

BYLAW NO. 35-2023

A BYLAW OF THE CITY OF LLOYDMINSTER IN THE PROVINCES OF ALBERTA AND SASKATCHEWAN TO PROVIDE FOR BASIC RULES FOR ELECTED OFFICIALS WITHIN THE CITY OF LLOYDMINSTER

WHEREAS the Council of the City of Lloydminster deems it necessary to establish a Bylaw to deal with the peace, order and good government of the City;

AND WHEREAS, it is deemed necessary to establish a Bylaw to deal with other bodies established by Council, the conduct of Councillors and the conduct of members of Council Committees and other bodies established by Council;

AND WHEREAS *The Lloydminster Charter* provides authority to City Council to pass bylaws for municipal purposes;

AND WHEREAS *The Lloydminster Charter* provides authority to the City to pass bylaws respecting the enforcement of bylaws;

NOW THEREFORE the Council of the City of Lloydminster deems it necessary to establish a Bylaw to create basic rules for elected officials within the City of Lloydminster so that they may carry out their entrusted duties with impartiality and dignity, recognizing that the function of Council members is, at all times, service to the community and the public; and

NOW THEREFORE, the Council of the City of Lloydminster, pursuant to the authority granted in Section 15 of *The Lloydminster Charter*, enacts as follows:

1. SHORT TITLE

1.1. This Bylaw shall be cited as the Council Code of Ethics Bylaw.

2. DEFINITIONS

2.1. The definitions listed in Schedule "A" attached to this Bylaw shall apply, unless context otherwise requires.

3. APPOINTMENT, AUTHORITY AND DUTIES OF THE CITY MANAGER

3.1. Except where specific authority is reserved to Council, in the Bylaw the administration and enforcement of this Bylaw is hereby delegated to the City Manager.

3.2. Without restricting any other power, duty or function granted by this Bylaw, the City Manager may carry out anything required for the administration of this Bylaw, including but not limited to the following:

3.2.1. delegate any powers, duties or functions under this Bylaw to an employee of the City;



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- 3.2.2. carry out any inspections that are reasonably required to determine compliance with this Bylaw;
- 3.2.3. establish any forms required for the administration of this Bylaw.

4. PREAMBLE

4.1. Members of Council recognize that their actions have an impact on the lives of residents and property owners in the community. Fulfilling obligations and discharging duties responsibly requires a commitment to the highest ethical standards.

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

5. PURPOSE AND INTERPRETATION

- 5.1. The purpose of this Bylaw is to outline basic ethical standards and values for members of Council. It is to be used to guide members of Council respecting what their obligations are when fulfilling their duties and responsibilities as elected officials.
- 5.2. This Bylaw is to be interpreted in accordance with the legislation applicable to the municipality, the common law and the policies and bylaws of the municipality.
- 5.3. Neither the law nor this Bylaw 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.
- 5.4. It is the responsibility of each member of Council to uphold the standards and values set out in this code.
- 5.5. This Bylaw also applies, subject to any necessary modification, to the conduct of members of Council when acting as an appointee of Council to boards, committees, agencies, and commissions.
- 5.6. Members of Council will uphold the intent and standards of conduct in this Bylaw and govern their actions accordingly during their time as a member of Council and for a period of twelve (12) months after leaving office. Conduct related to confidential information shall apply in perpetuity.

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6. STANDARDS AND VALUES

6.1. Honesty

6.1.1. Members of Council shall be truthful and open in their roles as Council members and as members of the communities they serve.

6.2. Objectivity

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

6.3. Respect

6.3.1. Members of Council shall treat every person, including other members of Council, municipal employees, and the public, with dignity, understanding and respect.

6.3.2. 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.

6.4. Transparency and Accountability

6.4.1. 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.

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

6.5. Confidentiality

6.5.1. 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

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authority. Without limitation to the foregoing, members of Council shall keep in confidence matters discussed in private at a Council or Council committee meeting until discussed as a meeting in public.

6.6. Leadership and the Public Interest

6.6.1. Members of Council shall serve their constituents in a conscientious and diligent manner and act in the best interests of the municipality. 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.

6.6.2. 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.

6.7. Responsibility

Members of Council shall act responsibly and in accordance with the Acts of the Parliament of Canada, the Legislatures of Saskatchewan and Alberta, and *The Lloydminster Charter*.

6.8. 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 municipality, 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.

