

**CITY OF STEINBACH**  
**By-Law 1800**

Being a by-law of the City of Steinbach to adopt a  
Conflict of Interest Policy and Code of Conduct for  
Members of the Council of the City of Steinbach.

WHEREAS the Council of the City of Steinbach deems it desirable to adopt certain policies, principles and guidelines for the conduct of Councillors.

AND WHEREAS all members of the Council of the City of Steinbach (herein referred to individually as a “**Councillor**” and collectively as “**Councillors**”) have an obligation not simply 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 Councillors must not provide for benefit, wrongdoing, or unethical conduct.

AND WHEREAS an elected position within a municipal corporation is a privilege which carries significant ethical, moral and financial responsibilities and obligations.

AND WHEREAS Councillors are held to a high standard as leaders of the City and representatives of a municipal corporation; they are expected to become well informed on all aspects of municipal governance, administration, planning and operations; and carry out their municipal duties in a fair, impartial, transparent, ethical, fiscally responsible and professional manner.

**NOW, THEREFORE, BE IT AND IT IS HEREBY ENACTED AS A BY-LAW OF THE CITY OF STEINBACH, IN COUNCIL ASSEMBLED, AS FOLLOWS.**

1. THAT the City of Steinbach Municipal Council Conflict of Interest Policy and Code of Conduct annexed to this By-law and marked Appendix “1” forms an integral part of this By-law in all respects.
2. THAT all Councillors shall adhere to the policies, principles, guidelines and requirements outlined in the City of Steinbach Municipal Council Conflict of Interest Policy and Code of Conduct annexed to this By-law and marked as Appendix “1”.
3. THAT the City of Steinbach Municipal Council Conflict of Interest Policy and Code of Conduct annexed to this By-law and marked as Appendix “1” is hereby adopted and shall be known as the “City of Steinbach Municipal Council Conflict of Interest Policy and Code of Conduct”.
4. THAT the proper officers of the City of Steinbach are hereby directed and empowered and authorized to do all things necessary to give effect to this By-law.

DONE AND PASSED by the Council of the City of Steinbach, in Council assembled, at the City of Steinbach, Manitoba, this 17<sup>th</sup> day of October, 2006.

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Mayor

\_\_\_\_\_  
City Manager

READ a first time this 5<sup>th</sup> day of September, 2006.  
READ a second time 17<sup>th</sup> day of October, 2006.  
READ a third time 17<sup>th</sup> day of October, 2006.

## APPENDIX “1” to CITY OF STEINBACH BY-LAW 1800

### CITY OF STEINBACH MUNICIPAL COUNCIL CONFLICT OF INTEREST POLICY AND CODE OF CONDUCT

1. This Conflict of Interest Policy and Code of Conduct may be cited as the Code.

#### PART I – OBJECT AND GENERAL PRINCIPLES

##### OBJECT

2. The object of this Code is to maintain and enhance public confidence in the integrity of all members (herein referred to individually as a “**Councillor**” and collectively as “**Councillors**”) of the Council of the City of Steinbach and the decision-making process of the Council of the City of Steinbach (herein referred to as the “**Council**”)
  - (a) while encouraging experienced and competent persons to seek and accept public election;
  - (b) while facilitating interchange between the private and public sector;
  - (c) by Council recognizing that only the highest ethical behaviour of Councillors is expected and demanded by Council and the public;
  - (d) by establishing clear rules of conduct for Councillors respecting conflicts of interest;
  - (e) by minimizing the possibility of conflicts arising between the private interests and public duties of Councillors while recognizing that conflicts must be resolved in favour of the public interest, should they arise;
  - (f) by fostering an environment in which the highest standards of ethical behaviour is the proper means by which Councillors are to conduct themselves;
  - (g) by indicating to the public that the Council is seriously concerned about and responsible for the conduct of Councillors;
  - (h) by providing the means to increase ethical judgment and strengthen support to try to “do the right thing”.

##### GENERAL PRINCIPLES

3. Each Councillor shall conform to the following principles during his or her term in office as a Councillor of the City of Steinbach (herein referred to as the “**City**”).
  - (a) If a conflict does arise between the private interests of a Councillor and the official duties and responsibilities of that Councillor, the conflict shall be resolved in favour of the public interest.
  - (b) Councillors shall respect the administration of this Code.
  - (c) Councillors shall act with honesty and uphold the highest ethical standards so that public confidence and trust in the integrity, objectivity and impartiality of Council are conserved and enhanced.
  - (d) Councillors shall not directly or indirectly use or allow the use of City property of any kind, including property leased to the City, for anything other than officially approved activities.

