



THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 1059

COUNCIL CODE OF ETHICS AND CONDUCT

A BY-LAW OF THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH IN THE NORTHWEST TERRITORIES, TO ESTABLISH A CODE OF ETHICS AND CONDUCT FOR MEMBERS OF COUNCIL. WHEREAS, PURSUANT TO SECTION 35(1) OF THE CITIES TOWNS AND VILLAGES ACT S.N.W.T., 2003, C.22; A COUNCIL MAY MAKE RULES RESPECTING THE BEHAVIOUR OF COUNCIL MEMBERS;

WHEREAS the Council of the Municipal Corporation of the Town of Fort Smith in the Northwest Territories deems it to be in the public interest to establish a Code of Ethics and Conduct for Council members;

NOW THEREFORE the Council of the Corporation of the Town of Fort Smith in the Northwest Territories, in a duly assembled meeting, enacts as follows:

1. CITATION

This bylaw may be cited as the " **Code of Ethics and Conduct for Council Members.**"

2. CONTEXT

Council members are democratically elected representatives of the Town of Fort Smith. Their duties are outlined in Section 35 (1) of the Cities, Towns, and Villages Act of Northwest Territories, and their role is legislated under Section 12 of the Act. This Code will guide Council members in providing good governance.

The community expects that:

- Council members represent the entire community and contribute to Council's decisions and policy-making;
 - Council business is conducted with efficiency, impartiality, and integrity;
 - Council members adhere to the law and the spirit of this Code;
 - The community's interests take priority over private interests of Council members.
-

3. CODE OF ETHICS

The Town of Fort Smith expects all Council members to adhere to the highest standards of ethical behavior. Council members must recognize that their actions and decisions directly impact the trust and confidence the community has in their local government. This Code of Ethics reflects the principles of integrity, accountability, and responsibility that guide all Council members in their role.

1. Integrity and Honesty

Council members must act with honesty and integrity in fulfilling their duties and must always act in the best interests of the community.

2. Respect for the Law

Council members must comply with all applicable laws, bylaws, policies, and regulations



THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 1059

COUNCIL CODE OF ETHICS AND CONDUCT

in the performance of their public duties. They should not act in a manner that could be perceived as breaking or bending the rules to gain an unfair advantage.

3. **Transparency and Accountability**

Council members must ensure that their decisions and actions are transparent to the public. They should accept accountability for their actions and decisions and be open to public scrutiny.

4. **Conflict of Interest**

Council members must avoid situations where their personal or financial interests could conflict with their duties as public servants. Any real or perceived conflict of interest must be disclosed immediately.

5. **Commitment to Public Interest**

Council members must place the interests of the public and the community above their own personal interests. They must avoid situations that give rise to personal gain or benefit at the expense of the community.

6. **Confidentiality**

Council members must respect confidentiality and ensure that information received in their official capacity is used only for official purposes and not for personal advantage.

7. **Respect and Fairness**

Council members must treat colleagues, staff, and all members of the community with respect, dignity, and fairness, fostering an inclusive and respectful environment in their interactions.

8. **Leadership and Public Confidence**

Council members must act as role models for ethical conduct and leadership, ensuring that their behavior fosters public confidence in the integrity of the local government.

4. GOOD GOVERNANCE

Good governance and leadership require efficient processes and tools for representation, advocacy, decision-making, performance monitoring, and teamwork. This Code promotes a common understanding amongst Council members regarding expectations of conduct.

Complementary processes include:

- Strategic Planning
- Financial Management and Budgeting
- Service Planning
- Communication and Public Relations Strategy
- Meeting and Decision-Making Framework

5. ROLE OF COUNCIL MEMBERS

The primary role of a Council member is to provide strategic direction and governance for the municipality, representing the community's needs and aspirations in shaping the future of the Town of Fort Smith.