7. GOVERNING LEGISLATION & STATUTORY OBLIGATIONS

7.1. It is the responsibility of all members of Council to be aware of, understand, and abide by all statutory obligations imposed upon municipal Council as a whole, as well as members of Council individually. Members must govern their conduct in accordance with the requirements and obligations set out in municipal, provincial, and federal legislation, including, but not limited to, the following:

7.1.1. *The Lloydminster Charter*;

7.1.2. applicable human rights legislation;

7.1.3. *Criminal Code* of Canada;

7.1.4. *The Local Authority Freedom of Information and Protection of Privacy Act* (Saskatchewan);

7.1.5. *The Local Government Election Act, 2015* (Saskatchewan); and

7.1.6. City of Lloydminster Procedure Bylaw.

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8. GENERAL CONDUCT OF MEMBERS OF COUNCIL

- 8.1. Members of Council shall endeavour to conduct themselves with decorum during the decision-making processes and convey Council business in a transparent, accountable, and equitable manner. Members of Council shall treat all persons with dignity and respect in an environment free of discrimination and harassment.
- 8.2. Members of Council shall make every effort to participate in the activities of the agencies, boards, commissions and committees to which they are appointed in the same manner as Council activities.
- 8.3. Members recognize that the public has a right to open government and reasonable access to information on how decisions are made and preserve the integrity and impartiality of Council.
- 8.4. Members of Council shall not assume that any unethical activities not covered by or specifically prohibited under this Bylaw or by any legislation are therefore condoned.
- 8.5. Members of Council will uphold the intent of this Bylaw and govern their actions accordingly.
- 8.6. Members of Council acknowledge that their term as a Councillor or Mayor is for a four (4) year term and that resignation from Council should only occur under extraordinary circumstances.

9. ROLE OF THE CITY MANAGER

- 9.1. Under the direction of the City Manager, Administration serves Council as a whole, and the combined interest of all members as evidenced through Council decisions. The City Manager has overall responsibility for the administration of City affairs in accordance with the decisions adopted by Council.

10. IMPROPER USE OF INFLUENCE

- 10.1. Council empowers the City Manager to establish administrative procedures in order to carry out City operations and implement the decisions of Council. Administration is responsible, through the City Manager, to the whole of Council and shall provide advice based on political neutrality and objectivity.
- 10.2. No member of Council shall use the influence of their position for any purpose other than to exercise official duties on behalf of Council as a whole or the City of Lloydminster. Members of Council are prohibited from using their position for undue influence for personal gain for themselves or that of their Relatives, friends, associates, business, or otherwise.

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11. AGREEMENTS AND CONTRACTS

11.1. During their term, members of Council may only enter into an agreement with the City in accordance with the following conditions:

11.1.1. the procurement of the agreement must abide by the City of Lloydminster *Procurement and Purchasing Policy*; and

11.1.2. all contracts awarded to a member of Council or an entity owned or partially owned by a member of Council must go before Council for approval; and

11.1.3. the member of Council must identify a Conflict of Interest and refrain from participating in all discussions, debate, and voting, pertaining to the agreement, and any other area where a conflict may exist.

11.2. If, notwithstanding Section 8.6 above, a member of Council resigns prior to the expiry of their term, the member agrees to a mandatory twelve (12) month Cooling Off Period before entering into any agreement between the City of Lloydminster and the member of Council or any entity owned, or partially owned, by the Council member, for goods or services. The only circumstances in which the member of Council may enter into such agreements during the twelve (12) month Cooling Off Period is where:

11.2.1. the procurement of the agreement abides by the City of Lloydminster *Procurement and Purchasing Policy*; and

11.2.2. any such contract, including employment, proposed to be awarded to a member of Council or an entity owned or partially owned by a member of Council or former member of Council goes before Council for approval, and is approved by Council.

11.3. Following the twelve (12) month Cooling Off Period, all agreements between the City of Lloydminster and the former member of Council or any entity owned, or partially owned, by the former Council member shall follow the City of Lloydminster standard hiring and procurement procedures.

11.4. Following their four (4) year term, members of Council agree to a mandatory six (6) month Cooling Off Period before entering into any agreement between the City of Lloydminster and the member of Council or any entity owned, or partially owned, by the Council member, for goods or services. The only circumstances in which the member of Council may enter into such agreements during the six (6) month Cooling Off Period is where:

11.4.1. the procurement of the agreement abides by the City of Lloydminster *Procurement and Purchasing Policy*; and

11.4.2. any such contract, including employment, proposed to be awarded to a member of Council or an entity owned or partially owned by a member of

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Council or former member of Council goes before Council for approval, and is approved by Council.

- 11.5. Following the six (6) month Cooling Off Period, all agreements between the City of Lloydminster and the former member of Council or any entity owned, or partially owned, by the former Council member shall follow the City of Lloydminster standard hiring and procurement procedures.
- 11.6. A member of Council or former member of Council holding less than ten percent (10%) of the voting shares of an entity will be exempt from the provisions contained in Section 11 of this Bylaw.

