



LLOYDMINSTER

City of Lloydminster

Policy

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| Policy Title: | Council Code of Conduct Policy | | Policy Number: | 010-2016 | |
| Date of Council Approval: | September 26, 2016 | Motion No.: | 243-2016 | Year of Review: | 2018 |
| Department Sponsored by: | Legislative Services | | | | |

Purpose: To provide Council with a frame work and clarity when investigating and resolving conduct complaints made against Members of Council.

Objective: This policy is to create a frame work for guiding Members of Council procedurally when dealing with complaints brought against other Members of Council pursuant to the "*Code of Conduct Bylaw # 08-2016*" by amplifying the procedures for investigation, deliberation and resolution of such complaints.

Further this Policy will provide Members of Council guidance on reporting requirements for matters that have been dealt with under the bylaw utilizing this procedure.

Definitions:

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| Complaint | A complaint made pursuant to the " <i>Code of Conduct Bylaw</i> " Bylaw# 08-2016 and/or a complaint relating to any municipal, provincial or federal act/law governing the actions, behavior or ethics of Members of Council. |
| Conflict of Interest (Financial/Pecuniary) | A situation in which the matter could monetarily affect the Member of Council or an Employer of a Member of Council, or a Member of Council knows or should know that the matter could monetarily affect the Members Relatives/Family |
| Member of Council | A individual elected pursuant the <i>Saskatchewan Elections Act 2015</i> as a Member of Council |
| Relatives/Family | Spouse, father, mother, brother, son or daughter, grandparent, grandchild,. This includes common-law, in-law and step relationships |

Scope: This Policy applies to current Members of Council.

Policy Instructions:

Members of Council shall:

- Govern their conduct in accordance with the requirements and obligations set out in governing municipal, provincial and federal legislation
- Preserve the integrity and impartiality of Council.

If Council receives a complaint that a Member of Council has breached any of the provisions referred to, they shall use the Procedure for resolving complaint against Members of Council which is referred to in Bylaw 08-2016 and for which guidance is provided in the procedural portion of this Policy.

Procedure

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:

- a) To the Member about whom the complaint is made through the Deputy Mayor, who will advise the Member of the complaint, and if the complaint is about the Deputy Mayor to the Mayor; and
- b) To the Council (in Camera).

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 by the Deputy Mayor, who will advise the Member of the complaint, and if the complaint is about the Deputy Mayor by the Mayor.

In the event that it has been determined that no action should be taken, Council shall notify the City Clerk, who in turn shall notify the complainant in writing of council's determination.

The "In Camera" meeting may, at Council's sole discretion, occur with or without City Administration. Council may also at its sole discretion meet without the City Clerk during these deliberations.

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, the Deputy Mayor, and if the complaint is about the Deputy Mayor, the Mayor shall advise the Member of Council of this, and give them an opportunity to make oral or written submissions to the Committee.

If after a review of the member's oral or written submission, 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 by the Deputy Mayor, and if the complaint is about the Deputy Mayor by the Mayor.

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 *S.137 of the Lloydminster Charter*

S. 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.

The City Clerk may provide any guidance or administrative assistance that Council may request during the entire process.

Sanctions

City Council has the authority to sanction Member of Council breach of this Code, 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 as Council members.

Sanctions may include, but are not limited to:

- a) Removal of the Member of Council 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 (eq. No electronic copies, but only watermarked paper copies);
- d) Reduction in salary and/or benefits and/or expenses.

Council may, at its sole discretion, determine the length/duration of any sanctions it has the authority to impose.

Reporting

Council 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 Council.

When making this decision, Council shall, consider the following:

- a) The seriousness of the sanction applied; and
- b) The need for accountability and transparency.

Reporting shall be in writing and shall be attached to the Council Agenda for the meeting immediately following the decision to apply a sanction.

When reporting, only the following information should be included:

- a) The name of the Member of Council who was the subject of the complaint;
- b) The nature of the complaint;
- c) The decision of Council; and
- d) The sanction (if any) applied.

Responsibility:

City Council will review and approve all policies.

City Administration will administer the policy through the use of a supporting procedure.

Sponsoring Department is responsible for creating and amending a supporting procedure.

Annex A: Flow chart

