

CITY OF MELFORT

BYLAW NO. 2019-15

A BYLAW OF THE CITY OF MELFORT TO ESTABLISH A CODE OF ETHICS FOR MEMBERS OF MELFORT CITY COUNCIL

WHEREAS, the citizens of Melfort expect high standards of conduct from all government officials and the quality of the City of Melfort's public administration and governance, as well as its reputation and integrity, depend on the highest standards of conduct from its elected representatives;

AND WHEREAS, ethics and integrity are at the core of public confidence in government and in the political process;

The Council of the City of Melfort in the Province of Saskatchewan in open meeting assembled hereby enacts as follows:

Short Title

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

Authorization

2. This Bylaw has been created to comply with Section 66.1 of *The Cities Act* and as outlined in Section 3.1, Schedule 1, of *The Cities Regulations*.

Purpose

3. This Code is to outline basic ethical standards and values for members of City Council relating to their roles and obligations, and a procedure for the investigation and enforcement of those standards.
4. This Code is to be interpreted in accordance with *The Cities Act*, the common law and the policies and bylaws of the City of Melfort.
5. It is the responsibility of each member of Council to uphold the standards and values set out in this Code.

Standards and Values

6.
 - 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 Cities 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) Gifts and Benefits

No member of Council shall accept a fee, gift or personal benefit that is connected directly or indirectly with the performance of their duties of office, unless permitted by the exceptions listed below. For these purposes, a fee or gift or benefit that is paid to or provided with the member's knowledge to a member's spouse, partner, child or parent that is connected directly or indirectly to the performance of the member's duties is deemed to be a gift to that member. The following are recognized as exceptions:

- (i) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation, provided that the value of the gift or benefit does not exceed \$250.00;
- (ii) a suitable memento of a function honouring the member;

- (iii) food, lodging, transportation, event tickets or entertainment provided by federal, provincial, regional and local governments or political subdivisions of them, or by a foreign government within a foreign country, or by a conference, seminar or event organizer where the member is either speaking or attending in an official capacity; and
 - (iv) food and beverages consumed at banquets, receptions, business lunches or similar events, if attendance serves a legitimate business purpose, the person extending the invitation or a representative of the organization is in attendance, and the value is reasonable and the invitations infrequent.
7. Acknowledgement of the requirement of Council Members to comply with the Council Code of Ethics, shall be affirmed by completion of the 'Oath or Affirmation – Member of Council', upon their swearing-in, identified in Appendix 'A' hereto.

Complaint Procedure

8. The following section details the procedure for handling contraventions of the Code of Ethics, as required by Subsection 66.1(5)(c) of *The Cities Act*:
- a) To report an alleged contravention of the Code of Ethics, an individual/organization/member of Council may submit the form found in Appendix 'B', by sending the form directly to the City Clerk by mail, e-mail, fax or courier. The complaint will then be presented to Council at an in-camera Committee of the Whole meeting and to the member(s) about whom the complaint is made.
 - 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 at an in-camera Committee of the Whole meeting, excluding the member(s) of Council concerned.
 - 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. 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 claimant and member of council of the corrective action and/or the measures taken to ensure the behaviour or activity does not continue.

Contravention during a Council Meeting

9. 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

10. 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:
- 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) Reduction in salary and/or benefits and/or expenses.
 - e) Restriction of access to civic services or City Hall.
 - f) Restriction on how documents are provided.
 - g) Removal of the member of Council Committees and/or bodies.
 - h) Dismissal of the member from a position of Chairperson of a Committee.
 - i) Reprimand.
 - j) Any other action as deemed fit by the Council.

Coming into Force

11. This bylaw shall come into force and take effect on the day of its final passing.

INTRODUCED AND READ a first time this 10th day of June, 2019.

READ A SECOND TIME this 10th day of June, 2019.

READ A THIRD TIME AND PASSED this 10th day of June, 2019.

Mayor

City Clerk

SEAL

CERTIFIED a true copy of Bylaw No. 2019-15 adopted by resolution of Council on the 10th day June, 2019.

City Clerk

APPENDIX 'A'

Oath or Affirmation – Member of Council

I, _____, having been elected to the office of _____ in the City of Melfort,

DO SOLEMNLY PROMISE AND DECLARE THAT:

1. I will truly, faithfully and impartially, to the best of my knowledge and ability, perform the duties of this office;
2. I am qualified to hold the office to which I have been elected;
3. I have not received and will not receive any payment or reward, or promise of payment or reward, for the exercise of any corrupt practice or other undue execution or influence of this office;
4. I have read, understand and agree to abide by the code of ethics, rules of conduct and procedures applicable to my position as a member of council required of me by *The Cities Act* and any other Act and by the council;
5. I will:
 - (a) perform the duties of office imposed by *The Cities Act* and any other Act or law and by the council;
 - (b) disclose any conflict of interest within the meaning of Part VII of *The Cities Act*; and
 - (c) comply with the code of ethics, rules of conduct and procedures applicable to the office I now hold that are imposed by *The Cities Act* and any other Act and by the council.

DECLARED before me at the City of Melfort in the Province of Saskatchewan this ____day of _____.

Commissioner of Oaths for Sask or
Notary Public

Signature of Council Member

Appointment expires: _____

**CITY OF MELFORT
CODE OF ETHICS FOR MEMBERS OF COUNCIL
APPENDIX 'B'**

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) (Complete 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 City of Melfort to conduct an investigation of whether or not the following member(s) of the Melfort City 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. Date: _____ Time: _____ Location of Conduct _____

2. Specific clauses of this Bylaw that have been contravened: _____

3. The particulars, names and addresses of all persons involved, and all of the witnesses:

i) _____

ii) _____

iii) _____

iv) _____

(use reverse side for additional information)

4. Any exhibits – list and attach:

i) _____

ii) _____

iii) _____

(use reverse side for additional information)

Name of Claimant: _____

Phone Number: _____

Claimant Signature: _____

Date: _____

For Office Use Only

Date Filed

Signature of City Clerk

Referred to Committee of the Whole:

Meeting Date