



RM of Torch River

BYLAW NO 01-2017

A BYLAW TO ESTABLISH A CODE OF CONDUCT FOR MEMBERS OF COUNCIL OF THE RURAL MUNICIPALITY OF TORCH RIVER NO. 488

Section 93.1 of the *Municipalities Act*

The Council of the Rural Municipality of Torch River No. 488 in the Province of Saskatchewan enacts as follows:

1. Short Title:

This bylaw shall be referred to as the *"Code of Ethics Bylaw"*

2. Definitions:

2.1. "Committee" means a committee, board, task force or other body constituted and appointed by council, including committee of the whole.

2.2. "Harassment" or "Harass" involves engaging in course of behavior, comment or conduct, whether it occurs inside or outside the work environment, that is or ought reasonably to be known to be unwelcome. It includes but is not limited to any behavior, conduct or comment by a member that is directed at or is offensive to another person:

2.2.1. On the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status, as well as any other grounds under the provisions of the Human Rights Code; or

2.2.2. Which is reasonably perceived by the recipient as an intention to bully, embarrass, intimidate or ridicule the recipient.

2.3. "Member of council" means the Reeve and all councilors, individually or collectively.

2.4. "Municipality" shall mean the Rural Municipality of Torch River No. 488.

2.5. "Staff" includes the Administrator and all staff of the municipality, whether full-time, part-time, contract, seasonal or volunteers.

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 RM of Torch River No. 488, 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. Periodic Review

As a living document, the code of Conduct will be brought forward for review at the end of each term of Council, when relevant legislation is amended, and at other times when appropriate to ensure that it remains current.

6. Compliance with the Code of Conduct

- 6.1. This Code applies to every member of council.
- 6.2. Members of council shall observe and comply with every provision of this code, as well as all other policies and procedures adopted or established by council affecting the member, acting in his or her capacity as a member of council.
- 6.3. Members of council shall respect the integrity of the code, inquiries and investigations conducted under it.
- 6.4. Members of council shall co-operate in every way possible in securing compliance with the application and enforcement of the Code.
- 6.5. No Member of council shall undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to the Administrator or any other person.
- 6.6. No member of council shall obstruct the Administrator, or any other municipal official involved in applying or furthering the objectives or requirements of this Code, in the carrying out of such responsibilities, or pursuing any such objective.

7. Standards and Values

7.1. Honesty

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

7.2. Objectivity

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

7.3. Respect

- 7.3.1. Members of council shall treat every person, including other members of council, municipal employees and the public, with dignity, understanding and respect.
- 7.3.2. All 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.
- 7.3.3. All complaints of discrimination or harassment involving Members of Council shall be referred to the Administrator for investigation and disposition in accordance with applicable legislation and the municipality's harassment policy.

7.4. Conduct respecting staff

- 7.4.1. No member of council shall compel staff to engage in partisan political activities or subject them to threats or discrimination for refusing to engage in such activities.
- 7.4.2. No member of council shall use, or attempt to use, his or her authority for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering in staff's duties, including the duty to disclose improper activity.

- 7.4.3. Members of council shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual member or faction of the council.
- 7.4.4. No member of council shall maliciously or falsely impugn or injure the professional or ethical reputation or the prospects or practice of staff, and all members of council shall show respect for the professional capacities of the staff.

8. Transparency and Accountability

- 8.1. 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.
- 8.2. Members of council are responsible for the decisions that they make. This responsibility includes acts of commission and acts of omission.

9. Confidentiality

- 9.1. 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.
- 9.2. Members of council 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.
- 9.3. Members of council shall not use confidential information for personal or private gain or benefit, or for the personal or private gain or benefit of any other person or body.
- 9.4. Members of council shall not disclose or discuss, through written, electronic or verbal communication, to any individual or corporate third party, any information that has been or will be discussed at a closed session meeting of council or a committee until such time that council or a committee has determined or has been advised by staff that the matter, or any part of the matter, can be made public subject to review under *The Local Authority Freedom of Information and Protection of privacy Act* or if directed to do so by a court.
- 9.5. Members of council shall not access or attempt to gain access to confidential information in the custody of the municipality unless it is necessary for the performance of their duties and is not prohibited by council policy.

