

## **TOWN OF ALAMEDA**

### **BYLAW NO. 3-2021**

#### **A BYLAW TO ESTABLISH A CODE OF ETHICS FOR COUNCIL MEMBERS**

The Council of the Town of Alameda, in the Province of Saskatchewan enacts as follows:

#### **PART 1 GENERAL**

##### **Short title**

This bylaw may be cited as the "Council Code of Ethics Bylaw."

##### **Preamble**

The members of the Council of the Town of Alameda 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 the Council recognize that the quality of the public administration and governance of the Town of Alameda as well as the reputation and integrity, depends on their conduct as elected officials.

The Council Code of Ethics Bylaw is intended to address matters of conduct not already addressed in *The Municipalities Act* or *The Local Government Election Act, 2015*.

In the event of a conflict between this bylaw and provincial legislation, the provincial legislation takes precedence.

##### **Purpose and Interpretation**

The purpose of this bylaw is to outline basic ethical standards and values for members of the Council. It is to be used to guide members of the 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 Town of Alameda, the common law and the policies and bylaws of the Town of Alameda.

Neither the law nor this bylaw is to be interpreted as exhaustive. There will be occasions in which the Council will need to adopt additional rules of conduct in order to protect the public interest and to enhance public confidence and trust in local government. It is the responsibility of each member of the Council to uphold the standards and values set out in this bylaw.

## **Definitions**

In this bylaw:

- a) **Act:** means The Municipality Act.
- b) **Complainant:** means an individual, organization or municipal employee or member of the Council seeking remedial action.
- c) **Confidential Information:** means information that a council member has a legal duty not to disclose.
- d) **Designated Officer:** means a person designated by the Council or a person to whom hdesignation council, the administrator.
- e) **Members of Council:** means the Council of the Town of Alameda and includes the Mayor and each councillor.

## **Part II STANDARDS AND VALUES**

Members of the Council must uphold the following standards and values:

- a) **Honesty**
  - i) Members of the Council shall be truthful and open in their roles as council members and members of the communities they serve.
- b) **Objectivity**
  - i) Members of the Council shall make decisions carefully, fairly and impartially.
- c) **Respect**
  - i) Members of the Council shall treat every person, including other members of the Council, municipal employees and the public, with dignity, understanding and respect;
  - ii) Members of the Council shall not engage in discrimination, bullying or harassment in their roles as members of the Council;
  - iii) Members of the Council shall not use derogatory language towards others;
  - iv) Members of the Council shall treat people with courtesy;
  - v) Members of the Council shall recognize the importance of the different roles others play in local government decision-making.

d) Transparency and Accountability

- i) Members of the 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 a 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 the Council are responsible for the decisions they make. This responsibility included acts of commissions and acts of omission.

e) Confidentiality

- i) Members of the Council shall refrain from disclosing or releasing any confidential information acquired by virtue of their office except when required by law or authorized by the Council to do so; and
- ii) Members of the Council shall not take advantage of or obtain personal benefits from the information 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 the Council of a local authority.

f) Leadership and the Public Interest

- i) Members of the Council shall serve their constituents conscientiously and diligently and act in the best interest of the Town of Alameda;
- ii) Members of the Council 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;
- iii) Members of the 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;
- iv) Members of the Council shall manage the receipt of any gifts and/or benefits as per the Council Remuneration Policy in effect;
- v) Council members must not purport to bind Council, either by publicly expressing their personal views on behalf of the Council when not authorized to do so or by giving directions to employees, agents, contractors, or other service providers to the Town of Alameda;
- vi) Council members shall accept and accurately communicate the decisions of the Council even when they disagree with the Council's decisions; and
- vii) Members of the Council must not use or attempt to use their authority or influence to direct any Town of Alameda employees. They must not ask any Town employee to undertake personal or private work on their behalf or accept such work from a Town employee.

**g) Responsibility**

- i) Members of the 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 the Council shall disclose actual or potential conflicts of interest, either financial or otherwise, related to their responsibilities as members of the Council, following the policies and procedures of the Town of Alameda, and exercising all conferred powers strictly for the purpose for which the powers have been conferred;
- iii) Members of the Council are individually responsible for preventing potential and actual conflicts of interest;
- iv) Members of the Council will collect, use, retain, and disclose information only for purposes consistent with the use for which it was collected; and
- v) Unless excused by the Council, Council members must attend any training organized at the direction of the Council or mandated by the Province of Saskatchewan.

**Part III  
COMPLAINT PROCESS**

**Informal Complaint Process**

Any person who has witnessed or believes that a member of the 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**

To report an alleged contravention of the 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, email, fax, or courier. The complaint must be filed within ninety days of the alleged contravention.

Upon receipt of the complaint, the designated officer will issue the Receipt of the Complaint form, found in Schedule B, to the complainant, personally or by sending the form by mail, email, fax or courier.

Within seven days of issuing the Receipt of Complainant; the designated officer will review the complaint to ensure the following:

- a) The complaint meets the scope of the Code of Ethics Bylaw;
- b) The complaint form is filled out entirely and in detail.

After reviewing the complaint, the designated officer shall within seven 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 requirement of this bylaw; and
- c) The alleged council member(s) in writing that a complaint has been filed pursuant to this bylaw.

At the next council meeting, upon being informed by the designated officer, the Council will acknowledge by resolution that a code of ethics complaint has been filed and will initiate the investigation process.

The designated officer shall inform all parties of the following:

- a) Who will be investigating the complaint;
- b) The investigation process;
- c) When the investigations are initiated; and
- d) How the investigation's findings will be communicated

### **Investigation – Option 1: Council is the Investigator**

The Council shall establish a committee to investigate, report and make recommendations based on the complaint's findings to the Council.

