

## 1135 - Code of Ethics

### City of Humboldt

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Policy Title <b>Code of Ethics Policy</b>	Adopted By <b>Council</b>	Policy Number <b>1135</b>	
Origin/Authority <b>Corporate Services Committee</b>	Jurisdiction <b>City of Humboldt</b>	Effective Date <b>May 8, 2017</b>	Page <b>1/17</b>
Reviewed By <b>City Council</b>		Amended	

#### 1.0 Preamble

As members of Council, it is recognized that actions have an impact on the lives of all residents and property owners in the community. Fulfilling the obligations and discharging the duties of public offices in a responsible manner requires a commitment to the highest ethical standards.

The quality of the public administration and governance of the City of Humboldt as well as its reputation and integrity, depends on the conduct of elected officials.

#### 2.0 Purpose

- 2.1 The purpose of this Policy is to comply with section 66 of *The Cities Act* and section 3.1, Schedule 1 of *The Cities Regulations* to establish a code of ethics which outlines basic ethical standards and values for members of Council including any individual appointed by Council to sit on any board, committee, controlled corporation or other body established by Council.
- 2.2 It is to be used to guide members of council, boards, committees, corporations or other bodies respecting what their obligations are when fulfilling their duties and responsibilities.
- 2.3 This code, as set out in Appendix D, is to be interpreted in accordance with the legislation application to the municipality, the common law and the policies and bylaws of the municipality.

- 2.4 Neither the law nor this code is to be interpreted as exhaustive, and there will be occasions on which a council will find it necessary to adopt additional rules of conduct in order to protect the public interest and to enhance the public confidence and trust in local government.

### 3.0 Scope

- 3.1 This Policy applies to all Members of Council and will be applicable to all members of committees, controlled corporations, and other bodies established by Council who are not members of Council.

### 4.0 Responsibility

- 4.1 It is the responsibility of each member of Council, including any individual appointed by Council to sit on any board, committee, controlled corporation or other body established by Council to uphold the standards and values as set out in this policy.

### 5.0 Referenced & Related Policies

- 5.1 ***The Cities Act*** being Chapter C-11.1\* of the Statutes of Saskatchewan and its application Regulations.

### 6.0 Standards and Detailed Policies

#### 6.1 **STANDARDS AND VALUES**

##### 6.1.1 **Honesty**

Members of Council should be truthful and open in their roles as council members and as members of the community they serve.

##### 6.1.2 **Objectivity**

Members of Council shall make decisions carefully, fairly and impartially.

##### 6.1.3 **Respect**

Members of Council shall treat every person, including other members of council, municipal employees and the

public, with dignity, understanding and respect. Members of Council shall not engage in discrimination, bullying or harassment in their roles as members of council. They shall not use derogatory language towards others, shall respect the rights of other people and groups, shall treat people with courtesy and shall recognize the importance of the different roles others play in local government decision making.

#### **6.1.4 Transparency and Accountability**

Members of Council shall endeavour to conduct and convey council business and all their duties in an open and transparent manner, other than those discussions that are authorized to be dealt with in a confidential manner in closed session, so that stakeholders can view the process and rationale used to reach decisions and the reasons for taking certain actions.

Members of Council are responsible for the decisions that they make. This responsibility includes acts of commission and acts of omission.

#### **6.1.5 Confidentiality**

Members of Council shall refrain from disclosing or releasing any confidential information acquired by virtue of their office except when required by law or authorized by Council to do so. Members shall not take advantage of or obtain private benefit from information that is obtained in the course of or as a result of their official duties or position and that is not in the public domain. This includes complying with *The Local Authority Freedom of Information and Protection of Privacy Act* in their capacity as members of council of a local authority.

Members of Council shall refrain from using confidential information (such as knowledge respecting bidding on the sale of City property or assets) for personal or private gain, or for the gain of relatives or any person or corporation;

Members of Council shall refrain from accessing or attempting to gain access to confidential information in the custody of the City unless it is necessary for the performance of their duties and not prohibited by council policy.

#### **6.1.6 Leadership and Public Interest**

Members of Council shall serve their constituents in a conscientious and diligent manner and act in the best interests of the City. A member shall strive, by focussing on issues important to the community and demonstrating leadership to build and inspire the public's trust and confidence in local government.

Members of Council are expected to perform their duties in a manner that will bear close public scrutiny and shall not provide the potential or opportunity for personal benefit, wrongdoing or unethical conduct.

#### **6.1.7 Responsibility**

Members of Council shall act responsibly and in accordance with the Acts of the Parliament of Canada and the Legislature of Saskatchewan, including *The Cities Act*.

