

RURAL MUNICIPALITY OF MANITOU LAKE NO. 442

M-11 (a)

CODE OF ETHICS BYLAW

BYLAW NO. 2019-01

This Bylaw may be cited as the Code of Ethics Bylaw.

This bylaw has been created to comply with section 93.1 of *The Municipalities Act* and as outlined in section 3.1, Schedule 1, of *Municipalities Regulations*.

1. Code of Ethics for Members of Council

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 Manitou Lake No. 442 as well as its reputation and integrity, depends on our conduct as elected officials.

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.

2. 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. All municipal business must be conducted 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, harassment, or be under the influence of illicit drugs or alcohol 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.

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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. 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 focussing on issues important to the community and demonstrating leadership, to build and inspire the public's trust and confidence in local government. A member of Council shall keep personal agendas out of any decisions of Council and remain impartial.

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.

f. 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.

g. Accounts

Members of Council shall endeavor to keep any accounts with the RM Current.

3. Gifts and Benefits

- a. 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:
 - i. 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 \$250.00;
 - ii. A suitable memento of a function honoring the Member;
 - iii. Food, lodging, transportation, event tickets, or entertainment provided by provincial, regional, or local governments or political subdivisions of them, by the Federal government or by a conference, seminar, or event organizer where the Member is either speaking or attending in an official capacity;
 - iv. Food or beverages consumed at banquets, receptions, business lunches or similar events, if attendance serves a legitimate business purpose, the person extending the invitation or a

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representative of the organization is in attendance, and the value is reasonable and the invitations infrequent.

4. Actions During Municipal Election Period

- a. No member of Council shall use the facilities, equipment, supplies, services, or other resources of the Municipality, including Councillor newsletters or emails, RM newsletters or emails, 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 RM. During the period between Nomination Day and the date of the election, Council Members will:
- i. Refrain from using any RM owned resources, including, but not limited to, cell phones, business cards, laptop computers, tablets, Municipal phone numbers, email addresses, and municipal logo, for election related purposes;
 - ii. Refrain from using Municipal postage or other resources for mass mailings of any kind, regardless of whether or not they are specifically related to the election campaign, as per policy;
 - iii. Refrain from referring to themselves in campaign advertisements as "Councillor X" or "Reeve Y";
 - iv. Refrain from organizing activities such as formal openings of facilities or public spaces or similar events; and
 - v. Strictly adhere to all of the rules that govern candidates in local elections.

5. Leaves 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 RM;
- b. Will receive copies of all public information;
- c. Will not be required to return their municipally-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.

6. 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 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.

7. Contraventions of Code of Ethics

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

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- 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 Chief Administrative Officer or Assistant Administrator by mail, email, fax, or courier.
- b. The complaint must be filed within 90 (ninety) days of the alleged contravention.
- c. Upon receipt of a complaint, the affected Council Member shall be notified that a complaint has been made against them.
- d. The complaint will be presented to Council at the next regular meeting of Council in an in-camera session.
- e. Council shall discuss the complaint and reserves the right to hire an independent third-party to investigate in undertaking the necessary steps to ensure the complaint is valid, meaning that it falls under the jurisdiction of the Code of Ethics, and determine if a contravention has occurred.
 - i. All discussions surrounding the alleged and substantiated contraventions of this Bylaw shall be conducted in an in-camera session at a meeting of Council.
 - ii. Any member of Council subject to a complaint shall be excluded from the in-camera session until such time that Council may require a version of events from the member of Council.
- f. If the claim is found to be substantiated, Council may, by resolution, impose an appropriate penalty detailed in Section 9 based on the severity of the contravention of the Code of Ethics.
 - i. Any action taken by Council should include a time frame 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.

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

9. Remedial Action if Contravention Occurs

Should a Member of a 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:

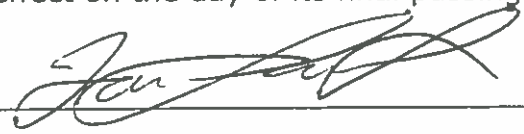
- a. An apology, either written and/or verbal, by the Member of Council to the impacted individual(s), Council, and/or the general public.
- b. Educational training on ethical and respectful conduct.
- c. Repayment of moneys/gifts received.
- d. Removal of the Member from Council Committees and/or bodies.
- e. Dismissal of the Member from a position of Chairperson of a Committee.
- f. Restriction on how documents are provided (eg. No electronic copies but only watermarked paper copies.)
- g. Reduction of indemnity and/or benefits and/or expenses.
- h. Reprimand.
- i. A report of its findings to the Minister of Justice and/or the Minister of Government Relations.
- j. Such further penalties as may be made pursuant to *The Municipalities Act* and its regulations.

M-11 (a) Any remedial action taken by Council must adhere to *The Municipalities Act* or other relevant legislation.

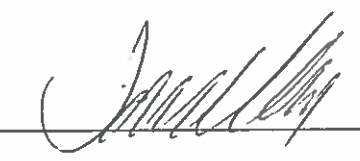
10. Bylaw No. 2016-02 is hereby repealed.

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






Reeve



Administrator

Read a third time and adopted this 6 day of June, 2019

Certified a true copy of Bylaw No.2019-01 adopted by Resolution of Council on the 6th day of June, 2019.



Administrator



Schedule A Formal Complaint Form

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

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 RM of Manitou Lake No 442 to *(look into/ conduct an investigation/ inquiry/ follow-up on)* whether or not the following member of the RM Council has contravened the Code of Ethics:
Member of Council name:

I have reasonable and probable grounds to believe that the above member has contravened the Code of Ethics by reason of the following:

1. insert date(s), time and location of conduct;
2. include the sections of this bylaw that have been contravened;
3. provide the particulars and names of all persons involved, and of all witnesses;
4. provide contact information for all people listed;
5. any exhibits can be attached; and
6. if more space is required, please attach additional pages as needed.

(Signature of Complainant)

(Date signed)

For Office Use Only

<i>(Date filed)</i>

<i>(Signature of _____ (i.e. Municipal administrator, City Clerk, or other applicable position pursuant to subsection 3(a) of bylaw)</i>

[Handwritten signature] *[Handwritten signature]*