

BYLAW NO. 08-2016

A BYLAW OF THE CITY OF LLOYDMINSTER IN THE PROVINCES OF ALBERTA AND SASKATCHEWAN TO PROVIDE FOR CERTAIN 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 conduct of Council and Council Committees.

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 establish 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 the *Lloydminster Charter*, enacts as follows:

**1. SHORT TITLE**

1.1 This Bylaw shall be cited as the Code of Conduct Bylaw.

**2. GENERAL**

2.1. Members of Council shall:

- a) Govern their conduct in accordance with the requirements and obligations set out in municipal, provincial, and federal legislation;
- b) Govern their conduct in accordance with Schedule A of this Bylaw;
- c) Preserve the integrity and impartiality of Council;

2.2. 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.

2.3. 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.

2.4. Members of Council will uphold the intent of this Bylaw and to govern their actions accordingly.



2.5. During their term, Members of Council may only enter into an 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, in accordance with the following conditions:

- a) The procurement of the agreement must abide by the City of Lloydminster Purchasing/Procurement Policy;
- b) All contracts awarded to a Member of Council or an entity owned by a Member of Council must go before Council for approval; and
- c) 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.

2.6. If, notwithstanding section 2.2 above, a Member of Council resigns prior to the expiry of his or her 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:

- a) The procurement of the agreement abides by the City of Lloydminster Purchasing/Procurement Policy; and
- b) Any such contract, including employment, proposed to be awarded to a Member of Council or an entity owned by a Member of Council or former Member of Council goes before Council for approval, and is approved by Council.

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.

2.7. 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:

- a) The procurement of the agreement abides by the City of Lloydminster Purchasing/Procurement Policy; and
- b) Any such contract, including employment, proposed to be awarded to a Member of Council or an entity owned by a Member of Council or former Member of Council goes before Council for approval, and is approved by Council.

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.

2.8. This bylaw will be reviewed on an annual basis, or as needed.



- a) 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.

### 3. NUMBER AND GENDER REFERENCES

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.

### 4. SEVERABILITY

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.

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

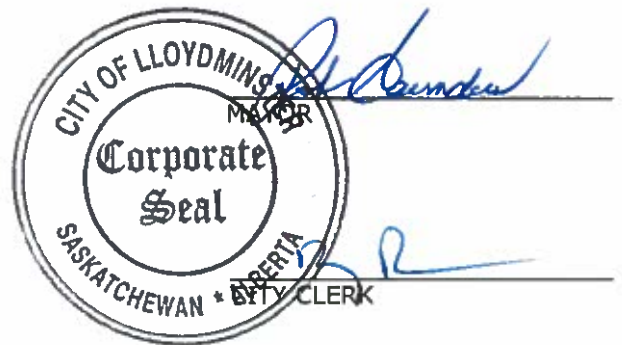
INTRODUCED AND READ a first time this 14<sup>th</sup> day of March, 2016, A.D.

READ a second time this 25<sup>th</sup> day of April, 2016, A.D.

READ a third time this 25<sup>th</sup> day of April, 2016, A.D.

Date signed May 2, 2016

Date signed 2 May 2016



SCHEDULE "A" ATTACHED TO  
BYLAW NO. 08-2016

**CODE OF CONDUCT FOR MEMBERS OF LLOYDMINSTER CITY COUNCIL**

**Purpose**

Ethics and integrity are at the core of public confidence in government and in the political process. Residents of Lloydminster expect high standards of conduct from all elected officials. The City of Lloydminster's Members of Council are committed to achieving transparent and accountable governance.

The purpose of this Code of Conduct is to provide standards for members of Lloydminster City Council relating to their roles and obligations, and a procedure for the investigation and enforcement of those standards. It reflects a commitment to the City of Lloydminster's values and provides a framework to guide ethical conduct in a way that upholds the integrity and reputation of the City, and applies to the Mayor and all City Councillors.

Members of Council shall not assume that any unethical activities not covered by or specifically prohibited by these ethical guidelines of conduct, or by any legislation, are therefore condoned.

This Code of Conduct also applies, subject to any necessary modification, to council appointments to boards, committees, agencies, and commissions.

Members of Council will uphold the intent and standards of conduct in The Code and to 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.

**GOVERNING LEGISLATION & STATUTORY OBLIGATIONS**

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:

- Applicable Human Rights Legislation
- Criminal Code of Canada
- The Local Authority Freedom of Information and Protection of Privacy Act, SK (LA/FOIP)
- The Local Government Election Act, SK
- The Lloydminster Charter
- City of Lloydminster Procedure Bylaw



## **DEFINITIONS**

<b>Cooling Off Period</b>	A mandatory waiting period.
<b>Conflict of Interest (Private)</b>	A situation in which 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.
<b>Conflict of Interest (Financial/Pecuniary)</b>	A situation in which 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.
<b>Ex Officio</b>	A member of a body (a board, committee, etc.) who is part of it by virtue of holding another office.
<b>Relatives/Family</b>	Spouse, father, mother, brother, sister, son or daughter, grandparent, grandchild. This includes common-law, in-law, and step relationships.

## **GENERAL CONDUCT OF MEMBERS OF COUNCIL**

Members of Council endeavor to conduct themselves with decorum during the decision-making process and convey Council business in a transparent, accountable and equitable manner. Members shall treat all persons with dignity and respect in an environment free of discrimination and harassment.

Council Members 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. Members recognize that the public has a right to open government and reasonable access to information on how decisions are made.

### **Role of the CAO**

Under the direction of the CAO, staff serves Council as a whole, and the combined interest of all Members as evidenced through Council decisions. The CAO has overall responsibility for the administration of City affairs in accordance with the decisions adopted by Council.

