

BYLAW NO. 2002-57

THE REGINA CODE OF CONDUCT AND DISCLOSURE BYLAW

THE COUNCIL OF THE CITY OF REGINA ENACTS AS FOLLOWS:

Purpose

1. The purpose of this Bylaw is to:
 - (a) apply the disclosure of holdings requirements of section 36 of *The Urban Municipality Act, 1984* to the City of Regina and to designate civic positions subject to those requirements; and
 - (b) establish a code of conduct for employees of the City of Regina and persons appointed by Council to committees, boards and commissions created by Council.

Authority

2. The authority for this Bylaw is *The Urban Municipality Act, 1984*, hereinafter referred to as the "Act", in particular sections 36, 62 and 83 of the Act.

Disclosure of Land Holdings

3. (1) The following civic employees are hereby designated to comply with the requirements of section 36 of the Act in addition to the City Manager, Clerk, Treasurer, Assessor and Solicitor, who are expressly named in clause 36(2)(a) of the Act:
 - (a) all directors of departments established pursuant to section 52 of the Act;
 - (b) all lawyers within the City Solicitor's Office;
 - (c) the Assistant City Assessor;
 - (d) the Manager of the Real Estate Division; and
 - (e) the Manager of the Urban Planning Division.
- (2) In the event that the name of a position described in subsection (1) changes, but the duties remain substantially the same, the City Manager may direct the person to comply whose duties, in the opinion of the City Manager, most closely match that position.

- (3) Persons appointed by Council to the following boards and committees are designated to comply with the requirements of section 36 of the Act, in addition to members of the City and District Planning Commissions, who are expressly named in clause 36(2)(d) of the Act:
 - (a) The Municipal Heritage Advisory Committee;
 - (b) The Regina Board of Revision;
 - (c) The Regina Development Appeals Board;
 - (d) The Regina Downtown Business Improvement District Board
 - (e) The Regina District Appeals Board;
 - (f) The Regina Housing Advisory Committee;
 - (g) The Regina Regional Economic Development Authority.

Code of Conduct

- 4. The Code of Conduct shall apply to:
 - (a) all employees of the City of Regina; and
 - (b) all persons appointed to any board, committee or commission created by Council, except for members of Council;

in so far as the following provisions provide.
- 5. (1) No employee of the City of Regina shall:
 - (a) engage in any outside employment, business, or undertaking:
 - (i) that will, or is likely to, interfere with the performance of their duties with the City;
 - (ii) in which there is the potential to gain a material, financial benefit as a result of their position with the City;
 - (iii) that will, or is likely to, unduly influence or affect the manner in which they carry out their duties with the City;
 - (b) make public statements about activities or policies of the City, except for the City Manager, department heads or any employee authorized to do so by the City Manager or their department head;

- (c) represent any third parties in their dealings with the City or appear before Council or any board, committee or commission of the City on behalf of those third parties, except where authorized by the City Manager or their department head.
 - (2) This section shall not be applied where it would restrict the right of representatives of civic bargaining units from representing the interests of their membership before Council or its committees.
- 6.
 - (1) The conflict of interest rules in section 33 of the Act shall apply in the same manner to a member of a board, committee or commission created by Council.
 - (2) No person appointed by Council to any such board, committee or commission shall appear before that board, committee or commission either on their own behalf or on behalf of another person.
- 7. No person to whom the Code of Conduct applies shall:
 - (a) solicit or accept any gifts or benefits from any person or organization which is directly or indirectly involved in any manner whatsoever with the City of Regina, unless:
 - (i) the gift or benefit is a normal exchange of hospitality among persons doing business;
 - (ii) the gift is a token exchanged as a part of protocol;
 - (iii) the gift is a normal contribution for or award or prize made to persons participating in charitable, professional, or public functions;
 - (b) use City property for private business or profit, unless:
 - (i) the property is available for such use by the public generally and the person is receiving no special preference in its use; or
 - (ii) the property is made available to the person as a matter of City policy or under their terms of employment or appointment;
 - (c) gain or attempt to gain a material benefit or advantage over other members of the public from the use of information acquired as a result of their position

with the City unless such information is available to the public generally, nor disclose such information without proper authorization;

- (d) give undue preference or treatment to any person in their dealings with the City;
- (e) seek, accept or agree to accept a commission, reward, or benefit of any kind from any person who has dealings with the City, either on their own behalf or through a relative or other person for their benefit;
- (f) represent the City in any dealings directly or indirectly with any of their relatives or business associates, nor attempt to influence the City's dealings with those relatives or business associates;
- (g) run for or serve in elected public office, if a conflict of interest exists between the elected public office and the employee's responsibilities to the City;
- (h) use their position with the City to actively campaign for the election of or solicit funds for a potential or declared candidate for elected public office. This clause shall not affect their right to actively participate in the democratic process as a citizen during their own time.

Disclosure of Potential Conflict

- 8. (1) Where a person bound by the Code perceives they are or may potentially be in conflict with the Code of Conduct, the employee shall disclose it:
 - (a) in a case of an employee, to their department head;
 - (b) in the case of a department head, to the City Manager;
 - (c) in the case of the City Manager, or a member of a board, committee, or commission, to the City Clerk.
- (2) The person making a disclosure shall:
 - (a) do so in writing, setting out the circumstances leading to disclosure and the perceived conflict;
 - (b) withdraw from participation in the matter in which the potential conflict arises until it has been adjudicated upon pursuant to this Bylaw.

