

**CODE OF ETHICS BYLAW  
TOWN OF BIRCH HILLS**

**BYLAW NO 14-2022**

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

**PART I  
GENERAL**

**Short Title**

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

**Preamble**

2. The members of council of the Town of Birch Hills 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 Town of Birch Hills, as well as the reputation and integrity, depends on their conduct as elected officials.

These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate encouraging high standards of conduct on the part of all municipal officials. Adherence to these standards will protect and maintain the municipality's reputation and integrity.

Members of Council must serve and be seen to serve their constituents in a conscientious and diligent manner.

Members of Council must be committed to performing their functions with integrity, avoiding the improper use of the influence of their office, and conflicts of interest, both apparent and real;

Members of Council shall seek to serve the public interest by upholding both the letter and spirit of the laws of Parliament and the Saskatchewan Legislature, applicable Federal laws and municipal policy, procedures and bylaws adopted by this Council.

Every Member of Council shall perform the duties of their position and act following the statements sworn with their declaration.

**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 Town of Birch Hills, the common law and the policies and bylaws of the Town of Birch Hills.

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.

As a living document, the Code of Ethics will be brought forward for review at the end of each term of Council, when relevant legislation is amended, and at other times when appropriate to ensure that it remains current and continues to be a useful guide to Members of Council.

#### Definitions

4. In this bylaw:

- a) **Act:** means *The Municipalities Act*.
- b) **Complainant:** means an individual/organization/municipal employee/member of council.
- c) **Designated Officer:** means a person designated by council or a person to whom power or authority is delegated by the Chief Administrative Officer (CAO) or, in the absence of a designation by council, the CAO.
- d) **Members of Council:** means the council of the Town of Birch Hills, and includes the Mayor and each councillor.
- e) Any words and terms that are defined in the ***Municipalities Act*** have the same meanings as in the Act.
- f) **CAO** means Chief Administrative Officer
- g) **Integrity Commissioner** means the legal counsel for the municipality appointed by the CAO to fulfill the duties and responsibilities assigned to that office pursuant to this bylaw;

#### 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;
  - iii. Members of council shall not use derogatory language towards others;
  - iv. Members of council shall treat people with courtesy; and
  - v. Members of council shall recognize the importance of the different roles 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 a closed session; and
  - ii. Members of council are responsible for the decisions 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 of council 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.
- iii. No Member of Council shall use confidential information for personal or private gain, or for the gain of any other person or entity.
- iv. Members of Council should not access or attempt to gain access to confidential information in the custody of the municipality unless it is necessary for the performance of their duties and is not prohibited by Council policy.
- v. The following are examples of the types of information that a Member of Council must keep confidential;
  - a. Items under litigation, negotiation, or personnel matters;
  - b. Information that infringes on the rights of others;
  - c. Price schedules in a contract tender or request for proposal submissions if so specified;
  - d. Information discussed in an in-camera meeting
- f) Use of Municipal Staff
  - a. No Member of Council shall obtain personal financial gain from the use or sale of municipally-developed intellectual property.
  - b. No Member of Council shall use the services of municipal staff, or make requests for documents or information from municipal staff, unless such information is required for the purpose of carrying out his or her official duties.
- g) Election Campaigns
  - a. No Member of Council shall use the facilities, equipment, supplies, services, staff, municipal logo or other resources of the municipality for any election campaign or campaign-related activities.
  - b. Members of Council shall not distribute their own newsletters in municipal facilities.
  - c. No Member of Council shall book any municipal facility for any purpose that might be perceived as an election campaign purpose.
  - d. Members of Council shall be respectful of the role of the CAO in managing the municipal election process and shall not interfere with how the CAO carries out these duties.
  - e. No Members of Council shall use the services of persons for campaign-related activities during hours in which those persons receive any compensation from the municipality.
- h) Improper Use of Influence
  - a. No Member of Council shall use the influence of his or her office for any purpose other than for the exercise of his or her official duties.
  - b. Members of Council shall not contact members of any tribunal regarding any matters before it relating to the municipality.
  - c. Council and not individual Members of Council appropriately give direction to the municipal administration through the CAO.
- i) Conduct at Meetings
  - a. Members of Council shall conduct themselves at Council and committee meetings with decorum.
  - b. Members shall endeavour to conduct Council business and all their duties in an open and transparent manner other than for those matters that are legally required to be dealt with in a confidential manner in closed session.
  - c. Members of Council shall make every effort to participate diligently in the activities of the

