

CODE OF ETHICS BYLAW

RURAL MUNICIPALITY OF MONTROSE NO. 315

BYLAW NO. 2017-01

THE RURAL MUNICIPALITY OF MONTROSE HEREBY ENACTS AS FOLLOWS:

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 the requirements of s. 93.1 of *The Municipalities Act* and s. 3.1, Schedule 1 of *The Municipalities Regulations*.

Adoption of Code of Conduct

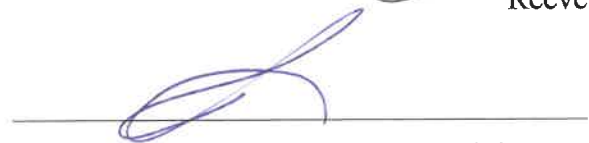
3. The Rural Municipality of Montrose No. 315 (the “RM”) hereby adopts the Code of Ethics set forth in the Appendix hereto (the “Code”).
4. This Policy applies to the following, including any persons referenced who are not members of Council:
 - (a) The Reeve and Councillors;
 - (b) Members of any Committee of Council;
 - (c) The Directors and/or Board Members of any Controlled Corporation, or any other body corporate established by the RM by bylaw or otherwise,
5. This Policy applies notwithstanding any personal notice or lack thereof, and notwithstanding the delivery or non- delivery of a copy thereof to a person subject thereto.
6. All persons to whom this Code applies shall be governed by the Code and shall be subject to all provisions thereof, including, but not being limited to those provisions governing the reporting, and adjudication of breaches thereof, and the consequences of contravention of the Code.

Coming into Force

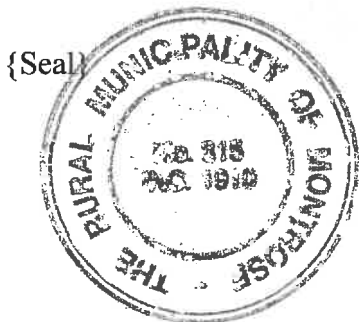
7. This Bylaw shall come into effect on the day of its final passing.



Reeve



Administrator



Certified True Copy of Bylaw 2017-01
Adopted by resolution of Council on the
9th of February 2017.



Administrator



APPENDIX TO BYLAW 2017-01

**PART I
CODE OF ETHICS**

Code of Ethics for Members of Council

A. Preamble

1. Public Officials, while acting in that capacity, have an impact on the lives of all residents and property owners in the community. In order that Public Officials may discharge their obligations and discharge their duties responsibly, Public Officials must ascribe to and be held to the highest ethical standards.
2. Adherence to the highest ethical standards by Public Officials will act as a guarantor of quality in the public administration and governance of the Rural Municipality of Montrose No. 315 (the “Municipality”), as well as its reputation and integrity.

B. Purpose and Interpretation

1. The purpose of this Code is to outline basic ethical standards and values for Public Officials. It intended to guide Public Officials respecting their ethical obligations when fulfilling their duties and responsibilities as elected officials.
2. 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.
3. Neither existing law nor this code is to be interpreted as exhaustive, and there will be occasions on which 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.
4. It is the responsibility and obligation of each Public Official to uphold the standards and values set out in this code.

C. Periodic Review

This document will be brought to Council for review by the Administrator:

1. At the end of each term of Council.
2. When relevant changes are made to any legislation associated with this document.
3. At any other time when considered appropriate to ensure that it remains current and remains a useful guide to council.

D. Definitions and Interpretation

1. In this Code:

- (a) Any words and terms that are defined in *The Municipalities Act* have the same meanings as in that Act;
- (b) “Council” means the council of the Rural Municipality of Montrose No. 315;
- (c) “Councillor” - means all members of Council, including the Reeve;
- (d) “Extended Family” includes family as well as the:
 - (i) Parent, grandparent, grandchild, uncle, aunt , first cousin, or niece or nephew of the Public Official; and
 - (ii) Any spouse of, or person living in a spousal relationship with any of the foregoing ;
- (e) “Municipality” means the Rural Municipality of Montrose No. 315;
- (f) “Public Official” means any person who is subject to this Code; and
- (g) “Staff” – includes the Administrator and all non-union and unionized staff of the Municipality whether full time, part time, contract, seasonal or volunteer.

2. The headings set forth herein are for convenience only.

E. Standards and Values

1. Honesty

Public Officials shall be truthful and candid while acting as Public Officials.

2. Objectivity

Council, Committees of Council and Controlled Corporations shall make decisions carefully, fairly and impartially.

3. Respect

- (a) Public Officials shall treat every person, including other Public Officials, municipal staff and the public, with dignity, understanding and respect.
- (b) Public Officials shall not engage in discrimination, bullying or harassment in their roles as Public Officials. 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.