Complaint of Breach of the Code of Conduct

- 9. (1) Any person who is of the opinion that a person who is subject to the Code of Conduct has breached the Code may file a complaint in writing with the City Clerk, the appropriate Department Head or the City Manager.
- (2) Any complaint must be in writing and signed by the complainant to be dealt with under this Bylaw.

Review of Disclosures and Complaints

- 10. (1) Where a department head receives a disclosure from or a written, signed complaint alleging a breach of the Code involving a subordinate employee, the department head shall:
 - (a) forward a copy to the City Clerk;
 - (b) review the disclosure or complaint, in consultation with the City Solicitor, to determine whether there has been or is a real likelihood of a breach of the Code of Conduct; and
 - (c) provide appropriate direction to the employee or take appropriate remedial action, which may take the form of:
 - (i) advice on how the employee should act in future;
 - (ii) a written waiver of the breach, if the department head, in consultation with the City Solicitor, decides the breach is insignificant or does not violate the spirit and intent of the Code of Conduct;
 - (iii) directing the employee to refrain from any further conduct which may breach the Code;
 - (iv) directing the employee to divest any outside investment or interest or place such interest in a blind trust;
 - (v) transfer the employee to another position or department;
 - (vi) accepting the employee's resignation;
 - (vii) discipline or dismissal for cause of the employee;

- (viii) legal action;
 - (ix) reporting the matter to Police.
- (2) In assessing what remedial action, if any, should be taken, consideration shall be given to the question of whether the breach was advertent or wilful, as opposed to inadvertent.
 - (3) The City Manager shall deal with disclosures from and complaints about department heads in the same manner as provided in this section for subordinate employees.
 - (4) Any employee may appeal disciplinary action:
 - (a) where a Collective Bargaining Agreement is in effect, pursuant to that Agreement;
 - (b) in the case of an employee other than a department head or City Manager, to the City Manager;
 - (c) in the case of the City Manager or a department head, directly to Executive Committee, which shall hear the appeal in private session.

Civic Official's Duties

- 11. (1) The City Clerk shall:
 - (a) maintain a register of disclosures of land holdings, which shall be open for review by members of the public;
 - (b) maintain a register of disclosures of potential conflict, which shall only be open to review by the City Manager, Department heads and members of Council;
 - (c) ensure that all persons appointed by Council to civic boards, commissions and committees are made aware of the Code of Conduct and the disclosure of land holding requirements;
 - (d) if the Clerk receives a disclosure or complaint in writing, where it relates to:

- (i) an employee, other than a Department Head or City Manager, forward it to the employee's Department Head;
 - (ii) a Department Head, forward it to the City Manager;
 - (iii) the City Manager or a person appointed by Council to a board, commission or committee created by Council, place it on the private agenda of the next Executive Committee meeting;
- (2) The City Manager shall:
- (a) implement and administer the Code of Conduct;
 - (b) advise Council on appropriate changes to the Code of Conduct;
- (3) Department Heads shall:
- (a) make the Code of Conduct available to their employees;
 - (b) report to the City Manager and to the City Solicitor any possible violations of the Code, as well as any disclosure made pursuant to the Code, by employees in their department;
 - (c) administer remedial action to employees of their department.

Other Laws

12. This Bylaw is to operate in addition to other laws governing the conduct of municipal officials and employees, including *The Urban Municipality Act, 1984*, in particular sections 32-37, and the *Criminal Code of Canada R.S.C.1985, c. C-46*, in particular sections 122-125 or any successors to those statutes.
13. Where this Bylaw conflicts with:
- (a) any collective bargaining agreement in effect that applies to the employee in question, the agreement takes precedence;
 - (b) any provision of *The Urban Municipality Act, 1984*, or any successor to that Act, the Act shall take precedence to the extent of the conflict.

Repeal of Bylaws

- 14. (1) Bylaw No. 8791, being *A Bylaw of the City of Regina to Adopt a Code of Conduct for Municipal Officials and Employees of the City of Regina*, is repealed.
 - (2) Bylaw No. 9579, being *A Bylaw of the City of Regina Respecting the Disclosure of Land Holdings by Municipal Officials and Employees* is repealed.
15. This Bylaw comes into force on the day of passage.

READ A FIRST TIME THIS 24th DAY OF JUNE, 2002.

READ A SECOND TIME THIS 24th DAY OF JUNE, 2002.

READ A THIRD TIME AND PASSED THIS 24th DAY OF JUNE, 2002.

W.A. WELLS
Deputy Mayor

C. EDWARDS
Acting City Clerk

(SEAL)

CERTIFIED A TRUE COPY

City Clerk

ABSTRACT

BYLAW NO. 2002-57

THE REGINA CODE OF CONDUCT AND DISCLOSURE BYLAW

PURPOSE: To update the code of conduct for civic employees and appointees and require disclosure of land holdings by certain civic employees and appointees.

ABSTRACT: This Bylaw consolidates and revises existing bylaws to provide rules for civic employees and persons appointed by Council to boards and committees to promote ethical public service.

STATUTORY AUTHORITY: Sections 36, 62 and 83 of *The Urban Municipality Act, 1984*

PUBLIC HEARING: N/A

REFERENCE: Executive Committee, June 19, 2002, EX02-40

AMENDS/REPEALS: Repeals Bylaw No. 8791 and Bylaw No. 9579

CLASSIFICATION: Administrative

ORIGINATING DEPT.: City Manager