

RURAL MUNICIPALITY OF WEYBURN NO. 67

BYLAW #5-2025

A BYLAW TO PROVIDE A CONFLICT OF INTEREST POLICY FOR MEMBERS OF COUNCIL

The Council of the Rural Municipality of Weyburn No. 67 in the Province of Saskatchewan enacts as follows:

WHEREAS Part VII of *The Municipalities Act*, SS 2005, c M-36.1 sets out requirements for members of council regarding conflicts of interest.

WHEREAS Council recognizes that conflicts of interest erode public confidence in government.

WHEREAS members of Council recognize that fulfilling their obligations and discharging their duties responsibly requires a commitment to the highest ethical standards.

NOW THEREFORE, the Council of the Rural Municipality of Weyburn No. 67 in the Province of Saskatchewan enacts as follows:

PART I

Short Title

1. This Bylaw may be cited as the Conflict of Interest Bylaw.

Purpose and Interpretation

2. The purpose of this Bylaw is to outline the obligations of members of council concerning conflicts of interest and to establish a procedure for the investigation of alleged conflicts of interest by current members of council.

Definitions

3. In this Bylaw:
 - a. “**Act**” means *The Municipalities Act*, SS 2005, c M-36.1.
 - b. “**complainant**” means an individual, including a member of council submitting a complaint under this Bylaw.
 - c. “**designated officer**” means the Chief Administrative Officer, and includes a person acting as his or her designate.

PART II

Conflicts of Interest for Council Members

4. Members of council shall at all times comply with sections 141.1 – 144 of the Act related to conflicts of interest.
5. Pursuant to subsection 141.1(1) of the Act, a member of council “has a conflict of interest if the member makes a decision or participates in making a decision in the execution of his or her office and at the same time knows or ought reasonably to know that in the making of the decision there is an opportunity to further his or her private interests or to improperly further another person’s private interests”. Subsection 114.1(2) clarifies that a financial interest as described in subsection 143(1) is always a conflict of interest.
6. Pursuant to subsection 143(2)(i) of the Act, a member of council does not have a conflict of interest in relation to an interest that the member may hold in common with the majority of voters of the municipality, or if the matter affects only part of

the municipality, with the majority of voters in that part.

7. Pursuant to subsection 143(2)(j) of the Act, a member of council does not have a conflict of interest where the interest is so remote or insignificant that it cannot be reasonably regarded as likely to influence the member of council.
8. A member of council who is in a conflict of interest must disclose the conflict of interest in accordance with section 144 of the Act. This includes declaring the conflict of interest, abstaining from voting on the matter, not attempting to influence the discussion or voting on the matter, and leaving the room during discussion and voting on the matter.
9. Any declaration of a conflict of interest and any abstention or withdrawal must be recorded in the minutes of the meeting pursuant to subsection 144(5) of the Act.
10. Every member of council is personally responsible to recognize when he or she is in a conflict of interest.

PART III

COMPLAINT PROCESS

11. To report an alleged conflict of interest by a member of council, the complainant shall submit the Complaint Form found in Schedule A, personally or by sending the form directly to the designated officer by mail, fax, or courier.
12. In the event that an individual files a complaint is received under the Code of Ethics but appears to pertain more appropriately to a Conflict of Interest matter, the designated officer may, at their discretion, either address it under the Code of Ethics framework or advise the complainant to resubmit the concern through the appropriate Conflict of Interest process
13. Upon receipt of a formal complaint, the designated officer shall ask the RM solicitor to provide a recommendation as to the following:
 - a. whether the complaint falls within the jurisdiction of this Bylaw;
 - b. whether there are sufficient grounds for an investigation;
 - c. whether the complaint is destined to be unsubstantiated; and
 - d. whether the complaint is frivolous or vexatious or where the interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence a member of council.
14. All communications between the RM solicitor and the designated officer regarding the complaint:
 - a. shall be covered by solicitor-client privilege; and
 - b. shall be kept private and confidential, and may not be disclosed to any member of the public or council.
15. If the RM solicitor determines that the complaint shall not proceed to an investigation based on any of the considerations set out in section 13, the designated officer shall, as soon as reasonably possible, notify the complainant in writing that the complaint is dismissed and provide any reasons for the dismissal of the complaint. If applicable, the designated officer shall direct the complainant to another more suitable process for addressing the complaint.
16. If the RM solicitor determines that the complaint falls within the scope of this Bylaw and shall proceed to an investigation, the designated officer shall, as soon as reasonably possible:

- a. notify the complainant in writing that the complaint meets the requirements of this Bylaw;
 - b. notify the respondent council member(s) in writing that a complaint has been filed pursuant to the Bylaw; and
 - c. after notifying the complainant and the respondent council member that the complaint has been filed, refer the complaint to the members of council who are not named in the complaint.
17. If the RM solicitor determines that the complaint falls within the scope of this Bylaw and shall proceed to an investigation, at the next council meeting, council shall acknowledge by resolution that a conflict of interest complaint has been filed.

