CODE OF ETHICS BYLAW

TOWN OF KELVINGTON

BYLAW NO. 225-16

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 *Municipalities Regulations*.

PART I
CODE OF ETHICS

Code of Ethics for Members of Council

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 town of Kelvington, as well as its reputation and integrity, depends on our conduct as elected officials.

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.

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*.

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.

PART II
CONTRAVENTION OF THE CODE OF ETHICS

Complaint Procedure

3. As required by clause (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, 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(a) to (f) 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 councils 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.

Contravention during a Council Meeting

4. 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.

Remedial Action if Contravention Occurs

5. 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) Reprimand.

PART VII
COMING INTO FORCE

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

_____

Mayor

{Seal}

_____

Administrator

Read a third time and adopted
this 5th day of December, 2016

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 Town of Kelvington to look into/ conduct an investigation/ inquiry/ follow-up on 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.

_____

_____

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_____

_____

(*Signature of Complainant)*

_____

(Date signed)

For Office Use Only

_____

(Date filed)

_____

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