This duty includes disclosing actual or potential conflicts of interest, either financial or otherwise relating to their responsibilities as members of council, following policies and procedures of the City, and exercising all conferred powers strictly for the purpose for which the powers have been conferred. Every member of council is individually responsible for preventing potential and actual conflicts of interest.

## **6.2 APPROPRIATE USE OF CITY ASSETS AND SERVICES**

### **6.2.1 Expectation of Privacy**

All members of Council are notified that all computers, cell phones, tablets and other electronic devices provided by the City are the property of the City, and shall, at all times, be treated as the City's property. Council members are hereby notified that they are to have no expectation of privacy in the use of these devices.

Council members are entitled to use these devices for personal as well as for City purposes. However, they are hereby notified that:

6.2.1.1 all emails or messages sent or received on City devices are subject to The Local Authority Freedom of Information and Protection of Privacy Act;

6.2.1.2 all files stored on City devices, all use of internal email and all use of the internet through the City's firewall may be inspected, traced or logged by the City;

6.2.1.3 in the event of a complaint pursuant to this Policy, the Committee of the Whole may require that any or all of the electronic devices provided by the City to Council members may be confiscated and inspected as part of the investigation including downloading information which is considered relevant to the investigation. All email messages or internet connections may be retrieved.

### **6.2.2 Appropriate Use**

All members of Council are entitled to various City-paid services or resources, and in using said resources they shall:

- 6.2.2.1 follow the same rules and practices regarding reimbursement of travel expenses that are followed by civic staff;
- 6.2.2.2 use City resources including civic staff, postage, photocopiers, phones, newsletters, stationery and any other civic property and equipment, with the exception of electronic devices, for civic business only; and
- 6.2.2.3 refrain from including personal information on civic business cards or on the civic webpage.

### **6.3 GIFTS AND BENEFITS**

#### **6.3.1 Conflict of Interests**

No member of Council shall accept a fee, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of office, unless permitted by the exceptions listed below. For these purposes, a fee or gift or benefit that is paid to or provided with the member's knowledge to a member's spouse, partner, child or parent that is connected directly or indirectly to the performance of the member's duties is deemed to be a gift to that member.

The following are recognized as exceptions:

- 6.3.1.1 such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation, provided that the value of the gift or benefit does not exceed \$100.00;
- 6.3.1.2 a suitable memento of a function honoring the member;
- 6.3.1.3 food, lodging, transportation, event tickets or 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, or by a conference, seminar or event organizer where the

member is either speaking or attending in an official capacity; and

6.3.1.4 food and beverages consumed at banquets, receptions, business lunches or similar events, if attendance serves a legitimate business purpose, the person extending the invitation or a representative of the organization is in attendance, and the value is reasonable and the invitations infrequent.

#### **6.4 ACTIONS DURING CIVIC ELECTION PERIODS**

No member of Council shall use the facilities, equipment, supplies, services or other resources of the City (including Councillor newsletters, the City's website and websites linked through the City's website) for any election campaign or campaign-related activities. Any campaign-related activities that occur in City Hall or any civic facility must take place in a location that is normally available for rental to the public and which has been arranged through the normal rental process. No member shall use the services of civic staff for election-related purposes during hours in which those civic staff members receive any compensation from the City. All members of Council shall strictly adhere to all rules that govern candidates in local elections.

#### **6.5 LEAVES OF ABSENCE**

Occasionally a member of Council will take a leave of absence in order to run for elected office of another level of government. During the period of the leave the Council member:

- 6.5.1 will not receive any confidential agendas, communications or documents from the City;
- 6.5.2 will receive copies of all public information;
- 6.5.3 will not be required to return their City-issued material during the period of the unpaid leave, but will not use it for any non-civic purpose; and
- 6.5.4 will not be reimbursed for any mileage or telephone or similar expenses.

## **6.6 IMPROPER USE OF INFLUENCE**

**6.6.1** No member shall use the influence of his or her office for any purpose other than for the exercise of his or her duties.

## **7.0 Contravention of the Code of Ethics Policy**

**7.1** The procedure for handling contraventions to the Code of Ethics Policy shall be as follows:

**7.1.1** An individual, organization or Member of Council may submit a Formal Complaint Form (see Appendix C attached hereto, by sending the form directly to the City Clerk, either by mail, email, fax or courier. The City Clerk shall present the completed and signed form to Council at the next Committee of the Whole (in-camera session).

**7.1.2** Upon receipt of a complaint, Council shall discuss the complaint and take all necessary steps to ensure the complaint is valid.

**7.1.3** All discussions surrounding alleged and substantiated contraventions of this Code of Ethics shall be conducted in a Committee of the Whole session.

**7.1.4** If the claim is found to be substantiated, Council may, by resolution, impose an appropriate penalty detailed in Section 7.3 based on the severity of the contravention of the Code of Ethics.

