

CODE OF ETHICS BYLAW
RURAL MUNICIPALITY OF NORTH QU'APPELLE No 187

BYLAW NO. 2021-002
A BYLAW TO ESTABLISH A CODE OF ETHICS FOR COUNCIL MEMBERS

Short Title

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

Legal Requirement

2. 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 *The Municipalities Act*.

PART I
GENERAL

Preamble

3. 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 North Qu'Appelle No 187, as well as its reputation and integrity, depends on our conduct as elected officials.

Purpose and Interpretation

4. 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 of ethics bylaw.

Definitions

5. In this bylaw:
 - a) Act: means The Municipalities Act
 - b) Complainant: means an individual/organization/municipal employee/member of council.
 - c) Designated Officer: means a person designated by council or a person to whom power or authority is delegated by the administrator or, in the absence of a designation by council, the administrator.
 - d) Members of Council: means the council of the RM of North Qu'Appelle No. 187, and includes the reeve and each councillor.

PART II
STANDARDS AND VALUES

6. Members of council must uphold the following 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 focussing 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*.

Members of council shall disclose actual or potential conflicts of interest, either financial or otherwise, related to their responsibilities as members of council, following the policies and procedures of the municipality, and exercising all conferred powers strictly for the purpose for which the powers have been conferred; AND members of council are individually responsible for preventing potential and actual conflicts of interest.

7. Actions During Municipal Election Periods

No member of Council shall use the facilities, equipment, supplies, services or other resources of the municipality (including RM, Organized Hamlet 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:

- i. refrain from using any municipally owned resources, including but not limited to cell phones, business cards, laptop computers, tablets, municipal phone number, municipal email address, and municipal logo, for election-related purposes
- ii. Refrain from using municipal postage or other municipal resources for mass mailings of any kind.
- iii. Strictly adhere to all of the rules that govern candidates in local elections.

**PART III
COMPLAINT PROCESS**

Procedural Fairness will be maintained for the complainant and the alleged member(s).

Informal Complaint Process

8. Any person who has witnessed or believes that a member of council has contravened the bylaw may advise the member that they are in contravention of this bylaw and encourage the member to stop. *{The informal complaint process should be, (if possible), the initial means of remedying an alleged code of ethics complaint as this may provide the ability to resolve emergent disputes early, and may minimize the potential for escalation of a complaint, as well as minimizing costs at the rate payers' expense.}*

Formal Complaint Process

9. To report an alleged contravention of the bylaw, the complainant shall submit the Complaint form found in Schedule A, in person or by sending the form directly to the Administrator, by mail, e-mail, fax or courier, along with a fee as outlined in schedule C for each complaint; *(other administrative and or investigative fees may apply)*. (Instructions, requirements, and fee schedule for filing a complaint found in Schedule C).
10. As soon as possible after receiving the completed complaint, the designated officer will issue the Receipt of Complaint form found in Schedule B.
11. Within 10 business days of issuing the Receipt of Complaint, the designated officer will review the complaint to ensure the following:
 - a) The complaint meets the scope of the code of ethics bylaw; and
 - b) The complainant form is filled out completely and in detail., *see Schedule C for instruction*
 - c) After review of the complaint, the designated officer shall within 5 business days notify:
 - i) The complainant in writing that the complaint does not meet the scope of this bylaw or that the complaint form is not filled out completely, If applicable, the designated officer will direct the complainant to another process for addressing the complaint; OR
 - ii) The complainant in writing that the complainant meets the requirements of this bylaw; The alleged council member(s) in writing that a complaint has been filed pursuant to this bylaw, along with a confidential copy of the complaint in order for them to respond.
12. The designated officer shall inform all parties of the following:
 - a) Who will be investigating the complaint; as decided by Council.
 - b) The investigation process;
 - c) When the investigation will be initiated; and
 - d) How the investigation's findings will be communicated.
 - e) At the next council meeting, upon being informed by the designated officer, council will acknowledge by resolution that a code of ethics complaint has been filed and will initiate the type of investigation process; and which investigation fee will be required, as per Schedule C.

