



**VILLAGE OF SAYWARD
BYLAW NO. 442**

A BYLAW TO ESTABLISH A CODE OF CONDUCT FOR VILLAGE OF SAYWARD COUNCIL

WHEREAS the purposes of the Village of Sayward include providing good government for its community, pursuant to Part 2 and 5 of the “*Community Charter*”.

AND WHEREAS the Village of Sayward seeks to maintain and enhance the quality of life for its residents through effective, responsible and responsive government.

AND WHEREAS the Village of Sayward wishes to establish principles and guidelines for the conduct of its elected officials in providing good government for the Village of Sayward.

NOW THEREFORE the Council of the Village of Sayward, in open meeting assembled, enacts as follows:

PART 1 - INTERPRETATION

Definitions

1. In this bylaw, unless the context otherwise requires:

“**Bylaw**” means this bylaw.

“**Chair**” means the Mayor or their designate.

“**Council**” means the elected officials of the Village of Sayward.

“**code**” or “**Code of Conduct**” means the Code of Conduct established by this bylaw.

“**Chief Administrative Officer**” means the Chief Administrative Officer duly appointed by Council.

“**Staff**” means an employee, contract employee or contactor of the Village.

“**Village**” means the Village of Sayward.

PART 2 - GENERAL

Principles and Values

2. *Council* is committed to performing its functions of office truthfully, faithfully and impartially to the best of its knowledge and ability based on the following values:
 - (a) to work as a committed team in a spirit of collaboration and community;
 - (b) to be caring and respectful in all interactions and relationships;
 - (c) to be open and honest, and to adhere to the highest standards of ethical conduct;
 - (d) to deliver effective public service through professionalism and creativity; and
 - (e) to be accountable to its constituents.

BYLAW No. 442

General Conduct of Council

3. *Council* must adhere to the key values and provisions of the *Code of Conduct* and must ensure that:
 - (a) public business is conducted with integrity in a fair, honest and open manner;
 - (b) they respect one another, the public and *Staff* and recognize the unique role and contribution each person has in making the *Village* a better place to work and live;
 - (c) their conduct in the performance of their duties and responsibilities with the *Village* be above reproach;
 - (d) decision-making processes be accessible, participatory, understandable, timely and just, in addition to satisfying the requirements of applicable enactments; and
 - (e) they act with due regard for the broadest public interest.

Unacceptable Behaviour

4. *Council* must refrain from abusive conduct, intimidating or demeaning behaviour or verbal attacks upon the character, professionalism or motives of others.

Compliance with Laws

5. *Council* must comply with all applicable federal, provincial and local laws in the performance of their public duties, including:
 - (a) the *Constitution Act of Canada*;
 - (b) the *Canadian Human Rights Act*;
 - (c) the *Provincial Human Rights Code*;
 - (d) the *Criminal Code*;
 - (e) the *Community Charter*;
 - (f) laws pertaining to financial disclosures and employer responsibilities; and
 - (g) all relevant *Village* Bylaws and policies.

Respect for Process

6. *Council* shall perform their duties in accordance with the policies, procedures and rules of order established by the *Village* governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions by *Council*.

PART 3 - MEETINGS

Conduct of Meetings

7. Meetings should be conducted with the objective of making the proceedings as open, transparent, accessible and understandable to the public as possible.

Meeting Preparations

8.
 - (1) *Council* shall prepare themselves for meetings, listen courteously and attentively to all discussions before the body, and focus on the business at hand.
 - (2) *Council* must not attend meetings under the influence of cannabis, alcohol or other controlled substances, where those substances can affect the decision-making process.
 - (3) Cellular phones should be turned off during meetings, however if an urgent matter requires that a *Council* member respond to an email or text message during the meeting, the cell phone shall be muted or kept in vibrate mode.

BYLAW NO. 442

Decorum at Meetings

9. (1) *Council* shall not interrupt other speakers, make personal comments or comments relevant to the business of *Council*, or otherwise disturb a meeting.
- (2) Meetings should provide an environment for transparent and healthy debate on matters requiring deliberation by *Council*.
10. *Council* must act in accordance with the procedure bylaw, Roberts Rules of Order and the conduct guidelines of this *Bylaw*.

Mayors Rulings to be Respected

11. *Council* shall respect and abide by the rulings of the *Chair* unless altered by decision of *Council* using the procedures available for challenging the *Chair*.

PART 4 - ADVOCACY

Collaboration and Cooperation

12. It is recognized that *Council* plays a role of representing the interests of their taxpayers, while recognizing the benefits of collaboration and cooperation within the democratic process of decision-making as a local entity.

Council Decisions Paramount

13. *Council* shall respect the diverse interests of their constituents and the role of *Council* to balance the views of their taxpayers and, to that end, *Council* will consider all aspects of an issue, including applying *Council's* key values, prior to making decisions that support *Council's* strategic objectives.

PART 5 – COMMUNICATION AND MEDIA RELATIONS

Village Spokespersons

14. The *Chair* is the spokesperson for the *Village* on *Council* matters, and decisions of *Council* are to be communicated by the *Chair*.

Administrative and Operational Matters

15. The *Chief Administrative Officer* or that person's designate is the spokesperson for the *Village* on administrative and operational matters.

Corporate Correspondence

16. All corporate correspondence shall be sent on the letterhead of the *Village* and shall be used for the purposes of obtaining or giving information or conveying the official position of the *Village* established by resolution of *Council*.

Council Communications

17. (1) Members of *Council* will accurately communicate decisions of *Council* even if they disagree with the majority decision of *Council*.
- (2) Members of *Council* may state that they voted against a *Council* decision but will refrain from making disparaging comments about other members of *Council* or the decision itself.
- (3) Adherence to the above procedures will affirm the respect for and integrity of the decision-making process of the *Council*.

