

6. COUNCIL ROLES AND RESPONSIBILITIES:

PURPOSE:

The purpose of this policy is to support the Mayor and Council to understand its roles and responsibilities as a public servant.

APPLIES TO:

All members of Council

LEGAL FRAMEWORK:

- a. The Saskatchewan Municipalities Act 2005, c.M-36.1.
- b. The Saskatchewan Employment Act
- c. The Occupational Health and Safety Regulations, 1996
- d. The Freedom of Information and Protection of Privacy Act, 2017
- e. The Local Authority Freedom of Information and Protection of Privacy Act, 2018
- f. The Public Interest Disclosure Act, 2015
- g. Village of Torquay Bylaw No. 2016-03 & 2021-02

INTRODUCTION:

The Council is the first tier of government. The Mayor and Council are elected by the community to represent them. These are demanding positions that require that each person who decides to serve the community in this way to have the skill and time to fulfill their duties. The following is a list of the duties of Council. The Council is responsible for making decisions about the community that impact everyone.

DUTIES OF COUNCILLORS

- a. To represent the public and to consider the well being and interests of the municipality ahead of their own self interest.
- b. To take an active part in developing and evaluating policies, services, and programs of the municipality.
- c. To actively participate in Council meetings and committee meetings and any other meeting as appointed by the Council.
- d. To make sure that there are administrative practices and procedures in place to make certain that the administrator can implement Council decisions. This could be accomplished by adopting suitable bylaws and establishing an organizational plan with a clear line of authority.
- e. To make certain matters discussed in private are kept confidential until those matters are discussed at a meeting held in public.
- f. To maintain the financial integrity of the municipality.
- g. To perform any duty or function imposed on them by the Municipalities Act or Legislation.

PUBLIC DISCLOSURE STATEMENT

Each Council member is required to file with the Administrator a public disclosure statement. Whether elected or through acclamation, new Councillors are expected to file a public disclosure statement within 30 days of being elected. The public disclosure statement identifies those areas where a possible conflict of interest could occur. The public disclosure statement must include:

- a. The name of the Councillor's employer
- b. Each corporation in which the member or someone in the members family has a controlling interest, or if the member or family member is a director or senior officer
- c. Each partnership or firm of which the Councillor is a member
- d. The civic address or legal description of any property located in the municipality, or an adjoining municipality owned by the member of Council or his/her spouse owns
- e. Any corporation which has the Councillor or his/her spouse as a director or senior officer or has controlling interest.

DUTIES OF THE MAYOR

The mayor has all the duties of the Councillors and additional duties and responsibilities. These include

- a. The mayor presides at all meetings of Council and preserves order and enforces the rules of the Council.
- b. The mayor performs any other duty imposed by the Municipalities Act or other legislation.
- c. The mayor is a member of all Council committees and all bodies established by Council pursuant to the Municipalities Act unless Council provides otherwise.
- d. The mayor actively ensures that citizens abide by the laws of the community.
- e. The mayor ensures all cases of negligence, carelessness, and violation of duty by employees to be duly prosecuted.
- f. The mayor is responsible to keep the Council informed of any measures to improve the financial status and welfare of the community.
- g. The mayor along with the Administrator signs the cheques for all payments made on behalf of the municipality.
- h. The mayor must advise Council of any audit report outlining any negligence, irregularity, or discrepancy found in the books or accounts of the municipality.
- i. When the financial statement is complete and verified by the auditor, the mayor presents a copy to the Council at their next meeting.
- j. The mayor may, as necessary, request the Administrator to call a special meeting.
- k. The mayor shall call a public meeting at the authorization of Council after receiving a petition requesting one.
- l. If necessary, the mayor appoints a person as an acting member of the board of revision.
- m. If a returning officer is unable to act during a municipal election, the mayor can appoint a person to act in the place of the returning officer.

Additional Powers:

The mayor may, without a warrant, seize any vehicle left on a municipal road at a place or in a manner that constitutes a hazard to other users of the road or road allowance (MA, Sec.201).

DEPUTY MAYOR

The Council must appoint one of its members to Deputy Mayor who has, during the absence, illness, or other disability of the mayor, all the powers and is subject to the same rules as the mayor.

CODE OF ETHICS

As members of Council, it is recognized that our actions have an impact on the lives of all residents and property owners in the community. Fulfilling Council obligations and discharging our duties responsibly requires a commitment to the highest of ethical standards.

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

It is understood there are occasions when Council finds it necessary to adopt additional rules of conduct to protect the public interest and support public confidence and trust in the local government.

