



**TOWN OF WHITE CITY
BYLAW NO. 614-17**

A BYLAW TO PROVIDE FOR A CODE OF ETHICS FOR MEMBERS OF COUNCIL

Under the authority granted by Section 93.1 of *The Municipalities Act*, the Council of the Town of White City, in the Province of Saskatchewan, by and with the advice and consent of the White City Town Council, enacts as follows:

**PART 1
GENERAL**

1. TITLE

1.1 This Bylaw may be cited as the Code of Ethics Bylaw.

2. LEGAL REQUIREMENT

2.1 This bylaw has been created to comply with Section 93.1 of *The Municipalities Act*. As outlined in Section 3.1 Schedule 1 of *The Municipalities Regulations*.

3. APPLICATION

3.1 This Code of Ethics Bylaw applies to all members of Council including the mayor.

3.2 This Code of Ethics Bylaw also applies, subject to any necessary modification, to members of committees, controlled corporations and other bodies established by Council who are not members of Council as defined in section 93.1(6) of the *Municipalities Act*.

3.3 This Code of Ethics Bylaw operates together with and as a supplement to the applicable common law and the following statutes and any regulations or other delegated legislation made pursuant to them:

- (a) *The Municipalities Act*;
- (b) *The Local Government Election Act*;
- (c) *The Local Authority Freedom of Information and Protection of Privacy Act*; and
- (d) *The Criminal Code*.

4. DEFINITIONS

4.1 In this bylaw:

- (a) **“Member of Council”** means the Mayor and all Councillors, individually or collectively; and includes Members appointed by Council on committees or advisory groups.

(b) “**Integrity Commissioner**” means the legal counsel for the municipality appointed by the Town to fulfill the duties and responsibilities assigned to that office pursuant to this bylaw.

(c) “**Staff**” includes the Town Manager and staff of the municipality, whether full-time, part-time, contract, seasonal or volunteers.

5. PERIODIC REVIEW

5.1 As a living document the Code of Ethics will be brought forward for review at the end of each term of Council, when relevant legislation is amended, and at other times when appropriate to ensure that it remains current and continues to be a useful guide to members of Council.

6. RELIANCE ON ADVICE OF INTEGRITY COMMISSIONER

6.1 Where a Member of Council discloses all known facts to the Integrity Commissioner and as long as those facts remain unchanged, the Member may rely on written advice provided by the Integrity Commissioner and the Integrity Commissioner is bound by the advice given, in the event that he or she is asked to investigate a complaint.

**PART 2
CODE OF ETHICS**

7. PREAMBLE

7.1 Members of Council, have a responsibility to ensure they recognize their actions have an impact on the lives of all residents and property owners in the Town of White City. Fulfilling their obligations and discharging their duties responsibly requires a commitment to the highest ethical standards.

7.2 The quality of the public administration and governance of the Town of White City, as well as its reputation and integrity, depends on Council’s conduct as elected officials.

8. PURPOSE AND INTERPRETATION

8.1 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.

8.2 This code is to be interpreted in accordance with the legislation applicable to the Town of White City, the common law, and the policies and bylaws of the Town of White City.

8.3 Neither the law nor this code is to be interpreted as exhaustive, and there will be occasions in 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.

8.4 It is the responsibility of each Member of Council to uphold the standards and values set out in this code.

9. STANDARDS AND VALUES

9.1 **Honesty**

9.1.1 Members of Council shall be truthful and open in their roles as Council Members and as members of the community they serve.

9.2 **Objectivity**

9.2.2 Members of Council shall make decisions carefully, fairly and impartially.

9.3 **Respect**

9.3.1 Members of Council shall treat every person, including other Members of Council, municipal employees, and the public, with dignity, understanding and respect.

9.3.2 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.

9.4 **Transparency and Accountability**

9.4.1 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 closed session, so that stakeholders can view the process and rationale used to reach decisions and the reasons for taking certain actions.

9.4.2 Members of Council are responsible for the decisions that they make. This responsibility includes acts of commission and acts of omission.

9.5 **Confidentiality**

9.5.1 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.

The following are examples of the types of information that Members of Council must keep confidential:

- a) Items under litigation, negotiation, or personnel matters;
- b) Information that infringes on the rights of others;
- c) Price schedules in a contract tender or request for proposal submissions if so specified;
- d) Information defined as "Personal information" under *The Local Authority Freedom of Information and Protection of Privacy Act*; or
- e) Matters discussed in an in-camera meeting.

9.6 Leadership and the Public Interest

- 9.6.1 Members of Council shall serve their constituents in a conscientious and diligent manner and act in the best interests of the Town of White City. A member 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.
- 9.6.2 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.

9.7 Responsibility

- 9.7.1 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*.
- 9.7.2 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 Town of White City, 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.

