



Bylaw 2024-08
Council Code of Conduct Bylaw

A BYLAW TO OUTLINE THE BASIC ETHICAL STANDARDS AND VALUES FOR MEMBERS OF COUNCIL WHEN FULFILLING THEIR DUTIES AND RESPONSIBILITIES AS ELECTED OFFICIALS

The Council of the Town of Eston, in the Province of Saskatchewan enacts as follows:

PART 1

GENERAL

- 1. Short Title**
This bylaw may be cited as the “Council Code of Ethics Bylaw”.
- 2. Governing Legislation for Saskatchewan**
 - (1) *The Municipalities Act* (the Act)
 - (2) *The Municipalities Regulations* (the Regulations)
- 3. Definitions**
 - (1) In this bylaw:
 - a) **“CAO”** means the individual appointed by Council to the position of chief administrative officer pursuant to section 110 of *The Municipalities Act*.
 - b) **“Complainant”** means an individual, organization, Town employee or member of council who files a complaint.
 - c) **“Council”** means the council of the Town of Eston.
 - d) **“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 CAO.
 - e) **“Investigator”** Means the person or persons appointed to investigate a formal complaint under this bylaw.
 - f) **“Member of Council”** means the council of the Town of Eston and includes the mayor and each councillor.
 - g) **“Town”** means the municipality of the Town of Eston and the boundaries thereof.
 - (2) Any words and terms not defined in this Bylaw shall have the meanings they are given in *The Municipalities Act*.
- 4. Application**
 - (1) This Bylaw applies to all members of council.
 - (2) In the event of a conflict between this Bylaw and another Town Bylaw or policy governing members of council, this Bylaw governs.

PART II

CODE OF ETHICS

- 1. Preamble**
 - (1) The members of council recognize that their actions have an impact on the lives of all residents and property owners in the community.
 - (2) Fulfilling the members of council’s obligations and discharging their duties responsibly requires a commitment to the highest ethical standards.
 - (3) The members of council recognize that the quality of the public administration and governance of the Town, as well as the reputation and integrity, depends on their conduct as elected officials.
- 2. Purpose and Interpretation**
 - (1) The purpose of this bylaw 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. It also explains the procedure for filing a complaint, investigating a complaint, and enforcing these standards and values.

- (2) This bylaw is to be interpreted in accordance with the legislation applicable to the Town, the common law and policies and bylaws of the Town.
- (3) Neither the law nor this bylaw is to be interpreted as exhaustive. There will be occasions which council will need to adopt additional rules of conduct in order to protect the public interest and to enhance the public confidence and trust in local government.

3. Standards and Values

It is the responsibility of each member of council to uphold the standards and values set out in this bylaw:

- (1) Honesty
 - a) Members of council shall be truthful and open in their roles as council members, and as members of the communities they serve.
- (2) Objectivity
 - a) Members of council shall apply ethical standards and reasoning to all decisions recognizing the impact each decision has on others and the importance of fairness and consistency
 - b) Members of council shall not engage in discrimination, bullying or harassment in their roles as members of council.
- (3) Respect
 - a) Members of council shall treat every person, including other members of council, municipal employees, and the public with dignity, understanding and respect.
 - b) Members of council shall not engage in discrimination, bullying or harassment in their roles as members of council.
 - c) Members of council shall not use derogatory language towards others.
 - d) Members of council shall treat people with courtesy.
 - e) Members of council shall recognize the importance of the different roles others play in local government decision making.
- (4) Transparency and Accountability
 - a) Members of council shall endeavor 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 a closed session, so that stakeholders and view the process and rationale used to reach decisions and reasons for taking certain actions.
 - b) Members of council are responsible for the decisions they make. This responsibility includes acts of commission and acts of omission.
- (5) Confidentiality
 - a) 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.
 - b) Members of council 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.
 - c) Members of council shall comply with *The Local Authority Freedom of Information and Protection of Privacy Act* in their capacity as members of a local authority.
- (6) Leadership and the Public Interest
 - a) Members of council shall serve their constituents in a conscientious and diligent manner and act in the best interest of the Town.
 - b) Members of council shall strive, by focusing on issues important to the community and demonstrating leadership, to build and inspire the public's trust and confidence in local government.
 - c) 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.
 - d) Members of council shall not accept a gift or personal benefit that is connected directly or indirectly with the performance of their duties.
- (7) Responsibility
 - a) Members of council shall act responsibly and in accordance with the *Acts of Parliament of Canada* and the Legislature of Saskatchewan, including *The Municipalities Act*.
 - b) 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 Town, and exercising all conferred powers strictly for the purpose for which the powers have been conferred.
 - c) Members of council are individually responsible for preventing potential and actual conflicts of interest.