Council members are responsible for:

- **Setting Strategic Direction:**
Council members are tasked with setting the overarching goals and priorities for the municipality, ensuring that these reflect the diverse needs and aspirations of the



THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH BY-LAW 1059

COUNCIL CODE OF ETHICS AND CONDUCT

community. This includes establishing policies and strategies that guide the municipality's operations.

- **Providing Leadership and Guidance:**
Council members are expected to provide leadership by making decisions that align with the strategic vision of the municipality. They guide the administration by setting clear objectives and ensuring that the necessary frameworks and resources are in place to achieve these goals.
- **Oversight and Accountability:**
It is the Council's responsibility to monitor the implementation of policies and strategies by the administration. This includes ensuring sound financial management, maintaining accountability through regular performance reviews, and overseeing the work of the Senior Administrative Officer (SAO).
- **Facilitating Community Representation:**
While Council members are not directly responsible for handling individual residents' concerns, they must ensure that mechanisms are in place for effective community engagement and that these concerns are addressed by the appropriate administrative bodies.
- **Fostering Collaboration:**
Council members are expected to promote collaboration with other governments and organizations by setting the strategic direction for such relationships and ensuring that the necessary administrative processes are established to facilitate these partnerships.
- **Ensuring Policy Compliance:**
Council members must ensure that the policies and decisions of the Council are communicated and implemented effectively by the administration. They should also uphold the integrity of the Council's processes and decision-making frameworks.

6. PRINCIPLES OF COLLABORATIVE GOVERNANCE

The effective functioning of Council is underpinned by the following principles, which guide Council members in working together collaboratively:

1. **Respect for Diverse Perspectives:**
Acknowledge each member's right to hold different views and engage in robust debate on matters of difference while remaining united in representing Council's collective decisions.
2. **Representation of Views:**
Uphold the right of each Councillor to voice and advocate for their views on the needs of citizens, ensuring all perspectives are considered.
3. **Public Solidarity:**
Speak positively about fellow Councillors and the Council as a whole when in public, promoting a unified front.
4. **Commitment to Consultation:**
Engage in thorough consultation with other Council members within the decision-making framework, ensuring transparency and avoiding surprises.
5. **Respect for Diversity:**
Honor the diverse nature of the Council and the community it serves, fostering an inclusive environment that respects all backgrounds and viewpoints.
6. **Support for Local Government:**
Recognize and support the role of local government as a crucial sphere of governance within Canada, advocating for its significance and responsibilities.



THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 1059

COUNCIL CODE OF ETHICS AND CONDUCT

7. **Punctuality and Reliability:**
Demonstrate commitment by being punctual to all Council meetings and civic events, reflecting the importance of these gatherings.
 8. **Appropriate Decorum:**
Maintain a high standard of behavior at Council meetings and in public, showing respect for the office and its duties.
 9. **Consultative Problem-Solving:**
Embrace a consultative approach to problem-solving, focusing on effective decision-making and clear communication that fosters teamwork and cooperation.
 10. **Leadership and Professionalism:**
Exhibit leadership by focusing discussions on issues rather than personalizing matters, and refrain from making personal remarks about other Council members, citizens, or Town staff.
 11. **Discretion in Public Comments:**
Refrain from making critical remarks about Town staff, consultants, or operational matters in public settings. Constructive feedback should be provided through appropriate channels to maintain the integrity of the Council and the reputation of the municipality.
-

7. COMMUNITY REPRESENTATION AND EXPECTATIONS

Local government is often regarded as 'the level of government closest to the people,' with Council members being directly accessible to the community. This proximity means that their actions and behavior are subject to closer scrutiny than those of their parliamentary counterparts. The community expects Council members to adhere to all laws and to fully recognize their responsibility to follow these established rules of conduct in their role.

(1) A Councillor, whether currently serving or formerly in office, must not misuse their position or any information obtained through their role:

- a) To gain, or attempt to gain, an advantage for themselves or others, either directly or indirectly;
- b) To cause, or attempt to cause, harm to the Council.