PART IV

INVESTIGATION PROCESS

Investigation – Third Party is the Investigator

18. Upon receipt of the complaint, council shall pass a resolution to retain a third party independent investigator to investigate the complaint.
19. The designated officer shall inform all the parties of the following:
- a. who will be investigating the complaint;
 - b. when the investigation will be initiated; and
 - c. how the investigator's findings will be communicated.

Investigation Requirements

20. The investigation must, as is reasonably possible, protect the names and other personal information of all parties involved.
21. The investigation shall be done in a confidential, objective and unbiased manner.
22. At a minimum, the investigator must:
- a. provide the respondent with an opportunity to respond to the allegations;
 - b. if necessary, clarify what the complaint is about;
 - c. provide an opportunity for all parties involved to provide contrary and/or additional information that may be relevant;
 - d. consider and apply the conflict of interest provisions set out in Part VII of the Act;
 - e. make relevant findings of fact; and
 - f. summarize the results of the investigation into a written report (the "**Investigation Report**").
23. In addition to the above, the investigator may also consider relevant case law and common law principles regarding conflicts of interest.

Council is the Decision Maker

24. When completed, the Investigation Report shall be provided to council in a closed meeting.
25. The respondent council member(s) shall not participate in the closed meeting.

26. If the complainant is a council member or the Chief Administrative Officer, the complainant shall not participate in the closed meeting.

27. At the closed meeting, council shall pass resolutions to :

- a. receive the Investigation Report;
- b. provide a redacted copy of the Investigation Report to the complainant and the respondent council member(s);
- c. invite written submissions from the complainant and the respondent council member(s) in response to the Investigation Report by a specified deadline.

28. Once the deadline for written submissions has passed, at the next council meeting, council shall go in camera to consider the complaint, the Investigation Report and the written submissions of the complainant and respondent council member, if any.

29. After discussing the complaint, the Investigation Report and written submissions, council shall return to the public portion of the meeting and shall pass a resolution stating that the complaint is either unsubstantiated or substantiated.

1) If the Complaint is Substantiated

Disqualification

30. In the event that the complaint is substantiated, but the infraction is so minor as to have had almost no consequence, council has the discretion to permit the council member to remain on council.

31. In the event that the complaint is substantiated and the respondent council member is found to have breached either section 142 or 144 of the Act, and the breach is more than of a trifling nature, council shall pass a resolution stating that the member is disqualified pursuant to subsection 147(1)(e)(ii) of the Act.

32. After passing the disqualification resolution, council shall provide the respondent council member with written reasons for the substantiation. In the written reasons, council shall invite the disqualified council member to immediately resign in accordance with subsection 148(1) of the Act.

33. If the disqualified council member does not resign as required by subsection 148(1) of the Act with 7 days of the service of the written reasons:

- a. council may, by resolution, declare the person's office vacant pursuant to subsection 148(2)(a) of the Act; or
- b. council may apply to a judge of the Court of King's Bench for an order declaring the person to be disqualified from council pursuant to subsection 148(2)(b)(ii) of the Act.

a. Resolution to Vacate

34. In the event that council passes a resolution to declare the respondent council member's seat vacant pursuant to subsection 148(2)(a) of the Act, council shall advise the member that he or she may appeal the resolution to a judge of the Court of King's Bench within 10 business days after the passing of the resolution.

b. Court Application

35. In the event that council applies to a judge of the Court of King's Bench pursuant to subsection 148(2)(b) of the Act, after hearing the application, the judge may:

- a. declare the person to be disqualified and a position on council to be vacant;
- b. declare the person able to remain a member of council;

- c. declare the person eligible to be nominated in the next election; or
- d. dismiss the application.

2) If the Complaint is Unsubstantiated

Written Reasons

36. 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.

PART V

COMING INTO FORCE

36. This Bylaw shall come into effect on the day of its final passing.

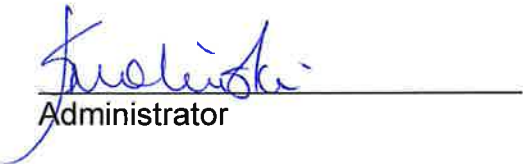



REEVE


ADMINISTRATOR

Certified a true copy of
Bylaw No. 5-2025 adopted
by Council on the 17th day
of July, 2025.


Reeve


Administrator



Schedule "A" – Complaint Form

Complainant Name: _____

Complainant Address: _____

Complainant Phone Number(s): _____

Complainant Email: _____

I have reasonable and probable grounds to believe that the following council member(s) has (have) acted in conflict of interest contrary to section 142 or 144 of *The Municipalities Act*:

1. Insert date(s), time and location of conduct:

2. Describe the nature of the alleged conflict of interest (e.g. why you believe the council member had a conflict of interest):

3. Provide the particulars and names of all persons involved and of all witnesses:

4. Provide contact information for all witnesses:

5. Number of exhibits attached (if applicable): _____

6. If more space is needed, please attach additional pages as required.

I declare that the information provided by me with respect to the above statements is true to the best of my knowledge. 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)