
Appointment of City Employees to Civic Boards, Commissions and Committees

Recommendation

That the Governance and Priorities Committee recommend to City Council that the Administration be instructed to insert a provision in the new Employee Code of Conduct and Conflict of Interest Policy prohibiting City employees from being appointed to civic boards, commissions and committees outside of their duties as City employees.

Topic and Purpose

City Council, at its meeting held on May 23, 2017, considered an appointment to the SaskTel Centre Board of Directors and resolved, in part, that the Administration provide a report on eligibility of City of Saskatoon employees for appointments to civic boards, commissions and committees to act in any capacity separate from their roles as civic employees. This report provides the recommendation of the Leadership Team Governance Subcommittee and outlines best practices from other comparable Canadian jurisdictions.

Strategic Goals

This report supports the Strategic Goals of Continuous Improvement and Quality of Life as it supports City Council in providing good governance to the citizens of Saskatoon.

Report

The Leadership Team Governance Subcommittee reviewed Policy No. C01-003, *Appointments to Civic Boards, Commissions, Authorities, and Committees* and reviewed the best practices from London (Ontario), Regina, Calgary, Edmonton and Winnipeg and recommends that City employees should not be appointed to civic boards, committees or commissions (“BCCs”) in any capacity separate or outside of their roles as City employees and can provide the following analysis:

1. Policy No. C01-003, *Appointments to Civic Boards, Commissions, Authorities, and Committees* (the “City Policy”)

- Currently, the City Policy, at section 2.6, says that City Council may appoint City employees to BCCs if:
 - the employee has relevant expertise to contribute;
 - the appointment is necessary by virtue of the employee’s office; and
 - there is no detriment to the employee’s duties to the City.

- Further, at section 2.6, the City Policy states that members of Civic Administration may not actively participate on civic advisory committees, but may attend meetings as a City-resource or to present reports.
- At section 3.2 of the City Policy, it states that for City employees who have been appointed to BCCs, those employees are expected to respect and represent the official views of the City and act in accordance with its policies and practices. The further expectation is that appointed employees must report important matters to their superiors, ensure other civic operations are represented and ensure relevant activities and interests are coordinated with appropriate City departments.

2. Employee Code of Conduct and Conflict of Interest

- *The Cities Act* (at section 85.1) requires Saskatchewan cities to establish a Code of Conduct for City employees that includes conflict of interest rules. The *Act* states that the conflict of interest rules in an Employee Code of Conduct must “set out the types of conduct that are prohibited, including rules prohibiting an employee from using information that is obtained as a result of his or her employment to further, or seek to further, his or her private interests...”.
- The City of Saskatoon currently has in place Policy No. A04-006 *Employee Conflict of Interest*. The purpose of this Policy is to “ensure that civic employees are not placed in a position of conflict of interest [or seen] to be in a position of conflict of interest.” At section 2.4 it states that “no civic employee shall engage in any business or other transaction or shall have a financial or personal interest therein, either directly or indirectly, which is incompatible with the proper discharge of his [or her] official duties in the public interest.” Further, this Policy requires City employees to disclose to their supervisors any actual or potential conflict of interest with their official duties. Currently, the Administration is in the process of drafting a new Employee Code of Conduct and Conflict of Interest Policy for City of Saskatoon employees to update and replace Policy No. A04-006.
- An argument could be made that under the current Policy A04-006 a City employee acting outside their capacity or role as a civic employee (i.e. like a regular citizen) on civic BCCs constitutes, or could be perceived to be, a conflict of interest.

3. Best Practices

- Best practices were reviewed from London (Ontario), Regina, Calgary, Edmonton and Winnipeg.
- Overall, best practices indicate that City employees should not be appointed to BCCs in a role outside their duties as civic employees in other jurisdictions. City employees are appointed to serve on BCCs as representatives of the City only, not in any personal capacity. More detail on the practices/policies of each City researched can be found on Attachment 1 to this report.

Options to the Recommendation

City Council could decide to allow the appointment of employees as members of BCCs outside of their roles as City employees. This is not recommended as it may expose City employees to a conflict of interest, or potential conflict of interest, situation which could result in a breach of Policy No. A04-006, or any future Employee Code of Conduct and Conflict of Interest Policy.

Public Notice

Public Notice pursuant to Section 3 of Policy No. C01-021, Public Notice Policy, is not required.

Attachment

1. Best Practices – Other Canadian Jurisdictions – Participation of Civic Employees on Committees, Boards or Commissions

Report Approval

Written by:	Candice Leuschen, Executive Assistant to the City Solicitor
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Reviewed by:	Joanne Sproule, City Clerk
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