

RM OF MERVIN #499
CODE OF CONDUCT BYLAW

BYLAW NO. 2022-20

**A BYLAW TO PROVIDE FOR BASIC RULES FOR ELECTED OFFICIALS WITHIN THE
R.M. OF MERVIN # 499**

Whereas the Council of the RM of Mervin #499 deems it necessary to establish a Bylaw to deal with the peace, order and good governance of the RM.

And whereas, it is deemed necessary to establish a Bylaw to deal with other bodies established by Council, the conduct of Councillors and conduct of members of Council Committees and other bodies established by Council.

Now therefore, the Council of the RM of Mervin #499 deems it necessary to establish a Bylaw to create basic rules for elected officials within the RM of Mervin #499 so that they may carry out their entrusted duties with impartiality and dignity, recognize that the function of Council members is, at all times, serviced to the community and the public.

Now therefore, the RM of Mervin #499 Council, pursuant to the authority granted in section 8 of *The Municipalities Act*, enacts as follows:

1. SHORT TITLE

1.1. This Bylaw shall be cited as the Code of Conduct Bylaw.

2. DEFINITIONS

2.1. The definitions listed in Schedule "A" attached to this Bylaw shall apply, unless context otherwise requires.

3. GENERAL

3.1. Members of Council shall:

3.1.1. Govern their conduct in accordance with the requirements and obligations set out in municipal, provincial and federal legislation;

3.1.2. Govern their conduct in accordance with Schedule "B" of this Bylaw;

3.1.3. Preserve the integrity and impartiality of Council.

3.2. Members of Council acknowledge that their term as a Councillor or Reeve is for a four (4) year term and that resignation from Council should only occur under extraordinary circumstances.

3.3. Members of Council shall not assume that any unethical activities not covered by or specifically prohibited under this Bylaw or by any legislation are therefore condoned.

3.4. Members of Council will uphold the intent of this Bylaw and govern their actions accordingly.

3.5. During their term, a Member of Council may only enter into an agreement with the RM of Mervin #499 in accordance with the following conditions:

3.5.1. The procurement of the agreement must abide by the RM of Mervin #499 Purchasing Policy;

3.5.2. All contracts awarded to a Member of Council or an entity owned by a Member of Council must go before Council for approval; and

3.5.3. The Member of Council must identify a conflict of interest and refrain from participating in all discussions, debate and voting, pertaining to the agreement, and any other areas where a conflict may exist.

3.6. If, notwithstanding section 3.2 above, a Member of Council resigns prior to the expiry of his or her term, the Member agrees to a mandatory twelve (12) month cooling off period before entering into any agreement between the RM of Mervin #499 and the Member of Council or any entity owned, or partially owned, by the Council Member, for goods or services. The only circumstances in which the Member of Council may enter into such agreements during the twelve (12) month cooling off period is where:

3.6.1. The procurement of the agreement abides by the RM of Mervin #499 Purchasing Policy; and

3.6.2. Any such contract, including employment, proposed to be awarded to a Member of Council or an entity owned by a Member of Council or former Member of Council for approval, and is approved by Council.

- 3.7. Following the twelve (12) month cooling-off period, all agreements between the RM of Mervin and the former Member of Council or any entity owned, or partially owned, by the former Council Member shall follow the RM of Mervin standard hiring and procurement procedures.
- 3.8. Following their four (4) year term, Members of Council agree to a mandatory six (6) month cooling off period before entering into any agreement between the RM of Mervin and the Member of Council or any entity owned, or partially owned, by the Council Member, for goods or services. The only circumstances in which the Member of Council may enter into such agreements during the six (6) month cooling off period is where:
 - 3.8.1. The procurement of the agreement abides by the RM of Mervin Purchasing Policy; and
 - 3.8.2. Any such contract, including employment, proposed to be awarded to a Member of Council or an entity owned by a Member of Council or former Member of Council goes before Council for approval, and is approved by Council.
- 3.9. Following the six (6) month cooling-off period, all agreements between the RM of Mervin #499 and the former Member of Council or any entity owned, or partially owned, by the former Council Member shall follow the RM of Mervin #499 standard hiring and procurement procedures.
- 3.10. This Bylaw will be reviewed every two (2) years to coincide with changes in Council, or as needed.
- 3.11. Residents will be notified in advance of the review and a draft of any proposed revisions to this Bylaw will be made available to allow residents the opportunity to review and provide input to the RM of Mervin #499.

4. NUMBER AND GENDER REFERENCES

- 4.1. All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, a corporation or a partnership.

5. SEVERABILITY

- 5.1. Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

6. This Bylaw shall come into force and effect upon the final passing thereof.





 Reeve



 Administrator

Certified a true copy of
 Bylaw No. 2022-20 adopted by
 resolution of Council this 22nd
 day of November, 2022.