12. MEETINGS CLOSED TO PUBLIC

- 12.1. In accordance with the City of Lloydminster Procedure Bylaw, Council may close all or part of their meetings to the public if the matter to be discussed meets the criteria outlined in *The Local Authority Freedom of Information and Protection of Privacy Act* (Saskatchewan).
- 12.2. All matters discussed at a meeting closed to the public shall remain confidential until such time that it is deemed appropriate to make such matters public.

13. MEDIA AND PUBLIC COMMUNICATIONS

- 13.1. Members of Council will accurately communicate the decisions of the City of Lloydminster, even if they disagree with the majority decision of Council, and by doing so, affirm the respect for and the integrity in the decision-making process.
- 13.2. Members of Council may state their contrasting support of a decision; however, will refrain from making disparaging comments about other members of Council, members of Administration, or about the processes and decisions of Council as a whole.
- 13.3. Members of Council shall keep confidential information confidential, until such a time as the matter can properly be made public.
- 13.4. When communicating with the media, members of Council will refrain from speculating or reflecting upon the motives of both other members of Council and Administration.

14. APPROPRIATE USE OF CITY ASSETS AND SERVICES

- 14.1. All electronic devices provided by the City to members of Council are the property of the City and may be subject to access and review by the City for the purposes of *The Local Authority Freedom of Information and Protection of Privacy Act* (Saskatchewan) or other otherwise, including as set out below.

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14.2. Members of Council are entitled to use these devices for personal as well as for City purposes. However, they acknowledge that:

- 14.2.1. all emails and messages sent or received on City devices may be subject to *The Local Authority Freedom of Information and Protection of Privacy Act* (Saskatchewan);
- 14.2.2. 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; and
- 14.2.3. in the event of a complaint pursuant to this Bylaw, the Head of the City of Lloydminster as it pertains to *The Local Authority Freedom of Information and Protection of Privacy Act* (Saskatchewan) may require that any or all of the electronic devices provided by the City to members of Council may be confiscated and inspected as part of the investigation.

15. GIFTS AND BENEFITS

15.1. 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 Relatives/Family that is connected directly or indirectly to the performance of the member's duties is deemed to be a gift to that member.

15.2. The following are recognized exceptions:

- 15.2.1. 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 \$150.00;
- 15.2.2. a suitable memento of a function honouring the member;
- 15.2.3. 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
- 15.2.4. food and beverage 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.

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16. ACTIONS DURING CIVIC ELECTION PERIODS

16.1. No member of Council shall use the facilities, equipment, supplies, services or other resources of the City, including Councillor's newsletters, the City's website and websites linked through the City's website, for any election campaign or campaign related activities.

16.2. 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.

17. BOARDS AND COMMITTEE APPOINTMENTS

17.1. The decisions of Council are to be fair, impartial, and of a high standard of ethical conduct. They shall not allow outside interests, appointments, or professional agendas to interfere with their ability to make decisions in the best interest of the City of Lloydminster.

17.2. All appointments of members of Council shall be done so in accordance with applicable policies, this Bylaw and *The Lloydminster Charter*.

18. COMPLIANCE

18.1. Members of Council are required to adhere all policies established by Council.

18.2. All members of Council shall cooperate in any investigation made pursuant to this Bylaw.

19. COMPLAINT PROCESS

19.1. Any complaint under this Bylaw must be in writing and must be made either:

- 19.1.1. by a member of Council;
- 19.1.2. by the City Clerk; or
- 19.1.3. by a member of the public to the City Clerk.

19.2. The City Clerk shall forward all complaints, including the name of the complainant, to the Code of Ethics Committee, on a confidential basis, and to the member about whom the complaint is made.

19.3. Upon receipt of a complaint under this Section, the Code of Ethics Committee shall meet, in closed session, and decide whether to proceed to investigate the complaint or not. The Code of Ethics Committee, in its sole discretion, may decide

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to take no action on the complaint. In that event, the member of Council about whom the complaint was made shall be notified of the decision.

