

BYLAW NO. 2022 - 07

A BYLAW TO ESTABLISH A CODE OF ETHICS FOR MEMBERS OF COUNCIL

The Council of the Rural Municipality of Canwood No. 494 in the Province of Saskatchewan enacts as follows:

1. Short Title

This bylaw may be cited as the “Code of Ethics Bylaw.”

2. Legal Requirement

This bylaw has been created to comply with section 93.1 of *The Municipalities Act*.

PART I CODE OF ETHICS

Code of Ethics for Members of Council

3. Preamble

As members of council, we recognize that our actions have an impact on the lives of all residents and property owners in the community. Fulfilling our obligations and discharging our duties responsibly requires a commitment to the highest ethical standards.

The quality of the public administration and governance of the Rural Municipality of Canwood No. 494, as well as its reputation and integrity, depends on our conduct as elected officials.

4. Purpose and Interpretation

The purpose of this code is to outline basic ethical standards and values for members of council. It is to be used to guide members of council respecting what their obligations are when fulfilling their duties and responsibilities as elected officials.

This code is to be interpreted in accordance with the legislation applicable to the municipality, the common law and the policies and bylaws of the municipality.

Neither the law nor this code is to be interpreted as exhaustive, and there will be occasions on which a council will find it necessary to adopt additional rules of conduct in order to protect the public interest and to enhance the public confidence and trust in local government.

It is the responsibility of each member of council to uphold the standards and values set out in this code.

5. Standards and Values

(a) *Honesty*

Members of council shall be truthful and open in their roles as council members and as members of the communities they serve.

(b) *Objectivity*

Members of council shall make decisions carefully, fairly and impartially.

(c) *Respect*

Members of council shall treat every person, including other members of council, municipal employees and the public, with dignity, understanding and respect.

Members of council shall not engage in discrimination, bullying or harassment in their roles as members of council. They shall not use derogatory language towards others, shall

respect the rights of other people and groups, shall treat people with courtesy and shall recognize the importance of the different roles others play in local government decision making.

(d) Transparency and Accountability

Members of council shall endeavour to conduct and convey council business and all their duties in an open and transparent manner, other than those discussions that are authorized to be dealt with in a confidential manner in closed session, so that stakeholders can view the process and rationale used to reach decisions and the reasons for taking certain actions.

Members of council are responsible for the decisions that they make. This responsibility includes acts of commission and acts of omission.

(e) Confidentiality

Members of council shall refrain from disclosing or releasing any confidential information acquired by virtue of their office except when required by law or authorized by council to do so. Members shall not take advantage of or obtain private benefit from information that is obtained in the course of or as a result of their official duties or position and that is not in the public domain. This includes complying with *The Local Authority Freedom of Information and Protection of Privacy Act* in their capacity as members of council of a local authority.

(f) Leadership and the Public Interest

Members of council shall serve their constituents in a conscientious and diligent manner and act in the best interests of the municipality. A member shall strive, by focusing on issues important to the community and demonstrating leadership, to build and inspire the public's trust and confidence in local government.

Members of council are expected to perform their duties in a manner that will bear close public scrutiny and shall not provide the potential or opportunity for personal benefit, wrongdoing or unethical conduct.

(g) Responsibility

Members of council shall act responsibly and in accordance with the Acts of the Parliament of Canada and the Legislature of Saskatchewan, including *The Municipalities Act*.

This duty includes disclosing actual or potential conflicts of interest, either financial or otherwise, relating to their responsibilities as members of council, following policies and procedures of the municipality, and exercising all conferred powers strictly for the purpose for which the powers have been conferred. Every member of council is individually responsible for preventing potential and actual conflicts of interest.

(h) Accounts

Members of council shall endeavor to keep any accounts with the R.M. current.

