

CODE OF ETHICS BYLAW

VILLAGE OF DEBDEN

BYLAW NO 7/2017

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 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 Village of Debden, 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, conduct and values for Members of Council ("Members") and to protect the public interest. It is to be used to guide members of council respecting what their obligations are when fulfilling their duties and responsibilities as elected officials. The Council is answerable to the community through democratic processes and this Code will assist in providing for the good government of the Village of Debden.

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.

PRINCIPLES:

Our Village of Debden Council must observe the highest standards of professional conduct in the performance of their duties, regardless of personal consideration. As citizen representatives, they have a vested interest in the welfare of their community and therefore must possess two necessary qualifications. First a member must have the skill and experience to adequately meet the demands of the

position. Secondly, he or she must have the time and the willingness to serve. Council must avoid situations in which their personal interest conflicts, or appears to conflict, with the interests of the municipality in their dealings with persons doing or seeking to do business with the municipality. Council Members must not engage in any conduct or activity that contravenes our by-laws or any law in force in Saskatchewan which might:

- detrimentally affect the municipality's reputation;
- make an employee unable to properly perform his or her employment responsibilities;
- cause other Members to refuse or be reluctant to work with the Member; or
- otherwise inhibit the municipality's ability to efficiently manage and direct its operations.

Standards and Values

Members shall uphold the law and at all times:

1. Seek to advance the common good of the Village of Debden as a whole while conscientiously representing the communities they serve:
2. Perform the functions of office truly, faithfully and impartially to the best of their knowledge and ability in accordance with the following core 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. Members are agents of the public whose primary objective is to address the needs of the citizens. As such, they're entrusted with upholding and adhering to the by-laws of the municipality as well as all applicable provincial and federal laws. As public servants, Members must observe a high standard of morality in the conduct of their official duties and faithfully fulfill the responsibilities of their offices, regardless of their personal or financial interests.

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, and shall treat people with courtesy.

Members shall recognize the importance of the different roles others play in local government decision making and have respect for the decision-making process. Members recognize the responsibility of the Mayor to accurately communicate the decisions of the Council, even if they disagree with such decisions. Members shall respect the chair, colleagues, staff and members of the public present during Council meetings or other proceedings of the Village of Debden. Meetings shall provide an environment for transparent and healthy debate on matters requiring 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.

GIFTS AND BENEFITS - No Member of Council shall show favoritism or bias toward any vendor, contractor or others conducting business with the Village of Debden. Members shall not accept or provide gifts from any vendor or contractor, where it may be perceived to be in exchange for special treatment, which could give rise to a reasonable suspicion of influence to show favour or disadvantage to any individual or organization other than the normal exchange of gifts between persons doing business together. Accepting lunch, small gifts such as caps, mugs, jackets used as promotional items are considered a normal exchange of gifts of doing business together.

USE OF PUBLIC PROPERTY - No Member shall request or permit the use of municipal-owned vehicles, equipment, materials or property for personal convenience or profit, except where such privileges are granted to the general public. Members shall ensure that the business of the Village is conducted with efficiency and shall avoid waste, abuse and extravagance in the provision or use of municipal resources. Technology resources are to be used primarily for municipal business purposes to safeguard and protect the municipality's assets and information. Avoid accessing web sites or engaging in email exchanges that could be deemed inappropriate.

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.

Confidential information means information that is not part of the public domain and information designated by council as confidential, such as personal information, internal policies, items under any legal proceeding, etc. Nor shall Members use confidential information for the gain of relatives or any person or corporation. 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.

Members shall withdraw from participation respecting the matter where conflict of interest or potential for conflict of interest exists.

Failure to disclose a conflict of interest by a Member may result in but are not limited to

- a) Disciplinary letter, copy to be placed on file
- b) Ethics training
- c) Disqualification or Loss of seat by operation of law

Where a Member suspects that he or she is, or may potentially be, in conflict with any of the provisions of the Code, the Member must disclose the conflict or potential conflict in writing, to:

- The Administrator for the Village of Debden and/or
- Council, for the Village of Debden.

The disclosure should include a detailed description of the conflict or potential conflict.

Where a disclosure is made, the matter will be treated seriously and in confidence. It will be reviewed within 7 business days from date of disclosure.

PART II CONTRAVENTION OF THE CODE OF ETHICS

Complaint Procedure

3. 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 municipal administrator by mail, e-mail, or fax. 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 period 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.

{Seal}

Mayor

Administrator

Read a third time and adopted
this 14th day of March, 2017.

ADOPTED BY COUNCIL MARCH 14, 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 Village of Debden conduct an investigation on whether or not the following member(s) of the Village 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

Date

<u>For Office Use Only</u>
_____ <i>Date</i>
_____ <i>Administrator, Village of Debden</i>