- 19.4. If the Code of Ethics Committee decides to investigate the complaint, it shall take such steps as it may consider appropriate which may include hiring an independent investigator to conduct the investigation, seeking legal advice, or other steps deemed appropriate in the circumstances. All proceedings of the Code of Ethics Committee regarding the investigation shall be in closed session.
- 19.5. If, after the complaint is investigated, the Code of Ethics Committee believes that the member of Council concerned has breached any provision of this Bylaw or any other legislation, it shall advise the member of Council of this and give them an opportunity to make oral or written submissions to the Code of Ethics Committee.
- 19.6. If the Code of Ethics Committee concludes that the member of Council concerned has breached a provision of this Bylaw or other legislation, it may, in its sole discretion, impose sanctions pursuant to this Bylaw. The member of Council concerned shall be advised of the Code of Ethics Committee's determination. Further, if it is determined that a breach under Section 136 of *The Lloydminster Charter* has occurred, the Code of Ethics Committee may, in its sole discretion, recommend that Council direct that the appropriate proceedings be commenced pursuant to Section 137 of *The Lloydminster Charter*.
- 19.7. Section 137 of *The Lloydminster Charter* provides that a member who is disqualified must resign immediately. If a member of Council does not resign as required, Council or an elector may apply to a judge of the court for:
- 19.7.1. an order determining whether the person was never qualified to be or has ceased to be qualified to remain a member of Council; or
 - 19.7.2. an order declaring the person to be disqualified from Council.

20. SANCTIONS

- 20.1. The Code of Ethics Committee has the authority to sanction any member of Council that contravenes this Bylaw, provided that no such sanction will have the effect of denying the member of Council sufficient access to information and services so as to be able to carry out their duties.
- 20.2. Sanctions may include, but are not limited to:
- 20.2.1. removal of the member of Council from any organization, board, committee, commission, or authority;
 - 20.2.2. restriction of access to civic services or City Hall;
 - 20.2.3. restrictions on how documents are provided; and/or
 - 20.2.4. reduction in salary and/or benefits and/or expenses.

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- 20.3. The Code of Ethics Committee may, at its sole discretion, determine the length/duration of any sanctions it has the authority to impose.
- 20.4. The Code of Ethics Committee may, at its sole discretion, determine what, if any information will be reported regarding any sanction that has been levied against a member of Council as a result of an investigation and determination by the Code of Ethics Committee. When making this decision, the Code of Ethics Committee shall, consider the following:
- 20.4.1. the seriousness of the sanction applied; and
 - 20.4.2. the need for accountability and transparency.
- 20.5. Reporting shall be in writing and be attached to the Council Agenda for the meeting immediately following the decision to apply a sanction. Only the following information should be included:
- 20.5.1. the name of the member of Council who was the subject of the complaint;
 - 20.5.2. the nature of the complaint;
 - 20.5.3. the decision of the Code of Ethics Committee; and
 - 20.5.4. the sanction applied.

21. GENERAL

- 21.1. This Bylaw shall be reviewed as per the *Records Management Bylaw*.
- 21.2. Where a reference exists to the *Code of Conduct Bylaw* in another bylaw or policy that predates the effective date of this Bylaw, the reference is hereby amended to the *Council Code of Ethics Bylaw*.
- 21.3. Residents will be notified in advance of the review and a draft of any proposed revisions to the Bylaw will be made available to allow residents the opportunity to review and provide input to the City of Lloydminster.

22. NUMBER AND GENDER REFERENCES

- 22.1. All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.

23. SEVERABILITY

- 23.1. Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

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This Bylaw shall come into force and effect upon the final passing thereof.

The following bylaws and all amendments thereto are hereby repealed:

- 23-2020 – Code of Conduct Bylaw

INTRODUCED AND READ a first time this __ day of ____, 20XX, A.D.

READ a second time this __ day of ____, 20XX, A.D.

READ a third time this __ day of ____, 20XX, A.D.

Date Signed

MAYOR

Date Signed

CITY CLERK

DRAFT

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SCHEDULE "A"

Definitions

Charter	Refers to <i>The Lloydminster Charter</i> .
City	The City of Lloydminster and the area contained within the corporate boundaries of the City.
City Manager	The Commissioner of the City of Lloydminster as appointed by Council or designate.
Code of Ethics Committee	A Council committee comprised of all of the members of Council except the member(s) against whom a complaint is made in accordance with this Bylaw. The function of the Code of Ethics Committee is to receive and investigate complaints made pursuant to this Bylaw and make decisions and impose sanctions in relation to complaints as required.
Cooling Off Period	A mandatory waiting period.
Conflict of Interest	A situation in which: (a) a member of Council has personal interest sufficient enough to appear, or could appear, to influence the objective exercise of his or her official duties. or; (b) the matter could monetarily affect the member of Council or an employer of a member of Council, or the member of Council knows or should know that the matter could monetarily affect the member's Relatives/Family.
Council	The Municipal Council of the City of Lloydminster.
Relatives/Family	Spouse, father, mother, brother, sister, son or daughter, grandparent, grandchild. This includes common-law, in-law, and step relationships.