Investigation – Option 1: Council is the Investigator

13. Council shall establish a committee to investigate, report and to make recommendations based on the findings of the complaint to council. This committee will be established by resolution on an ad-hoc basis.
14. The council member(s) who the complaint is made against shall not participate in conducting the investigation.
15. If the complainant is a council member, that council member shall not participate in conducting the investigation.
16. If the committee, is of the opinion that a complaint is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, an investigation shall not be conducted, or where an investigation has begun, it shall be terminated.
17. The investigation shall be done in a confidential, objective and impartial way.
18. The investigation must, as is reasonably possible, protect the names of all parties involved.

19. The investigation committee shall review the complaint and clarify any information with the complainant, if required.
20. The investigation committee must determine what section(s), if any, of this bylaw was contravened.
21. The investigative committee shall serve a copy of the complaint and supporting documents to the alleged council member(s) and request to meet with the council member so they may provide their response to the allegation. This meeting should take place within **40** business days of receiving complaint.
22. The investigation committee must verify the information provided from all parties, which may include speaking to anyone relevant to the complaint.
23. When the investigative committee is satisfied that all the relevant information has been provided, they will prepare a written report summarizing the allegations, the findings and their recommendation as to whether or not the complaint is substantiated.
24. The complainant and the alleged council member(s) shall be provided a copy of the written report.
25. The investigating committee will provide the report to council in a closed meeting.
26. The council member(s) who the complaint is made against shall not participate in the closed meeting.
27. If the complainant is a council member, that council member shall not participate in the closed meeting.
28. If council is satisfied with the report from the investigation committee, in an open meeting, council shall pass a resolution stating that the complaint is either unsubstantiated or substantiated.
29. If the complaint is unsubstantiated, it is deemed dismissed and council shall notify all parties involved of the following:
 - a) The reason the complaint is dismissed; and
 - b) The ability to contact Ombudsman Saskatchewan if they feel they have been treated unfairly in the handling of the complaint.
30. If the complaint is substantiated, council shall provide all parties involved the following:
 - a) The reasons for the substantiation;
 - b) What remedial action(s), if any, will be imposed as per Part III, clause 40; and
 - c) Information about the ability to contact Ombudsman Saskatchewan if they feel they have been treated unfairly in the handling of the complaint.

Investigation – Option 2: Third Party is the Investigator

31. The investigation must, as is reasonably possible, protect the names of all parties involved.
32. The investigation shall be done in a confidential, objective and unbiased way.
33. At a minimum, the investigation must:
 - a) Clarify what the complaint is about;
 - b) Verify the information provided in the complaint is relevant and accurate;
 - c) Provide an opportunity for all parties involved to review the preliminary findings and to provide contrary and /or additional information that may be relevant;
 - d) Determine what section(s), if any, of this bylaw was contravened; and
 - e) Summarize the results of the investigation into a written report.
34. The investigator will provide the report to council in a closed meeting.
35. The Council member(s) who the complaint is made against shall not participate in the closed meeting.
36. If the complainant is a council member that council member shall not participate in the closed meeting.
37. Upon the report from the investigator, in an open meeting, council shall pass a resolution stating that the complaint is either unsubstantiated or substantiated.
38. If the complaint is unsubstantiated, it is deemed dismissed and council shall notify all parties involved the following:
 - a) The reasons the complaint is dismissed; and
 - b) The ability to contact Ombudsman Saskatchewan if they feel they have been treated unfairly in the handling of the complaint.
39. If the complaint is substantiated, council shall provide all parties involved the following:
 - a) The reasons for the substantiation;
 - b) What remedial actions(s), if any will be imposed as per Part III, clause 40;
 - c) Information about the ability to contact the Ombudsman Saskatchewan if they feel they have been treated unfairly in the handling of the complaint.

**PART III
REMEDIAL ACTION**

Remedial Action if Contravention Occurs

40. 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. Removal of the Member from Council Committees and/or bodies.
 - d. Dismissal of the Member from a position of Chairperson of a Committee.
 - e. Reduction in remuneration and/or benefits and/or expenses.
41. Failure to comply with the course(s) of action set out by council may lead to further remedial action and possibly to suspension.