(2) Additionally, Council members will:

- a) Always prioritize serving the best interests of the entire municipality;
- b) Make decisions consistently while considering each matter on its individual merits;
- c) Review all materials and research provided by Town staff prior to Council meetings;
- d) Attend all Council meetings and actively participate in the decision-making process;
- e) Focus on making informed, reasonable decisions in an open and transparent manner, always in the community's best interest;
- f) Stay as informed as possible about the Council's processes and strategic functions;
- g) Avoid situations that could create a conflict between their public duties and private interests;
- h) Keep the community informed about Council activities and plans, providing regular updates;
- i) Act reasonably, fairly, and without discrimination;
- j) Treat all community members with honesty, fairness, and respect, avoiding actions that could cause offense or embarrassment to individuals or groups.



THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 1059

COUNCIL CODE OF ETHICS AND CONDUCT

Collusion: Collusion is strictly prohibited and considered illegal. Any attempt to conspire with others to manipulate decisions or processes within the Council is a serious breach of this Code and will result in severe punitive measures, including possible legal action.

Private Meetings: Private meetings that exclude other Council members or relevant parties and are not officially sanctioned are unethical and undermine the principles of transparency and accountability. Council members must refrain from participating in or organizing such meetings, as doing so may result in disciplinary actions.

Abuse of Staff, Council Members, or Contractors: Any form of abuse, whether verbal, physical, or psychological, directed at staff, other Council members, or contractors is unacceptable and constitutes a serious breach of this Code. Such behavior will result in disciplinary actions, including possible suspension or removal from Council duties.

Commitment to Attend Meetings and Serve on Committees: Council members are required to honor their commitments to attend Council meetings and serve on committees. Failure to consistently fulfill these commitments is considered a failure to perform the duties of a Council member and may result in sanctions, including removal from committees or other disciplinary actions.

Communications: Council members must respect the Council's decision-making processes. They should communicate Council decisions accurately and with respect, especially when they disagree with the majority decision. The Mayor and the Senior Administrative Officer are the official spokespersons for the Council.

Benefits and Gifts: Council members must only claim expenses incurred while acting as a Councillor. They must not use Council resources for personal benefit and should not seek or accept gifts or benefits that could compromise their position.

Use of Information: Council members are expected to make reasonable and informed decisions on matters before the Council. In doing so, they may have access to information that is confidential or potentially controversial. Council members must:

- a) Be aware of and adhere to the provisions of Section 34 of the Cities, Towns, and Villages Act concerning the handling of confidential information;
- b) Understand that they are only entitled to access information relevant to matters currently before the Council;
- c) Recognize that, aside from Council matters, their access to information is the same as any other community member;
- d) Exercise prudence in using information acquired in their role as Council members, particularly in alignment with Section 34 of the Cities, Towns, and Villages Act;
- e) Follow any specific Council policies regarding the use of Council information;
- f) Be careful not to use information in a way that could cause harm or detriment to others;
- g) Avoid using confidential Council information to gain an advantage for themselves or others in a manner inconsistent with their obligation to act impartially, and ensure that such information is not misused to harm or disadvantage any person, entity, or the Council itself.

8. LEADERSHIP AND MEETINGS



THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 1059

COUNCIL CODE OF ETHICS AND CONDUCT

Role of the Mayor: The role, responsibilities, and performance of the Mayor are crucial to the Council's image, the smooth functioning of the Council Chamber, and the cooperative relationships among Council members and others. It is essential that:

- a) The Mayor is recognized as the Town's first citizen and takes precedence at all local civic functions;
- b) The Mayor, alongside the Town's Senior Administrative Officer, serves as the official spokesperson for the Council, with both respecting each other's roles when interacting with the media and other external bodies; and
- c) The Mayor conducts Council proceedings with consistency and impartiality within the Chamber.

