

Bylaw No. 2023 - 05

R.M. of Edenwold No. 158

A Bylaw to Establish a Code of Ethics for Council Members

Whereas, pursuant to Clause 93.1(1) of *The Municipalities Act*, 2005, a municipality must adopt a code of ethics bylaw that applies to all members of the council.

The Council of the Rural Municipality of Edenwold No. 158, in the Province of Saskatchewan, enacts as follows:

1. DEFINITIONS

In this Bylaw, including this section:

- 1.1 **Administrator** shall mean the administrator of the Municipality appointed pursuant to Section 110 of *The Municipalities Act*, 2005, as amended or repealed and replaced from time to time.
- 1.2 **Complainant** shall mean an individual, organization, municipal employee, or Councillor reporting an alleged contravention of this Bylaw.
- 1.3 **Complaint Form** shall mean a complaint form, included in the Municipality's *Form Policy*, detailing the contravention, circumstances, and other relevant information concerning an alleged violation of this Bylaw.
- 1.4 **Conflict of Interest** shall mean a situation where a person knows, or ought reasonably to know, that there is the opportunity to further their private interests or improperly further another person's private interests by making a decision or participating in a decision.
- 1.5 **Council** shall mean the elected representatives of the Municipality.
- 1.6 **Councillors** shall mean members of Council, including the Reeve.
- 1.7 **Designated Officer** shall mean a person designated by Council or a person to whom power or authority is delegated by the Administrator, or in the absence of designation or delegation, the Administrator.
- 1.8 **Gift** shall mean an amount of money, if there is no obligation to repay it, or an object, service, hospitality, or property, including the use of property, that is provided without charge or for an amount that is less than its commercial value, and includes, but is not limited to:
 - a. tickets to a sporting, cultural, entertainment, community, or other event;
 - b. food, beverage, or other hospitality;
 - c. gift certificate;
 - d. membership in a club or other organization; or
 - e. payment or reimbursement for travel or mileage expenses.
- 1.9 **Harassment** shall mean unwelcome, unwanted, or objectionable conduct, comments, displays, actions, or gestures that:
 - a. are made on the basis of race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry, or place of origin; or
 - b. adversely affect a person's psychological or physical well-being which could cause someone to be humiliated or intimidated; or

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- c. constitutes a threat to the health or safety of a person; and may include:
 - d. discriminatory harassment, based on a prohibited ground;
 - e. sexual harassment, including conduct, comments, gestures, or contact of a sexual nature that is offensive, unsolicited, or unwelcome; or
 - f. personal harassment (bullying), including conduct, comments, displays, or actions that adversely affect a person's psychological or physical well-being.
- 1.10 **Municipality** shall mean the Rural Municipality of Edenwold No. 158.
- 1.11 **Public Apology** shall mean an apology made during an open Council session and included in the meeting minutes.
- 1.12 **Receipt of Complaint** shall mean a receipt of complaint, included in the Municipality's *Form Policy*, detailing the date the Designated Officer received the Complaint Form and the date the Designated Officer provided the Receipt of Complaint to the complainant.
- 1.13 **Reeve** shall mean the elected official designated as Reeve of the Municipality.
- 1.14 **Third-Party Investigator** shall mean a person or organization contracted to investigate the circumstances and facts surrounding a complaint and the validity of evidence, and shall not include any person or organization with an actual or perceived conflict of interest in investigating the complaint.
- 1.15 **Third-Party Mediator** shall mean a person or organization with experience in the mediation process contracted to mediate a complaint, and shall not include any person or organization with an actual or perceived conflict of interest in mediating the complaint.

2. GENERAL REGULATIONS

- 2.1 This Bylaw may be referred to as the 'Code of Ethics Bylaw'.
- 2.2 This Bylaw shall outline basic ethical standards and values for Councillors, guide Councillors in fulfilling their duties and responsibilities as elected officials, and explain the procedure for filing a complaint, investigating a complaint, and enforcing the standards and values set out in this Bylaw.
- 2.3 This Bylaw shall apply to all Councillors.
- 2.4 Councillors shall:
- a. recognize that their actions have an impact on the lives of all residents and property owners in the Municipality;
 - b. fulfill their obligations and discharge their duties responsibly by committing to the highest ethical standards;
 - c. uphold the standards and values set out in this Bylaw; and
 - d. recognize that the quality of public administration and governance of the Municipality, as well as its reputation and integrity, depends on their conduct as elected officials.

3. STANDARDS AND VALUES

- 3.1 Councillors shall uphold the following standards and values:
- a. Honesty – Councillors shall:
 - i. be truthful and open in their roles as Councillors and as members of the communities they serve.



