



CITY OF MOOSE JAW

The Code of Ethics Bylaw

Bylaw No. 4381

Date of Passage April 1, 1986
(effective date April 1, 1986)

Disclaimer:

This information has been provided solely for research convenience. Official bylaws are available at the Office of the City Clerk and must be consulted for purposes of interpretation and application of the law.

BYLAW NO. 4381

A BYLAW OF THE CITY OF MOOSE JAW
TO ADOPT A CODE OF ETHICS FOR OFFICIALS
AND EMPLOYEES AND PERSONS APPOINTED TO
BOARDS, COMMITTEES, AND COMMISSIONS
OF THE CITY OF MOOSE JAW

WHEREAS public officials and employees and members of Boards, Commissions and Committees of the City of Moose Jaw have an obligation not merely to obey the law, but to act in a manner that is so scrupulous their conduct will bear the closest public scrutiny;

AND WHEREAS the private interest of public officials and employees and members of Boards, Commissioners and Committees of the City of Moose Jaw must not provide the potential for, or the appearance of, an opportunity for benefit, wrongdoing, or unethical conduct;

AND WHEREAS the Council of the City of Moose Jaw deems it desirable to adopt certain principles and guidelines for the conduct of its public officials and employees and members of its Boards, Commissions and Committees;

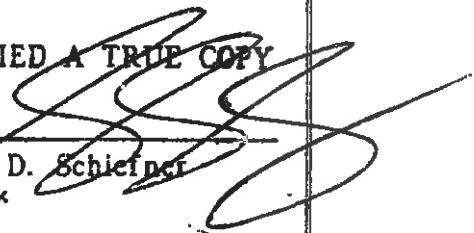
NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF MOOSE JAW ENACTS AS FOLLOWS:

1. The Code of Ethics Policy annexed to this Bylaw and marked as Appendix "1" is hereby adopted as the City of Moose Jaw's Code of Ethics for all of its public officials, employees and members of its Boards, Commissions and Committees.

2. All public officials, employees and members of the City of Moose Jaw's Boards, Commissions and Committees, shall adhere to the principles and guidelines as to their conduct outlined in the annexed Appendix "1".
3. The Code of Ethics Policy annexed to this Bylaw is hereby made a part of this Bylaw in all respects.
4. This Bylaw comes into force and effect upon the passage thereof.

PASSED AND ENACTED THIS 1ST DAY OF APRIL A.D. 1986.

CERTIFIED A TRUE COPY



Steven D. Schiefner
City Clerk

Dated JUNE 25, 2002



MAYOR



CITY CLERK

READ a first time the 1st day of April A.D. 1986

READ a second time the 1st day of April A.D. 1986

READ a third time the 1st day of April A.D. 1986

APPENDIX "1"

STATEMENT OF RESPONSIBILITY AND CODE OF ETHICS
FOR OFFICIALS AND EMPLOYEES AND PERSONS APPOINTED
TO BOARDS, COMMITTEES, AND COMMISSIONS OF THE
CITY OF MOOSE JAW

1. THE RESPONSIBILITY OF ALL PUBLIC OFFICIALS
AND EMPLOYEES OF THE CITY OF MOOSE JAW

Public officials, employees and all members of Boards, Commissions and Committees of the City shall be aware of, and follow in principle, the standards of conduct outlined in the City of Moose Jaw code of ethics (subject to the provisions of applicable collective agreements, and all applicable legislation).

2. CITY COUNCIL'S RESPONSIBILITIES

City Council shall:

- (1) make all necessary revisions, additions or deletions to the code of ethics policy in the City of Moose Jaw;
- (2) review, in consultation with the Appointed City Commissioner and the City Solicitor, reported cases of violation of the code of ethics of the City of Moose Jaw, and approve any resultant action as appropriate.
- (3) ensure, with the assistance of the Appointed City Commissioner, that all Administrative Boards, Commissions and Committees, are made aware of, and comply with the City's Code of Ethics.