Council Meetings: Council meetings are the primary forum through which Council members represent the citizens of the municipality. In accordance with the Council Procedures Bylaw, these meetings must focus on Council business and foster an environment for transparent and healthy debate on matters requiring decisions. The following key elements should be observed:

- a) The Mayor must chair Council meetings when present and, in doing so, will:
 - (i) Maintain control by holding or passing the chair as outlined in the Council Procedures Bylaw;
 - (ii) Remain impartial;
 - (iii) Preserve order and guide Council members who stray from the topic back to the issue at hand;
 - (iv) Ensure that business is conducted properly and efficiently.
- b) Council members should be committed to showing respect for the Chair during meetings.
- c) The Chair should be attentive to the needs of each Councillor, facilitating their participation in discussions and ensuring fair debate among all Council members.
- d) The views of each Councillor and delegate speaker should be respected and considered on their merits.
- e) Neither Council members nor the Mayor should engage in debate with delegate speakers; instead, they should seek clarification of the delegate's position on an issue.
- f) Council members and delegate speakers should not be criticized for their affiliations with any community group, political party, or community contacts.
- g) Council members should respect the right of fellow members, Town staff, and the public to have a fair opportunity to speak when holding the floor.

Meetings and Appointments to External Bodies: As part of their representative role, Council members are often appointed by Council Resolution to represent the Council on external organizations. These appointments may be to other government committees or as community representatives on specific groups. It is important that Council members:

- a) Clearly understand the basis of their appointment;
- b) Uphold a positive image of the Council;
- c) Represent the Council's policy position, unless their terms of appointment require otherwise; and
- d) Provide regular reports to the Council through the Committee process on the activities of the organization, unless their terms of appointment require otherwise.

9. ORGANIZATIONAL RELATIONSHIPS

Relationships with Staff



**THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 1059**

COUNCIL CODE OF ETHICS AND CONDUCT

An effective Councillor works as part of the Council team, alongside the Town Senior Administrative Officer, Directors, and other staff members. This teamwork thrives on mutual respect and cooperation, essential for achieving the Council's corporate goals and implementing its strategies. To foster a productive working environment, Council members should:

- a) Understand that their role is one of leadership, not management or administration;
- b) Recognize that the Town Senior Administrative Officer is primarily responsible and accountable for municipal staff;
- c) Acknowledge that they have no authority to individually direct staff members to carry out specific functions;
- d) Avoid using their position to improperly influence staff in their duties or to gain an advantage for themselves or others;
- e) Refrain from publicly criticizing staff in a manner that questions their professional competence or credibility;
- f) Engage in regular and constructive communication with SAO, ensuring that requests and expectations are clear, reasonable, and within the scope of Council's role.

Council Members and Senior Management (Town Senior Administrative Officer and Directors)

Council recognizes that its core role is policy decision-making in the best interests of the entire community, while ensuring that these policies are implemented effectively. The Town Senior Administrative Officer and Directors are responsible for implementing policy and providing professional advice to guide Council's decisions. Best practices in this area include:

- a) Encouraging the Town Senior Administrative Officer and Directors to take the initiative and responsibility for developing issues to a stage where comprehensive information is presented to Council for decision-making;
- b) Recognizing the importance of the complementary roles of Council members and staff, and understanding that effective policy implementation requires a well-functioning system of delegation;
- c) Respecting the value of the Council's human resources by ensuring they are not used for unnecessary, improper, or inefficient purposes;
- d) Maintaining a high level of teamwork and morale by avoiding personal criticism of staff in public; if criticism is necessary, it should be addressed in a private and constructive manner;
- e) Ensuring Council members are provided with all relevant information necessary for making informed decisions and fulfilling their responsibilities;
- f) Promoting a culture of continuous learning and development, encouraging both Council members and staff to engage in professional development opportunities to enhance their skills and knowledge.

These practices will help build a strong, respectful, and effective working relationship between Council and staff, ensuring the efficient governance of the Town.

10. CONFLICT OF INTEREST PROCEDURES

Council is committed to impartial decision-making in the best interest of the community and adheres strictly to the *Cities, Towns and Villages Act* and current Canadian best practices for managing conflicts of interest.



THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 1059

COUNCIL CODE OF ETHICS AND CONDUCT

Council members must follow these procedures:

- a) **Written Disclosure:** Members must declare any conflict of interest using the "Statement of Disclosure of Interest Form," submitted to the Town Senior Administrative Officer for official recording. This form is available at all Council meetings.
 - b) **Proactive Disclosure:** If a member has, or may be perceived to have, an interest in a matter, they must submit the form before the meeting. The Mayor or Chairperson will announce the interest at the meeting's start and again before the relevant discussion.
 - c) **Early Identification:** Members should review agendas in advance to identify potential conflicts. If a member has a conflict, they must declare it and refrain from participating in the discussion or voting.
 - d) **Absence from Deliberations:** Members with a pecuniary conflict must leave the room during deliberations and abstain from voting. If the conflict is non-pecuniary but may impact their impartiality, it should still be declared.
 - e) **Responsibility:** Members bear the responsibility for identifying and declaring conflicts. In cases of uncertainty, they should declare the conflict and follow proper procedures.
-

11. STATEMENT OF CARETAKER PROCEDURES

Notification and Application

Prior to an election period, the Town Senior Administrative Officer will inform all Council members and staff about the caretaker procedures.

Council Decision-Making

- a) During the election period, from the end of nomination day until 8:00 p.m. on Polling Day, Council will continue normal operations but avoid making binding decisions for the incoming Council, except for routine municipal matters.
- b) Major Policy Decisions, such as changes to the Town Senior Administrative Officer's employment or termination, will not be made during the election period.
- c) If extraordinary circumstances require a Major Policy Decision, Council may proceed by resolution, noting the exceptional nature of the decision.
- d) During the election period, Council will refrain from policy formation, censure of government departments, and political Notices of Motions or General Business.

Use of Council Resources

- a) Council resources must not be used to influence the election or advantage any candidate. Any potential misuse should be reported to the Town Senior Administrative Officer.
- b) Municipal staff will not authorize the use of Council resources for election purposes, except as necessary for the election process and approved by the Town Senior Administrative Officer.
- c) Council resources, including offices and equipment, are for normal Council business only and must not be used in campaigns.
- d) Council logos, letterheads, and branding must not be associated with election campaigns.
- e) Public events organized by Council during the election period will focus solely on regular Council business, avoiding election materials or campaigning.



**THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 1059**

COUNCIL CODE OF ETHICS AND CONDUCT

- f) Reimbursements for Council members' expenses will only cover normal duties and exclude any campaign-related costs.
- g) Equipment provided for Council business must not be used for campaigning. Members must reimburse the Council if such use is unavoidable, in line with the Council members' Expense Policy.
- h) Town e-mail addresses must not be used for campaign purposes.

Information

- a) Information provided by Council staff during the election will be factual and related to existing services or publicly available data. Requests will be managed through the Town Senior Administrative Officer, who will maintain an Information Request Register.
- b) New policy developments or matters related to election debates will not be disclosed.

Publicity

- a) Council will not produce or distribute election-related materials during the election period, except for information on the electoral process.
- b) Council members must not influence staff to make public statements that could impact the election, except for approved clarifications.
- c) Public campaigns must be approved by the Town Senior Administrative Officer and focus on normal Council activities. Media requests related to individual campaigns will be handled through the Town Senior Administrative Officer.
- d) All candidates will receive equal treatment regarding election-related assistance and advice. Enquiries will be directed to the Returning Officer or, if beyond their responsibilities, to the Town Senior Administrative Officer.

12. RESOLVING DISPUTES

Respecting Differences

Council members bring diverse skills, backgrounds, and viewpoints, enriching Council decisions and policies. Differences in opinion are a normal part of democratic processes and contribute to thorough debate.

Diverse perspectives should not be considered conflicts but are integral to informed decision-making. Conflicts arise only when differences become personal or disrupt Council operations.