10. GIFTS AND BENEFITS

- 10.1 No Member of Council shall accept a fee, advance, cash, gift, gift certificate or personal benefit that is connected directly or indirectly with the performance of his or her duties of office, except for the following:
- (a) Compensation authorized by law;
 - (b) Gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
 - (c) Services provided without compensation by persons volunteering their time;
 - (d) A suitable memento of a function honouring the Member of Council;
 - (e) Food, lodging, transportation and entertainment provided by another government or by a conference, seminar or event organizer where the Member of Council is either speaking or attending in an official capacity at an official event;
 - (f) Food and beverages consumed at banquets, receptions or similar events;
 - (g) Communications to the offices of a Member of Council, including subscriptions to newspapers, and periodicals; or
 - (h) Sponsorships and donations for community events organized or run by a Member of Council or a third party on behalf of a Member of Council.
- 10.2 A fee or advance paid, or a gift or benefit provided, with the Member's knowledge to a Family Member is deemed to be a gift to the Member of Council.

11. USE OF MUNICIPAL STAFF

- 11.1 No Member of Council shall use for personal purposes any municipal staff services, property, equipment, services, supplies, websites, web boards, or other municipality-owned materials, other than for purposes connected with the discharge of municipal duties.
- 11.2 No Member of Council shall use information gained in the execution of his or her duties that is not available to the general public for any purposes other than carrying out his or her official duties.

- 11.3 No Member of Council shall use the services of municipal staff, or make requests for documents or information from municipal staff, unless such information is required for purposes connected with the discharge of municipal duties.
- 11.4 No Member of Council shall include in his or her municipal website, newsletters, emails, or other printed material; advertising of his or her business in the municipality.

12. ELECTION CAMPAIGNS

- 12.1 No Member of Council shall use the facilities, equipment, supplies, services, staff, municipal logo or other resources of the municipality for any election campaign or campaign-related activities.
- 12.2 Members of Council shall not distribute their own newsletters in municipal facilities.
- 12.3 Members of Council may book and use any municipal facility for election purposes as long as:
 - a) The facility is generally available to the public for public community purposes i.e. Community hall; and
 - b) The Member of Council pays the regular fee for the use of the facility.
- 12.4 Members of Council shall be respectful of the role of the Returning Officer in managing the municipal election process and shall not interfere with how the Returning Officer carries out these duties.
- 12.5 No Member of Council shall use the services of persons for campaign related activities during hours in which those persons receive any compensation from the municipality.

13. IMPROPER USE OF INFLUENCE

- 13.1 No Member of Council shall use the influence of his or her office for any purpose other than for the exercise of his or her official duties.
- 13.2 Members of Council shall not contact members of any tribunal regarding any matter before it relating to the municipality.
- 13.3 Direction and advice to administration must be given through Council and not through individual Members of Council.

14. MEDIA COMMUNICATIONS

- 14.1 Members of Council will accurately communicate the decisions of Council, even if they disagree with the majority decision of Council, and by so doing affirm the respect for and integrity in the majority rule principle and decision-making processes of Council.

15. CONDUCT AT MEETINGS

- 15.1 Members of Council shall conduct themselves at Council and committee meetings with decorum.
- 15.2 Members of Council shall endeavor to conduct Council business and all their duties in an open and transparent manner, other than for those matters that are legally required to be dealt with in a confidential manner in closed session, and, in so doing, allow the public to view the process and rationale used to reach decisions and the reasons for taking certain actions.
- 15.3 Members of Council shall make every effort to participate diligently in the activities of the committees, agencies, boards, commissions and advisory

committees to which they are appointed by the municipality or by virtue of being an elected official.

PART 3

CONTRAVENTION OF THE CODE OF ETHICS

16. COMPLAINT PROCEDURE

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.

16.1 Informal Complaint Procedure

16.1.1 Any person who has identified or witnessed conduct by a Member of Council that the person believes is in contravention of the Code of Ethics may address the conduct by advising the Member of Council that the conduct contravenes the Code of Ethics and encouraging the Member of Council to stop.

16.2 Formal Request for Investigation

16.2.1 A request for an investigation of a complaint that a Member of Council has contravened the Code of Ethics shall be sent directly to the Integrity Commissioner by mail, email, fax or courier in the form attached as Appendix "A".

16.2.2 The Integrity Commissioner shall stay any investigation of any complaint received on or after the Election Day in any municipal election year, until after the inaugural meeting of new Council and until then, shall keep the complaint confidential.

16.2.3 Notwithstanding subsection (16.2.2), the Integrity Commissioner shall not stay the investigation of any complaint received at any time that a Member of Council has used municipal facilities to send emails or letters to residents of the municipality that contain information related to the election campaign of the Member of Council.

16.3 Initial Complaint Classification

16.3.1 On receipt of a request for an investigation of a complaint, the Integrity Commissioner shall make an initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code of Ethics.

16.3.2 If a complaint is not, on its face, a complaint with respect to non-compliance with the Code of Ethics, the Integrity Commissioner shall advise the complainant in writing as follows:

- (a) If the complaint is an allegation of a criminal nature consistent with the *Criminal Code*, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate police force.
- (b) If the complaint is with respect to non-compliance with *The Local Authority Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter will be referred for review to the Town Manager.
- (c) If the complaint is with respect to non-compliance with a more specific Council policy with a separate complaint procedure, the complainant shall be advised that the matter will be processed under that procedure; and

- (d) In other cases, the complainant shall be advised that the matter, or part of the matter, is not within jurisdiction of the Integrity Commissioner to process, with any additional reasons and referrals that the Integrity Commissioner considers appropriate.

