

BYLAW NO. 9861

The Code of Ethical Conduct for Members of City Council Amendment Bylaw, 2022

The Council of The City of Saskatoon enacts:

Short Title

1. This Bylaw may be cited as *The Code of Ethical Conduct Amendment Bylaw, 2022*.

Purpose

2. The purpose of this Bylaw is to amend *The Code of Ethical Conduct for Members of City Council Bylaw, 2019* to:
 - (a) require members of Council to attend conflict of interest, code of ethical conduct and respectful and anti-harassment training within 60 days following a general election;
 - (b) clarify the types of events that may be attended by members of Council under the gifts and benefits provision;
 - (c) clarify that Bylaw No. 9537 does apply to the conflict of interest provisions of *The Cities Act*;
 - (d) include a conflict of interest provision and provide the ability for members of Council to seek external legal advice with respect to a possible conflict of interest;
 - (e) move section 43, Support for Charities to the new conflict of interest section;
 - (f) clarify in section 70 that existing Councillor websites, social media, email and phone numbers do not need to be deleted during an election period;
 - (g) remove reference to October 31 in section 64 and reference more generically the time period after election day in a general election year;
 - (h) provide a more fulsome description of what may be contained in the Integrity Commissioner's annual report;
 - (i) include more comprehensive procedures for addressing complaints informally, including permitting the Integrity Commissioner to refer a complaint to mediation or a third party upon the consent of both parties;

- (j) clarify the authority of the Integrity Commissioner to modify their final report between in camera consideration of the report at Governance and Priorities Committee and public consideration of the report at Council;
- (k) exclude items, such as office equipment and transit and parking passes that are required by members of Council to conduct their duties, from the definition of gifts and benefits;
- (l) increase the communication and reporting time provided to the Integrity Commissioner from 90 to 120 days; and
- (m) amend Schedule “A”, Complaint Form to include a notice of privacy rights to complainants.

Bylaw No. 9537 Amended

- 3. *The Code of Ethical Conduct for Members of City Council Bylaw, 2019* is amended in the manner set forth in this Bylaw.

Section 4 Amended

- 4. Subsection 4(3) is amended by striking out “does not apply” and substituting “applies”.

Section 16 Amended

- 5. Subsection 16(2) is repealed and the following substituted:
 - “(2) Within 60 days following the general election, a member must attend the following training as directed by the City Clerk:
 - (a) conflict of interest training;
 - (b) code of ethical conduct training;
 - (c) respectful workplace and anti-harassment training.”.

Section 35 Amended

- 6. Section 35 is amended by:
 - (a) striking out “and” at the end of clause (a); and
 - (b) adding the following after clause 35(a):

“(a.1) supplies and resources such as transit and parking passes and office equipment, including computers, mobile phones, printers, routers, internet and similar services and equipment required by a member to perform their duties; and”.

Section 38 Amended

7. Clause 38(h) is repealed and the following substituted:

“(h) admission or tickets to meals, banquets, receptions, community events, business events, sporting events, charitable or fundraising events, professional theatre events, concerts or other similar events or activities if:

- (i) attendance serves a legitimate purpose associated with a 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.”.

Section 43 Repealed

8. Section 43 is repealed.

Section 64 Amended

9. Section 64 is amended by striking out “October 31” and substituting “after election day”.

Section 70 Amended

10. Subsection 70(1) is amended by adding “For greater certainty, existing member websites, social media, email and phone numbers used for official duties need not be deleted during an election.” following “official duties.”.

New Part III Division VII

- 11. (1) The heading “Division VII **Conflict of Interest**” is added after section 81.
- (2) The following sections are added after the heading “Division VII **Conflict of Interest**”:

“**Conflicts of Interest**

- 81.1 (1) A member shall at all times comply with sections 114 - 119 of *The Cities Act* related to conflicts of interest of members.”.
- (2) A member may obtain external legal advice with respect to a conflict of interest matter arising under sections 114 - 119 of *The Cities Act* in accordance with the practice established by the City and administered by the City Clerk.

Support for Charities

- 81.2 (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.
- (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.
- (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.
- (4) Nothing in this section affects the entitlement of a member to:
- (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;
 - (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.”.

Section 84 Amended

12. (1) Clause 84(a) is amended by adding “, except on questions related to conflicts of interest arising under sections 114 - 119 of *The Cities Act*.” after “with this Bylaw”.
- (2) Clause 84(k) is repealed and the following substituted:

- “(k) publish an annual report on the work of the Integrity Commissioner including:
- (i) a summary of the activities undertaken by the Integrity Commissioner in the past year;
 - (ii) examples in general terms of advice and advance rulings rendered and complaints received and disposed of;
 - (iii) an analysis of any trends or general observations that can be drawn from the complaints received and investigations conducted in the past year; and
 - (iv) any other matters the Integrity Commissioner deems relevant.”.

Section 85 Amended

13. The following subsection is added after subsection 85(1):

“(1.1) Notwithstanding subsection (1), a member may not request that the Integrity Commissioner provide an advance ruling on questions related to conflict of interest arising under sections 114 - 119 of *The Cities Act*.”.

Section 86 Amended

14. Section 86 is repealed and the following substituted:

“Informal Complaints

86. Any person who has identified or witnessed conduct by a member that the person believes to be in contravention of this Bylaw may address their concerns in the following manner:
- (a) advise the member that their behaviour or activity contravenes the Bylaw;
 - (b) encourage the member to stop the prohibited behaviour or activity;
 - (c) if applicable, confirm with the member whether the response was satisfactory to alleviate the concern;
 - (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) ask the Integrity Commissioner to refer the complaint to an informal resolution process.”.

Section 88 Amended

- 15. Clause 88(3)(b) is amended by striking out “including” and substituting “with the exception of”.

Section 89.1 Added

- 16. The following section is added after section 89:

“Informal Resolution

- 89.1 (1) Subject to section 83, if the Integrity Commissioner determines that an informal resolution may be possible, the Integrity Commissioner may, with the written consent of both the person making the complaint and the member who is the subject of the complaint, refer the complaint to mediation or a third party for resolution.
- (2) Complaints not resolved under subsection (1) shall be returned to the Integrity Commissioner for further handling.”.

Section 90 Amended

- 17. Subsection 90(1) is amended by:

- (1) striking out “or” after “section 88” and substituting “, is”; and
- (2) adding “or is returned to the Integrity Commissioner pursuant to subsection 89.1(2)” after “pursuant to section 89”.

Section 91 Amended

- 18. (1) Subsection 91(1) is amended by striking out “90” and substituting “120”.
- (2) The following subsection is added after subsection 91(3):
 - “(3.1) A report to Council pursuant to subsection (2) may be amended at the discretion of the Integrity Commissioner after consideration of the matter by the Governance and Priorities Committee, in camera, to reflect any new or further information learned during the in camera meeting.”.

