



BYLAW NO. 2018-07

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

WHEREAS, pursuant to Section 66.1 of *The Cities Act* and Section 3.1, Schedule 1, of *The Cities Regulations*, a Council shall, by bylaw, adopt a Code of Ethics that applies to all Members of Council.

AND WHEREAS the Council of the City of Warman recognizes that their actions have an impact on the lives of all residents and property owners in the community and fulfilling their obligations and discharging their duties responsibly requires a commitment to the highest ethical standards.

AND WHEREAS the Council understands that the quality of the public administration and governance of the City of Warman, as well as its reputation and integrity, depends on their conduct as elected officials.

AND WHEREAS the Council of the City of Warman deems it desirable to adopt certain principles and guidelines for the conduct of all public officials, which includes Members of Boards, Committees and other bodies established by the City of Warman.

NOW THEREFORE, the Council of the City of Warman, in the Province of Saskatchewan enacts as follows:

**Part I
Interpretation**

1. SHORT TITLE

1.1. This Bylaw may be cited as the ``Code of Ethics Bylaw``

2. LEGAL REQUIREMENT

2.1. 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*.

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3. DEFINITIONS

3.1. In this Bylaw:

3.1.1. "Council" means the Mayor and Councillors of the City of Warman elected pursuant to the provisions of *The Local Government Election Act, 2015*.

3.1.2. "Councillor" means the Council member duly elected in the City of Warman as Councillor, in accordance with *The Local Government Election Act, 2015*.

3.1.3. "Mayor" means the Council member duly elected in the City of Warman as the Mayor in accordance with *The Local Government Election Act, 2015*.

3.1.4. "Member" means Mayor or Councillor.

4. PREAMBLE

4.1. **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.

4.2. The quality of the public administration and governance of the City of Warman, as well as its reputation and integrity, depends on our conduct as elected officials.

5. PURPOSE AND INTERPRETATION

5.1. 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.

5.2. This code is to be interpreted in accordance with the legislation applicable to the municipality, the common law and the policies and the bylaws of the municipality.

5.3. Neither the law nor this code is to be interpreted as exhaustive, and there will be no occasions on which a Council will find 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.

6. APPLICATION

6.1. It is the responsibility of each member of Council to uphold the standards and values set out in this code.

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**Part II
STANDARDS AND VALUES**

7. HONESTY

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

8. OBJECTIVITY

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

9. RESPECT

9.1. Members of council shall treat every person, including other Members of Council, municipal employees and the public with dignity, understanding and respect.

9.2. 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.

9.3. Without limiting the ability of a Member of Council to hold a position on an issue and respectfully express their opinions, members will ensure that all communications issued by, or on behalf of the Member of Council, including social media, are respectful and do not discriminate, harass, defame or demonstrate disrespect toward any person or organization.

10. TRANSPARENCY AND ACCOUNTABILITY

10.1. 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.

10.2. Members of Council are responsible for the decisions that they make. This responsibility includes acts of commission and acts of omission.

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11. CONFIDENTIALITY

11.1. 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.

12. LEADERSHIP AND PUBLIC INTEREST

12.1. Members of the 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.

12.2. 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.

13. RESPONSIBILITY

13.1. 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.

13.2. 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 III
CODE OF CONDUCT DURING ELECTIONS**

14. ACTIONS DURING ELECTIONS

- 14.1. No member of the Council shall use the facilities, equipment, supplies, services or other resources of the City (including Councillor newsletters, the City's website and websites linked through the City's website) for any election campaign or campaign-related activities. Any campaign-related activities that occur in City Hall or any civic 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 City.
- 14.2. For greater clarity and to ensure that members of Council do not receive any undue benefit by virtue of being an incumbent, during the period between Nomination Day (i.e. the second-last Wednesday in September of an election year) and the date of the election, Council members will:
- 14.2.1. Refrain from using any City-owned resources for election-related purposes.
 - 14.2.2. Refrain from using City postage or other resources for mass mailings of any kind, regardless of whether or not it is related to the election campaign;
 - 14.2.3. Refrain from putting their City email address, phone number (if any) or City Logo on their campaign material;
 - 14.2.4. Refrain from referring to themselves in campaign advertisements as "Councillor X" or "Mayor Y";
 - 14.2.5. Refrain from organizing activities such as formal openings of facilities or public spaces or similar events; and
 - 14.2.6. Strictly adhere to all of the rules that govern candidates in local elections.

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**PART IV
CONTRAVENTION OF THE CODE OF ETHICS**

15. COMPLAINT PROCEDURE

The procedure for handling contraventions to the Code of Ethics Policy shall be as follows:

- An individual, organization, or Member of Council may submit a Formal Complaint Form (Schedule A attached hereto), by submitting the form directly to the City Clerk, either by mail, email, fax courier or in-person.
- The City Clerk shall present the completed and signed form to Council at the next Committee of the Whole meeting (in-camera).
- Upon receipt of a complaint, Council shall discuss the complaint and take all necessary steps to ensure the complaint is valid.
- All discussions surrounding alleged and substantiated contraventions of this Code of Ethics shall be conducted in a Committee of the Whole session.
- If the claim is found to be substantiated, Council may, by resolution, impose an appropriate penalty detailed in Section 17 based on the severity of the contraventions of the Code of Ethics.
- Any action taken by Council shall include a time frame to complete the expected remedial action.
- Council shall inform the claimant, Member of Council, and any other relevant party of Council's decision which includes:
 - Informing the complainant and Member of Council that the complaint is dismissed, or;
 - Informing the complainant and Member of Council of the corrective action and/or the measures taken to ensure the behaviour or activity does not continue.

16. CONTRAVENTION DURING A COUNCIL MEETING

- 16.1. If Council is in 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 also impose additional penalties based on the severity of the contravention.

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17. REMEDIAL ACTION

The City Council does have the right to remedial action if a Member of Council breaches any of the principles outlined in this Bylaw provided that Council members continue to have sufficient access to information and services so as to be able to carry out their duties as Council members. Possible courses of action may include, but are not limited to:

- (a) Apology either written 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/gifts received;
- (d) Removal of the Council member from any Council appointed position on a national or provincial organization, civic board, commission, authority or committee except for the Committee of the Whole;
- (e) Restriction of access to administrative civic services or City Hall;
- (f) Restrictions on how documents are provided (ie – No electronic copies, but watermarked paper copies)
- (g) Reduction in salary and/or benefits and/or expenses;
- (h) Any other sanction as deemed suitable by the Council.

**PART V
MISCELLANEOUS**

18. REPEAL OF BYLAW AND RESOLUTIONS

18.1. Bylaw No. 2017-05 and all amendments thereto are hereby repealed.

19. COMING INTO FORCE

19.1. This bylaw shall come into force and take effect on



Mayor

[SEAL]



City Clerk

Read a third time and adopted this 16th day of July, 2018.

**Schedule A
Code of Ethics
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) (Full mailing address)

do solemnly declare that the following contents of this statement are true and correct and hereby request the Council of The City of Warman to conduct an investigation whether or not the following member(s) of the City Council has (have) contravened the Council Code of Ethics:

_____ Members(s) of Council name(s)

I have reasonable and probable grounds to believe that the above member(s) has (have) contravened the City of Warman Code of Ethics Bylaw 2018-07 by reason of the following:

1. Insert date(s), time and location of conduct,
2. Include the sections of the 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 listed;
5. Any exhibits can be attached; and
6. If more space is required, please attach additional pages as needed.

<p><u>For Office Use Only</u></p> <p>_____ (Date filed)</p> <p>_____ (Signature of City Clerk)</p>

(Signature of Complainant)

(Date signed)