 Reeve



 Administrator



BYLAW NO. 2022-20
SCHEDULE "A"

ATTACHED TO BYLAW NO. 2022-20 CODE OF CONDUCT FOR ELECTED MEMBERS
OF THE R.M. OF MERVIN #499

Definitions

<i>The Municipalities Act (MA)</i>	Refers to <i>The Municipalities Act of Saskatchewan 2007</i>
RM	The RM of Mervin #499 and the area contained with the corporate boundaries of the RM.
CAO	The Chief Administrative Officer as appointed by Council or Designate
Council	The Municipal Council of the RM of Mervin #499
Order	Any written notice or letter that requires a Person to remedy a contravention of this Bylaw or any other Bylaw, Provincial or Federal legislation.



BYLAW NO. 2022-20
SCHEDULE "B"

ATTACHED TO BYLAW NO. 2022-20 CODE OF CONDUCT FOR ELECTED MEMBERS
OF THE R.M. OF MERVIN #499

1. PURPOSE

- 1.1. Ethics and Integrity are at the core of public confidence in government and in the political process. Ratepayers of the RM of Mervin expect high standards of conduct from all elected officials. The RM of Mervin Members of Council are committed to achieving transparent and accountable governance.
- 1.2. The purpose of this Code of Conduct is to provide standards for members of the RM Council relating to their roles and obligations, and a process for the investigation and enforcement of those standards. It reflects a commitment to the RM values and provides a framework to guide ethical conduct in a way that upholds the integrity and reputation of the RM and applies to the Reeve and all Members of Council.
- 1.3. Members of Council shall not assume that any unethical activities not covered by or specifically prohibited by these ethical guidelines of conduct, or by any legislation, are therefore condoned and actions of such have the potential for consequences.
- 1.4. This Code of Conduct also applies, subject to any necessary modification, to Council appointments to boards, committees, agencies and commissions.
- 1.5. Members of Council will uphold the intent and standards of conduct in this Code of Conduct and to govern their actions accordingly during their time as a Member of Council and for a period of twelve (12) months after leaving office. Conduct related to confidential information shall apply in perpetuity.

2. GOVERNING LEGISLATION & STATUTORY OBLIGATIONS

- 2.1. It is the responsibility of all Members of Council to be aware of, understand and abide by all statutory obligations imposed upon municipal Council as a whole, as well as Members of Council individually. Members must govern their conduct in accordance with the requirements and obligations set out in municipal, provincial and federal legislation, including, but not limited to, the following:
 - 2.1.1. *The Municipalities Act*;
 - 2.1.2. *Occupational Health and Safety Act*;
 - 2.1.3. *The Saskatchewan Employment Act*;
 - 2.1.4. Applicable Human Rights Legislation;
 - 2.1.5. Criminal Code of Canada;
 - 2.1.6. *The Local Authority Freedom of Information and Protection of Privacy Act (Saskatchewan)*;
 - 2.1.7. *The Local Government Election Act (Saskatchewan)*;
 - 2.1.8. The RM of Mervin #499 Human Resource Policy;
 - 2.1.9. The RM of Mervin #499 Policy Manual.

3. DEFINITIONS

- 3.1. Accused: Is defined within this Code of Conduct as the Member of Council accused of breaching their code of conduct.
- 3.2. Cooling Off Period: A mandatory waiting period.
- 3.3. Conflict of Interest (Private): A situation in which a Member of Council has personal interest sufficient enough to appear, or could appear, to influence the objective exercise of his or her official duties.
- 3.4. Conflict of Interest (Financial/Pecuniary): A situation in which the matter could monetarily affect the Member of Council or an employer of a Member of Council, or the Member of Council knows or should know that the matter could monetarily affect the Member's Relatives/Family.
- 3.5. Ex Officio: A member of a body (a board, committee, etc.) who is part of it by virtue of holding another office.
- 3.6. Relatives/Family: Spouse, father, mother, brother, sister, son or daughter, grandparent, grandchild. This includes common-law, in-law and step relationships.

