

RESORT VILLAGE OF WEE TOO BEACH

BYLAW NO. 03 – 21

A BYLAW TO ESTABLISH CODE OF ETHICS FOR COUNCIL MEMBERS

PART I GENERAL

Short Title

1. This Bylaw may be referred to as: "The Code of Ethics Bylaw".

Preamble

2. The members of council of the Resort Village of Wee Too Beach recognize that their actions have an impact on the lives of all residents and property owners in the community. Fulfilling their obligations and discharging their duties responsibly requires a commitment to the highest ethical standards.

The members of council recognize that the quality of the public administration and governance of the Resort Village of Wee too beach as well as the reputation and integrity depends on their conduct as elected officials.

Purpose and Interpretation

3. 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.

This bylaw is to be interpreted in accordance with the legislation applicable to the Resort Village of Wee Too Beach, the common law and policies and bylaws of the Resort Village of Wee Too Beach.

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

Definitions

4. In this bylaw:

Act: means *The Municipalities Act*;

Complainant: means an individual/organization/municipal employee/member of council

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; and,

Members of Council: means the council of the Resort Village of Wee Too Beach and included the mayor and each councillor.

PART II STANDARDS AND VALUES

5. Members of council must uphold the following standards and values:

a. Honesty

- i. Members of council shall be truthful and open in their roles as council members and as members of the communities they serve.

b. Objectivity

- i. Members of council shall make decisions carefully, fairly and impartially.

c. Respect

- i. Members of council shall treat every person, including other members of council, municipal employees and the public, with dignity, understanding and respect.
- ii. 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 that others play in local government decision making.

d. Transparency and Accountability

- i. 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; and,
- ii. Members of council are responsible for the decisions that they make. This responsibility includes acts of commission and acts of omission.

e. Confidentiality

- i. 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; and,
- ii. 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

- i. Members of council shall serve their constituents in a conscientious and diligent manner and act in the best interests of the municipality;
- ii. Members 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;
- iii. 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; and,
- iv. Members of council shall not accept a gift or personal benefit greater than \$200.00 that is connected directly or indirectly with the performance of their duties.

g. Responsibility

- i. 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*;
- ii. Members of council shall disclose 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; and,
- iii. Members of council are individually responsible for preventing potential and actual conflicts of interest.

**PART III
COMPLAINT PROCESS**

Informal Complaint Process

6. 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.

23. If the complaint is unsubstantiated, it is deemed dismissed and council shall notify all parties involved of the reasons the complaint is dismissed, and, the ability to contact Ombudsman Saskatchewan if they feel they have been treated unfairly in the handling of the complaint.
24. If the complaint is substantiated, council shall provide all parties involved of the reasons for the substantiation, what remedial actions(s) if any, will be imposed as per Section 25; and, information about the ability to contact Ombudsman Saskatchewan if they feel they have been treated unfairly in the handling of the complaint.

Remedial Action

25. If a contravention of this bylaw has been substantiated, the remedial action(s) imposed by council shall be decided by resolution, at a meeting open to the public and may include, but is not limited to:
 - An apology, either written and/or verbal, by the member of council to the impacted individual(s), council and/or the general public.
 - Educational training on ethical and respectful conduct.
 - Repayment of moneys/gifts received.
 - Removal of the member from council committees and/or bodies.
 - Dismissal of the member from a position of chairperson of a committee.
26. Failure to comply with the course(s) of action set out by council may lead to further remedial action and possibly to suspension.

Dispute Resolution

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

**PART IV
MISCELLANEOUS**

29. 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**

30. Bylaw 05 -16 is hereby repealed.
31. This bylaw shall come into effect on the 27thth day of April, 2021.



[Signature]

Mayor

[Signature]

Administrator

Certified a true copy this
3rd day of May, 2021.

[Signature]

A notary public.
My appointment expires
March 31, 2024

Contravention during a Council Meeting

7. 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.

Formal Complaint Process

8. To report an alleged contravention of the Code of Ethics 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, e-mail, or courier.
9. As soon as possible after receiving the complaint, the designated officer will issue the Receipt of Complaint form found in Schedule B, to the complainant, personally or by sending the forms by mail, email or courier.
10. Upon issuing the Receipt of Complaint, the designated officer will review the complaint to ensure the complaint meets the scope of the code of ethics bylaw and the complaint form is filled out completely and in detail.
11. The designated officer shall within 30 days notify:
 - a. The complainant 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 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 council member(s) in writing that a complaint has been filed pursuant to this bylaw.
12. The designated officer shall inform all parties who will be investigating the complaint, the investigation process, when the investigation will be initiated, and how the findings will be communicated.
13. At the next council meeting, upon being informed by the designated officer, council will acknowledge by resolution that a code of ethics complaint has been filed and will initiate the investigation process.

Investigation

14. Council shall establish a committee to investigate, report and to make recommendations based on the findings of the complaint to council.
15. The council member(s) who the complaint is made against or if the council member is the complainant shall not participate in the conducting the investigation.
16. The investigation shall be done in a confidential, objective, impartial way and must, as is reasonably possible, protect the names of all parties involved.
17. The investigative committee shall review the complaint, clarify any information with the complainant, if required, and serve a copy of the complaint and supporting documents to the alleged council member(s) and request a written response to the claim within 10 days of receipt.
18. If the alleged council member(s) provide a written response, that response is to be provided to the complainant with a request for a written response within 10 days.
19. The investigation committee must verify the information provided from all parties, which may include speaking to anyone relevant to the complaint and must determine what section(s), if any, of this bylaw was contravened. When the investigative committee is satisfied that 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.
20. The investigating committee will provide the report to council in a closed meeting and the complainant and alleged council member(s) shall be provided a copy of the written report.
21. Neither the council member(s) who the complaint is made against or if the complainant is a council member shall not participate in the closed meeting.
22. 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.

**Schedule A
Complaint Form**

Complainant Name: _____
(Print Name)

Complainant Address: _____
(Full mailing address)

Complainant Phone Numbers: _____

Complainant Email: _____

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

(List name(s) of council member(s) whom the complaint is against)

has (have) contravened the Code of Ethics Bylaw by reason(s) of the following:

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 as 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>(Reference number)</i>
_____ <i>(Signature of Designated Officer)</i>	

Schedule B

Receipt of Complaint

I acknowledge that I have received a completed Complaint Form (Schedule A) as prescribed in the Code of Ethics Bylaw from:

_____, dated on the _____.
(Name of Complainant) (Date the complaint signed)

Dated at _____, on _____.
(Location) (Date of issuing of Receipt of Complaint)

(Signature of Designated Officer)