

The Code of Ethical Conduct Amendment Bylaw, 2024

ISSUE

This report submits Bylaw No. 10028, *The Code of Ethical Conduct Amendment Bylaw, 2024* (“Bylaw”) for City Council’s consideration. The Bylaw amends *The Code of Ethical Conduct for Members of City Council Bylaw, 2019* (“Code”) to remove reference to Council Policy C01-025, *City of Saskatoon Anti-Harassment Policy and Investigative Procedures for Members of City Council and Senior Administration* (“C01-025”) and to eliminate the overlap in processes as between the Code and C01-025 as previously decided by City Council.

As other elements of C01-025 related to the Senior Administration have been incorporated into Policy A04-026, *Respectful and Harassment-Free Workplace Policy* (“A04-026”), C01-025 can be repealed.

RECOMMENDATION

That City Council:

1. Consider Bylaw No. 10028, *The Code of Ethical Conduct Amendment Bylaw, 2024*;
2. Instruct the City Clerk to repeal Council Policy C01-025, *City of Saskatoon Anti-Harassment Policy and Investigative Procedures for Members of City Council and Senior Administration*; and
3. Amend the Personnel Subcommittee Terms of Reference as outlined in this report.

BACKGROUND

At its [November 22, 2023 Regular Business Meeting](#), City Council considered a report of the City Solicitor’s Office dated November 8, 2023, and resolved that:

1. The City Solicitor be instructed to amend Bylaw No. 9537, *The Code of Ethical Conduct for Members of City Council Bylaw, 2019* as required; and
2. The City Solicitor be instructed to review the Personnel Subcommittee Terms of Reference and bring forward any amendments as required.

DISCUSSION/ANALYSIS

In accordance with City Council’s instructions, we are pleased to submit Bylaw No. 10028, *The Code of Ethical Conduct Amendment Bylaw, 2024* for City Council’s consideration.

The Bylaw was reviewed by the Integrity Commissioner, at her request, in advance of its submission to City Council. Comments were received via email on June 16, 2024, and have been considered in the current draft of the Bylaw.

Amendments to A04-026 direct respectful workplace or harassment complaints against the City Manager or City Clerk go directly to the Governance and Priorities Committee (“GPC”). It is recommended that corresponding amendments be made to make the Personnel Subcommittee responsible to administer such complaints, with the approval of GPC. In terms of the administration of complaints against the City Manager or the City Clerk, it is recommended that such complaints be investigated by a third party. Internal or external legal advice, as required, could be retained. As with complaints against members of City Council, it is anticipated that the whole of GPC would consider any investigation reports or findings and consider sanctions as warranted. Depending on the wish of City Council, such consideration could be based on recommendations of the Personnel Subcommittee. Amendments to the Personnel Subcommittee Terms of Reference have been proposed to implement this change. A blackline of the Personnel Subcommittee Terms of Reference showing the proposed changes is attached to this report at Appendix 2.

Complaints against the City Solicitor will be managed in accordance with the processes and resolution mechanisms contained in A04-026. While A04-026 is an Administrative Policy, the amendment of which does not require City Council approval, a blackline version is attached for City Council's information at Appendix 3. The proposed amendments have been reviewed by the Human Resources Division and are acceptable.

C01-025 is, subject to approval of the Bylaw, no longer necessary as City Council member behaviour is comprehensively addressed in the Code, as are the related complaint and investigation processes. Respectful behaviour of the Senior Administration and related processes is addressed in A04-026. It is therefore recommended that City Council instruct the City Clerk to repeal C01-025.

APPENDICES

1. Proposed Bylaw No. 10028, *The Code of Ethical Conduct Amendment Bylaw, 2024*.
2. Blackline copy of Personnel Subcommittee Terms of Reference showing proposed amendments.
3. Blackline copy of showing proposed amendments to Policy A04-026, *Respectful and Harassment Free Workplace Policy*.

Report Approval

Written by: Christine G. Bogad, Deputy City Solicitor
Reviewed by: Jeff Jorgenson, City Manager
Approved by: Cindy Yelland, City Solicitor