The Council member(s) who the complaint is made against shall not participate in conducting the investigation.

If the complainant is a council member, that council member shall not participate in conducting the investigation.

The investigation shall be done in a confidential, objective and impartial way.

The investigation must, as is reasonably possible, protect the names of all parties involved.

The investigative committee shall review the complaint and clarify any information with the complainant if required.

The investigative committee shall serve a copy of the complaint and supporting documents to the alleged council member(s) and request a written response to the claim within seven days of receiving the complaint.

If the alleged Council member(s) provide a written response, that response is to be provided to the complainant with a written response request within seven days.

The investigation committee must verify the information provided by all parties, which may include speaking to anyone relevant to the complaint.

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When the investigation committee is satisfied that all the relevant information has been provided, they will prepare a written report summarizing the allegations, the findings and their recommendation as to whether the complaint is substantiated.

The complainant and alleged council member(s) shall be provided with a copy of the written report.

The investigating committee will provide the report to the Council at the next meeting in a closed session.

The Council member(s) whom the complaint is made against shall not participate in the closed meeting.

If the complainant is a council member, that council member shall not participate in the closed meeting.

If Council is satisfied with the investigation committee's report, in an open meeting, Council shall pass a resolution stating that the complaint is either unsubstantiated or substantiated.

If the complaint is unsubstantiated, it is deemed dismissed, and the Council shall notify all parties involved of the following:

- a) The reasons the complaint is denied; and
- b) The ability to contact Ombudsman Saskatchewan if they feel they have been mistreated in handling the complaint.

If the complaint is substantiated, the Council shall provide all parties involved the following:

- a) The reasons for the substantiation;
- b) What remedial action(s), if any, will be imposed as per section 31; and
- c) Information about the ability to contact Ombudsman Saskatchewan if they feel they have been mistreated in handling the complaint.

## **Investigation – Option 2: Third-Party is the Investigator**

The investigation must, as is reasonably possible, protect the names of all parties involved.

The investigation shall be done in a confidential, objective and unbiased way.

At a minimum, the investigation must:

- a) Clarify what the complaint 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 that 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.

The investigator will provide the report to the Council in a closed meeting.

The Council member(s) whom the complaint is made against shall not participate in the closed meeting.

If the complainant is a Council member, that Council member shall not participate in the closed meeting.

Upon the investigator's report, in an open meeting, the Council shall pass a resolution stating that the complaint is either unsubstantiated or substantiated.

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- a) The reasons for the substantiation;
- b) What remedial action(s), if any, will be imposed as per section 31; and
- c) Information about the ability to contact Ombudsman Saskatchewan if they feel they have been mistreated in handling the complaint.

## **Remedial Action**

The remedial action(s) should be corrective and progressive and have a realistic time frame for completion. The Council should consider the nature and severity of the violation and whether the council member(s) has previously violated this bylaw.

The remedial action(s) imposed by Council shall be decided by resolution at a public meeting. The corrective action may include, but is not limited to:

- An apology, either written and/or verbal, by the member(s) of Council to the impacted individuals(s), Council and/ or the general public.
- Educational training on ethical and respectful conduct.
- Repayment of money/gifts received.
- Removal of the member from council committees and/or bodies.
- Dismissal of the member from the position of chairperson of a committee.
- Reduction in remuneration and/or benefits and/or expenses
- A report of its findings to the Minister of Justice and/or the Minister of Government Relations.
- Such further penalties may be made pursuant to *The Municipalities Act* and its *Regulations* or other relevant legislation.

Failure to comply with the course(s) of action set out by the Council may lead to further remedial action and possibly to suspension.

## **Dispute Resolution**

If the Council believes it to be desirable, Council may offer the parties to a complaint, an opportunity to mediate the complaint

Mediation must be agreed upon by all parties.

Mediation shall be handled by a neutral third-party who has experience in the mediation process.

Mediation shall be confidential.

## **PART IV MISCELLANEOUS**

This bylaw shall also apply to members of committees, boards, controlled corporations and other bodies established by the Council who are not members of the Council.

If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.



**PART V  
COMING INTO FORCE**

Bylaw No. 07-2016 is hereby repealed.

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



*Peyl Kunder*  
Mayor

*Imber P. Stales*  
Administrator

Read a third time and adopted on

this 19 day of May, 2021

*Imber*  
Administrator

**Schedule "A"  
Complaint Form**

Complainant Name:

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Complainant Address:

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Complainant Phone Number(s):

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Complainant Email:

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I have reasonable and probable grounds to believe that the council members(s) (List name(s) of council member(s) whom the complaint is against:

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

1. Insert date(s), time and location of conduct

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2. Include the sections of the Code of Ethics Bylaw that has been contravened

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3. Provide the particulars and names of all persons involved and of all witnesses

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4. Provide contact information for all people

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5. Number of exhibits attached (if applicable):

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6. If more space is required, please attach additional pages if 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)*

<b><u>For Office Use Only</u></b>	
_____ <i>(Date received)</i>	_____ <i>(Reference Number)</i>
_____ <i>(Signature of Designated Officer or Administrator, or other applicable position)</i>	

Schedule 'B'  
RECEIPT OF COMPLAINT

I acknowledge that I have received a completed Complaint Form as prescribed in the Code of Ethics Bylaw, Schedule A Form

\_\_\_\_\_, dated on the \_\_\_\_\_  
(Name of the complainant) (Date the complainant signed)

Dated at \_\_\_\_\_, on \_\_\_\_\_  
(Location) (Date of issuing the Receipt)

\_\_\_\_\_  
(Signature of Designated Officer)