Dispute Resolution

42. If council believes it to be desirable, council may offer the parties to a complaint an opportunity to mediate the complaint.
43. Mediation must be agreed upon by all parties
44. Mediation shall be handled by a neutral third-party who has experience in the mediation process.
45. Mediation shall be confidential.
46. Mediation fees will be shared between the RM of North Qu'Appelle No. 187, and the complainant, if agreed by all parties to seek mediation. A written notice from the complainant agreeing to mediation will be required prior to any mediation session being made. The shared fee will be calculated prior to the mediation, and the complainant's share payable to the RM of North Qu'Appelle No. 187 five (5) business days prior to mediation hearing.

**PART IV
COMING INTO FORCE**

47. This bylaw shall come into effect on the day of its final passing.
48. Bylaw No. 2017-01 is hereby repealed.

{Seal}

Reeve

Administrator

Read a third time and adopted
this ____ day of _____

Schedule A

Formal Complaint Form

Complainant Name: _____

Complainant Address: _____

Complainant Phone Number(s): _____

Complainant Email: _____

I have reasonable and probable grounds to believe that council member(s):

has (have) contravened the Code of Ethics Bylaw by reason(s) of the following:

1. Insert date(s), time and location of conduct

2. Include the sections of the Code of Ethics Bylaw that have been contravened. (Please include reason(s) why you chose that section(s)).

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

4. Provide contact information for all people

5. Number of exhibits attached (if applicable): _____

6. If more space is required, please attach additional pages as required.

I declare that the information given by me with respect to the above statements is true in all respects. 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 received)	(Reference number)

(Signature of _____ (i.e. Designated Officer, Administrator, or other applicable position pursuant to subsection 5 of bylaw)	

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 _____.
(Name of complainant) (Date the complainant signed)

Dated at _____, on _____.
(Location) (Date of issuing the Receipt of Complaint)

(Signature of Designated Officer)

Schedule C

Instructions to Complete Schedule A, Requirements & Fees

1. Ensure form **schedule A** is used for all formal code of ethics alleged complaints
2. Ensure complaint is made in a timely fashion, any complaints older than **six (6)** months from the date of the alleged infraction will be deemed unsubstantiated.
3. The complaint form must be printed or typed; all information must be legible.
4. Ensure you have completed all sections of the complaint form and provided all required information as outlined on the form.
5. Ensure any exhibits attached are legible.
6. The complaint form sent to the RM office must be the original document.
7. Ensure only one complaint per form.

Forms will be returned to complainant if not completed properly.

FEES

A fee of \$30.00 must accompany each complaint.

Plus:

Administrative Fees for designative officer's preparation time of \$30.00 per hour. Amount of Fee based on designative officer's estimate of service time; to be determined after complaint is received.

Plus:

Investigation Fees

Option 1 – Investigation by Council – (Council Members are The Committee) - \$25.00 per hour, plus mileage at the current RM rate, per committee member, plus \$30.00 per hour for administrator involved during the investigation. (no mileage for administrator unless investigation is held away from the RM office, then the mileage would be paid based on the RM's current mileage rate).

Option 2- Third Party Investigation – (Committee are not Council Members) – **1)** \$25.00 per hour, plus mileage at the current RM rate, per committee member, plus \$30.00 per hour for administrator involved during the investigation. (no mileage for administrator unless investigation is held away from the RM office, then the mileage would be paid based on the RM's current mileage rate). **2)**-\$150.00 per hour plus expenses if a 3rd party independent investigator facilitates the investigation.

Option 3 – Mediation- 50%_ percentage of shared mediation costs by resolution of council. Amount of Fee based on mediator's estimate of services.

Once Council acknowledges complaint, they will decide the type of investigation that may be required, through resolution, and then the complainant will be notified of the required fee, per section 12 (c), and Fees described in Schedule C., or confer to mediation with all parties in agreement.

No Investigation will be done until the required fees are received in the RM office, including mediation costs.