### **Improper Use of Influence**

Members of Council empower the CAO to establish administrative procedures in order to carry out City operations and implement the decisions of Council.

Staff is responsible, through the CAO, to the whole of Council and shall provide advice based on political neutrality and objectivity. 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. Further, Members are prohibited from using their position for undue influence for personal gain for themselves or that of their relatives, friends, associates, business, or otherwise.

### **Business Relations and Current and Prospective Employment**

Members of Council shall not refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.



## **CONFIDENTIAL INFORMATION**

Council Members shall:

- Refrain from disclosing or releasing by any means to any member of the public or the media, any confidential information acquired by virtue of their office in either oral or written form, except when required by law or authorized by Council to do so;
- Not use 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; and
- 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 policy or by municipal, provincial, or federal legislation.

### **In Camera Meetings**

In accordance with the City of Lloydminster Procedure Bylaw, Members of Council can move to an In Camera session to debate any matter that meets the criteria outlined in *The Local Authority Freedom of Information and Protection of Privacy Act (SK)*. All matters discussed at an In Camera (closed) meeting shall remain confidential until such time that it is deemed appropriate to make such matters public.

## **MEDIA AND PUBLIC COMMUNICATIONS**

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. Members may state their contrasting support of a decision; however, Members 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.

Members of Council shall keep confidential information confidential, until such a time as the matter can properly be made public.

When communicating with the media, Members will refrain from speculating or reflecting upon the motives of both other Members of Council and administration.

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

### **Expectation of Privacy as it pertains to *The Local Authority Freedom of Information and Protection of Privacy Act (SK)***

All City Council Members are notified that all computers, cell phones, blackberries, and other electronic devices provided by the City 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* or other otherwise, including as set out below.



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

- a) All emails or messages sent or received on City devices may be subject to *The Local Authority Freedom of Information and Protection of Privacy Act*;
- b) 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
- c) In the event of a complaint pursuant to this Code, the Head of the City of Lloydminster as it pertains to the *Local Authority Freedom of Information and Protection of Privacy Act (SK)* 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 web searches may be retrieved.

### **GIFTS AND BENEFITS**

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.

The following are recognized exceptions:

- a) 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 \$750.00;
- b) A suitable memento of a function honouring the member;
- c) 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
- d) 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 and the invitation is infrequent.

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

No member of Council shall use the facilities, equipment, supplies, services or other resources of the City (including Councillors 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.

### **BOARDS AND COMMITTEE APPOINTMENTS**

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 interfere with their ability to make decisions in the best interest of the City of Lloydminster.

#### **Ex Officio Board Appointments**

Members of Council may be appointed to external boards as an Ex Officio Member. They must abide by the board's Bylaws and act as a representative of the City of Lloydminster. A Member of Council appointed as an Ex Officio Board Member is not required to abstain from matters that come before Council pertaining to that particular board or organization, unless it is perceived that there may be a conflict of interest regarding that particular matter.

#### **Personal Board Appointments**

Members of Council may choose to be a member of a board as a personal citizen, rather than through their Council position. Members of Council are required to disclose all organizational interests and affiliations they or a persons close to them have. Councillors must declare either a Conflict of Interest (Financial/Pecuniary) or a Conflict of Interest (Private) when such interests may influence or may appear to influence the decisions of the Councillor. If a matter comes before Council pertaining to an organization that a Member has declared as a potential conflict, the Members shall not engage in discussion, or vote, and may be required to leave the meeting during which the matter is under discussion. When a Council Member perceives that another member has a Conflict of Interest, which has not been declared, the Councillor may request the Chair to rule. While the Chair determines whether or not a conflict exists, Council shall not engage in discussion of the matter.

### **COMPLIANCE**

Members of Council are required to observe the terms of all policies and procedures established by Council.

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

A complaint under this code must be in writing and must be made either:

- a) By a member of Council;
- b) By the City Clerk; or
- c) By a member of the public to the City Clerk who will then determine the validity of a complaint.

The City Clerk shall forward all complaints, including the name of the complainant, to the Council (in Camera), and to the member about whom the complaint is made.





Upon receipt of a complaint under this Section of the Code, the Council shall meet, in camera, excluding the member of Council concerned, and decide whether to proceed to investigate the complaint or not. The Council, in its sole discretion, may decide to take no action on the complaint. In that event, the member of Council concerned shall be notified of the decision.

If the Council 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 Council regarding the investigation shall be in camera.

If, after the complaint is investigated, Council believes that the member of Council concerned has breached a provision of this code 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 Committee.

If the Council concludes that the member of Council concerned has breached a provision of this code or other legislation, it may, in its sole discretion, impose sanctions pursuant to this Code. The Council member concerned shall be advised of the Council's determination. Further, if it is determined that a breach under Section 136 of the Lloydminster Charter has occurred, the Council may, in its sole discretion, direct that the appropriate proceedings be commenced pursuant to section 137 of the Lloydminster Charter

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:

- a) An order determining whether the person was never qualified to be or has ceased to be qualified to remain a member of Council; or
- b) An order declaring the person to be disqualified from Council.

### **Sanctions**

City Council has the authority to sanction Council members in breach of this Code, provided that no such sanction will have the effect of denying Council members sufficient access to information and services so as to be able to carry out their duties as Council members.

Sanctions may include, but are not limited to:

- a) Removal of the council member from any national or provincial organization, civic board, commission, authority or committee;
- b) Restriction of access to civic services or City Hall;
- c) Restrictions on how documents are provided (eg. No electronic copies, but only watermarked paper copies);
- d) Reduction in salary and/or benefits and/or expenses.

