



---

## TOWN OF FARO BYLAW 2022-01

### **A Bylaw to provide for a Code of Conduct of Elected Officials and Members of Boards, Bodies, and Entities created by Council of the Town of Faro**

**WHEREAS** Section 220 of the *Municipal Act*, Chapter 154, Statutes of the Yukon provides that Council may create bylaws;

**AND WHEREAS** the Council of the Town of Faro feels that the public is entitled to expect the highest standards of conduct from the members that it elects to the Council of the Town of Faro;

**AND WHEREAS** the establishment of this Code of Conduct for members of Council, Boards, Bodies, and Entities is consistent with the principles of transparent government;

**AND WHEREAS** a Code of Conduct ensures that members share a common understanding of acceptable conduct extending beyond the legislative provisions governing the conduct of Councilors;

**NOW THEREFORE** the Municipal Council of the Town of Faro in the Yukon Territory, in open meeting assembled, hereby ENACTS AS FOLLOWS:

#### **1.0 Citation of Bylaw**

1.1 This bylaw may be cited as the "**Council Code of Conduct Bylaw**"

#### **2.0 Definitions**

In this Bylaw, the following terms shall have the meanings shown:

- 2.1 "Acting Mayor" means the Member, selected by Council, to preside at a meeting in the absence or incapacity of the Mayor or Deputy Mayor;
- 2.2 "Act" means the *Municipal Act*, revised Statutes of the Yukon 2002, Chapter 154, and associated regulations and amendments;
- 2.3 "Administration" means the administrative and operational arm of the municipality, comprised of the various departments and business units, and including all employees who operate under the leadership of the Chief Administrative Officer;
- 2.4 "ATIPP" means the *Access to Information and Protection of Privacy Act*, SY 2018, c.9; any associated regulations, and any amendments or successor legislation;

- 2.5 "CAO" means the Chief Administrative Officer for the Town of Faro, the Deputy Chief Administrative Officer, or their delegate;
- 2.6 "Faro" means the municipal corporation of the Town of Faro;
- 2.7 "*In-Camera*" shall mean closed session meetings, as defined by the *Municipal Act*.
- 2.8 "Investigator" means Council or the individual or body established by Council investigate and report on complaints;
- 2.9 "Member" means a member of Council which a Councillor or the Mayor. It also includes Members of Council committees or other bodies established by Council who are not Councillors or the Mayor;
- 2.10 "Municipality" means the municipal corporation of the Town of Faro;
- 2.11 "Mayor" means the Chief Elected Official who leads the municipality and acts as the public spokesperson for Council and the municipality;

### **3. Purpose and Application**

- 3.1 The purpose of this Bylaw is to establish standards for the ethical conduct of Members relating to their roles and obligations as representatives of the municipality and a procedure for the investigation and enforcement of those standards. Every Member will be provided with a copy of this Bylaw and will sign the Statement of Commitment attached as Schedule "A".

### **4. General Principles**

- 4.1 Members shall govern their conduct in accordance with the requirements and obligations of the *Act*.
- 4.2 Members shall demonstrate fairness, accountability, and impartiality in all Council matters.
- 4.3 Members shall not discriminate against anyone on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, gender, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, mental disability, physical disability, or source of income.

### **5. Statement of Code of Ethics and Conduct**

- 5.1 Councillors agree to sign the **Statement of Code of Ethics and Conduct** as provided in Schedule "A" at the start of their term.
- 5.2 The **Statement of Code of Ethics and Conduct** will be publicly displayed in the Council Chambers, and on the Towns' website.

5.3 Councillors agree to abide by this Bylaw, including those provisions relating to confidentiality which shall apply to each Councillor in perpetuity.

**6. Representing the Municipality**

6.1 Members shall observe high standards of professionalism when representing the municipality in their dealings with members of the public, other elected officials, government officials, and Faro Administration. Members shall hold themselves to the highest standard when engaging in public activities.

6.2 Members will consider the welfare and interests of Faro as a whole. The interests of Faro as a whole shall supersede the interests of any individual neighbourhood or area. Members shall bring to Council's attention anything that would promote the welfare or interest of Faro.

6.3 Members will think independently and refrain from forming allegiances of factions within Council.

**7. Communicating on Behalf of the Municipality**

7.1 A Member must not claim to speak on behalf of Council unless specifically authorized to do so.

7.2 Unless Council directs otherwise, the Mayor shall be Councils' official spokesperson. All inquiries from the media regarding the official Council position on an issue, shall be directed to Council's official spokesperson.

7.3 A Member who is authorized to act as Councils' official spokesperson must ensure that their comments accurately reflect Councils' official position and the will of Council as a whole, even if the spokesperson disagrees with Councils' position.