BYLAW NO. 442

Use of Corporate Letterhead

18. (1) When using *Village* letterhead to present their individual opinions and positions, members of *Council* shall expressly state that the views are their own and do not necessarily represent the views of the *Village* as a whole.
- (2) Members of *Council* shall not use *Village* letterhead for personal matters or to convey an opinion on any matter that has not been specifically approved by *Council*.
- (3) All correspondence on *Village* letterhead must be forwarded to the *Chief Administrative Officer* to ensure that proper records are maintained and to ensure compliance with the *Freedom of Information and Protection of Privacy Act*.

PART 6 – STAFF RELATIONS

Interaction with Staff

19. *Council*, acting, has the sole responsibility to govern the *Village* in accordance with the *Community Charter Charter, Local Government Act* and other relevant legislation and, as such, *Council* must not:
 - (a) direct or influence, or attempt to direct, influence or issue instructions to any *Staff* in the exercise of their duties or functions;
 - (b) contact or issue instructions to any of the *Village* contractors, tenderers, consultants or other service providers; or
 - (c) make public statements attacking or reflecting negatively on *Staff* or invoke *Staff* for political purposes.

Roles and Responsibilities

20. (1) There are distinct and specialized roles expected of *Staff*, both in carrying out their responsibilities and in dealing with *Council*.
- (2) **Council** shall respect and adhere to the *Village's* governance structure in which *Council* makes policy decisions and *Staff* implements those decisions with appropriate advice, information and analysis.

Accountability for Decisions

21. (1) *Staff* are accountable to the *Chief Administrative Officer* and the *Chief Administrative Officer* is accountable to *Council*.
- (2) The *Chief Administrative Officer* is responsible for the efficient and effective operation of the *Village's* organization and for ensuring the implementation of *Council* decisions and, as such, it is inappropriate for *Council* to involve themselves in matters of administration, departmental management, supervision, personnel or other administrative responsibilities that fall within the jurisdiction of the *Chief Administrative Officer*.

Council is the Governing Body

22. (1) The *Village* as a corporate body represents the entire *Village*, and *Council*, as a whole, is the local government for the entire *Village*.
- (2) *Council* as a whole, not individual members of *Council*, give direction to *Staff* through the passage of *Council* resolutions.

Respecting Corporate Priorities

23. (1) *Council* shall not request *Staff* to undertake work that has not been expressly authorized by *Council*, nor shall they:

BYLAW NO. 442

- (a) interfere with the administrative functions of the *Village* or the professional duties of *Staff*; or
 - (b) impair the ability of *Staff* to implement *Village* policy decisions.
- (2) Where a member of *Council* desires work to be undertaken which has not been authorized, the member of *Council* shall submit such request directly to *Council*, or where the member of *Council* believes the request is of a minor nature consistent with corporate policies or formal strategic direction, to the *Chief Administrative Officer* who shall determine if the request can be accommodated without compromising other *Council*-approved directives or if the request needs to be referred to *Council* for consideration of resource allocation.
- (3) Unless provided in response to a formal request under the *Freedom of Information and Protection of Privacy Act*, information provided to a member of *Council* by *Staff* that would constitute more than a technical clarification will be provided to all of *Council*, so that all *Council* have access to the same information.
- (4) Information provided to a member of *Council* that is deemed to be significant or which is likely to be used in a *Council* meeting or in a political debate should also be provided to all other members of *Council* and to the *Chief Administrative Officer*.
- (5) *Council* is not permitted to request any information or work from *Staff* that is not related to the business of the *Village*.

Corporate Resources

24. *Council*, *Staff*, volunteers and other persons representing the *Village* shall not use *Village* resources, including equipment, supplies, websites, facilities or personnel for purposes other than the discharge of their authorized duties in connection with the *Village* and in no event are such resources to be used for personal convenience.

PART 8 – CONFIDENTIAL INFORMATION

Confidential Information Defined

25. Confidential information includes documents and discussions regarding all matters described under section 90 of the *Community Charter* affecting the business affairs of the *Village*, as well as information provided by third party on a confidential basis including, but not limited to the following:
- (a) information discussed or disclosed at a closed meeting of *Council*;
 - (b) information circulated to *Council* and marked as confidential; and
 - (c) information that is given verbally in confidence in preparation for or following a closed session of *Council*.

Duty to Maintain Confidentiality

26. (1) *Council* shall be aware of their responsibilities under the *Community Charter* and *Local Government Act* and shall fulfill the statutory requirements imposed by such legislation.
- (2) *Council* and *Staff* shall not disclose or release to anyone, either in oral or written form:
- (a) confidential information acquired, by virtue of their office, unless required by law or authorized by *Council* to do so;
 - (b) the substance of deliberations of a closed meeting of *Council* prior to *Council* adopting a resolution to release the information to the public; or

BYLAW NO. 442

(c) confidential information that has otherwise been approved to be released to the public.

PART 9 – IMPLEMENTATION AND ENFORCEMENT

Implementation

27. Upon adoption of this bylaw, the *Code of Conduct* described in this bylaw becomes effective and it is the responsibility of those persons affected by the provisions of the *Code* to become familiar with and embrace those provisions.

Compliance

28. The *Code of Conduct* sets out the expectations of *Council* with respect to the standards of conduct for *Council* and is intended to be self-enforcing through understanding and acceptance of the principles and values from which the *Code* was derived.

Citation

29. This bylaw may be cited for all purposes as Code of Conduct Bylaw No. 442, 2018.

Read a first time on the 23rd day of October, 2018.

Read a second time on the 23rd day of October, 2018.

Read a third time on the 23rd day of October, 2018.

Adopted on the 6th day of November, 2018.



Mayor



Chief Administrative Officer