- b. Objectivity – Councillors shall:
 - i. make decisions carefully, fairly, and impartially.
- c. Respect – Councillors shall:
 - i. treat every person, including other Councillors, municipal employees, and the public, with dignity, understanding, and respect;
 - ii. not engage in discrimination, bullying, or harassment in their roles as Councillors;
 - iii. not use derogatory language towards others;
 - iv. respect the rights of other people and groups;
 - v. treat people with courtesy; and
 - vi. recognize the importance different roles play in local government decision-making.
- d. Transparency and Accountability – Councillors shall:
 - i. endeavour to conduct their duties and convey Council business openly and transparently, other than those discussions authorized by legislation to be dealt with confidentially in a closed session, so that others can view the process and rationale used to reach decisions and take certain actions; and
 - ii. be responsible for their decisions, including acts of commission and acts of omission.
- e. Confidentiality – Councillors shall:
 - i. refrain from disclosing or releasing any confidential information acquired by virtue of their office except when required by law or by authorization of Council;
 - ii. not take advantage of, or obtain private benefit from, information obtained during, or as a result of, their official duties or position and that is not in the public domain; and
 - iii. comply with *The Local Authority Freedom of Information and Protection of Privacy Act*, 1990, as amended or repealed and replaced from time to time.
- f. Leadership and the Public Interest – Councillors shall:
 - i. serve their constituents conscientiously and diligently and act in the best interests of the Municipality;
 - ii. strive, by focusing on issues important to the Municipality and demonstrating leadership, to build and inspire the public's trust and confidence in local government;
 - iii. perform their duties in a manner that will bear close public scrutiny and not provide the potential or opportunity for personal benefit, wrongdoing, or unethical conduct; and
 - iv. not accept gifts valued at greater than \$200 connected directly or indirectly with the performance of their duties.
- g. Responsibility – Councillors shall:
 - i. act responsibly and in accordance with the Acts of the Parliament of Canada and the Legislature of Saskatchewan, including *The Municipalities Act*, 2005, as amended or repealed and replaced from time to time;
 - ii. act responsibly in accordance with this and other bylaws;



- iii. disclose actual or potential conflicts of interest, either financial or otherwise, related to their responsibilities as Councillors, 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
- iv. be individually responsible for preventing potential and actual conflicts of interest.

4. INFORMAL COMPLAINT PROCESS

- 4.1 Any person who witnesses or believes a Councillor has contravened this Bylaw may make an informal complaint, advise them that they are in contravention, and encourage them to stop.
- 4.2 Any Councillor advised that they may be in contravention of this Bylaw shall stop the contravention and make amends, as required.

5. DISPUTE RESOLUTION

- 5.1 Pursuant to 4.2, where any person is unsatisfied with the resolution or the Councillor's actions, and where the Administrator believes it desirable, the Municipality may offer the involved parties the opportunity to mediate the complaint.
- 5.2 Where all parties agree to mediation, the Designated Officer shall contract a Third-Party Mediator to mediate the complaint confidentially.
- 5.3 The Designated Officer shall select the Third-Party Mediator based on several factors, including but not limited to:
 - a. experience conducting code of ethics mediation;
 - b. ability to meet proposed timelines;
 - c. references; and
 - d. cost.
- 5.4 The Municipality shall pay all fees involved in contracting the Mediator.

6. FORMAL COMPLAINT PROCESS

- 6.1 Pursuant to 4.2 or 5.2, where any person is unsatisfied with the informal resolution, the Councillor's actions, the mediation, or where the Councillor's actions are particularly egregious, the person may make a formal complaint.
- 6.2 To make a formal complaint, the complainant shall submit a Complaint Form to the Designated Officer personally or by mail, email, fax, or courier.
- 6.3 As soon as possible after receiving the Complaint Form, the Designated Officer shall issue a Receipt of Complaint to the complainant personally or by mail, email, fax, or courier.
- 6.4 Within 5 business days of issuing the Receipt of Complaint, the Designated Officer shall review the Complaint Form to ensure:
 - a. the complaint outlines a specific contravention and thus meets the scope of this Bylaw, or if there is a better avenue through which to file the complaint; and
 - b. the Complaint Form is filled out completely and in detail.
- 6.5 Pursuant to 6.4, after reviewing the Complaint Form, within 5 business days, the Designated Officer shall notify:
 - a. the complainant, in writing, that the complaint does not meet the scope of this Bylaw, and if applicable:





- i. direct them to another process for addressing their complaint, and
 - ii. provide contact information for Ombudsman Saskatchewan should they feel they have been mistreated in the handling of the complaint; or
 - b. the complainant, in writing, that the form is not filled out completely; or
 - c. the complainant, in writing, that the complaint meets the requirements of this Bylaw; and
 - d. the Councillor involved in the complaint, in writing, that a complaint has been filed pursuant to this Bylaw.
- 6.6 Pursuant to 6.5.c and 6.5.d, the Designated Officer shall inform all parties of:
- a. who will investigate the complaint;
 - b. the investigation process;
 - c. when the investigation will begin pursuant to 6.7; and
 - d. how the investigation's findings will be communicated.
- 6.7 At the next Council meeting, the Designated Officer shall inform Council of the complaint, and they shall acknowledge, by resolution, that a code of ethics complaint has been filed and that the Municipality will initiate the investigation process promptly.