- (e) Councillors shall avoid any interest or activity which is in conflict with a Councillors official duties or responsibilities.
- (f) A Councillor shall not use his or her position of office to assist any private group, organization, corporation or persons where this would result in preferential treatment to any such group, organization, corporation or person.
- (g) A Councillor shall not knowingly take advantage of, or benefit from, information that is obtained in the course of his or her official duties and responsibilities and that is not generally available to the public.
- (h) A Councillor shall not directly or indirectly solicit funds from any person, group, organization or corporation where such fundraising could place the Councillor in a position of obligation incompatible with his or her public duties and responsibilities.
- (i) A Councillor has an obligation to perform his or her official duties in a manner that will bear the closest public scrutiny.
- (j) A Councillor, in fulfilling his or her official duties and responsibilities, shall make decisions in the public interest and with regard to the merits of each circumstance.
- (k) A Councillor and his or her family shall accept transfers of economic benefit only in accordance with *The Municipal Council Conflict of Interest Act*, as amended from time to time.

## **PART II – MUNICIPAL STAKEHOLDERS**

4. All stakeholders in municipal matters (collectively, "**Stakeholders**"), represent a significant and broad base of interests, considerations, positions and concerns which require fair and open attention, adjudication and disposition.
5. To assist in interacting effectively with Stakeholders, each Councillor promises and declares that they shall carry out the following public duties and responsibilities (as prescribed in the oath of office), including, but it limited to:
  - (a) subscribing to the principles and requirements of *The Municipal Council Conflict of Interest Act*, as amended from time to time;
  - (b) learning and following the City of Steinbach Procedural By-law for Council and its committees;
  - (c) reading understanding and adhering to the provisions of *The Municipal Act* and *The Planning Act*, as amended from time to time; and
  - (d) reading, understanding and striving to further the objectives articulated in the City of Steinbach Development Plan.
6. This Code has been prepared for each Councillor's personal review and reference so as to
  - (a) augment communication to the public with respect to the role and integrity of Council and Councillors;
  - (b) provide present and future Councillors with additional assistance and guidelines as they perform their elected duties and responsibilities; and
  - (c) assist Councillors in providing leadership by example.

7. Councillors fundamentally understand, acknowledge and agree that
- (a) the proper operation of democratic and representative municipal government requires that they be independent, impartial and responsible to Stakeholders;
  - (b) there are open and proper channels for decision making and policy approval;
  - (c) conflicts between private interests and public responsibilities are unacceptable and shall be avoided; and
  - (d) as leaders of the City, Councillors will be held to the highest standards of behaviour and conduct.

### **PART III – CONFLICT OF INTEREST GUIDELINES**

8. Although areas of ethical exposure are generally consistent and understood in municipal governance, the following areas and guidelines have been specifically identified as significant areas of considerations in the City as being paramount to the municipal political process of the City:
- (a) Roles and Obligations;
  - (b) Use of Information;
  - (c) Communications and Media Relations;
  - (d) Relationships with Staff and Councillors;
  - (e) Provincial Legislation;
  - (f) Use of Property;
  - (g) Transparency and Openness in Decision Making; and
  - (h) Public Input.

Accordingly this Code outlines the policies and guidelines for a Councillor to adhere to in his or her capacity as a representative and leader of the City.

#### **(a) Roles and Obligations**

Councillors recognize their mandate incorporates tasks which include:

- (i) fairly representing the diversity of community views in developing an overall strategy for the future of the City;
- (ii) achieving sound financial management, planning and accountability;
- (iii) being aware of and conversant with the statutory obligations imposed on Council as a whole, as well as each Councillor, and fully adhering to such obligations.