- (8) Communication
 - a) Members of council shall accurately and adequately communicate the decisions of Council, even if they disagree with a majority decision.
 - b) Members of council are to respect the decision-making processes of Council.

PART III

COMPLAINT PROCESS

1. Informal Complaint Process

- (1) Any person who has identified or witnessed conduct by a member of Council that the person believes is in contravention of this Bylaw may address the conduct by advising the member of council that the conduct violate the Bylaw and encouraging the member to stop.

2. Formal Complaint Process

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.

- (1) To report an alleged contravention of the bylaw, the complainant shall submit the Complaint Form found in Schedule A, personally or by sending the form directly to the designated officer by mail, email, fax, or courier.
- (2) As soon as possible after receiving the complaint, the designated officer will issue Receipt of Complaint form, found in Schedule B, to the complainant, personally or by sending the form by mail email, fax, or courier.
- (3) Within 7 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 complaint form is filled out completely and in detail.
- (4) After review of the complaint, the designated officer shall within 7 days notify:
 - a) The complainant in writing that the complaint does not meet the code 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
 - b) The complainant in writing that the complaint meets the requirements of this bylaw; and
 - c) The alleged member(s) of council in writing that a complaint has been filed pursuant to this bylaw.
- (5) The designated officer shall inform all parties of the following:
 - a) Who will be investigating the complaint;
 - b) The investigation process;
 - c) When the investigation will be initiated; and
 - d) How the investigation's findings will be communicated.
- (6) At the next council meeting, upon being informed by the designated officer, the council will acknowledge by resolution that a code of ethics complaint has been filed and will initiate the investigation process.

3. Investigation – Option 1: Council is the Investigator

- (1) The council shall establish a committee to investigate, report and to make recommendations based on the findings of the complaint to council.
- (2) The member(s) of council who the complaint is made against shall not participate in conducting the investigation.
- (3) If the complainant is a member of council, that member of council shall not participate in conducting the investigation.
- (4) The investigation shall be done in a confidential, objective, and impartial way.
- (5) The investigation must, as is reasonably possible, protect the names of all parties involved.
- (6) The investigative committee shall review the complaint and clarify any information with the complainant, if required.
- (7) The investigative committee shall serve a copy of the complaint and supporting documents to the alleged member(s) of council and request a written response to the claim within 7 days of receiving the complaint.
- (8) If the alleged member(s) of council provides a written response, that response is to be provided to the complainant with a request for a written response within 7 days.
- (9) The investigation committee must verify the information provided from all parties, which may include speaking to anyone relevant to the complaint.
- (10) The investigation must determine what section(s), if any, of this bylaw was contravened.
- (11) 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.
- (12) The complainant and alleged member(s) of council shall be provided with a copy of the written report.

- (13) The investigating committee will provide the report to the council in a closed meeting.
- (14) The member(s) of council who the complaint is made against shall not participate in the closed meeting.
- (15) If the complainant is a member of council, that member of council shall not participate in the closed meeting.
- (16) 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.
- (17) If the complaint is unsubstantiated, it is deemed dismissed and council shall notify all parties involved of 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 of the complaint.
- (18) 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 Section 5(1); and
 - c) Information about the ability to contact Ombudsman Saskatchewan if they feel they have been treated unfairly in the handling of the complaint.