Initial Process for Resolving Disputes

- 1. Disputes between Council members should first be addressed through respectful, direct communication. Members should aim to resolve conflicts amicably, recognizing their role in serving the community.
- 2. If interpersonal conflicts hinder Council operations, the Mayor will facilitate resolution efforts, possibly with guidance from the Town Senior Administrative Officer.
- 3. Disputes that cannot be resolved informally can be reported to the Mayor using a "Notice of Complaint" form (Attachment B). The Mayor will investigate and may involve a neutral third party if necessary.



THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 1059

COUNCIL CODE OF ETHICS AND CONDUCT

4. If cooperation is not forthcoming, the dispute resolution process may be suspended, but Council may discuss the issue in-camera and request mediation or conciliation as per Section 23.3 of the *Cities, Towns and Villages Act*.
5. Should initial discussions fail, the parties may request the Mayor to arrange for professional mediation or conciliation. This request, including cost estimates, will be made during a closed Council meeting.
6. All Council members must attend mediation or conciliation if requested.

Mediation/Conciliation

1. Members will cooperate with mediators or conciliators and assist as needed.
2. After mediation, a confidential report with recommendations will be prepared and presented in-camera. If an agreement is reached, the matter is resolved; otherwise, members must adhere to the Code of Conduct and Council Procedures Bylaw.
3. Dispute resolution for the same parties can only be reconsidered by a Council decision.
4. Dispute resolution will not occur during the caretaker period before elections.

Dispute Between Mayor and Other Council Members

If the dispute involves the Mayor, two other Council members, after consulting the Town Senior Administrative Officer, may recommend referring the matter to an external mediator or conciliator. This recommendation will be discussed in a closed Council meeting, and all other resolution procedures apply.

13. ENFORCEMENT AND PUNITIVE MEASURES

To ensure compliance with this Code, the following punitive measures will be enforced in cases of breaches:

- a) **Warnings and Reprimands:**
For minor breaches, a verbal or written warning will be issued by the Mayor or an appointed ethics committee.
- b) **Suspension of Council Privileges:**
For repeated or more serious breaches, Council members may face suspension from certain Council privileges, including committee memberships or special roles.
- c) **Public Apologies:**
In cases where a breach affects the community or other Council members, a public apology may be required.
- d) **Fines:**
Council members may be fined for significant breaches, particularly those involving misuse of resources or conflicts of interest.
- e) **Removal from Council:**
For the most severe breaches, particularly those involving criminal activity or gross misconduct, the Council may vote to remove the member from their position, following due process.
- f) **Legal** **Action:**
In cases where a breach violates the law, legal action may be pursued in addition to the above measures.

14. REVIEW AND AMENDMENT



THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 1059

COUNCIL CODE OF ETHICS AND CONDUCT

This Code of Conduct shall be reviewed annually to ensure it remains relevant and effective. Amendments may be made following a majority vote by the Council.

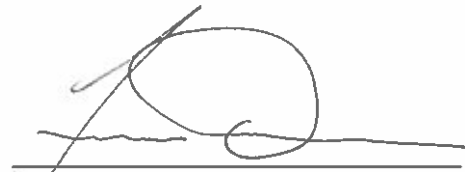
15. ADOPTION AND IMPLEMENTATION

This Code of Conduct is adopted and shall be implemented immediately by the Council of the Town of Fort Smith.

READ A FIRST TIME THIS 17 DAY OF SEPTEMBER 2024 A.D.

READ A SECOND TIME THIS 17 DAY OF SEPTEMBER, 2024 A.D.

READ A THIRD TIME THIS 15 DAY OF OCTOBER, 2024 A.D.


MAYOR


SENIOR ADMINISTRATIVE OFFICER

I hereby certify that this bylaw has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the bylaws of the Municipal Corporation of the Town of Fort Smith.


SENIOR ADMINISTRATIVE OFFICER