#### **(b) Use of Information**

In their decision making process, Councillors are sometimes privy to information which may be confidential or controversial, such as, but not limited to, "In Camera" meetings; it is expected that a Councillor will

- (i) use "insider" information appropriately, so as not to be used to his or her personal advantage;

- (ii) use confidential information (matters respecting City personnel, legal advice or property acquisition) appropriately so as not to cause detriment or benefit to others;
- (iii) respect the status of confidential information until the matter ceases to be confidential as determined by Council;
- (iv) understand that he or she enjoys the same access rights to municipal information as any other member of the City unless it is specifically relevant to a matter before the Council, as contemplated by Section 152(3) of *The Municipal Act*, amended from time to time;
- (v) only release information pursuant to the provisions of *The Freedom of Information and Protection of Privacy Act*, as may be amended from time to time, and in accordance with any requirement of the City Privacy Officer.

**(c) Communications and Media Relations**

A Councillor will accurately and adequately communicate the attitudes and decisions of Council, so that

- (i) there is respect for the decision making processes of Council even though a Councillor may disagree with the majority of Council;
- (ii) information concerning adopted policies, procedures and decisions of the Council is conveyed openly and accurately;
- (iii) confidential information will be communicated only when and after determined by Council in accordance with the provision of *The Municipal Act*, as amended from time to time.

**(d) Relationships with Staff and Councillors**

A Councillor will

- (i) read and respect the guidelines contained in "The City of Steinbach Employee Code of Conduct";
- (ii) acknowledge that only the City Manager has the capacity to direct staff members to carry out specific tasks or functions as outlined in the latest revised City Management By-Law;
- (iii) refrain from using his or her position to improperly influence members of staff in their duties or functions;
- (iv) refrain from publicly criticizing individual members of staff in a way that casts aspersions on their professional competence and credibility.

**(e) Provincial Legislation**

A Councillor will recognize his or her obligation to follow and respect both the letter and spirit of all provincial and federal legislation, including but not limited to the provisions of *The Municipal Act* and *The Municipal Council Conflict of Interest Act*, as amended from time to time.

**(f) Use of Property**

Councillors will only use City property, equipment, supplies or services of consequence, for activities connected with the discharge of official duties or associated City activities having the sanction of Council or its committees.

**(g) Transparency and Openness in Decision Making**

Councillors will endeavour to conduct and convey Council business in an open and public manner (other than as mandated by *The Municipal Act*, as amended from time to time) so that Stakeholders can determine the process, logic and rationale used to reach conclusions or decisions.

**(h) Public Input**

Council will periodically use formal and informal opportunities to seek public input as a component of the decision making process which have broad impacts on the community. The purpose of the exercise will be to provide Stakeholders with a mechanism to provide opinions and advice so that the widest range of views and information is available before final decisions are made.

**PART IV – ETHICS COMMISSION**

9. The City shall create an Ethics Commission, which shall consist of not more than three (3) members appointed by City Council. The appointees shall be made up of persons of “known personal integrity” and “recognized knowledge and interest in government and civics”. Length of terms shall be two years.

The Ethics Commission shall have responsibility for the impartial and effective administration of this By-law, as it relates to conflicts of interest and governmental ethics.

The Ethics Commission has the mandate to:

(1) Make recommendations to City Council concerning revisions to City by-laws relating to conflict of interest and governmental ethics.

(2) Advocate understanding of this By-Law related to conflicts of interest, lobbying, governmental ethics and open meetings and public records, and the roles of elected and other public officials, City institutions and the City electoral process.

(3) Review requests from any persons with respect to any issue relating to conflicts of interest or governmental ethics. The Commission shall provide its proposed opinion to the City Manager and the person requesting the written opinion. The Commission’s opinions shall be public record and may from time to time be published. The Commission may also issue informal advice to any person with respect to a person’s duties under provisions of this By-Law. Reliance on such informal advice shall not be a defense in any enforcement proceeding.

(4) Conduct investigations in accordance with this By-Law relating to conflicts of interest and governmental ethics. Any investigation shall be conducted in a confidential manner. Records of any investigation shall be considered confidential information to the extent permitted by law.

#### **PART IV – IMPLEMENTATION**

10. At the beginning of each term of office, Councillors shall sign two (2) copies of this Code (one for themselves and one for the City Manager) to convey to each other and Stakeholders that they have read, understand and accept it.

11. This Code will be included as part of the orientation workshop for each new Councillor and each new Council.

12. Each Councillor is expected to formally and informally review his or her adherence to the provisions of this Code on a regular basis or when so requested by Council.