3. THE APPOINTED CITY COMMISSIONER'S RESPONSIBILITIES

The Appointed City Commissioner shall:

- (1) implement and administer the City's code of ethics policy;
- (2) ensure that Department Heads inform their department employees of the standards;
- (3) advise Council on desirable revisions, additions, and deletions to the code of ethics policy;
- (4) investigate and review, in consultation with Council and the City Solicitor, reported cases of violation of the City's code of ethics, and approve and/or administer any resultant action as appropriate.

4. DEPARTMENT HEADS' RESPONSIBILITIES

Department Heads shall:

- (1) ensure all employees of his Department are aware of the City's code of ethics;
- (2) report to the Appointed City Commissioner and the City Solicitor any possible violations of the code of ethics by departmental personnel;
- (3) advise the Appointed City Commissioner, the City Solicitor and Council of any desirable revisions, additions or deletions in the City's code of ethics.

5. GENERAL RESPONSIBILITIES OF CITY EMPLOYEES, OFFICIALS AND APPOINTED MEMBERS OF BOARDS, COMMISSIONS AND COMMITTEES

(1) Conduct Generally

City officials and employees are agents for public purposes and hold office for the benefit of the citizens. In that regard, they are to uphold and carry out the laws of the City, as well as applicable federal and provincial laws, so as to foster and enhance respect for government. As public servants, they are to observe in their official acts a high standard of morality and to discharge faithfully the duties of their office regardless of personal considerations and interests. Their conduct in official affairs should be above reproach at all times. Their personal affairs should be such that they do not adversely affect or seriously discredit the reputation of the City.

(2) Dedicated Service

All officials and employees of the City should be loyal to the objectives established by City Council and the programs developed to attain those objectives. Appointed officials and employees should adhere to the rules of work and performance and ethical standards established as the standard for their positions by the appropriate authority.

Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

(3) Fair and Equal Treatment

- (a) Interest in Appointments. Soliciting members of the Council, directly or indirectly, in order to obtain preferential consideration in connection with any appointment to the City service shall disqualify the candidate for appointment except for those positions filled by appointment by the Council.

(4) Use of Public Property.

No official or employee shall request or permit the use of City owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as City policy for the use of such official or employee in the conduct of official business.

(5) Obligations to Citizens.

No official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

(6) Conflict of Interest.

No official or employee, or appointed member of a Board, Commission or Committee, whether paid or unpaid, shall engage in any business or transaction or have a financial or personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public interest or would tend to impair his independence of judgment or action in the performance of his official duties. Personal, as distinguished from financial, interest includes an interest arising from blood or marriage relationships or close business or political association. Specific conflicts of interest are enumerated, as follows, for the guidance of officials and employees:

- (a) Incompatible Employment. No official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties.

- (b) Disclosure of Confidential Information. No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the City. Nor shall he use such information to advance the financial or other private interest of himself or others.

Within the City's Social Services Department, no file, document or paper that is kept by any person or in any place and that deals with the personal history or record of a child or adult and that has come into existence through anything done under or pursuant to the Department of Social Services Act or an Act administered by the provincial department, and no information pertaining to the personal history or record of a child or adult, shall be made available to any person other than the minister, the deputy minister or a person employed by the provincial department, without the written consent of the minister.

- (c) Gift and Favors. Personal integrity and sound business practices require that relationships with vendors, contractors, or others doing business with the City, be such that no employee can be accused of showing favoritism or bias toward the vendor. Consequently, all City employees are prohibited from accepting gifts or favors from vendors that would tend to influence him in the discharge of his duties. No official or employee shall accept any gift, from any person, firm or corporation which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the City.

- (d) Representing Private Interests Before City Agencies or Courts. No official or employee whose salary is paid in whole or in part by the City, shall appear on behalf of private interests before any agency of the City. He shall not represent private interests in any action or proceeding against the interests of the City in any litigation to which the City is a party. No official or employee shall accept a retainer or compensation that is contingent upon a specific action by a City agency.

