



Hamlet of Tulita BYLAW NUMBER 261-20

“Code of Conduct for Hamlet Councillors Bylaw”

A Bylaw of the municipal corporation of the Incorporated Hamlet of Tulita in the Northwest Territories to provide for an ethical code of conduct of elected Hamlet officials pursuant to the provisions of the *Hamlets Act*, S.N.W.T. 2003, Chapter 22, Section 3, and subsequent amendments thereto.

WHEREAS Council of the Incorporated Hamlet of Tulita has authority under the *Hamlets Act* to pass bylaws for the ethical functioning of Hamlet Council;

AND WHEREAS the public is entitled to expect the highest standards of conduct from the members that it elects to Council for the Hamlet of Tulita;

AND WHEREAS a code of conduct is intended to provide a common understanding of acceptable conduct extending beyond the legislative provisions governing the conduct of Councillors;

NOW, THEREFORE, BE IT RESOLVED THAT the Council of the Incorporated Hamlet of Tulita, in the Northwest Territories, at a meeting duly assembled, enacts a bylaw as follows:

SHORT TITLE

This bylaw may be cited as the “Code of Conduct for Council Members Bylaw”.

Definition

In this bylaw:

“Act” means the *Hamlets Act*, being Chapter 22 of the Statutes of the Northwest Territories, 2003;

“Administrations” means the administrative and operational arm of the Hamlet, comprised of the various departments and business units and including all employees who operate under the leadership and supervision of the Senior Administrative Officer;

“ATIPP” means the access to information and Protection of Privacy Act, S.N.W.T. 1994, c.20;

“Council” Means the duly elected representatives of the Incorporated Hamlet Of Tulita;

“Hamlet Of Tulita” means municipal corporation of the Incorporated Hamlet Of Tulita as defined under the Act;

“investigator” means Council or the individual or body established by Council to investigate and report on complaints;

“Member” means a member of Council, including the Mayor.

“Senior Administrative Officer or SAO” means the position established by Section 43 of the Act and the term “Senior Administrative Officer” and “SAO” may be used interchangeably.

PURPOSE

This Code of Conduct establishes guidelines for the ethical, inter-personal conduct of Members of Council who each are answerable to the community through the democratic election process. This Code assists in providing for the good government of the Hamlet of Tulita.

STANDARDS OF CONDUCT

Members of Council will endeavor to uphold the law and at all times:

seek to advance the common good of the Hamlet and to conscientiously represent the citizens and residents they serve;

perform the functions of office truly, faithfully and impartially to the best of their knowledge and ability in accordance with the core values of *Integrity* – giving the Hamlet’s interests absolute priority over private individual interests; *Honesty* – being truthful and open; *Objectivity* – making decisions based on a careful and fair analysis of the facts; *Accountability* – being accountable to each other and the public for decisions taken; and *Leadership* – confronting challenges and providing direction on the issues of the day;

uphold this Code as a means of promoting the standards of behaviour expected of Members of Council and enhancing the credibility and integrity of Council in the broader community.

COUNCIL MEMBER RESPONSIBILITIES

Conduct to be Observed: Members of Council are agents of the public whose primary objective is to address the needs of citizens and residents. As such, they are entrusted with upholding and adhering to the by-laws of the Hamlet as well as all applicable laws of the Government of the Northwest Territories and the Government of Canada. As public servants, Members of Council must observe a high standard of morality in the conduct of their official duties and faithfully fulfill the responsibilities of their office(s), regardless of personal or financial interests.

Dedicated Service: Members of Council in performing their individual duties are to faithfully and conscientiously work towards developing programs to address the needs of all citizens.

Respect for Decision-making Process: All Members of Council recognize the responsibility of the Mayor to accurately communicate the decisions of the Council, even if they disagree with such decisions, such that respect for the decision-making processes of Council is fostered.

Conduct at Meeting: Members of Council will respect the chair, colleagues, employees, and members of the public present during Council meetings or other proceedings of the Hamlet. Meetings will provide an environment for transparent and healthy debate on matters requiring decision-making.

Release of Confidential Information Prohibited: No Member of Council shall disclose or release to any member of the public confidential information acquired by virtue of his/her office, in either oral or written form except when required by law or authorized by the Hamlet to do so; nor shall Members of Council use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.

Gifts and Benefits: No Member of Council shall show favouritism or bias toward any vendor, contractor or others doing business with the municipality. Members of Council are prohibited from accepting personal gifts or favours from any vendor, contractor or others doing business with the municipality. This applies also to gifts or favours given through a family member or friend which could give rise to a reasonable suspicion of influence that would suggest favour or disadvantage for any individual or organization

Use of Public Property: No Member of Council shall request the use of Hamlet-owned vehicles, equipment, materials or property for personal convenience or profit, except where such privileges are granted to the general public. Members of Council shall ensure that the business of the Hamlet is conducted with efficiency and shall avoid waste, abuse and extravagance in the provision or use of municipal resources.

Obligations to Citizens: No Member of Council shall grant any special consideration, treatment, or advantage to any citizen or group of citizens beyond that which is accorded to all citizens.

Interpersonal Behaviour: Members of Council will endeavor to treat every person, including other Members of Council, corporate employees, individuals providing services on a contract for service, and the public with dignity, understanding and respect and will promote a work environment free from discrimination, bullying and harassment.

Community Representation: Members of Council will observe a high standard of professionalism when representing the municipality and in their dealings with members of the broader community.

GOOD GOVERNANCE

Members of Council accept that effective governance of the Hamlet is critical to ensuring that decisions are taken in the best interests of all stakeholders and to enable the Hamlet to function as a good corporate citizen.