4. Investigation – Option 2 – Third Party is the Investigator

- (1) The investigation must, as is reasonably possible, protect the names of all parties involved.
- (2) The investigation shall be done in a confidential, objective, and unbiased way.
- (3) 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.
- (4) The investigator will provide the report to the council in a closed meeting.
- (5) The member(s) of council who the complaint is made against shall not participate in the closed meeting.
- (6) If the complainant is a member of council, that council member shall not participate in the closed meeting.
- (7) Upon the report from the investigator, in an open meeting, the council shall pass a resolution stating that the complaint is either unsubstantiated or substantiated.
- (8) 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.
- (9) If the complaint is substantiated, the 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 Section 3 (10); and
 - c) Information about the ability to contact Ombudsman Saskatchewan if they feel they have been treated unfairly in the handling of the complaint.

5. Remedial Action

- (1) The remedial action(s) imposed should be corrective and progressive and have a realistic time frame for completion. The council should take into consideration the nature and severity of the violation as well as whether the member(s) of council has previously violated this bylaw.
- (2) The remedial action(s) imposed by the council shall be decided by resolution, at a meeting open to the public. The remedial action may include, but is not limited to:
 - a) A letter of reprimand addressed to the member(s) of council.
 - b) An apology, either written and/or verbal, by the member(s) of council to the impacted individual(s), council and/or the general public.
 - c) Publication of a letter of reprimand or a request for apology and the member of council response.
 - d) Educational training on ethical and respectful conduct within a specified time.
 - e) Repayment of money/gifts received.
 - f) Removal of the member(s) of council from council committees and/or bodies to which council has the right to appoint members.
 - g) Dismissal of the member of council from a position of chairperson of a committee.
 - h) Revoking the member of council's appointment as deputy mayor or acting mayor.
 - i) Suspending the mayor's duty to preside when in attendance at a council meeting for a specified period of time.
 - j) Reduction in remuneration and/or benefits and/or expenses.
 - k) Any other remedial action the council deems reasonable and appropriate in the circumstances provided that the sanction does not prevent the member of council

- from fulfilling the legislated duties of a member and the sanction is not otherwise contrary to law.
- (3) Failure to comply with the course(s) of action set out by the council may lead to further remedial action and possibly to suspension.

6. Reprisals and Obstruction

- (1) No person shall obstruct an investigator in carrying out the investigator’s duties or responsibilities.
- (2) No person shall threaten or undertake any act of reprisal against a person initiating an inquiry or complaint under this bylaw, or against a person who provided information to the investigator in the context of an investigation.
- (3) No person shall alter or destroy documents, or alter or erase electronic communications, related to a matter under investigation under this bylaw.
- (4) No person shall refuse to respond to the investigator when questioned regarding an investigation.

7. Dispute Resolution

- (1) If the council believes it to be desirable, council may offer the parties to a complaint an opportunity to mediate the complaint.
- (2) Mediation must be agreed upon by all parties.
- (3) Mediation shall be handled by a neutral third party which has experience in the mediation process.
- (4) Mediation shall be confidential.

PART IV

MISCELLANEOUS

1. This bylaw shall also apply to members of committees, boards, controlled corporations, and other bodies established by council who are not members of council.

PART V

COMING INTO FORCE

1. This bylaw will come into force on its final day of passing, September 12, 2024.

Mayor

SEAL]

Chief Administrative Officer
A certified true copy of Bylaw
2024-08 adopted by resolution of
Council of the Town of Eston on

Chief Administrative Officer



Schedule “A” to Bylaw No.

Schedule A

Complaint Form

Complainant Name: _____

Complainant Address: _____

Complainant Phone Number(s): _____

Complainant Email: _____

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

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

2. Include the sections of the Code of Ethics 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

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

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

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)

<u>For Office Use Only</u>	

<i>(Date filed)</i>	

<i>Signature</i>	<i>Printed Name</i>



Schedule “B” to Bylaw No.

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)