6. Gifts and Benefits

No member of council shall accept a fee, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of office, unless permitted by the exceptions listed below. For these purposes, a fee or gift or benefit that is paid to or provided with the member's knowledge to a member's spouse, partner, child or parent that is connected directly or indirectly to the performance of the member's duties is deemed to be a gift to that member. The following are recognized as exceptions:

(a) Such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation, provided that the value of the gift or benefit does not exceed \$100;

(b) a suitable memento of a function honoring the member;

(c) food, lodging, transportation, event tickets or entertainment provided by provincial, regional and local governments or political subdivisions of them, by the Federal government or by a foreign government within a foreign country, or by a conference, seminar or event organizer where the member is either speaking or attending in an official capacity; and

(d) food and beverages consumed at banquets, receptions, business lunches or similar events, if attendance serves a legitimate business purpose, the person extending the invitation or a representative of the organization is in attendance, and the value is reasonable and the invitations infrequent.

7. Actions During Municipal Election Periods

No member of council shall use the facilities, equipment, supplies, services or other resources of the municipality (including Councillor newsletters, the municipal website and websites linked through the municipal website) for any election campaign or campaign-related activities. Any campaign-related activities that occur in any municipal facility must take place in a location that is normally available for rental to the public and which has been arranged through the normal rental process. No member shall use the services of municipal staff for election-related purposes during hours in which those municipal staff members receive any compensation from the municipality. During the period between Nomination Day and the date of the election, council members will:

- (a) refrain from using any municipally owned resources, including but not limited to cell phones, business cards, laptop computers, municipal phone number, email address, and municipal logo, for election-related purposes;
- (b) refrain from using municipal postage or other resources for mass mailing of any kind, regardless of whether or not they are specially related to the election campaign, as per policy;
- (c) refrain from organizing R.M. activities such as formal openings of facilities or public spaces or similar events; and
- (d) strictly adhere to all of the rules that govern candidates in local elections.

8. Leave of Absence

Occasionally, a member of council may take a leave of absence in order to run for elected office of another level of government or for other approved reasons. During the period of the leave, the council member:

- (a) will not receive any confidential agendas, communications or documents from the municipality;
- (b) will receive copies of all public information;
- (c) will not be required to return his/her municipality-issued material during the period of the unpaid leave, but will not use it for any non-municipal purpose; and
- (d) will not be reimbursed for any mileage or telephone or similar expenses.

9. Mandatory Council Training

(a) Municipal Leadership Development Program (MLDP)

The MLDP is a series of modules developed exclusively for elected and appointed municipal leaders in Saskatchewan. Reeves, councilors and municipal staff are able to benefit from this program that is designed to strengthen local government leadership.

Council members shall complete 2 of 6 modules by the end of year one following the election. The 2 mandatory modules are:

Municipal Leaders' Roles and Responsibilities

Human Resources in the Municipal Workplace

Council members should continue training by completing the remaining 4 modules of the MLDP program and by participating in any of the following learning opportunities:

Municipal Sector Governance Program

This program is designed for municipal council, administrators and managers who strive to provide public services and programming that make the community and province a better place. Numerous topics are covered throughout the training such as legal and legislative matters, setting direction, roles and responsibilities and much more.

Office of the Saskatchewan Information and Privacy Commissioner

The Saskatchewan Information and Privacy Commissioner is an independent office of the Saskatchewan Legislative Assembly that oversees three Saskatchewan Statutes which establish the access to information and privacy rights of citizens.

LA FOIP 101

LA FOIP: Frequently Asked Questions from Administrators

Cyber Security Webinars

Online Security Awareness Training webinars through Curricula are a proactive measure at guarding the operations of municipal government against risks of cyber attacks.

Municipal Asset Management with Asset Management – Saskatchewan

This is Saskatchewan's first working group dedicated to assisting municipal stakeholders in improving their knowledge and abilities in municipal infrastructure asset management.

PART II: CONTRAVENTION OF THE CODE OF ETHICS

10. Complaint Procedure

As required by clause 93.1(5)(c) of *The Municipalities Act*, the following section details the procedure for handling contraventions of the code of ethics.

(a) To report an alleged contravention of the code of ethics, an individual/organization/member of council may submit the form found in Schedule A by sending the form directly to the municipal administrator/chief administrative officer (CAO) or the Reeve by mail, e-mail, fax or courier.

