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**RURAL MUNICIPALITY OF BENGOUGH NO. 40
BYLAW NO. 43.2016**

**A BYLAW TO PROVIDE FOR A CODE OF ETHICS FOR THE RURAL
MUNICIPALITY OF BENGOUGH NO. 40**

The Council of the Rural Municipality of Bengough No. 40 of Saskatchewan enacts as follows:

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 1
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. As members of Council we will avoid situations where our personal interests conflicts, or appears to conflict, with the interests of the municipality in their dealings with persons doing or seeking to do business with the municipality. Every Councillor of the municipality is expected to be aware of and act in compliance with this code. Violation of the principles set out herein are a serious matter and will be subject to Part III of this bylaw.

The quality of the public administration and governance of the Rural Municipality of Bengough No. 40, 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.

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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. Members of council shall not use derogatory language towards others, they shall respect the rights of other people and groups, they shall treat people with courtesy and they shall recognize the importance of the different roles others play in local government decision making.

d. Transparency and Accountability

Members of council shall endeavor to conduct and convey council business and all their duties in an open and transparent manner. Exceptions shall be those discussions that are authorized to be dealt with in a confidential manner in closed session. The purpose of this is to allow stakeholders to 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 where 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 Public Interest

Members of council shall serve their constituents in a conscientious and diligent manner and act in the best interest of the municipality. A member shall strive, by focusing on issues important to the community and demonstrate 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 or for the perception 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.

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PART II

EXPLANATION OF CODE OF ETHICS

3. Councillors of the Rural Municipality of Bengough No. 40 shall:
- (a) Hold in strict confidence all information of a confidential nature acquired in the course of his or her term on council. Confidential information is any information that is not part of the public domain ie. Personal information, internal policies, items under any legal proceeding etc.
 - (b) Not use his or her position on Council to seek to influence a decision of another person, councilor employee etc. so as to further, or seek to further his or her private interests
 - (c) Perform all duties bestowed upon him/her by Council in an impartial manner
 - (d) Avoid situations in which the councillor has a personal interest sufficient to influence, or have the appearance to influence the outcome of the Council's decision
 - (e) Prior to an agenda item being addressed at a Council meeting a member of council must:
 - o Declare a conflict of interest on the matter to be addressed;
 - o Disclose the nature of the conflict of interest
 - o Immediately remove him/herself from Council chambers until the matter has been resolved or decided on by the rest of council
 - o Quorum shall not be lost if a member or members declare a conflict of interest and leaves the chambers
 - (f) The Administrator shall, in the meeting minutes:
 - o Record the name of the councilor and the nature of conflict of interest or financial interest;
 - o Record the time that the member left council chambers;
 - o Record the time that the member returns to council chambers
 - (g) If any member of Council makes claim that another member should declare a conflict of interest/financial interest the Administrator shall record that claim in the minutes documenting the same information as if the member him/herself had declared
 - (h) Shall not accept gifts, favours or services:
 - o That are personal in nature and which he/she will take personal possession, unless these gifts, favours or services are authorized by a resolution of Council – the resolution shall lay out the specifics related to the gift, favour or service
 - o Unless these gifts, favours or services are given over to the municipality for its control
 - (i) Disclose any private interest, including those of any relative, business associate or friend, prior to participating in or seeking to influence any civic decision making process. These declarations shall be completed annually at minimum or as soon as there is a material change in status pursuant to Bylaw No. 44.2016 of the Municipality
 - (j) Shall not commence an action, or make a decision outside of the scope of a regular policy of the Municipality or those general duties as outlined in Section 92 of *The Municipalities Act* for Councillors or Section 93 of *The Municipalities Act* for the Reeve.



PART III 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 contravention 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 and will be discussed in an in camera session.
 - (b) Upon receipt of a complaint, the Council shall discuss the complaint and take all necessary steps to ensure the complaint is valid.
 - (c) All discussions around alleged and substantiated contravention of this policy shall be conducted in an in camera 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 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 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 money/gift received.
 - (d) Removal of the member from council, committees and/or bodies.
 - (e) Dismissal of member from a position of Chairperson of a committee.
 - (f) Reprimand.

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PART III
COMING INTO FORCE

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



Eugen Hoffer
Reeve.

[Signature]
Administrator.

Certified a true copy of
Bylaw No. 43.2016 adopted by
Resolution of Council on
The 8 day of DECEMBER 2016

Eugen Hoffer
REEVE

[Signature]
ADMINISTRATOR



Schedule A

Formal Complaint Form

Please note that knowingly signing a false affidavit may expose you to prosecution under the Criminal Code of Canada.

I, _____ of _____
do solemnly swear that the following contents of this statement are true and correct
and hereby request the council of the Rural Municipality of Bengough No. 40 to
investigate whether or not the following member(s) of the municipal 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 contract information for all people listed;
5. Any exhibits can be attached; and
6. If more space is required, please attach additional pages as needed.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Signature of Complainant

Date _____

Date Filed

Signature of Municipal Administrator

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