10. Election Campaigns

- 10.1. No member of council shall use the facilities, equipment, supplies, services, staff, municipal logo or other resources of the municipality for any election campaign or campaign-related activities.
- 10.2. Members of council shall not distribute their own newsletters in municipal facilities.
- 10.3. Members of council shall be respectful of the role of the Administrator in managing the municipal election process and shall not interfere with how the Administrator carries out these duties.
- 10.4. No members of council shall use the services of persons for campaign-related activities during hours in which those persons receive any compensation from the municipality.

11. Gifts

- 11.1. No member of council shall accept a fee, advance, cash, gift, gift certificate or personal benefit that is connected directly or indirectly with the performance of his or her duties of office, except for the following:
 - 11.1.1. Compensation authorized by law;
 - 11.1.2. Gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
 - 11.1.3. Services provided without compensation by persons volunteering their time;
 - 11.1.4. A suitable memento of a function honouring the member of council;
 - 11.1.5. Food, lodging, transportation and entertainment provided by another government or by a conference, seminar or event organizer where the member of council is either speaking or attending in an official capacity at an official event;
 - 11.1.6. Food and beverages consumed at banquets, receptions or similar events;
 - 11.1.7. Communication to the offices of a member of council, including subscriptions to newspapers, and periodicals; and
 - 11.1.8. Sponsorships and donations for community events organized or run by a member of council or by a third party on behalf of a member of council.
- 11.2. No member of council shall accept the use of property or facilities, such as a vehicle, office or vacation property, at less than fair market value.
- 11.3. A fee or advance paid, or a gift or benefit provided, with the member's knowledge to a family member is deemed to be a gift to the member of council.

12. Social Media

- 12.1. Members of council will accurately communicate the decisions of council, even if they disagree with the majority decision of council, and by so doing affirm the respect for and integrity in the decision-making processes of council.
- 12.2. Members of council shall adhere to all municipality policies and guidelines regarding social media use.
- 12.3. No member of council shall use social media to publish anything that is dishonest, untrue, offensive and disrespectful, constitutes harassment, is defamatory or misleading in any way.

13. Leadership and Public Interest

- 13.1. Members of council shall serve their constituents in a conscientious and diligent manner and act in the best interests of the municipality.
- 13.2. A member shall strive, by focussing on issues important to the community and demonstrating leadership, to build and inspire the public's trust and confidence in local government.
- 13.3. 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.

14. Responsibility

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

14.1.1. 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;

14.1.2. Every member of council is individually responsible for preventing potential and actual conflicts of interest.

15. Informal Complaint Process

15.1. Any person who has identified or witnessed conduct by a member of council that the person believes is in contravention of the code of conduct may address the conduct by advising the member of council that the conduct contravenes the code and encouraging the member of council to stop.

16. Formal Complaint Process

16.1. 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 by mail, e-mail, fax or courier. The complaint will then be presented to council at the next meeting of council in an *in-camera* session.

16.2. Upon receipt of a complaint, council shall discuss the complaint and take all necessary steps to ensure the complaint is valid.

16.3. All discussions surrounding alleged and substantiated contraventions of this policy shall be conducted in an *in-camera* session at a meeting of council.

16.4. If the claim is found to be substantiated, council may, by resolution, impose an appropriate penalty detailed in section 18 based on the severity of the contravention of the code of ethics.

16.4.1. Any action taken by council shall include a time frame to complete the expected remedial action.

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

16.5.1. Informing the claimant and member of council that the complaint is dismissed; or

16.5.2. Informing the complainant and member of council of the corrective action and/or the measures taken to ensure the behaviour or activity does not continue.

17. Contravention During a Council Meeting

17.1. 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 themselves for the remainder of the council meeting. Council may apply additional penalties based on the severity of the contravention.

18. Remedial Action if Contravention Occurs

18.1. 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:

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

18.1.2. Educational training on ethical and respectful conduct.

18.1.3. Repayment of moneys/gifts received.

18.1.4. Removal of the member from council committees and/or bodies.

18.1.5. Dismissal of the member from a position of chairperson of a committee.

18.1.6. Reprimand.

19. Coming into force

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

[SEAL]

Reeve

Administrator

Read a third time and passed
This 13th day of January, 2017