4. Transparency and Accountability

- (a) Public Officials shall endeavour to conduct and convey municipal 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.
- (b) Public Officials are responsible for the decisions that they make. This responsibility includes acts of commission and acts of omission.

5. Confidentiality

- (a) Public Officials 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.
- (b) Public Officials shall not take advantage of or obtain private benefit from information that is obtained during or as a result of their official duties or position and that is not in the public domain.
- (c) Public Officials who are subject to its provisions will comply at all times with *The Local Authority Freedom of Information and Protection of Privacy Act* in their capacity as members of council of a local authority.

6. Leadership and the Public Interest

- (a) Councillors shall serve their constituents in a conscientious and diligent manner and Public Officials shall act in the best interests of the Municipality. A Public Official 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.
- (b) Public Officials shall perform their duties in a manner that will bear close public scrutiny.

7. Responsibility and Good Faith

- (a) Public Officials shall act responsibly and in accordance with the Acts of the Parliament of Canada and the Legislature of Saskatchewan, including, but not being limited to, *The Municipalities Act*.
- (b) Public Officials shall follow properly established policies and procedures of the Municipality, which policies shall be enacted and amended for the purposes of ensuring responsible and consistent municipal administration.

- (c) Public Officials shall exercise all conferred powers strictly for the purpose for which the powers have been conferred.

8. Avoidance of Conflicts of Interest

- (a) Public Officials shall act so as to avoid circumstances which give rise to the potential or opportunity for personal benefit, wrongdoing or unethical conduct.
- (b) The duty to avoid conflicts of interest requires Public Officials to disclose actual or potential conflicts of interest, either financial or otherwise relating to their responsibilities as Public Officials.
- (c) Public Officials are each individually responsible for preventing potential and actual conflicts of interest on their part. Where a Public Official observes circumstances which may give rise to a conflict of interest, on the part of another person subject to this Code, that Public Official shall take reasonable steps to prevent a conflict of interest.
- (d) No Public Official shall accept a fee advance, cash, gift certificate or personal benefit which is directly or indirectly connected with their performance of duties of office except for the following:
 - (i) Compensation authorized by resolution or by a bylaw as of Council or of the board of the relevant body corporate;
 - (ii) Normally accepted gifts and benefits received as an incident of protocol and social obligation;
 - (iii) Suitable mementos honoring a member of council within the guidelines of the law, *The Municipalities Act* and/or any bylaws, resolutions or policies established by the board of the relevant body corporate.
 - (iv) Food, lodging, transportation, entertainment, or an allowance in relation thereto:
 - (A) Authorized by resolution of Council, or the Board of the relevant body corporate, and related to the discharge of the Public Official's duties to the RM;
 - (B) Provided by another government, or pertaining to a conference, seminar, or other event organized where the Public Official was either a speaker or attending in an official capacity at the official event.
 - (v) Food and beverages which are consumed at a banquet, reception or similar event.
 - (vi) Communications such as subscriptions, periodicals or newspapers to delivered to the office of a Public Official; and

- (vii) The sponsorship of and donations for community events organized or administered by a Public Official or by a third party on behalf of a Public Official.
- (e) No Public Official shall accept the use of property or a facility such as a vehicle, office or vacation property at less than fair market value from any person or persons who has or may have business or other dealings with the RM and/or relevant body corporate.
- (f) A fee, advance paid, gift or a benefit provided with a Public Official's knowledge to a closely connected person is deemed to be a benefit to the Public Official.

9. Employment

- (g) No Public Official shall attempt to influence municipal staff and/or the staff of the relevant body corporate to hire and/or promote a closely connected person or any member of Extended Family.
- (h) No Public Official shall participate or make any decision in the hiring, transferring, promoting, demoting, disciplining or terminating any closely connected person or any member of Extended Family.
- (i) No member of council shall use a family relationship for their personal gain.

**PART II
CONTRAVENTION OF THE CODE OF ETHICS**

A. Complaint Procedure

1. 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) An alleged contravention of the code of ethics, may be submitted in the form appended 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. Where the complaint relates to a matter involving a Committee or controlled corporation, the ranking Committee member or member of the board shall be given notice and invited to attend.
 - (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.
 - (e) Any action taken by Council should include a time frame to complete any expected remedial action.
2. Council shall inform the claimant, member of council, and any other relevant party of council's decision, which includes:
- (a) Informing the claimant and member of council that the complaint is dismissed, or
 - (b) 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.

B. Contravention during a Meeting

3. If Council determines 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.

C. Remedial Action if Contravention Occurs

4. Should a Public Official breach this code, the Council may impose any legal sanction, including, but not being limited to the following:
- (a) Requiring 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.

Formal Complaint Form

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 Rural Municipality of Montrose No. 315 to *(look into/ conduct an investigation/ inquiry/ follow-up on)* whether or not the following Public Official of the Rural Municipality of Montrose No. 315 has/have contravened the Code of Ethics:

Public Official 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)