7. FORMAL COMPLAINT INVESTIGATION

- 7.1 Pursuant to 6.7, the Designated Officer shall contract a Third-Party Investigator to investigate the complaint.
- 7.2 The Designated Officer shall select the Third-Party Investigator based on several factors, including but not limited to:
- a. experience conducting code of ethics investigations;
 - b. ability to meet proposed timelines;
 - c. references; and
 - d. cost.
- 7.3 The Municipality shall pay all fees involved in contracting the Investigator.
- 7.4 The Third-Party Investigator shall conduct the investigation in a manner that:
- a. as is reasonably possible, protects the names of all parties involved; and
 - b. is confidential, objective, and impartial.
- 7.5 The Third-Party Investigator shall:
- a. review the complaint and clarify any information with the complainant as required;
 - b. verify that all information provided in the complaint is relevant and accurate;
 - c. gather additional information, as required, including by speaking with anyone relevant to the complaint;
 - d. serve a copy of the Complaint Form and supporting documents, redacted as needed, to the Councillor involved in the complaint and request a written response to the claim within 10 business days;
 - e. pursuant to 7.5.d, if the Councillor involved in the complaint provides a written response, provide the written response to the complainant and request a written response to the claim within 10 business days;
 - f. determine if the complaint is substantiated or unsubstantiated;

- g. pursuant to 7.5.f, if the complaint is substantiated, determine what clauses of this Bylaw the Councillor contravened and recommend remedial actions for Council consideration;
 - h. summarize the results of the investigation in a written report; and
 - i. provide an opportunity for all parties involved to review the written report and provide contrary or additional information as required.
- 7.6 Within 3 months of the resolution acknowledging the complaint, the Third-Party Investigator shall provide the written report to Council in a closed meeting.
- 7.7 Pursuant to 7.6, where circumstances require, the Designated Officer may provide the Third-Party Investigator an additional 3 months to provide the written report.
- 7.8 A Councillor shall declare a conflict of interest and cannot participate in the closed meeting if:
 - a. they are who the complaint is made against; or
 - b. they are the complainant.
- 7.9 After the report is provided to Council, Council, in an open meeting, shall pass a resolution stating that the complaint is either substantiated or unsubstantiated and provide rationale for its decision.
- 7.10 If the complaint is substantiated, the Administrator may make the report public, with all confidential and identifying information redacted.
- 7.11 If the complaint is substantiated, Council shall provide all parties with:
 - a. a copy of the report with all confidential and identifying information redacted;
 - b. the reasons the complaint was substantiated;
 - c. what remedial actions, if any, will be imposed on the Councillor pursuant to Section 8; and
 - d. contact information for Ombudsman Saskatchewan should they feel they have been mistreated in the handling of the complaint.
- 7.12 If the complaint is unsubstantiated, it shall be dismissed, and Council shall provide all parties with:
 - a. a copy of the report with all confidential and identifying information redacted;
 - b. the reasons the complaint was dismissed; and
 - c. contact information for Ombudsman Saskatchewan should they feel they have been mistreated in the handling of the complaint.

8. REMEDIAL ACTION

- 8.1 Should Council impose remedial actions on a Councillor, the remedial actions should be corrective, progressive, have a realistic time frame for completion, and consider the nature and severity of the violation and whether the Councillor has previously violated this Bylaw.
 - 8.2 Council shall impose remedial actions by resolution at a meeting open to the public.
 - 8.3 Pursuant to 8.2, remedial actions may include, but are not limited to:
 - a. a public apology to the impacted individuals, Council, or the general public;
 - b. educational training on ethical and respectful conduct, the fees for which shall be paid by the Councillor;
 - c. repayment of money or gifts received;
 - d. removal of the Councillor from committees or other bodies;
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- e. reduction in remuneration, benefits, or expenses; and
- f. suspension from Council.

8.4 Failure to comply with remedial actions imposed by Council may lead to further remedial action.

9. SEVERABILITY

- 9.1 This Bylaw shall not be construed to hold the Municipality or its agents responsible or liable for any damage to persons or property caused through the administration of this Bylaw.
- 9.2 If a court of competent jurisdiction should declare any part, section, sentence, clause, phrase, or other portion of this Bylaw to be invalid, that portion shall not be construed as having persuaded or influenced Council to pass the remainder of this Bylaw. The part, section, sentence, clause, phrase, or other portion of this Bylaw is to be deemed a separate, distinct, and independent provision, and the holding of the Court shall not affect the validity of the remaining portions of this Bylaw.

10. REPEAL

- 10.1 Bylaws No. 2016-50 and all subsequent amendments are hereby repealed.

11. COMING INTO FORCE

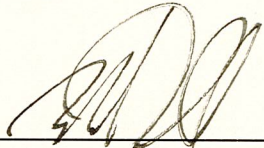
- 11.1 This Bylaw shall come into force and take effect on the final passing thereof.

1st Reading: February 14th, 2023

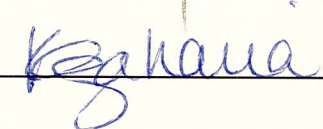
2nd Reading: April 25th, 2023

3rd Reading: April 25th, 2023

Reeve:



Administrator:



CERTIFIED A TRUE AND CORRECT COPY OF

Bylaw No. 2023-05

K. Bahau, Administrator

DATED AT EMERALD PARK, SASK.

THIS 25th DAY OF APRIL 2023