16.4 Frivolous Complaints

- 16.4.1 If the Integrity Commissioner is of the opinion that a complaint is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation, or, where an investigation has begun, shall terminate the investigation.

16.5 Investigation

- 16.5.1 If a complaint is classified as being within the Integrity Commissioner's jurisdiction and not rejected under section 16.5, the Integrity Commissioner shall investigate the complaint.
- 16.5.2 The Integrity Commissioner shall:
 - (a) Serve the complaint and supporting material on the Member of Council whose conduct is in question with a request that a written response to the allegation by way of affidavit or otherwise be filed within 10 days; and
 - (b) Serve a copy of the response provided upon the complainant with a request for a written reply within 10 days.
- 16.5.3 If necessary, after reviewing the written materials, the Integrity Commissioner may speak to anyone relevant to the complaint and may enter any municipal work location.
- 16.5.4 The Integrity Commissioner shall not issue a report finding a violation of the Code of Ethics on the part of any Member of Council unless the Member of Council has had reasonable notice of the basis for the proposed finding and any recommended sanction, and an opportunity either in person or in writing to comment on the proposed finding and any recommended sanction.

16.6 Investigation Report

- 16.6.1 The Integrity Commissioner shall report to the complainant and the Member of Council no later than 90 days after receipt of the request for investigation of the complaint.
- 16.6.2 Where the complaint is sustained in whole or in part, the Integrity Commissioner shall also report to Council outlining the findings and the terms of any settlement or recommended corrective action.
- 16.6.3 Where the complaint is dismissed, other than in exceptional circumstances, the Integrity Commissioner shall not report to Council except as part of an annual or other periodic report.
- 16.6.4 Any recommended corrective action shall be designed to ensure that the inappropriate conduct does not continue.
- 16.6.5 If the Integrity Commissioner determines that there has been no contravention of the Code of Ethics or that a contravention occurred although the Member of Council took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgement made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.
- 16.6.6 The Integrity Commissioner shall present the report at the next meeting of Council.

16.7 Council Review

- 16.7.1 Council shall consider and respond to an investigation report from the Integrity Commissioner within 90 days after the day the report is laid before it.
- 16.7.2 Upon receipt of recommendations from the Integrity Commissioner, Council may, in circumstances where the Integrity Commissioner has determined there has been a violation of the Code of Ethics, impose the corrective action recommended by the Integrity Commissioner.

16.8 Confidentiality

- 16.8.1 A complaint will be processed in confidence.
- 16.8.2 The Integrity Commissioner and every person acting under his or her instructions shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of any investigation except as required by law.
- 16.8.3 All reports from the Integrity Commissioner to Council will be made available to the public.
- 16.8.4 Any references by the Integrity Commissioner in an annual or the periodic report to a complaint or an investigation shall not disclose confidential information that could identify a person concerned.
- 16.8.5 The Integrity Commissioner in a report to Council on whether a member has violated the Code of Ethics shall only disclose such matters as in the Integrity Commissioner's opinion are necessary for the purpose of the report.

17. CONTRAVENTION DURING A COUNCIL MEETING

- 17.1 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 of Council to remove themselves for the remainder of the Council meeting. Council may apply additional penalties based on the severity of the contravention.

18. REMEDIAL ACTION IF CONTRAVENTION OCCURS

- 18.1 Should a Member of 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:
 - 18.1.1 An apology, either written and/or verbal, by the Member of Council to the impacted individuals, Council, and/or the general public;
 - 18.1.2 Educational training on ethical and respectful conduct;
 - 18.1.3 Repayment of moneys/gifts received;
 - 18.1.4 Removal of the Member from Council Committees and/or bodies;
 - 18.1.5 Dismissal of the Member from a position of Chairperson of a Committee;
 - or
 - 18.1.6 Reprimand.

19. COMING INTO FORCE

19.1 This bylaw shall come into force and take effect on the final date of passing by Council.





Mayor



Town Manager

INTRODUCED AND READ A FIRST TIME THIS 21ST DAY OF FEBRUARY, 2017.

READ A SECOND TIME THIS 21ST DAY OF FEBRUARY, 2017

READ A THIRD TIME AND ADOPTED THIS 21ST DAY OF FEBRUARY, 2017

TOWN OF WHITE CITY

**SCHEDULE "A" to Bylaw No. 614-17
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)*

So solemnly swear that the following contents of this statement are true and correct and hereby request the Council of the Town of White City to follow-up on whether or not the following Member(s) of the Town of White City Council has (have) contravened the Code of Ethics:

Member(s) of Council Name(s)

I have reasonable and probable grounds to believe 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

For Office Use Only

(Date Filed)