- (e) Contracts with the City. No officer, agent or employee of the City shall have any interest in any contract made by him in his official capacity or by any Committee, Board, or Commission, established by the Council, or Department of which he is a member, agent, or employee, except that an officer, agent or employee of the City may contract with the City or any agency thereof for the sale and purchase of supplies, material or equipment or for the rental thereof or for the construction of public improvements if:
- (i) he is not authorized by law to participate on behalf of the City or any agent thereof, in the awarding of the contract; and,
 - (ii) the contract is made upon a competitive bid in writing, publicly invited and publicly opened; and,
 - (iii) all bids received and all documents pertaining to the award of the contract are available for public inspection in accordance with the Urban Municipality Act.
- (f) Disclosure of Pecuniary Interest in Any Matter. Members of Committees, Boards, Associations, Commissions or other organizations, who have a pecuniary interest in any matter in which the Council or a Committee, Board, Association, Commission or other organization established pursuant to the Urban Municipality Act, or the Planning and Development Act by the Council, shall make full disclosure of same, and comply with the conflict of interest provisions of the Urban Municipality Act in the same manner as members of Council are required to make disclosure of their pecuniary interest in any matter in which the Council is concerned.
- (g) Disclosure of Holdings. In accordance with the provisions of the Urban Municipality Act, the:
- (i) Appointed City Commissioner, City Clerk, Assistant City Clerk, Treasurer, Assessor, Solicitor, Engineer, Director of Parks and Recreation, and Planner; and

- (ii) persons appointed by the Council as members of the Municipal Planning Commission and the Moose Jaw District Planning Commission and the Moose Jaw Development Appeals Board;

shall furnish the City Clerk with a list of all land and buildings that are owned by him, his spouse or a corporation of which he or his spouse is a director or senior officer or in which he or his spouse has a controlling interest and that is located in the City of Moose Jaw, or within an adjoining municipality, before entering the duties of his office.

- (h) Social Services Department. Social Services department employees shall not hire, contract or engage the services of any social services recipients unless such employees have first obtained the prior approval of the Director of Social Services.

Social Services department employees who are members of non-governmental organizations or agencies, which provide services to the public, shall not give preferential treatment to any social services recipient who requests or engages the services of such non-governmental organization or agency.

- (7) Political Activity. No appointed official or employee in the City service shall use the prestige of his position on behalf of any political party. No appointed official or employee in the City service in his official capacity shall orally, or in writing or otherwise solicit or be in any manner concerned in soliciting any assessment, subscription, or contribution to any political party. Such appointed officials and employees shall not take an active part in political campaigns on behalf of any person for the office of Mayor or any Aldermanic positions. Appointed officials, and any employee of the City, or of a Board or Commission appointed by the Council, may seek nomination and election to the Council, subject to compliance with the provisions of the Local Government Election Act, and the Labour Standards Act, provided that such officials or employees are not otherwise disqualified by the Local Government Elections Act from being nominated or

elected, or to hold office as a member of the Council. No official or employee, whether elected or appointed, shall promise an appointment of any City position as a reward for any political activity.

6. OTHER CODES OF ETHICS AND RULES OF CONDUCT

This code of ethics policy shall be in addition to any other codes of ethics, or rules of conduct, which may govern the conduct of City officials, and employees.

Where any official or employee is required to be a member of a professional organization or association, by the nature of his office or occupation and the official or employee is bound to observe the professional organization's or association's code of ethics or rules of conduct, (i.e. The Law Society's Code of Professional Conduct in the case of the City Solicitor), a breach of such code of ethics shall also be considered a breach of this code of ethics policy.

7. SANCTIONS

Violation of any provisions of this code shall raise conscientious questions for the official or employee concerned. Violations may constitute a cause for employee suspension, removal from office or employment, or other disciplinary action. Any reported incidence of violation of these rules shall be subject to investigation by the Appointed City Commissioner and City Solicitor, who may refer the matter to the Council. Sanctions or any disciplinary action shall be decided upon investigation and shall depend upon the specific circumstances of the case. The application of any sanctions and these rules and standards of conduct are subject to the provisions of all applicable employee collective bargaining agreements, and related legislation, including the Urban Municipality Act, where such agreements and legislation relate to standards of conduct, performance, suspensions, dismissals or other disciplinary action.

8. REVISION

This code of ethics policy shall be reviewed, amended, deleted or augmented from time to time as necessary by City Council in consultation with the City Solicitor and Appointed City Commissioner.