for Members of City Council and Senior Administration Policy* and that the Administration report back to the Governance and Priorities Committee with any recommended amendments upon conclusion of that review.

### **RATIONALE**

The rationale is outlined in the above Options section.

### **FINANCIAL IMPLICATIONS**

There are no financial implications.

### **ADDITIONAL IMPLICATIONS/CONSIDERATIONS**

If City Council passes the recommendations of this report, the City Solicitor will be required to bring forward bylaw amendments for City Council's consideration in order for the changes to the Code to be enacted.

### **APPENDICES**

1. Chart of Other Jurisdictions – Gifts and Benefits
2. Saskatoon Municipal Review Commission: 2022 Municipal Code of Conduct Committee Report
3. Comparison Chart – Saskatoon Municipal Review Commission's Recommendations, Current Code of Ethical Conduct Bylaw Provisions and the Administration's Comments
4. City of Toronto Information including: Office of the Integrity Commissioner Gift Disclosure Statement Guidelines, Members of City Council: Conduct Standards & Resources, Sample Gifts and Benefits Disclosure Statement and Gift Disclosure Registry for Members of Council

### **Report Approval**

Written and Approved by: Cindy Yelland, City Solicitor  
Reviewed by: Adam Tittlemore, City Clerk  
Mike Jordan, Chief Public Policy and  
Government Relations Officer  
Jeff Jorgenson, City Manager