

## RURAL MUNICIPALITY OF LAURIER NO. 38

### BYLAW NO. 9-2021

A Bylaw to establish a Code of Ethics for Council Members of the Rural Municipality of Laurier No. 38 as per Section 93.1 of *The Municipalities Act*.

#### PART I General

##### 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*.

##### Preamble

3. We the members of the Council of the R.M. of Laurier 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 council members of the R.M. of Laurier recognize the quality of the public administration and governance of the R.M. of Laurier No. 38, as well as its reputation and integrity, depends on our conduct as elected officials.

##### 4. 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. It also explains the procedure for filing a complaint, investigating a complaint, and enforcing these standards and values.

This bylaw is to be interpreted in accordance with the legislation applicable to the R.M. of Laurier, the common law and the policies and bylaws of the municipality.

Neither the law nor this bylaw is to be interpreted as exhaustive, and there will be occasions on which council will find it necessary to adopt additional rules of conduct 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 bylaw.

##### Definitions

5. In this bylaw:
  - a) **Act:** means *The Municipalities Act*.
  - b) **Complainant:** means an individual/organization/municipal employee/member of council.

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- c) **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 administrator.
- d) **Members of Council:** means the council of the Rural Municipality of Laurier No. 38, and includes the reeve and each councillor.

## **PART II Standards and Values**

1. All members of council must uphold the following 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 during 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 R.M. of Laurier. 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. It is the expectation that all Members of Council shall carry out the affairs of the municipality through clear and careful thought, and no decision shall be made if a member's judgement is impaired.

Members of Council shall strive to keep accounts and taxes owed to the municipality current at all times.

**g. Gifts**

Gifts for members of Council shall be presented publicly at a regular meeting of Council, to all members, shall be promotional in nature, and shall not exceed \$500.00. No monetary gifts shall be permitted.

**h. 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 III  
Complaint Process**

**Informal Complaint Process**

1. Any person who has witnessed or believes that a member of council has contravened the bylaw may advise the member that they are in contravention of this bylaw and encourage the member to stop.

**Formal Complaint Process**

2. 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", in person to the R.M. of Laurier's Municipal Administrator, or by sending the form directly to the R.M. of Laurier Municipal Administrator, by mail, e-mail, fax or courier.
  - (b) As soon as possible after receiving the complaint, the Administrator will issue the Receipt of Complaint form, found in Schedule B, to the

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complainant, personally or by sending the form by mail, email, fax or courier.

3. Within two business days of receiving the complaint, the Administrator will review the complaint to ensure the following:
  - (a) The complaint meets the scope of the code of ethics bylaws; and
  - (b) The complaint form is filled out completely and in detail.
4. After review of the complaint, the Administrator shall within one business day notify:
  - (a) The complaint in writing that the complaint does not meet the scope of this bylaw or that the complaint form is not filled out completely. If applicable, the Administrator will direct the complainant to another process for addressing the complaint; or
  - (b) The complainant in writing that the complaint meets the requirement of the bylaw; and
  - (c) The complainant that the investigation process will be set out at the next regular council meeting and the date of that meeting.
  - (d) The alleged Council member(s) in writing that a complaint has been filed pursuant to this bylaw.
  - (e) The alleged Council member(s) that the investigation process will be set out at the next regular council meeting, and the date of that meeting.
5. The administrator shall assign a file number to the complaint, and it shall be used as reference when publicly referring to the complaint to protect all parties involved.
6. At the next regular Council meeting, upon being informed by the Administrator that a Code of Ethics complaint has been received, council will receive the details of the complaint in an *in camera* session and following the session, will acknowledge by resolution that a code of ethics complaint has been filed and will initiate the investigation process.

#### **Investigation Procedure**

7. Council may contract an independent firm, to carry out the investigation.
8. The contracted firm shall advise the parties involved:
  - (a) Who will be investigating the complaint;
  - (b) The investigation process;
  - (c) When the investigation will be initiated; and
  - (d) How the investigator will communicate their findings.
9. The investigation must; as is reasonably possible, protect the names of all parties involved.
10. The investigation shall be done in a confidential, objective, and unbiased way.
11. At minimum the investigation must:
  - (a) Clarify what the complaints 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 which 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.
12. The investigator will provide the report to council in a closed meeting.



13. The council member(s) who the complaint is made against shall not participate in the closed meeting.
14. If the complainant is a council member(s), that council member(s) shall not participate in the closed meeting.
15. Upon the report from the investigator, in an open meeting, council shall pass a resolution stating that the complaint is unsubstantiated or substantiated.
16. If the complaint is unsubstantiated, it is deemed dismissed and Council shall notify all parties involved of the following:
  - (a) the reason(s) 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.
17. If the complaint is substantiated, council shall provide all parties involved with the following:
  - (a) the reason for the substantiation;
  - (b) what remedial action(s), if any, will be imposed as per section 22 of *The Municipalities Act*; and
  - (c) Information about the ability to contact Ombudsman Saskatchewan if they feel they have been treated unfairly in the handling of the complaint.

#### **Remedial Action**

18. The remedial action(s) imposed should be corrective and progressive and have a realistic time frame for completion Council should take into consideration the nature and severity of the violation as well as whether the council member(s) has previously violated this bylaw.
19. The remedial action(s) imposed by council shall be decided by resolution at a meeting open to the public. The remedial action may include, but is not limited to:
  - i. An apology, either, written and/or verbal, by the member of the council to the impacted individual(s), council and/or the general public.
  - ii. Educational training on ethical and respect conduct.
  - iii. Repayment of moneys/gifts received
  - iv. Removal of the member from Council committees and/or bodies.
  - v. Dismissal of the member from a position of chairperson of a committee.
  - vi. Reduction in remuneration and/or benefits and/or expenses
20. Failure to comply with the course(s) of action set out by council may lead to further remedial action and possibly suspension.

#### **Dispute Resolution**

21. If council believes it to be desirable, council may offer the parties to a complaint an opportunity to mediate the complaint.
22. Mediation must be agreed upon by all parties.
23. Mediation shall be handled by a neutral third-party who has experience in the mediation process.

24. Mediation shall be confidential, except where disclosure is required by law or investigatory purposes.

**Contravention during a Council Meeting**

25. 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.

26. Council as a whole or members of council may register a formal complaint if the matter is to be investigated further.

**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 shall come in effect on the day of its final passing.

2. Bylaw 9/2016 is hereby repealed.



Alon Kraushar  
Reeve

u. D. Coxe  
Administrator

Read a third time and adopted by resolution of Council this 9th day of December 2021.

u. D. Coxe  
Administrator.

Alon Kraushar  
Reeve.



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