

City of Melfort Policy Manual

<i>POLICY TITLE:</i> Code of Ethics	<i>POLICY NUMBER:</i> 1.6.27	<i>EFFECTIVE DATE:</i> September 16, 2013
<i>ORIGIN:</i> Administration	<i>ADOPTED BY COUNCIL ON:</i> September 16, 2013	<i>DATE AMENDED:</i>

1. Purpose

The purpose of this document is to provide guidance to members of Council, City employees and all members of Boards, Commissions and Committees of the City on the conduct required by law or expected by them in the fulfillment of their duties. All members of Council, employees and members of Boards, Commissions and Committees shall be aware of, and adhere to, the standards of conduct outlined in the City of Melfort Code of Ethics, subject to the provisions of applicable collective agreements and all applicable legislation.

2. Duties

City Council shall:

- a) periodically review, and modify as necessary, the code of ethics policy to ensure it reflects the City's changing needs, realities and responsibilities;
- b) review, in consultation with the City Manager, reported cases of violation of the code of ethics of the City of Melfort, and approve any resultant action as appropriate;
- c) ensure, with the assistance of the City of Manager, that all members of Council, Boards, Commissions and Committees are made aware of and comply with the City's code of ethics.

The City Manager shall:

- a) implement, administer and promote the City's code of ethics;
- b) ensure that all management personnel are made aware of and comply with the City's code of ethics;
- c) ensure that Department Heads inform their department employees of and promote the ethical standards expressed within this policy;
- d) advise Council on desirable modifications to the code of ethics;
- e) investigate and review, in consultation with Council, reported cases of violation of the City's code of ethics, and approve and/or administer any subsequent corrective action.

Department Heads shall:

- a) ensure all employees of the Department are aware of and comply with the City's code of ethics;

- b) report to the City Manager any possible violations of the code of ethics by departmental personnel and implement appropriate preventative or corrective action.
- c) advise the City Manager on desirable modifications to the code of ethics;

3. General Responsibilities

a) General Conduct

Elected/appointed officials and employees are agents of the public 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 ethics and to discharge faithfully the duties of their office regardless of personal or financial considerations and interests. Their conduct in official affairs should be above reproach at all times.

b) Dedicated Service

All elected/appointed officials and employees of the City shall be loyal to the objectives established by City Council and the programs developed to attain those objectives. 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. Elected/appointed officials/employees shall not in their official capacity, either privately or publicly, contradict or fail to present the official policy established by City Council or the City Manager.

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

4. 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 of the Council.

c) Use of Public Property

No elected/appointed 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.

- d) Obligation to Citizens
No elected/appointed official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

5. Conflict of Interest

No elected/appointed official or employee, 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 their official duties in the public interest or would tend to impair their independence of judgment or action in the performance of their official duties. Personal, as distinguished from financial, interest includes an interest arising from family 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 elected/appointed 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 may impair his independence of judgment or action in the performance of his official duties.
- b) Disclosure of Confidential Information
No elected/appointed 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.
- c) Gifts and Favours
Personal integrity and sound business practices require that relationships with vendors, contractors or others doing business with the City, be such that no member can be accused of showing favoritism or bias toward the vendor, contractor or others. Consequently, elected/appointed officials and employees are prohibited from accepting gifts or favours from any vendor, contractor or others doing business with the municipality that would tend to influence them in the proper discharge of their official duties.
- d) 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 for 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 Cities Act*; and,
 - iv) he refrains from participating in any decisions made in relation to the contract.
- e) Public Disclosure of Pecuniary Interest in Any Matter
Members of the Council, 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 Cities 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 Cities 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.
- f) Disclosure of Holdings
All senior administrative staff 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 Melfort, or within an adjoining municipality, before entering the duties of his office and upon any change in information.
- g) Political Activity
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 Election 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.
- h) Representing Private Interests before a Municipal Agency
No elected/appointed official or employee whose salary is paid in whole or in part by the municipality shall appear on behalf of private interests before any agency or court of the municipality without the consent of the City Manager. The elected/appointed official or employee shall not represent private interests in any action or proceeding against the interests of the municipality or in any litigation to which the municipality is a party to. Furthermore, no elected/appointed official or employee shall accept compensation or a retainer which is conditional upon the actions of a municipal agency.
- i) Insider Information
No elected/appointed officials or employees shall personally profit from any information gained in the course of fulfillment of their duties. Insider information may include, but it is not limited to, significant business developments, expansion or curtailment of operations, sale or purchase of City assets or other activity of significance.

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 that may govern the conduct of City officials and employees.

Where any elected/appointed 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, a breach of such code of ethics shall also be considered a breach of this code of ethics policy.

7. Breaches of this Code

Elected/appointed officials and employees who have reason to believe that this Code of Ethics Policy has been breached in any way are encouraged to bring their concerns to the City Manager. No adverse action shall be taken against any individual who, acting in good faith, brings forward such information. Retaliation against the complainant is strictly prohibited and will result in appropriate disciplinary action. This policy will not be used to bring fraudulent or malicious complaints against elected/appointed officials and employees. Any complaint made in bad faith, if demonstrated as being such through convincing evidence, will result in disciplinary action being taken against the individual lodging the fraudulent or malicious complaint.

9. Sanctions

Violation of any provisions of this code shall raise conscientious questions for the official or employee concerned. Violations may constitute a cause for suspension, removal from office or employment, or any other disciplinary action. Any reported incidence of violation of these rules shall be subject to investigation by the City Manager, who may refer the matter to the Council, or the Administrative Review Officer if deemed appropriate. Sanctions or any disciplinary action shall be decided upon investigation and shall depend on 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 Cities Act*, where such agreements and legislation relate to standards of conduct, performance, suspensions, dismissals or other disciplinary action.