4. GENERAL CONDUCT OF MEMBERS OF COUNCIL
 - 4.1. Members of Council endeavor to conduct themselves with decorum during the decision-making process and convey Council business in a transparent, accountable and equitable manner. Members of Council shall treat all persons with dignity and respect in an environment free of discrimination and harassment.
 - 4.2. Members of Council shall make every effort to participate in the activities of agencies, boards, commissions and committees to which they are appointed in the same manner as Council activities. Members recognize that the public has a right to open government and reasonable access to information on how decisions are made.
 - 4.3. Members of Council shall ensure all third-party inquiries are referred to the Administration and not participate in any negotiations, contracts, or communication unless directed by a resolution of Council as a whole.
 - 4.4. Members of Council shall not communicate with staff members in any manner other than with respect and dignity.
 - 4.5. Members of Council shall not direct any staff members to any tasks or projects. All direction for plans, programs and matters pertaining to the day-to-day operations of the municipality will be given directly through resolutions of Council to the Foreman or Chief Administrative Officer or designate.
5. ROLE OF THE CHIEF ADMINISTRATIVE OFFICER (CAO)
 - 5.1. Under the direction of the CAO, Administration serves Council as a whole, and the combined interest of all Members as evidenced through Council decisions. The CAO has overall responsibility for the Administration of the RM affairs in accordance with the decisions adopted by Council.
6. IMPROPER USE OF INFLUENCE
 - 6.1. Members of Council empower the CAO to establish administrative procedures in order to carry out RM operations and implement the decisions of Council.
 - 6.2. Administration is responsible, through the CAO, to the whole of Council. Members of Council shall provide advice based on political neutrality and objectivity. No member of Council shall use influence of their position for any purpose other than to exercise official duties on behalf of Council as a whole or the RM. Members of Council are prohibited from using their position for undue influence for personal gain for themselves or that of relatives, friends or associates, business or otherwise.
7. BUSINESS RELATIONS, CURRENT AND PROSPECTIVE EMPLOYMENT
 - 7.1. Members of Council shall not refer a third party to a person, partnership or corporation in exchange for payment or other personal benefit.
8. CONFIDENTIAL INFORMATION
 - 8.1. Council Members shall:
 - 8.1.1. Refrain from disclosing or releasing by any means to any member of the public or media, any confidential information acquired by virtue of their office in either oral or written form, except when required by law or authorized by Council to do so;
 - 8.1.2. Not use any confidential information for personal or private gain, or for the gain of relatives or any person or corporation; and
 - 8.1.3. Refrain from accessing or attempting to gain access to confidential information in the custody of the RM unless it is necessary for the performance of their duties and not prohibited by policy or by municipal, provincial or federal legislation.
9. IN CAMERA MEETINGS
 - 9.1. In Camera with the RM of Mervin #499 Procedures Bylaw, Members of Council can move to an In Camera session to debate any matter that meets the criteria outlined in *The Local Authority Freedom of Information and Protection of Privacy Act (Saskatchewan)*.
 - 9.2. All matters discussed at an In Camera meeting shall remain confidential until such time that it is deemed appropriate to make such matters public.
10. MEDIA AND PUBLIC COMMUNICATIONS
 - 10.1. Members of Council will accurately communicate the decisions of the RM of Mervin, even if they disagree with the majority decision of Council, and by doing so, affirm the respect for and the integrity in the decision-making process.



- 10.2. Members of Council may state their contrasting support of a decision; however, will refrain from making disparaging comments about other Members of Council, members of Administration, or about the processes and decisions of Council as a whole.
- 10.3. Members of Council shall keep confidential information confidential, until such time that the matter can properly be made public.
- 10.4. When communicating with the media, Members of Council will refrain from speculating or reflecting upon the motives of both other Members of Council and Administration.

11. APPROPRIATE USE OF MUNICIPAL ASSETS AND SERVICES

- 11.1. Council Members are notified that all electronic devices provided by the RM of Mervin #499 are the property of the RM and may be subject to access and review by the RM for the purposes of *The Local Authority Freedom of Information and Protection of Privacy Act* or otherwise, including as set out below.
- 11.2. Members of Council are entitled to use these devices for personal as well as for RM purposes. However, they are hereby notified that:
 - 11.2.1. All emails and messages sent or received on RM devices may be subject to *The Local Authority Freedom of Information and Protection of Privacy Act*;
 - 11.2.2. All files stored on RM devices, all use of internal email and all use of the internet through the RM's firewall may be inspected, traced or logged by the RM; and
 - 11.2.3. In the event of a complaint pursuant to this Code of Conduct, the Head of the RM of Mervin #499 as it pertains to *The Local Authority Freedom of Information and Protection of Privacy Act* may require that any or all of the electronic devices provided by the RM to Members of Council may be confiscated and inspected as part of the investigation.

12. GIFTS AND BENEFITS

- 12.1. No Member of Council shall accept a fee, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of office, unless permitted by the exceptions listed below. For these purposes, a fee, gift or benefit that is paid to or provided with the member's knowledge to a Member's Relative/Family that is connected directly or indirectly to the performance of the member's duties is deemed to be a gift to that member.
- 12.2. The following are recognized as exceptions:
 - 12.2.1. 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 or benefit does not exceed \$150.00.
 - 12.2.2. A suitable memento of a function honoring the member;
 - 12.2.3. Food, lodging, transportation, event tickets or entertainment provided by provincial, regional and local governments or political subdivisions of them, by the Federal government or by a foreign government within a foreign country, or by a conference, seminar or event where the member is either speaking or attending in an official capacity; and
 - 12.2.4. Food and beverage 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 invitation is infrequent.