7.4 No Member shall make a statement when they know that statement is false.

7.5 No Member shall make a statement with the intent to mislead Council or members of the public.

**8. Respecting the Decision-Making Process**

8.1 Council decisions, resolutions, or direction are made by a majority vote of Councillors. The decisions of Council must be accepted and respected by all Councillors, regardless of any personal view of the decision made.

8.2 Decision-making authority lies with Council, and not with any individual Councillor. Council may only act by bylaw or resolution passed at a Council meeting held in public at which there is a quorum present. No Member shall, unless authorized by Council, attempt to bind Faro to a course of action, or give direction to employees in Administration, agents, contractors, consultants, or other service providers or prospective vendors to the municipality.

8.3 All Members shall communicate and work toward the effective implementation of the positions and decisions of Council, even if they disagree with Council decisions. In this way, Council will foster respect for the democratic decision-making process.

8.4 Members will conduct and convey Council business and all their duties in an open and transparent manner, other than those matters which by law are authorized to be dealt with in a confidential manner in an "*in camera*" session, and in doing so, allow the public to view the process and rationale which was used to make decisions and the reasons for taking certain actions.

**9. Adherence to Policies, Procedures, and Bylaws**

9.1 Members shall uphold the law established by the Government of Canada and the Legislature of Yukon.

9.2 As Faros' stewards and decision-makers, all Members shall respect, and adhere to the established policies, procedures, and bylaws of Faro, showing commitment to performing their duties and functions with care and diligence.

9.3 Members shall respect Faro as an institution, its' policies, procedures, and bylaws, and shall encourage public respect for Faro and Faros' policies, procedures, and bylaws. Members must not encourage disobedience of any policy, procedure, or bylaw of Faro in responding to a member of the public, as this undermines public confidence in Faro and in the rule of law.

**10. Respectful Interactions with Council Members, Public, and Staff**

10.1 Council must be committed to creating and sustaining a vibrant, healthy, safe, and caring work environment in all interactions with internal and external stakeholders and Council members. Key requirements to support a respectful workplace include, but are not limited to, the following:

10.1.1 Be polite, courteous and respectful of others at all times;

10.1.2 Treat others equitably and fairly; and

10.1.3 Recognize value and diversity.

10.2 Councillors

10.2.1 Members will be given an in-depth opportunity to address matters before Council, in a full, open, transparent, and professional manner with the goal of good governance, through healthy debate.

10.2.2 Members will take all points of view into account when making decisions.

10.2.3 Members shall feel confident to respectfully express their views in any open sessions, *in camera* and confidential sessions, and workshop sessions, without fear of interruption and shall feel confident in the Chair's impartiality in controlling the meeting.

- 10.3 Public
  - 10.3.1 Members will treat ratepayers and members of the public with respect, professionalism, and dignity.
  - 10.3.2 Members may publicly express their opinions on Council matters, but not so as to undermine the standing of Council in the public and the community.
- 10.4 Administration
  - 10.4.2 Members will respect the professional opinions of Faros' Administration and be mindful that the CAO is exclusively responsible under the Act for directing staff.
  - 10.4.3 Members shall not give direction, directly or implied, to any municipal employee or contracted resource, other than to, or through the CAO or their designate.
  - 10.4.4 Internal requests for information and questions relative to Administration will be directed through the offices of the CAO.
  - 10.4.5 All personnel matters shall be dealt with strictly in "closed session" with the CAO present.
  - 10.4.6 Members will not comment in public regarding the performance of any member of Administration but will instead refer any question on the performance of Faro staff to the CAO.
  - 10.4.7 Notwithstanding Clause 10.4, it is understood and agreed that all Council Members shall be free to engage with Town Staff members with specific operational questions and that Staff members are permitted to answer questions or direct them to their supervisor or CAO. Any relevant information resulting from the questions should be forwarded to the rest of Council and the CAO.

**11. Confidential Information**

- 11.1 Council as a whole must be able to access information necessary in order to fulfill its' decision-making responsibilities, however, Councillors recognize that the information they receive in their capacity is subject to confidentiality and disclosure rules contained in provincial legislation as well as Town bylaws and policies.
- 11.2 Pursuant to Section 178(d) of the *Act*, Councillors have a statutory duty to keep in confidence all matters discussed at 'in camera' session of Council or Committee meetings until discussed at a Council meeting held in public.
- 11.3 Councillors shall strictly adhere to the provisions of the *ATIPP*, and any amendments thereto, with respect to the protection, access, gathering, use, and disclosure of information.
- 11.4 In the course of their duties, Councillors may also become privy to Confidential information received outside of a Closed Meeting. Council members shall not:
  - 11.4.1 Disclose or release to any member of the public, including the media, any Confidential Information acquired by virtue of their office, unless the disclosure is permitted or required by law, as determined by the Designated Head of the

- Public Body for the Town in relation to the Freedom of Information and Protection of Privacy Act, Regulation and applicable Town bylaw(s);
- 11.4.2 Access or attempt to gain access to Confidential Information in the custody or control of the Town unless it is necessary for the performance of the Councillors' duties and is not otherwise prohibited by law or Council and is acquired through the Chief Administrative Officer or their designate; and
- 11.4.3 Use Confidential Information for personal benefit of for the benefit of any other individual or organization.
- 11.5 It is the sole responsibility of each Councillor to ensure that any Confidential Information within their possession is disposed of properly in accordance with Town policies and bylaws.