- a. Honesty: Council members must be truthful and open both as members of Council and as members of the community.
- b. Objectivity: Council members are expected to make decisions carefully, fairly, and impartially. Council members are expected to know and act in accordance to conflict of interest legislation.
- c. Respect: Council is expected to treat people with dignity, understanding and respect.
- d. 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.
- e. Transparency and Accountability: Council is expected to conduct business so that citizens can clearly see how and why a decision was made. Only those discussions that are authorized by the Municipalities Act can be dealt with in closed sessions to allow for transparency.
- f. Members of Council are held responsible for the decisions that they make. This responsibility includes acts of commission and omission.
- g. Confidentiality: Council is expected to keep information learned during performing their official duties confidential, except when compelled by law or with authorization of Council. Council may not take advantage of or obtain private benefit from information that is obtained during or because of their official duties or position and that is not in the public domain. This includes compliance with the Local Authority Freedom of Information and Protection of Privacy Act in their capacity as members of Council of a local authority.
- h. Council members are not allowed to benefit from their role as community leaders. Not only are Council members not allowed to benefit financially, but they must also even excuse themselves from decision making around situations where they can be proven to have an interest.

- i. Leadership and Public Interest: The community expects Council to serve the citizenry and act in the best interests of the municipality. A member of Council is expected to focus on issues important to the community and demonstrate leadership, to build and inspire the public's trust and confidence in local government. Members of Council are expected to perform their duties in a manner that bears close public scrutiny and shall not provide the potential or opportunity for personal benefit, wrongdoing, or unethical conduct. Acting for personal benefit, wrongdoing or unethical conduct is not tolerated by the community.
- j. Responsibility: The community expects Council members to know and act in accordance with legislation, disclose conflicts of interest, follow policies and procedures of the municipality and exercise powers strictly for the purposes for which they were elected. This duty includes disclosing actual or potential conflicts of interest, either financial or otherwise relating to their responsibilities as members of Council, following policy and procedures of the municipality. Every member of Council is individually responsible for preventing potential and actual conflicts of interest.
- k. The community requires Council to establish a process for dealing with contraventions of the code that describes remedial actions available to Council. The complaint handling process needs to be based on the principles of fairness, accessibility, responsiveness, and efficiency.

CONTRAVENTION TO CODE OF ETHICS

As required by clause 93.1(5)(c) of The Municipalities Act, the following details the process for handling contraventions of the Council Code of Ethics:

- a. To report an alleged contravention, an individual/organization/member of Council may submit the form found in Schedule A, by sending the form to the Administrator by mail, email, or courier. The complaint will be presented to Council at the next regular meeting in an in-camera session.
 - b. Council is expected to discuss the complaint and take necessary steps to ensure the complaint is valid.
 - c. All discussions about the matter are to be kept confidential and only to be discussed by Council at an in-camera session.
 - d. If the claim is substantiated Council may, by resolution, impose an appropriate penalty including:
 - A written or verbal apology by the member of Council to the impacted individual(s), Council and/or general public
 - Educational training on ethical and respectful conduct.
 - Repayment of money/gifts received.
 - Removal of the Member from Council Committees and/or bodies
 - Dismissal of the Member from a position of Chairperson of a committee.
 - Reprimand.
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REGULAR MEETINGS

- a. Council has regular meetings set for the first and second Wednesday of each month, commencing at 6:30 PM.
 - b. Changes to the time, date and place are made with 24 hours notice; Council members are advised by email or telephone, and public notification is made via website and notices posted at the village office.
 - c. Council may schedule the next meeting date at a Council meeting.
 - d. Regular meetings may be held with less than 24 hours notice to Council or to Committee members or to the public if all members of the Council sign a waiver of notice beginning of the meeting.¹
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MEETING PROCEDURES

- a. All municipal business must be conducted at a properly constituted meeting (MA, Sec. 119 and 120).
 - b. Council must hold the first meeting within 31 days of the annual election at a time and place specified by the Administrator.
 - c. Council conducts meetings using parliamentary procedures.
 - d. Every member of Council must vote on all resolutions. Refraining from voting is considered the same as voting in the negative. The Administrator is required to record each abstention and the reasons for the abstention in the minutes. (MA Sec. 99, 100, and 102).
 - e. If there is a tied vote, that means the bylaw or resolution has been defeated.
 - f. A recorded vote may be requested by any Council member; however, the request must be made before the vote. The minutes then show the names of the Council present, and how they voted.
 - g. All council meetings and committee meetings must be open to the public. Any person considered to be guilty of improper conduct may be expelled and excluded from the meeting by the Mayor.
 - h. Council or Council committees may close all or part of a meeting to the public only if the matter to be discussed is within one of the exceptions of Part III of The Local Authority Freedom of Information and Protection of Privacy Act or if it concerns long range or strategic planning, however all bylaws or resolutions must be voted on in open public meeting of Council.
 - i. A majority of Council members, including the Mayor constitutes a quorum and is necessary to conduct business. A quorum is maintained throughout the meeting.
 - j. A quorum is not impacted if a member declares a conflict of interest and removes themselves from a discussion.
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¹ Municipalities Act, Section 122

SPECIAL MEETINGS

Council may hold special meetings to deal with specific issues. The special meeting must be called using written notice at least 24 hours prior to the day of the meeting. If the notice is mailed, it needs to be sent at least 7 days in advance.