**7.1.5** Any action taken by Council shall include a time frame to complete the expected remedial action.

**7.1.6** Council shall inform the claimant, Member of Council, and any other relevant party of Council's decision which includes:

**7.1.6.1** Informing the complainant and Member of Council that the complaint is dismissed, or

**7.1.6.2** Informing the complainant and Member of Council of the corrective action and/or the measures taken to ensure the behaviour or activity does not continue.

- 7.2 If Council is of the opinion that a Member has violated the Code of Ethics during a Council meeting, Council may require the Member to remove themselves for the remainder of the Council meeting. Council may apply additional penalties based on the severity of the contravention.
- 7.3 Should a Member of Council breach any of the principles outlined in this Code of Ethics Policy, the possible courses of action that are available to Council include but are not limited to:
- 7.3.1 an apology, either written and/or verbal, by the Member of Council to the impacted individual(s), Council, and/or the general public;
  - 7.3.2 educational training on ethical and respectful conduct;
  - 7.3.3 repayment of money/gifts received;
  - 7.3.4 removal of the Member from Council Committees and/or bodies;
  - 7.3.5 dismissal of the Member from the position of Chairperson of the Committee;
  - 7.3.6 reprimand;
  - 7.3.7 restriction of access to civic services or City Hall;
  - 7.3.8 restrictions on how documents are provided(ex. no electronic copies, but only watermarked paper copies);
  - 7.3.9 reduction in salary and/or benefits and/or expenses.
- 7.4 Acknowledgement of the requirement of council members and members of boards, committees, controlled corporations and other bodies appointed by Council to comply with the Code of Ethics Policy, shall be affirmed by the following forms being completed:
- 7.41 in the case of a Council Member, the signed 'Oath of Affirmation – Member of Council' identified as Appendix A;  
or
  - 7.42 in the case of a member of a board, committee, controlled corporation or other body appointed by Council, the signed 'Acknowledgement Form' identified as Appendix B.

## 8.0 Attachments

**8.1 Appendix A** – Oath of Affirmation Member of Council

**8.2 Appendix B** – Acknowledgement Form

**8.3 Appendix C** – Formal Complaint Form

**8.4 Appendix D** – Statement of Code of Ethics and Values

## Appendix A: Oath of Affirmation – Member of Council

I, \_\_\_\_\_, having been elected to the office of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_, DO

SOLEMNLY PROMISE AND DECLARE THAT:

1. I will truly, faithfully and impartially, to the best of my knowledge and ability, perform the duties of this office;
2. I am qualified to hold the office to which I have been elected;
3. I have not received and will not receive any payment or reward, or promise of payment or reward, for the exercise of any corrupt practice or other undue execution or influence of this office;
4. I have read, understand and agree to abide by the code of ethics, rules of conduct and procedures applicable to my position as a Member of Council required of me by *The Cities Act* and any other Act and by the Council;
5. I will:
  - (a) perform the duties of office imposed by *The Cities Act* and any other Act or law and by the Council;
  - (b) disclose any conflict of interest within the meaning of Part VII of *The Cities Act*; and
  - (c) comply with the code of ethics, rules of conduct and procedures applicable to the office I now hold that are imposed by *The Cities Act* and any other Act and by the Council.

DECLARED before me at

\_\_\_\_\_, Saskatchewan

this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
*Signature of Declarant*

\_\_\_\_\_  
A Commissioner for Oaths for Saskatchewan,  
a Notary Public, a City Clerk, etc.(as the case may be)  
My commission expires \_\_\_\_\_

## Appendix B: Acknowledgement Form

I have read, understand and agree to follow the Code of Ethics Policy#1135 for the City of Humboldt.

I have read, understand and agree to follow the Statement of Code of Ethics and Values for the City of Humboldt.

**Name:** \_\_\_\_\_  
(please print)

**Member of Board, Committee  
Controlled Corporation or Other Body  
Established by Council**

\_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## Appendix C – Complaint Form

Please note that knowingly signing a false affidavit may expose you to prosecution under the Criminal Code of Canada.

I \_\_\_\_\_ of \_\_\_\_\_  
(First and Last Name) (Full Mailing Address)

Do solemnly swear (affirm and declare) that the following contents of this statement are true and correct and hereby request the Council of the City of Humboldt to conduct an investigation whether or not the following Member(s) of the City of Humboldt

\_\_\_\_\_  
(Council/Board/Committee/Controlled Corporation/Other Body Established by Council (please specify))

Has (have) contravened the Code of Ethics:

\_\_\_\_\_  
(Member(s) of Council, Board, Committee, Controlled Corporation or other Body Established By Council Name(s))

I have reasonable and probable grounds to believe that the above Member(s) has (have) contravened the Code of Ethics by reason of the following:

1. Date: \_\_\_\_\_, Time: \_\_\_\_\_, Location of Conduct \_\_\_\_\_

2. Specific clauses of Policy #1135, that have been contravened: \_\_\_\_\_  
\_\_\_\_\_

3. The particulars of names and addresses of all persons involved, and all of the witnesses:  
i) \_\_\_\_\_  
ii) \_\_\_\_\_  
iii) \_\_\_\_\_  
iv) \_\_\_\_\_  
(use back side for additional information)

4. Any exhibits – list and attach:  
i) \_\_\_\_\_  
ii) \_\_\_\_\_  
iii) \_\_\_\_\_  
(use back side for additional information)

\_\_\_\_\_  
Name, Signature and Address of Complainant

\_\_\_\_\_  
Date

## City of Humboldt

### Code of Ethics and Values

As members of council, boards, committees, controlled corporations and other bodies established by Council, we recognize that our actions have an impact on the lives of all residents and property owners in the community. Fulfilling our obligations and discharging our duties responsibly requires a commitment to the highest ethical standards. The quality of the public administration and governance of the City of Humboldt as well as its reputation and integrity, depends on our conduct as elected officials.

The purpose of this code is to outline basic ethical standards and values for members of Council and other members of boards, committees, controlled corporations and other bodies established by Council. It is to be used to guide members respecting what their obligations are when fulfilling their duties and responsibilities. This code is to be interpreted in accordance with the legislation applicable to the municipality, the common law and the policies and bylaws of the municipality. Neither the law nor this code is to be interpreted as exhaustive, and there will be occasions on which a council will find it necessary to adopt additional rules of conduct in order to protect the public interest and to enhance the public confidence and trust in local government.

It is the responsibility of each member to uphold the standards and values set out in this code.

#### ***1. As a Representative of the City of Humboldt, I will be honest.***



In practice, this looks like:

- a) I am trustworthy, acting with the utmost integrity and moral courage.
- b) I am truthful and open in my role, do what I say I will do, and am dependable.
- c) I make impartial decisions, free of bribes, unlawful gifts, narrow political interests, and financial and other personal interests that impair my independence of judgment or action.

- d) I use my title(s) only when conducting official City business, for information purposes, or as an indication of background and expertise, carefully considering whether I am exceeding or appearing to exceed my authority.

**2. As a Representative of the City of Humboldt, I will be objective.**



In practice, this looks like:

- a) I will make decisions carefully; fairly and impartially.
- b) I am attuned to, and care about, the needs and issues of citizens, public officials, and city workers.
- c) In my interactions with constituents, I am interested, engaged, and responsive.

**3. As a Representative of the City of Humboldt, I will be respectful.**



In practice, this looks like:

- a) I will treat every person, including other members of council, boards, committees, municipal employees and the public with dignity, understanding and respect.
- b) I will not engage in discrimination, bullying or harassment.
- c) I will not use derogatory language towards others, shall respect the rights of other people and groups and treat people with courtesy and recognize the importance of the different roles others play in local government decision making.

**4. As a Representative of the City of Humboldt, I will be transparent and accountable.**



In practice, this looks like:

- a) I will endeavor to conduct and convey business of the municipality and all duties in an open and transparent manner, other than those discussions that are authorized to be dealt with in a confidential manner in closed session, so that stakeholders can view the process and rationale used to reach decisions and the reasons for taking certain actions.
- b) I will be responsible for the decisions I make. This responsibility includes acts of commission and acts of omission.

**5. As a Representative of the City of Humboldt, I will be confidential.**



In practice, this looks like:

- a) I will refrain from disclosing or releasing any confidential information acquired by virtue of their office except when required by law or authorized to do so.
- b) I will not take advantage or obtain private benefit from information that is obtained in the course of or as a result of my official duties or position and that is not in the public domain. This includes complying with *The Local Authority Freedom of Information and Protection of Privacy Act* in my capacity as a member of a local authority.
- c) I will refrain from using confidential information (such as knowledge respecting bidding on the sale of City property or assets) for personal or private gain, or for the gain of relatives or any person or corporation.
- d) I will refrain from accessing or attempting to gain access to confidential information in the custody of the City unless it is necessary for the performance of my duties and not prohibited by council policy.

**6. As a Representative of the City of Humboldt, I will be responsible.**



In practice, this looks like:

- a) I shall act responsibly and in accordance with the Acts of the Parliament of Canada and the Legislature of Saskatchewan, including *The Cities Act*.
- b) I shall disclose actual or potential conflicts of interest, either financial or otherwise relating to the my responsibilities, following policies and procedures of the municipality, and exercising all conferred powers strictly for the purpose for which the powers have been conferred.
- c) I am individually responsible for preventing potential and actual conflicts of interest.