

RURAL MUNICIPALITY OF ARLINGTON NO. 79

BYLAW NO. 386

CODE OF ETHICS BYLAW

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 Rural Municipality of Arlington No. 79, 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 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.

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.

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 in the course of 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 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.

h. Council Spokesperson

The official decision of Council will be conveyed to the public and all others by way of Council resolutions, bylaws, and policies. These decisions will be conveyed by the Reeve (or his/her designate) to the media as directed by the official Council decision.

Any other comments on Council positions by any other member of Council which are not consistent with the official position should be prefaced as personal opinion only.

i. Public Statements

Members of Council are not restricted in any public statement they choose to make, but as a member of the Council they are expected to:

- Support the role of the Council and its administration
- Support the current policies of the Council, and
- Support the decisions of the Council.

Members of Council will accurately and adequately communicate the attitudes and decisions of Council, even if they disagree with the majority decision of Council. Members shall show respect for the decision-making process of Council and should publicly support the decisions of Council despite their individual opinion at the time that the decision was made.

Information concerning adopted policies, procedures, and decisions of the Council shall be conveyed openly and accurately. Confidential information will be communicated only when and after determined by Council that it is appropriate to do so.

j. Use of Municipal Property

Members of Council may only use municipal property or services for activities connected with the discharge of official duties or associated community activities having the sanction of Council or permitted by municipal policies.

k. Acceptance of Gifts

Members of Council are expected to avoid any actual or reasonable apprehension of bias in the acceptance of gifts and shall;

- Accept only those token gifts of protocol or social obligation that occur in normal business relationships, and
- Not accept a fee, gift or other benefit that is connected directly or indirectly with the performance of the duties of his/her office (see below).

All gifts shall be reported to the Administrator.

Members of Council may only receive gifts, hospitality, or entertainment that are received as an incident of protocol or social obligation that normally accompanies the responsibilities of elected office. Any gifts, benefits, or hospitality that exceeds these guidelines shall be refused or immediately returned. Gifts, souvenirs, or mementos with a value greater than \$300., if accepted, shall be the property of the Rural Municipality of Arlington No. 79.

Members of Council may accept hospitality or entertainment if the offer is infrequent and appropriate to the occasion. If the value of such a gift is in excess of \$300., this shall be reported to the Administrator and /or Reeve and a decision from the Council shall be sought by the Council member.

Nothing in this section prevents the receipt of personal gifts, benefits, rewards, commissions or compensation from any person or organization not connected directly or indirectly with the performance or duties of office (i.e. full-time employment with another organization).

Members of Council may also accept the following:

- a) Food and beverages at banquets, receptions, ceremonies or similar events,
- b) Services provided by a person volunteering their time,
- c) Food, lodging, transportation, and entertainment provided by other levels of government, boards, or commissions,
- d) Reimbursement of reasonable expenses incurred with municipal associations or agencies.

l. Professional Development

Members of Council have the opportunity to promote, support, pursue, and partake in opportunities for professional development, including but not limited to Federal, Provincial, and Municipal conferences, seminars, and workshops. Members of Council are encouraged to stay updated on issues and trends so that they can be as efficient and effective as possible in the discharge of their duties and responsibilities. Any attendance at such courses and conferences must be as per the approved budget for these matters and as per the approved policies.

m. Alcohol & Drug Abuse

Members of Council shall abide by applicable laws and regulations governing the possession or use of alcohol and drugs. The illegal use, sale, purchase, transfer, or possession of any restricted or controlled drug, narcotic or any other substance on R.M. of Arlington No. 79 premises is prohibited.

It is never permissible for members of Council to attend to their Council duties and responsibilities having consumed alcohol, or be under the influence of drugs or other similar substances, which might adversely affect performance as elected representatives.

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, fax or courier. The complaint will then be presented to council at the next regular meeting of council in a *closed 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 a *closed 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 time frame to complete the expected remedial action.
 - (e) Council shall inform the claimant, member of council, and any other relevant party of council's 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

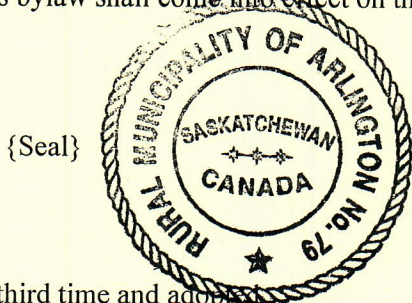
4. If council is of the opinion that a member of Council has violated the code of ethics during a council meeting, council may require the member to remove themselves for the remainder of the council meeting. Council may apply additional penalties based on the severity of the contravention.

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 III
COMING INTO FORCE

6. This bylaw shall come into effect on the day of its final passing.



Grant Hills

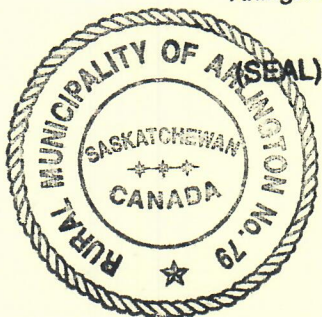
Reeve

[Signature]

Administrator

Read a third time and adopted
this 16 day of November, 2016

Certified to be a true copy of Bylaw No. 386
adopted by the council of the Rural Municipality of
Arlington No. 79 on the 16 day of November, 2016



[Signature]
Administrator

**Schedule A
(Bylaw No. 386)
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/(affirm and declare) that the following contents of this statement are true and correct and hereby request the council of the Rural Municipality of Arlington No. 79 to conduct an investigation on whether or not the following member(s) of the R.M. of Arlington No. 79 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 of Complainant)

(Date signed)

<p style="text-align: center;"><u>For Office Use Only</u></p> <p>_____ <i>(Date filed)</i></p> <p>_____</p> <p><i>(Signature of Municipal administrator pursuant to subsection 3(a) of bylaw)</i></p>
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