

Bylaw #1 - 2017
TOWN OF ITUNA
Members of Council
Code of Ethics Bylaw

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* and as outlined in section 3.1, Schedule 1, of *The Municipalities Regulations*.

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

3. 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 standard and values set out in this code.

4. Code of Ethics for Members of Council

4.1 Preamble

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

The quality of the public administration and governance of the Town of Ituna as well as its reputation and integrity, depends on my conduct as an elected official.

4.2 Standards and Values

Objectivity

I must be independent, impartial and responsible to the people.

I will be committed to making decisions impartially and in the best interest of the Town and recognize the importance of observing the requirements of Section 142 of *The Municipalities Act* with regard to disclosure and avoidance of conflict of interest.

Honesty

I will conduct Council business in an open and public manner unless business is held “in camera” then it will be held in strictest confidence.

I will do everything possible to maintain the integrity, confidence and dignity of the office of a Municipal Council member.

Respect

I will treat my fellow council members, the municipal staff and the public I serve with dignity, respect and consideration.

I will listen to what other council members, individuals or groups may have to say and base decisions on careful and fair analysis of the facts.

I will avoid hostility and bitterness, observe proper decorum and behaviour, encourage full and open discussions in all matters and not withhold or conceal from my fellow Council members any information or matter which they should be concerned.

I will make no disparaging remarks, in or out of the council meeting or about other members of Council or their opinions, but reserve the right to make honest and respectful criticism.

I will consider it unethical to intentionally embarrass a fellow member of Council, a member of the municipal staff or another local government body.

I understand that only council as a whole can direct staff to carry out specific functions. I will not use my authority to influence or intimidate staff.

Transparency & Accountability

I recognize that the expenditure of municipal funds is public trust, and I will endeavour to see that all such funds shall be expended efficiently, economically and in the best interest of the Municipality.

I will recognize that authority rests with the council in legal sessions, and not with individual Members of the council. I will abide by majority decisions once they are made. I will accurately communicate the decisions of council even if I disagree with a majority decision.

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

Confidentiality

I will not disclose or release to any member of the public any confidential information acquired by virtue of this office, either oral or written form except when required by law or authorized by the municipality to do so.

I will not use the municipality or any municipal program for my own personal advantage or for the advantage of my friends or family. I will disclose any conflict of interest.

Leadership and Public Interest

I will keep informed on all local, provincial and national municipal developments of significance.

I will endeavour to attend all council meetings and uphold and adhere to the by-laws of the municipality as well as all applicable provincial and federal laws.

I will be motivated by a desire to serve my municipality and the people of the Town of Ituna to the best of my ability.

I will have a high standard of professionalism in representing the Town of Ituna in regards to challenges and providing direction on issues with members of the broader community.

Responsibility

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

I will disclose actual or potential conflicts of interest, either financial or otherwise relating to my responsibilities as a member of council, follow policies and procedures of the municipality, and exercise all conferred powers strictly for the purpose for which the powers have been conferred.

5. CONTRAVENTION OF THE CODE OF ETHICS

5.1 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 administrator by mail, e-mail, fax or courier. The complaint will then be presented to council at the next regular meeting of council in an *in camera* session.
- (b) Upon receipt of a complaint, Council shall discuss the complaint and take all necessary steps to ensure the complaint is valid.
- (c) All discussions surrounding alleged and substantiated contraventions of this policy shall be conducted in an *in camera* session at a meeting of council.
- (d) If the claim is found to be substantiated, Council may, by resolution, impose an appropriate penalty detailed in 5.2(i) to (vi) 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.
- (e) 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.

5.2 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.

5.2 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:

- I. An apology, either written and/or verbal, by the Member of Council to the impacted individual(s), Council, and/or the general public.
- II. Educational training on ethical and respectful conduct.
- III. Repayment of moneys/gifts received.
- IV. Removal of the Member from Council Committees and/or bodies.
- V. Dismissal of the Member from a position of Chairperson of a Committee.
- VI. Reprimand.

6. COMING INTO FORCE

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

Introduced and read a first time this _____ of _____, 2017

Read a second time this _____ of _____, 2017

Read a Third time this _____ of _____, 2017

SEAL

Mayor

Administrator

Certified a true copy of
Bylaw #1 -2017, Adopted by
Resolution of Council on
_____ day of _____, 2017

Geraldine Kreway
Administrator

Bylaw 1-2017

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 that the following contents of this statement are true and correct and hereby request the council of the Town of Ituna to *look into* whether or not the following member(s) of the Town Council has (have) contravened the Code of Ethics:

Member(s) of council name(s)

I have reasonable and probable grounds to believe that the above member(s) has (have) 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

(Date filed)

(Signature of Administrator/Assistant)