committees, agencies, boards, commissions and advisory committees to which they are appointed by the municipality or by virtue of being an elected official.

- d. Members of Council shall not be absent from Council or committee meetings, or from those meetings of agencies, boards and commissions to which they are appointed by virtue of their status as a Member, without reasonable justification for more than three consecutive scheduled meetings or on a regular basis.
- j) Media Communications
  - a. Members of Council will accurately communicate the decisions of Council, even if they disagree with the majority decision of Council, and by doing so affirm the respect for and integrity in the decision-making processes of Council.
- k) Respect for the Municipality
  - a. Members of Council shall encourage public respect for the municipality and its bylaws.
- l) Respectful Workplace
  - a. All members of Council have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment.
  - b. All complaints of discrimination or harassment involving Members of Council shall be referred to the Integrity Commissioner for investigation and disposition in accordance with applicable legislation
- m) Conduct Respecting Staff
  - a. No Member of Council shall compel to engage in partisan political activities or subject them to threats or discrimination for refusing to engage in such activities.
  - b. No Member of Council shall use, or attempt to use, his or her authority for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering in staff's duties, including the duty to disclose improper activity.
  - c. Members of Council shall be respectful of the role of staff to advise based on political neutrality and objectivity without undue influence from any individual Member or faction of the Council.
  - d. No Member of Council shall maliciously or falsely impugn or injure the professional or ethical reputation of the prospects or practice of staff, and all Members of Council shall show respect for the professional capacities of the staff.
- n) Employment of Relatives
  - a. No Member of Council shall attempt to influence any municipal employee to hire or promote a relative.
  - b. No Member of Council shall make any decision or participate in the process to hire, transfer, promote, demote, discipline or terminate any relative.
  - c. No Member of Council shall attempt to use a family relationship for his or her personal benefit or gain.
- o) Reprisals and Obstruction
  - a. No Member of Council shall obstruct the Integrity Commissioner in the carrying out of his or her responsibilities.
  - b. No Member of Council shall threaten or undertake any active reprisal against a person initiating an inquiry or complaint under the Code of Ethics, or against a person who provides information to the Integrity Commissioner in any investigation
  - c. No Member of Council shall destroy documents or erase electronic communications or refuse to respond to the Integrity Commissioner.
- p) 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 Town of Birch Hills;
  - ii. Members of council 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.
- q) Responsibility
  - i. Members of council shall act responsibly and in accordance with the Acts of 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, related to their responsibilities as members of council, following the policies and procedures of the Town of Birch Hills, 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.

#### **Formal Complaint Process**

7. 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.
8. 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 form by mail, email, fax or courier.
9. Within 5 business days of issuing the Receipt of Complaint, the designated officer will review the complaint to ensure the following:
  - a) The complaint meets the scope of the code of ethics bylaw; and
  - b) The complaint form is filled out completely and in detail.
10. After review of the complaint, the designated officer shall within 45 business 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.
11. The designated officer shall inform all parties of the following:
  - a) Who will be investigating the complaint;
  - b) The investigation process;

- c) When the investigation will be initiated; and
  - d) How the investigation's findings will be communicated.
12. 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 - Option 1: Council is the Investigator**