- k. The meeting may be held without notice if all members are present and if Council adopts a resolution with a unanimous vote to waive notice.
- l. No business other than that stated in the notice is to be discussed at a special meeting unless all members or Council are present and vote unanimously in favor of conducting other business.

MEETINGS BY ELECTRONIC MEANS

Council and committee meetings can be conducted by electronic means such as telephone, online or other communication technology; provided:

- a. The public was provided notice of the meeting and how the meeting was conducted
- b. All participants to communicate adequately with each other during the meeting
- c. Members of Council who participate using electronic means are counted as present at the meeting.

MEETINGS—ADMINISTRATOR SUBSTITUTE

It is the Administrator's duty to record the minutes of all Council meetings. However, in the event the Administrator is unavailable to record the minutes, Council is expected to appoint a person to record the minutes of the meeting.

A member of Council cannot be appointed as an employee of the municipality², however, it could be another employee of the municipality or someone unassociated with the municipality.

PECUNIARY INTEREST

A Council member has a pecuniary interest when they or someone in their family has a controlling interest or is a director or senior officer of a corporation that could make a financial profit or be adversely affected financially by a decision of Council.

It is not considered to be a pecuniary interest in any matter where the Council member has as a voter, taxpayer, or utility customer of the municipality.

² Municipalities Act, Section 112

CONFLICT OF INTEREST

A Council member has a conflict of interest, certainly when there is a pecuniary interest, but also when a personal interest of a Council member conflicts with the public interest (what is in the best interest of the entire municipality), or with his or her duty as a public official³.

DISCLOSURE OF PECUNIARY INTEREST OR CONFLICT OF INTEREST

It is the duty of the individual Council member to determine whether he or she has a conflict of interest. It is on the onus of the Council member to:

1. Declare the interest prior to any discussion on the matter
2. Abstain from voting on any question relating to the matter
3. Abstain from discussion of the matter
4. Leave the meeting while the matter is being discussed and voted on

The member shall not attempt to influence the voting in any way, either before, during or after the meeting.

The Administrator is expected to note any abstention or disclosure in the minutes.

1. If the number of Council members declaring a conflict of interest results in loss of quorum, the remaining members are a quorum unless there are fewer than 2.
2. If all but one of the members declares a conflict of interest, the Council makes a resolution to apply to a judge of the court to consider the matter.
3. These procedures apply to all Council meetings and Council Committees.

COMMITTEES

Council Committees are special committees set up by resolution and are made up of only members of Council. The Mayor is an ex-officio member of all Council committees. Meetings of these committees are typically informal.

1. Council may establish standing committees for any purpose they see fit. Typically, committees consider and research the matter that has been assigned to it, and reports to Council with or without a recommendation.
2. Special committees may be established to deal with a specific problem or issue, and then cease to exist with the problem or issue is addressed.

PROCEDURES

Mayor and council are expected to:

1. Know the duties of their positions outlined in The Municipal Councillors Handbook (March 2019) pages 5-8.
2. Understand the Municipalities Act, Saskatchewan Labour Code, Occupational Health and Safety, Labour Standards Act, Freedom of Information and Privacy Act, The Local

³ The Ombudsman, Nov. 2016

Authority Freedom of Information and Privacy Act, The Public Interest Disclosure Act, or any other Act required.

3. <https://pubsaskdev.blob.core.windows.net/pubsask-prod/95528/110331-Council-Members-Handbook.pdf>
4. Councillors must read the Municipal Councillors Handbook (March 2020) included in the policy manual.
5. Professional development of Council and staff is paid by the Village of Torquay.
6. The Village of Torquay will not reimburse fees for any uncompleted course.
7. Councillor's Indemnity and travel will be paid by The Village of Torquay.
8. Know how to develop and evaluate policies, services, and programs of the municipality.
9. Have a working knowledge of the administrative process.

EFFECTIVE DATE

This policy takes effect February 12, 2025

Tammie Jackson, CAO

Terry Malaryk, Mayor