## **12. Conflicts of Interest**

- 12.1 Members will disclose their affiliations or interest within an organization that may affect their decision-making on matters before Council regarding that organization, and disclosure shall be documented in the meeting minutes.
- 12.2 The decision with respect to whether any Member may have, or may be perceived to have, a pecuniary interest or conflict of interest, is the individual Member's decision to make. The Member may discuss this with Council and seek advice of the Mayor or CAO.
- 12.3 When a Member believes they have a pecuniary interest or conflict of interest in a matter before Council, or Council Committee, they shall notify the Mayor or Chair of the meeting prior to the matter being considered, that they may have a pecuniary or conflict of interest in the matter.
- 12.4 Members have a statutory duty to comply with the conflict of interest provisions set out in Part 4, Division 5 of the *Act* or another enactment.
- 12.5 Members shall approach decision-making with an open mind that is capable of persuasion.
- 12.6 Members are to be free from undue influence and not act, or appear to act, in order to gain financial or other benefit for themselves, family, friends, or associates, business or otherwise.
- 12.7 It is the individual responsibility of each Member to seek independent legal advice, at the Members' sole expense, with respect to any situation that may result in pecuniary or other conflict of interest.

## **13. Improper Use of Influence**

- 13.1 No Member shall use the influence of the Members' office for any purpose other than for the exercise of the Members' official duties.

## Town of Faro

---

- 13.2 Members shall not abuse relationships or interactions with Administration by attempting to take advantage of their position as Councillors. Members will at all times refrain from any behaviour which is, or may be perceived to be, bullying or harassment of other Councillors, ratepayers, members of the public, or Faros' Staff.
- 13.3 Members shall refrain from using their positions to obtain employment or contracts with the municipality for themselves, family members, or close associates.
- 13.4 No Member shall act as a paid agent to advocate on behalf of any individual, organization or corporate entity before Council or Council Committee or any other body established by Council.

### **14. Use of Municipal Assets**

- 14.1 No Member shall use or attempt to use Faros' property, funds, services, or information for personal pecuniary benefit or the pecuniary benefit of any individual.
- 14.2 Members will abide by all Faros' policies, procedures, and bylaws in use of Faro property, services, equipment, and vehicles.
- 14.3 Equipment, facilities, and any other Faro resources provided to Councillors as part of the regular delivery of their duties, will not be used for campaign purposes during Municipal elections.
- 14.4 Equipment and resources provided to Members by the Town of Faro shall remain the sole property of the Town of Faro.

### **15. Orientation, Training, and Attendance at Meetings**

- 15.1 Unless excused by Council, every Member must attend training organized at the direction of Council for the benefit of Members throughout their appointed term.
- 15.2 Councillors will attend regular Council meetings as required under the *Act*. Councillors will participate in these meetings to represent, to the best of their abilities, the interests of Faro as a whole, and act as advocates of the community.
- 15.3 Members will participate when appointed to Committees or Boards, and inform Council as a whole, of the activities of that Committee or Board.

### **16. Complaint Process**

- 16.1 Any person, in a good faith, may report perceived wrongdoing or make a complaint alleging a breach of the Council Code of Conduct by a Member. All reasonable attempts shall be made to keep the records and complaints confidential until a full investigation is completed, in order to protect the Member and complainant.
- 16.2 The report or complaint shall be in writing addressed to the Mayor, or the CAO if the Mayor is the subject of the complaint, and include:

- 16.2.1 The date of the document and signed by an identifiable individual; and
  - 16.2.2 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, giving rise to the allegation.
- 16.3 The Council Member or Members who are the subject of the complaint will be provided a copy of the complaint and are to provide a written response to the allegations, which will be provided to all of Council.
- 16.4 Upon receipt of a complaint, Council shall meet in an "in camera session", excluding the Member or Members of Council concerned, to review the complaint and written response or responses of the Council Member or Members concerned, and decide whether to proceed to investigate the complaint or not. Council, in its' sole discretion, may decide to take no action on the complaint. The Council Member or Members concerned shall be notified of the Council decision.
- 16.5 If Council concludes that the Council Member or Members concerned have breached the statutory regulations, Council may, in its' sole discretion, decide to advise the Council Member or Members of its' conclusion and approve moving forward with the appropriate proceedings pursuant to the Act.
- 16.6 At its' sole discretion, Council may elect to conduct the investigation into the allegations or select a third party to investigate.
- 17. Sanctions**
- 17.1 In the event that a Member has been determined to have violated any of the terms of the Faro Code of Conduct Bylaw or provision of the *Act*, then Council may consider disciplinary action of the offending Member.
- 17.2 If Council determines that a complaint made under this Bylaw is valid, then Council, by resolution, may impose one of more of the following sanctions against the offending Member or Members;
- 17.2.1 Verbal reprimand provided by the Mayor;
  - 17.2.2 A formal letter of reprimand addressed to the Member or Members;
  - 17.2.3 Requesting the Member or Members to issue a letter of apology;
  - 17.2.4 Publication of a letter of reprimand or request for an apology and that the Member or Members response;
  - 17.2.5 Suspension or removal of the appointment of a Member or Members from some or all Council committees or bodies to which Council has the right to appoint members;
  - 17.2.6 Reduction or suspension of remuneration of per diems as may be provided for Council participation;
  - 17.2.7 Contact the Minister for review of complaint of a Member or Members, as per Section 337(1) of the *Act*;
  - 17.2.8 Return of any Faro issued property;



17.2.9 Any other sanction that Council deems reasonable and appropriate in the circumstances, provided that the sanction is not contrary to the *Act*.

17.3 Any action taken by Council should include a timeframe and what remedial action is required.

17.4 A decision to apply to one or more of the sanctions detailed above requires a Council resolution.

**18. Requirement to Fulfill Duties**

18.1 This *Council Code of Conduct Bylaw*, or any provision herein, and any sanctions imposed must not prevent a Councillor from fulfilling their legislated duties as a Councillor, as outlined in the *Act*.

18.2 Any provision deemed to prevent a Councillor from fulfilling their legislated duties, shall be deemed invalid, however the rest of the *Council Code of Conduct Bylaw* shall remain in effect.

**19. Review**

19.1 This Bylaw shall be brought for review at the beginning of each term of Council, when relevant legislation is reviewed and 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.

**20.0 Effective Date**

20.1 Bylaw 2016-03 shall be rescinded.

20.2 This Bylaw shall come into effect upon Third and Final Reading.

READ A FIRST TIME this 1<sup>st</sup> day of February, 2022

READ A SECOND TIME this 15<sup>th</sup> day of February, 2022

READ A THIRD TIME and finally passed this this 1<sup>st</sup> day of March, 2022

  
\_\_\_\_\_  
Jack Bower, Mayor

  
\_\_\_\_\_  
Larry Baran, CAO





---

## SCHEDULE "A"

### Statement of Code of Ethics and Conduct

**Respecting the Town:** Council will build and inspire public trust and confidence in local government by upholding high standards and ideals.

**Communicating on behalf of the Town:** Council promote public confidence by respecting the process established by Council for communicating with the public on behalf of Council.

**Respecting the decision-making process:** Council will support effective decision-making through the processes set out in legislation and local bylaws for making decisions.

**Adherence to policies, procedures, and bylaws:** Council will promote service to the public interest and show leadership in upholding legislation, local bylaws and policies established by Council.

**Respectful interactions with Council, Employees, other Orders of Government, and the public:** Council will promote the treatment of Council, Employees, other Orders of Government, and the public in general with dignity, understanding, and respect.

**Confidential Information:** Council will promote public trust by refraining from using information in a way that would be detrimental to the public interest.

**Conflicts of Interest and Pecuniary Interest:** Council will promote public trust by refraining from exploiting the position of Councillor for private reasons or that would bring discredit to the office.

**Improper use of influence:** Council will promote the priority of municipal interests over the individual interests of Councillors, and refrain from seeking to influence decisions for personal reasons.

**Use of municipal assets and services:** Council will promote stewardship and public trust by refraining from the use of municipal assets or resources for personal reasons.

**Orientation and other training attendance:** Council will promote effective leadership and personal development by accessing training opportunities.

---

We, as a Council for the Town of Faro, solemnly swear to uphold the Town of Faro *Council Code of Conduct Bylaw* at all times while serving as a municipal elected official representing the Town of Faro. We have read and understand the *Council Code of Conduct Bylaw* and further agree to abide by the Bylaw at all times.

Dated at the Town of Faro, Yukon this \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
*Mayor Jack Bowers*

\_\_\_\_\_  
*Councillor Taylor Fetterly*

\_\_\_\_\_  
*Councillor Sarah McHugh*

\_\_\_\_\_  
*Councillor Paul Medvid*

\_\_\_\_\_  
*Councillor Leif Nyland*

\_\_\_\_\_  
*Larry Baran, CAO*