13. ACTIONS DURING CIVIC ELECTION PERIODS

- 13.1. No member of Council shall use the facilities, equipment, supplies, services or other resources of the RM, including Councillor newsletters, the RM's website and websites linked through the RM's website, for any election campaign or campaign related activities.
- 13.2. Any campaign related activities that occur in the RM or any RM facility must take place in a location that is normally available for rental to the public and which has been arranged through the normal rental process. No member shall use the services of civic staff for election related purposes during hours in which those civic staff members receive any compensation from the RM.

14. BOARDS AND COMMITTEE APPOINTMENTS

- 14.1. The decisions of Council are to be fair, impartial and of a high standard of ethical conduct. They shall not allow outside interests, appointments or professional agendas to interfere with their ability to make decisions in the best interest of the RM of Mervin #499.



14.2. All appointments of Members of Council shall be done so in accordance with applicable policies, this Code of Conduct and *The Municipalities Act* and any other applicable legislations.

15. COMPLIANCE

15.1. All Members of Council are required to adhere to all policies established by Council.

15.2. All members of Council shall cooperate in any investigation made pursuant to this Code of Conduct.

16. COMPLAINT PROCESS

16.1. All Members of Council shall cooperate in any investigation made pursuant to this policy.

16.2. Any complaint under this Code of Conduct must be in writing and must be made either:

16.2.1. By a member of Council;

16.2.2. By the CAO; or

16.2.3. By a member of the public to the CAO, who will then determine the validity of the complaint.

16.3. The CAO shall forward all complaints, including the name of the complainant, to Council, In Camera, and the member about whom the complaint is made.

16.4. Upon receipt of a complaint under this Section of the Code, Council shall meet, In Camera, excluding the member of Council concerned, and decide whether to proceed to investigate the complaint or not. Council, in its sole discretion, may decide to take no action on the complaint. In that event, the member of Council to whom the complaint was directed shall be notified of the decision.

16.5. If Council decides to investigate the complaint, it shall take such steps as it may consider appropriate which may include hiring an independent investigator to conduct the investigation, seeking legal advice or other steps deemed appropriate in the circumstances. All proceedings of Council regarding the investigation shall be In Camera.

16.6. If, after the complaint is investigated, Council believes that the member of Council concerned has breached any provision of this Code or any other legislation, it shall advise the Member of Council of this and give them an opportunity to make oral or written submissions to the Committee.

16.7. If Council concludes that the member of Council concerned has breached a provision of this Code of Conduct or other legislation, it may, in its sole discretion, impose sanctions pursuant to this Code of Conduct. The member of Council concerned shall be advised of Council's determination. Further, if it is determined that a breach under Section 144 of *The Municipalities Act* has occurred, Council may, in its sole discretion, direct that the appropriate proceedings be commenced pursuant to Section 146 of *The Municipalities Act*.

16.8. Section 148 of *The Municipalities Act* provides that a member who is disqualified must resign immediately. If a member of Council does not resign as required, Council or an elector may apply to a judge of the court for:

16.8.1. An order determining whether the person was never qualified to be or has ceased to be qualified to remain a member of Council; or

16.8.2. An order declaring the person to be disqualified from Council.

17. SANCTIONS

17.1. Council has the authority to sanction any Member of Council that contravenes this policy, provided that no such sanction will have the effect of denying the Member of Council sufficient access to information and services so as to be able to carry out their duties.

17.2. Sanctions may include, but are not limited to:

17.2.1. Removal of Member of Council from any organization, board, committee, commission, or authority;

17.2.2. Restriction of access to civic services or RM buildings;

17.2.3. Restrictions on how documents are provided; and/or

17.2.4. Reduction in remuneration and/or benefits and/or expenses.

17.2.5. As per Section 192(1) Members of Council may be held fiscally liable for contraventions.

17.3. Council may, at its sole discretion, determine the length/duration of any sanctions it has the authority to impose.

- 17.4. Council may, at its sole discretion, determine what, if any information will be reported regarding any sanction that has been levied against a Member of Council. When making this decision, Council shall, consider the following:
- 17.4.1. The seriousness of the sanction applied;
 - 17.4.2. The need for accountability and transparency.
- 17.5. Reporting shall be in writing and be attached to the Council Agenda for the meeting immediately following the decision to apply a sanction. Only the following information should be included:
- 17.5.1. The name of the Member of Council who was the subject of the complaint;
 - 17.5.2. The nature of the complaint;
 - 17.5.3. The decision of Council; and
 - 17.5.4. The sanction applied.

