

CITY OF SURREY

BY-LAW NO. 12196

A by-law to provide for a code of conduct for the officers and employees of the City that is deemed necessary to carry on the good government of the City of Surrey.

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WHEREAS the Council may pursuant to Section 251 of the Municipal Act provide by by-law for the officers and employees that may be deemed necessary to carry on the good government of the City and may prescribe their duties and responsibilities.

AND WHEREAS the Council of the City of Surrey deems it in the best interests of the City to adopt a Code of Conduct to aid officers and employees of the City in carrying out their duties honestly, ethically and without conflict of interest or breach of trust.

NOW, THEREFORE the Council of the City of Surrey, in open meeting assembled, enacts as follows:

1. Definitions:

"officer" means an officer appointed as such pursuant to Surrey Officer's By-Law, 1993, No. 11640.

"employee" means any person employed by the City of Surrey save and except such employees who have been appointed officers.

2. This by-law shall apply to all officers and employees of the City of Surrey whether or not they are covered by collective agreement.

3. No officer or employee of the City shall:

(a) engage in any outside employment, business or undertaking:

(i) that will, or is likely to, interfere with the performance of his or her duties with the City,

(ii) in which he or she will gain, or appear to gain, a benefit as a result of his or her position with the City,

(iii) that will, or is likely to, influence or affect the manner in which he or she carries out his or her duties with the City;

- (iv) acquire either directly or indirectly any interest in real property exceeding one (1) acre in size within the City of Surrey without first disclosing the acquisition thereof in the manner set out in paragraph 4 of this By-Law, nor develop or attempt to develop (e.g. rezone, subdivide) any such real property [or any real property over one (1) acre in size within the City in which the officer or employee has a registrable interest prior to the passage of this By-Law] without first disclosing such development or proposed development in the manner set out in paragraph 4 of this By-Law.
- (b) Accept any gifts or favours from any person, business, organization, or corporation which is directly or indirectly involved in any manner whatsoever with the City of Surrey, unless:
 - (i) the gift or favour 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 presentation made to persons participating in public functions;
- (c) Use or request the use of any City property for personal convenience or profit, unless:
 - (i) the property is available for such use by the public generally and he or she is receiving no special preference in its use, or
 - (ii) the property is made available to him or her as a matter of City policy or under the terms of his or her employment or appointment;

("property" includes real or personal property, vehicles, chattels, equipment, supplies and the like).
- (d) Benefit, or appear to benefit, from the use of information acquired as a result of his or her duties with the City unless such information is available to the public generally, nor shall he or she disclose such information without proper authorization;
- (e) Grant any special consideration, treatment, or advantage to any person in their dealings with the City;
- (f) Represent any private interests in their dealings with the City or any of its departments or appear before Council or any Board, Commission, or Committee of the City on behalf of those private interests;
- (g) Accept, or offer or agree to accept, a commission, reward, advantage or benefit of any kind from any person who has dealings with the City, either on his or her own behalf or through a relative or other person for his or her own benefit;
- (h) Represent the City in any dealings directly or indirectly with any of his or her relatives or business associates, nor shall he or she attempt to influence the City's dealings with those relatives or business associates;

- (i) Run for election or be nominated to run for election to Council of the City without first taking an unpaid leave of absence in accordance with the provisions of the **Municipal Act**. If elected as a member of Council, then to resign as an officer or employee in accordance with the provisions of the **Municipal Act**;
- (j) Run for elective office provincially or federally if a conflict of interest exists between running for the office and the officer's or employee's responsibilities to the City. If a conflict of interest exists, then the officer or employee shall take an unpaid leave of absence before running for elective office provincially or federally. If elected to a provincial or federal office, then to resign as an officer or employee of the City;
- (k) Use his or her position or office of employment with the City to actively campaign for the election of or solicit funds for a potential or a declared candidate for elected office, whether municipal, provincial or federal or to actively campaign or partake in political activity with respect to municipal, provincial or federal campaigns or elections or work for candidates for elective office during the officer's or employee's working hours for the City. This section shall not affect the officer's or employee's normal right to actively participate in the democratic process or participate in elections, whether municipal, provincial or federal as a regular citizen during his or her own time;

(each and all of which is hereinafter referred to as "the Code").

- 4. Where a City officer or employee perceives that he or she is or may potentially be in a position of conflict with the Code enunciated in paragraph 3 hereof, then he or she shall disclose it in writing to:
 - (a) in the case of an employee, to his or her department head;
 - (b) in the case of a department head, to the City Manager;
 - (c) in the case of the City Manager, to the Council of the City of Surrey.

The department head, City Manager, or Council, as the case may be, upon reviewing such written disclosure, shall determine if the officer or employee is or may potentially be in a position of conflict with the Code and so inform the officer and employee of such determination in writing.

- 5. If a breach or infraction of the Code occurs, including failure to disclose pursuant to paragraph 4, such a breach or infraction may result in remedial action being taken by the City against the officer or employee. Such action may include:
 - (a) instructing the City officer or employee to divest himself or herself of the outside interest or transfer assets into a blind trust. Any divestment or transfer must be at arm's length;
 - (b) upon the disclosure of a potential breach of the Code, instructing the officer or employee not to breach the Code or to cease any such breach if one has occurred;
 - (c) accepting the resignation of the City officer or employee;
 - (d) initiating disciplinary action in the form of:

- (i) an oral or written reprimand,
 - (ii) suspension without pay for a specified period of time, or
 - (iii) dismissal of the City officer or employee;
- (e) pressing criminal charges;
 - (f) such further action as may be deemed appropriate having regard to the circumstances.
6. In assessing what remedial action, if any, should be taken, consideration shall be given to the question of whether the infraction was advertent or willful, as opposed to inadvertent. Remedial action shall not be taken where the infraction was inadvertent, unless the circumstances are such that the officer or employee is found to be negligent or willfully blind.
7. Any decision to take remedial action pursuant to paragraph 5 may be appealed:
- (a) where a collective agreement is in effect and relates to the employee pursuant to that agreement;
 - (b) in the case of an officer or department head, to the City Council;
 - (c) in any other case, to the City Manager.
8. The City Manager shall be responsible for administering the Code, including any investigations or reviews of any reported cases of any breaches or violations with respect to the Code.
9. Department heads shall ensure that all employees of his or her department are aware of the Code and shall report to the City Manager any breaches or possible violations of the Code.
10. This by-law is to operate in addition to any other forms of control on the conduct of municipal officers and employees including other City by-laws, policies, collective agreements, or statutes, federal or provincial.
11. "Surrey Conflict of Interest By-law, 1980, No. 6227" is hereby repealed.

12. This by-law may be cited for all purposes as "Surrey Code of Conduct By-Law, 1994, No. 12196".

PASSED THREE READINGS by the Council of the City of Surrey on the 28th day of February, 1994.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 7th day of March, 1994.

"R.J. BOSE" _____ MAYOR

"D.B. KENNY" _____ CLERK

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