GOVERNMENT RELATIONSHIPS

Members of Council recognize the importance of working constructively with other levels of government and organizations in the Northwest Territories and beyond to achieve the goals of the Hamlet.

CONFLICT OF INTEREST AVOIDANCE

Members of Council are committed to making decisions impartially and in the best interests of the Hamlet and recognize the importance of fully observing all legislative requirements of the Government of the Northwest Territories and the Government of Canada with regard to the disclosure and avoidance of conflicts of interest.

REPORTING BREACHES

Persons who have reason to believe that this Code has been breached in any way are encouraged to bring their concerns forward. No adverse action shall be taken against any Member of Council or municipal employee or member of the general public who, acting in good faith, brings forward such information.

CORRECTIVE ACTION

Any reported violation of the Code will be subject to investigation by the Council in the manner attached herewith as Appendix "A" to this bylaw. Violation of this Code by a Member of Council may constitute a cause for corrective action. If an investigation finds a Member has breached a provision of the Code, Council may impose corrective action commensurate with the nature and severity of the breach. Such action may include a formal warning or reprimand to the Member.

Read a First time this 19th day of October, 2020.

Read a Second time this 19th day of October, 2020.

Read a Third & Final time this 9th day of November, 2020.



Mayor Douglas Yalleg.



Samantha Bayha, SAO

As per Section 77(1)(d) of the *Hamlets Act*, I hereby certify that this bylaw has been made in accordance with the requirements of the *Hamlets Act*, and the bylaws of the Incorporated Hamlet of Tulita.



Samantha Bayha, Acting SAO



Appendix "A"

Informal Complaint Process

Any person or Member who has identified or witnessed conduct by a Member that the person or Member reasonably believes, in good faith, is in contravention of this Bylaw may address the prohibited conduct by:

- (i) advising the Member that the conduct violates this Bylaw and encouraging the Member to refrain from such conduct;
- (ii) requesting the Mayor to assist in informal discussion of the alleged complaint with the Member in an attempt to resolve the issue. In the event that the Mayor is the subject of, or is implicated in a complaint, the person may request the assistance of the Deputy Mayor.
- (iii) Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying conduct they may believe violates this Bylaw. However, an individual is not required to complete this informal complaint procedure and may pursue the formal complaint procedure.

Formal Complaint Process

Any person or Member who has identified or witnessed conduct of a Member that the person or Member reasonably believes, in good faith, is in contravention of this Bylaw may file a formal complaint in accordance with the following procedure:

- (i) All complaints shall be made in writing and shall be dated and signed by an identifiable individual;
- (ii) All complaints shall be addressed to the Investigator in C/O the Senior Administrative Officer of the Hamlet of Tulita;
- (iii) The complaint must set out reasonable and probable grounds for the allegation that the Member has contravened this Bylaw, including a detailed description of the facts, as they are known, which have resulted in the allegation being made;
- (iv) If the facts, as reported, include the name of one or more Members who are alleged to be responsible for the breach of this Bylaw, the Member or Members concerned shall receive a copy of the complaint;
- (v) Upon receipt of a complaint under this Bylaw, the Investigator shall review the formal complaint and decide whether there are legitimate grounds to proceed with an investigation of the complaint. If the Investigator is of the opinion that a complaint is frivolous, vexatious, not made in good faith, or that there are insufficient grounds to conduct an investigation, the Investigator may choose not

to proceed further with an investigation. In that event, the complainant and Council, if Council is not the Investigator, shall be notified of the Investigator's decision;

- (vi) If the Investigator decides to investigate the complaint, the Investigator shall take such steps as may be considered appropriate. This may include seeking legal advice. All proceedings of the Investigator regarding the investigation shall be confidential unless a legal requirement exists for release of information.
- (vii) If the Investigator is not Council, the Investigator shall, upon conclusion of the investigation, provide Council and the Member who is the subject of the complaint, the result of the investigation;
 - i. A Member who is the subject of an investigation shall be afforded procedural fairness, including an opportunity to respond to the allegations before Council deliberates and any decision on sanction is imposed;
 - ii. A Member who is the subject of an investigation is entitled to be represented by legal counsel, at the Member's sole expense.

Compliance and Enforcement

Members shall uphold the letter, spirit and intent of this Bylaw and to provide their full cooperation in compliance with the application and enforcement of this Bylaw. No Member shall:

- (i) Undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to Council or to any other person;
- (ii) Obstruct the Investigator, Council, or any other person in carrying out the objectives or requirements of this Bylaw;

Sanctions

Sanctions may be imposed on a Member by Council, upon finding that the Member has breached this Bylaw. Such sanctions may include:

- (i) a letter of reprimand addressed to the Member requesting a formal, written apology;
- (ii) suspension or removal of the Member's appointment from some or all Council committees and bodies to which Council has the right to appoint members;
- (iii) suspension of approval for travel; and/or
- (iv) a reduction or suspension in the Member's remuneration, as defined in the Council Honoraria and Indemnity Bylaw, corresponding to a reduction in duties and meeting honoraria.

GENERAL

1. This bylaw shall be brought forward for review at the beginning of each term of Council, when relevant legislation is amended, and at any other time that Council considers appropriate to ensure that it remains current and continues to accurately reflect the standards of ethical conduct expected of Members.
2. Should any section or part of the Bylaw be found to be improperly enacted or *ultra vires*, for any reason(s), then such section or part shall be regarded as being severable from the Bylaw, and the Bylaw remaining after such severance shall be effective and enforceable.
3. This Bylaw shall come into effect upon Third & Final Reading.