13. Council shall establish a committee to investigate, report and to make recommendations based on the findings of the complaint to council.
14. The council member(s) who the complaint is made against shall not participate in conducting the investigation.
15. If the complainant is a council member, that council member shall not participate in conducting the investigation.
16. The investigation shall be done in a confidential, objective and impartial way.
17. The investigation must, as is reasonably possible, protect the names of all parties involved.
18. The investigative committee shall review the complaint and clarify any information with the complainant, if required.
19. 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 45 business days of receiving complaint.
20. 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 45 business days.
21. The investigation committee must verify the information provided from all parties, which may include speaking to anyone relevant to the complaint.
22. The investigation committee must determine what section(s), if any, of this bylaw was contravened.
23. When the investigative 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 or not the complaint is substantiated.
24. The complainant and alleged council member(s) shall be provided a copy of the written report.
25. The investigating committee will provide the report to council in a closed meeting.
26. The council member(s) who the complaint is made against shall not participate in the closed meeting.
27. If the complainant is a council member, that council member shall not participate in the closed meeting.
28. 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.
29. If the complaint is unsubstantiated, it is deemed dismissed and council shall notify all parties involved of the following:
- a) The reasons the complaint is dismissed; and
  - b) The ability to contact Ombudsman Saskatchewan if they feel they have been treated unfairly in the handling of the complaint.
30. If the complaint is substantiated, 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 41; and

- c) Information about the ability to contact Ombudsman Saskatchewan if they feel they have been treated unfairly in the handling of the complaint.

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

- 31. The investigation must, as is reasonably possible, protect the names of all parties involved.
- 32. The investigation shall be done in a confidential, objective and unbiased way.
- 33. 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.
- 34. The investigator will provide the report to council in a closed meeting.
- 35. The council member(s) who the complaint is made against shall not participate in the closed meeting.
- 36. If the complainant is a council member, that council member shall not participate in the closed meeting.
- 37. Upon the report from the investigator, in an open meeting, council shall pass a resolution stating that the complaint is either unsubstantiated or substantiated.
- 38. If the complaint is unsubstantiated, it is deemed dismissed and council shall notify all parties involved the following:
  - a) The reasons the complaint is dismissed; and
  - b) The ability to contact Ombudsman Saskatchewan if they feel they have been treated unfairly in the handling of the complaint.
- 39. If the complaint is substantiated, 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 41; and
  - c) Information about the ability to contact Ombudsman Saskatchewan if they feel they have been treated unfairly in the handling of the complaint.

### **Remedial Action**

- 40. The remedial action(s) imposed should be corrective and progressive and have a realistic time frame for completion. Council should take into consideration the nature and severity of the violation as well as whether the council member(s) has previously violated this bylaw.
- 41. The remedial action(s) imposed by council shall be decided by resolution, at a meeting open to the public. The remedial action 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.
  - Removal of the member from council committees and/or bodies.
  - Dismissal of the member from a position of chairperson of a committee.
  - Reduction in remuneration and/or benefits and/or expenses.
- 42. 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

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

### PART IV MISCELLANEOUS

47. 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

48. This bylaw shall come into effect on the day of its final passing. Bylaw no 02-2017 is hereby repealed.




Read a third time and adopted  
this 28<sup>th</sup> day of Sept/22.

  
(Mayor Signature)

  
(Chief Administrative Officer)

  
(Chief Administrative Officer Signature)

Certified to be a true copy of Bylaw No. 14-2022  
adopted by the council of the Town of Birch Hills  
on the 28<sup>th</sup> day of September 2022  
  
Administrator

**Schedule A  
Complaint Form**

Complainant Name: \_\_\_\_\_

Complainant Address: \_\_\_\_\_

Complainant Phone Number(s): \_\_\_\_\_

Complainant Email: \_\_\_\_\_

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

\_\_\_\_\_

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

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5. Number of exhibits attached (if applicable): \_\_\_\_\_

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)

**For Office Use Only**

\_\_\_\_\_  
(Date received)

\_\_\_\_\_  
(Reference number)

\_\_\_\_\_  
(Signature of \_\_\_\_\_ (i.e. Designated Officer,  
CAO, City Clerk, or other applicable position pursuant to  
subsection 4 of bylaw)

**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 from

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

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

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