(b) Upon receipt of a complaint, the CAO or the Reeve will notify the members of the Human Resources (HR) Committee. The CAO or Reeve will also take all necessary steps to ensure the documentation is complete as specified in 10 (c).

(c) The complaint must:

(i) be in writing;

(ii) be dated and signed by an identifiable person; and

(iii) set out all of the grounds and information related to the violation including the date, time and location of the alleged violation, the name of the accused member, an explanation as to which provision of the Bylaw has been violated, and any evidence in support of the allegation including the names and statements of any witnesses.

(d) The HR Committee will meet to review the particulars of the complaint and conduct a full and formal investigation.

(e) Once all investigative matters have concluded, the HR Committee will brief council, in camera, on the matter and present recommendations for appropriate penalties detailed in 12(a)

to (g) based on the severity of the contravention of the code of ethics. Council may by resolution impose the recommended penalty.

It shall be noted that the council decision making process will exclude the presence of the complainant and the defendant.

(f) Any action taken by council should include a timeframe to complete the expected remedial action.

(g) Council shall inform the claimant, member of council, and any other relevant party of council's decision, which includes:

(i) Informing the claimant and member of council that the complaint is dismissed, or

(ii) Informing the complainant and member of council of the corrective action and/or the measures taken to ensure the behavior or activity does not continue.

11. Contravention during a Council Meeting

If council is of the opinion that a member has violated the code of ethics during a council meeting, council may require the member to remove himself/herself for the remainder of the council meeting. Council may apply additional penalties based on the severity of the contravention.

12. Remedial Action if Contravention Occurs

Should a member of council breach any of the principles outlined in this code, the possible courses of action that are available to council include but are not limited to:

(a) An apology, either written and/or verbal, by the member of council to the impacted individual(s), council, and/or the general public.

(b) Educational training on ethical and respectful conduct.

(c) Repayment of moneys/gifts received.

(d) Removal of the member from council committees and/or bodies.

(e) Dismissal of the member from a position of chairperson of a committee.

(f) Restriction on how documents are provided

(g) Reprimand, up to and including removal from council.

PART III: COMING INTO FORCE

13. This bylaw shall come into effect on the day of its final passing.

14. Bylaw 2017-01 is hereby repealed.

Read a first time the 18th day of October, 2022.

Read a second time the 18th day of October, 2022.

Read a third time the 18th day of October, 2022.

SEAL

LYNDON PEASE

REEVE

LORNA BENSON

CHIEF ADMINISTRATIVE OFFICER

Bylaw 2022-07: Council Code of Ethics
Schedule A
Formal Complaint Form

Please note that knowingly signing a false affidavit may expose you to prosecution under the Criminal Code of Canada.

Complainant Name: _____

Complainant Address: _____

Complainant Phone Number: _____

Complainant Email Address: _____

I, _____, of _____,
(*First and Last Name*) (Full mailing address)

do solemnly swear/(affirm and declare) that the following contents of this statement are true and correct and hereby request the council of the Rural Municipality of Canwood No. 494 to conduct an investigation into whether or not the following member(s) of the council of the Rural Municipality of Canwood No. 494 has (have) contravened the code of ethics:

Member(s) of council name(s)

I believe that a contravention of the Code of Ethics Bylaw has occurred by reason (s) of the following:

Include the sections of the Code of Ethics Bylaw that have been contravened

Provide the particulars and names of all persons involved and of all witnesses

Provide contact information for all people

Number of exhibits attached (if applicable): _____

If more space is required, please attached additional pages if needed.

I declare that the information given by me with respect to the above statements is true in all aspects. I understand that signing a false affidavit may expose me to prosecution under the Criminal Code of Canada.

Dated this _____ day of _____, 20__.

(Signature of Complainant)

For Office Use Only

(Date filed)

(Signature of Chief Administrative Officer)

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Schedule B
Receipt of Complaint

I acknowledge that I have received a completed Complaint Form as prescribed in the Code of Ethics Bylaw, Schedule A, from:

_____, dated on the _____ day
of _____, 20_____.

Dated at _____, on _____.

Signature of Designated Officer