BYLAW NO. 5658

COMMITTEE AND BOARD MEMBER CODE OF CONDUCT AND DISCLOSURE BYLAW

THE COUNCIL OF THE CITY OF MOOSE JAW ENACTS AS FOLLOWS:

Purpose

1. The purpose of this Bylaw is to:

   (a) establish and apply a code of conduct and disclosure of land holdings requirement with respect to non-council members appointed by Council to committees and boards and created by Council and to establish a code of ethical behaviour expected of appointed members.

Authority

2. The authority for this Bylaw is sections 8 and 55 of *The Cities Act*.

Disclosure of Land Holdings

3. (1) Persons appointed by Council to the following committees or boards are required to fill out and file a land holdings disclosure form with the City Clerk in a form attached as Schedule "A":

   (a) The Moose Jaw Board of Revision; and
   (b) The Moose Jaw Development Appeals Board.

Code of Conduct

4. (1) The Code of Conduct applies to all persons appointed to any committee or board created by Council, except for members of Council in sofar as the following provisions provide.

   (2) Subject to subsection (3), employees of the City of Moose Jaw are not subject to this Bylaw and are instead subject to any employee code of conduct policy approved by the City Manager and City Council.

5. (1) The conflict of interest rules in sections 114-115 and sections 117-119 of *The Cities Act* shall apply in the same manner to a member of a committee or board created by Council.

(2) No person appointed by Council to any such committee or board shall appear before that committee or board either on their own behalf or on behalf of another person.

6. 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 Moose Jaw, 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 policyor 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 person'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

7. (1) Where a member of a committee or board perceives they are or may potentially be in conflict with the code of conduct provisions in this Bylaw, the person shall disclose it to the City Clerk.

Complaint of Breach of the Code of Conduct

8. (1) Where a person wishes to file a complaint that a member of a committee or board has breached this Bylaw, they may file a complaint in writing with the City Clerk, City Solicitor, or the City Manager.

Review of Disclosures and Complaints

9. (1) Where a disclosure is received or a written signed complaint is received by the City Clerk, City Solicitor, or the City Manager, they shall:

(a) first determine whether a third-party investigation/report may be required; and

(b) provide appropriate direction or take appropriate remedial action, which may take the form of:

i. advise on how the committee or board member should act in the future;

ii. a written waiver of the breach if the breach is insignificant or does not violate the spirit and intent of the code of conduct;

iii. report the matter to City Council pursuant to s. 2;

(2) Where a disclosure is received or a written signed complaint is received involving a member of a board or committee created by Council, the City Clerk shall place it on the private agenda of the next Executive Committee meeting for consideration.

(3) In assessing what remedial action, if any, should be taken, consideration shall be given to the question of whether the breach was advertent or willful, as opposed to inadvertent. Removal from the board or committee may result if warranted.

Civic Official's Duties

10. (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, City Clerk, City Solicitor and members of Council;

(c) ensure that all persons appointed by Council to civic committees and boards are made aware of the Code of Conduct and the disclosure of land holding requirements.

Other Laws

11. This Bylaw is to operate in addition to other laws governing the conduct of members of boards and committees, including *The Cities Act* and *the Criminal Code of Canada* or any successors to those statutes.

12. Where this Bylaw conflicts with any provision of *The Cities Act*, or any successor to that Act, the Act shall take precedence to the extent of the conflict.

Repeal of Bylaws

13. Bylaw No. 4381, The Code of Ethics Bylaw is hereby repealed.

Coming into Force

14. This Bylaw comes into force on the day of passage.

Read a FIRST TIME this 6th day of December 2021.

Read a SECOND TIME this 6th day of December 2021.

Read a THIRD TIME and PASSED this 6th day of December 2021.

Mayor

City Clerk

Schedule "A"

CITY OF MOOSE JAW

DISCLOSURE OF OWNERSHIP OF LAND AND BUILDINGS BY NON-COUNCIL MEMBERS ON BOARDS AND COMMITTEES

I, _____ member of _____,
(print name) (Name of Committee)

hereby disclose that I or my spouse or a corporation incorporated or continued pursuant to *The Business Corporations Act* of which I or my spouse is a director or senior officer or in which I or my spouse have a controlling interest, and that is located in the urban municipality or in an adjoining municipality,

(Complete either 1 or 2)

1 Own or owns no land or buildings in the City of Moose Jaw or adjoining municipality.

OR

2 Own or owns lands or buildings in the City of Moose Jaw or adjoining municipality the particulars of which ownership are shown below.

Property Description and Location	Names in Which Property is Registered	Nature of Ownership Interest

Note 1 Land and Buildings shall be listed, and their location identified by civic address or legal description.

Note 2 A person or a corporation owns lands or a building when the person or corporation has any right, title, estate or interest in the land or building.

Note 3 Every person who is required to furnish a list of land and buildings owned by him is required to notify the City Clerk within 30 days of any disposal or acquisition of land and buildings described in Note 1.

PLEASE COMPLETE REVERSE SIDE

_____
Name of Declarant

_____
Street Address

_____
City/Province

_____
Postal Code

I,_____, of _____ in the Province of Saskatchewan, do hereby declare that to the best of my knowledge, information and belief, the statements and allegations contained and made in this form are true and complete, and I make this declaration for the purpose of official registration, in the full knowledge that it will be available for public examination.

Declared before me at the CITY }
of MOOSE JAW, in the Province of } _____
Saskatchewan, this_____day of } Signature of Declarant
_____, A.D. 20____. }

_____
A Commissioner for Oaths
for the Province of Saskatchewan
Being a Solicitor - or -
My commission expires_____, 20_____.