

CITY OF MARTENSVILLE
CODE OF ETHICS BYLAW FOR
MEMBERS OF CITY COUNCIL
BYLAW NO. 1-2021

A BYLAW OF THE CITY OF MARTENSVILLE TO ESTABLISH A CODE OF ETHICS
BYLAW

Short Title

1. This Bylaw may be cited as the Code of Ethics Bylaw, for Members of City Council.

Legal Requirement

2. This bylaw has been created to comply with section 66.1 of *The Cities Act* and as outlined in section 3.1, Schedule 1, of *The Cities Regulations*.

Purpose

3. The purpose of this code is to outline basic ethical standards and values for members of council. It is to be used to guide members of council respecting what their obligations are when fulfilling their duties and responsibilities as elected officials.

This code is to be interpreted in accordance with the legislation applicable to the City of Martensville, the common law and the policies and bylaws of the City of Martensville

Neither the law nor this code is to be interpreted as exhaustive, and there will be occasions on which a council will find it necessary to adopt additional rules of conduct in order to protect the public interest and to enhance the public confidence and trust in local government.

It is the responsibility of each member of council to uphold the standards and values set out in this code.

Definitions

4. 1) In this Bylaw
 - a) “City” means the City of Martensville;
 - b) “City Clerk” means the person appointed as City Clerk pursuant to section 85 of *The Cities Act*;
 - c) “City Manager” means the person appointed as the administrative head of the City of Martensville pursuant to section 84 of *The Cities Act*;
 - d) “Council” means the council of the City of Martensville;
 - e) “day” means a calendar day;

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- f) “family” means the member’s spouse, partner, child or parent;
- g) “in camera” means in the absence of the public;
- h) “member” means a member of Council, and includes the mayor and each councillor;
- i) “staff” means all staff of the City, whether full-time, part-time, contract, seasonal or volunteers.

**PART I
CODE OF ETHICS**

Code of Ethics for Members of Council

Preamble

5. Citizens expect the highest standards of Conduct from the members they elect to local government. As members of council, we recognize that our actions have an impact on the lives of all residents and property owners in the community. Fulfilling our obligations and discharging our duties responsibly requires a commitment to the highest ethical standards.

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

Standards and Values

6. **Honesty**

Members of council shall be truthful and open in their roles as council members and as members of the communities they serve.

Objectivity

Members of council shall make decisions carefully, fairly and impartially.

Respect

Members of council shall treat every person, including other members of council, municipal employees and the public, with dignity, understanding and respect.

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.

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Transparency and Accountability

Members of council shall endeavour to conduct and convey council business and all their duties in an open and transparent manner, other than those discussions that are authorized to be dealt with in a confidential manner in closed session, so that stakeholders can view the process and rationale used to reach decisions and the reasons for taking certain actions.

Members of council are responsible for the decisions that they make. This responsibility includes acts of commission and acts of omission.

Confidentiality

Members of council shall refrain from disclosing or releasing any confidential information acquired by virtue of their office except when required by law or authorized by council to do so. Members shall not take advantage of or obtain private benefit from information that is obtained in the course of or as a result of their official duties or position and that is not in the public domain. This includes complying with *The Local Authority Freedom of Information and Protection of Privacy Act* in their capacity as members of council of a local authority.

Leadership and the Public Interest

Members of council shall serve their constituents in a conscientious and diligent manner and act in the best interests of the municipality. A member shall strive, by focussing on issues important to the community and demonstrating 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 will bear close public scrutiny and shall not provide the potential or opportunity for personal benefit, wrongdoing or unethical conduct.

Responsibility

Members of council shall act responsibly and in accordance with the Acts of the Parliament of Canada and the Legislature of Saskatchewan, including *The Cities Act*.

This duty includes disclosing actual or potential conflicts of interest, either financial or otherwise relating to their responsibilities as members of council, following policies and procedures of the municipality, and exercising all conferred powers strictly for the purpose for which the powers have been conferred. Every member of council is individually responsible for preventing potential and actual conflicts of interest.

Acknowledgement

7. Acknowledgement of the requirement of Council Members to comply with the Council Code of Ethics, shall be affirmed by completion of the 'Oath or Affirmation – Member of Council', upon their swearing-in, identified in Schedule 'A' hereto.

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PART II
Ethical Conduct

DIVISION I
Good Governance, Roles and Duties

Transparent, Accountable and Good Governance

8. A member must in the discharge of their office:
- a) Act in the best interests of the City taking into account the interests of the City as a whole, and without regards to the member's personal interests;
 - b) Consider all decisions and issues thoughtfully, consistently, impartially, and fairly by considering all relevant facts, opinions, and perspectives;
 - c) Bring to the attention of Council any matter that would promote the welfare or interest of the city;
 - d) Act competently and diligently; and
 - e) Attend Council meetings and vote on any matter brought to a Council meeting attended by the member unless the member must abstain under *The Cities Act*, another enactment or a law.
9. A member must attend all training to be provided as directed by Council.

Statutory Obligations

10. A member must respect and comply with all obligations imposed on the member by statute or other legal enactment, and by the City's bylaws and policies, including but not limited to:
- a) *The Cities Act*;
 - b) *The Local Government Election Act, 2015*;
 - c) *The Local Authority Freedom of Information and Protection of Privacy Act*; and
 - d) *Criminal Code*

DIVISION II
Privacy

Confidential Information

11. 1) In this section "confidential information" means information that may be considered in-camera by Council or Council Committees pursuant to *The Cities Act* and falls within the exemption in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*.

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- 2) A member must protect confidential information. This includes the following duties:
 - a) A member must not disclose confidential information, including to City staff, or to persons outside the City, except as authorized by Council;
 - b) A member must not use confidential information with the intention to cause harm or detriment to Council, the City or any other person or body;
 - c) A member must protect confidential information from inadvertent disclosure,
 - d) A member must use confidential information only for the purpose for which it is intended to be used;
 - e) A member must take reasonable care to prevent the examination of confidential information by unauthorized individuals; and
 - f) A member must not take personal advantage of, or use for their own benefit, corporate or financial opportunities learned about through confidential information.
12. A member must access and use information at the City only in the normal course of their duties.
13. A member must retain records and other information in accordance with best practices and must respond in good faith to all requests for information made pursuant to *The Local Authority Freedom of Information and Protection of Privacy Act*.

Personal Information

14. 1) In this section, “**personal information**” means personal information about an identifiable individual that is recorded in any form, as further specified in section 23 of *The Local Authority Freedom of Information and Protection of Privacy Act*.
- 2) When dealing with personal information, a member must comply with *The Local Authority Freedom of Information and Protection of Privacy Act*. All reasonable and necessary measures must be taken to ensure that the personal or private information of individuals is protected.

**DIVISION III
Respectful Conduct**

Respectful Conduct of Members and Harassment

15. A member must treat the public, other members, and City staff appropriately and without abuse, bullying or intimidation and participate in maintaining a work environment free from discrimination and harassment.

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Conduct for Council and Committee Meetings

16. Members will exercise their authority to make decisions in a manner that demonstrates fairness, respect for differences and an intention to work together for the common good and in the public interest.
17. Members will prepare for meetings by reviewing materials in advance, if possible, and will be respectful and attentive to, and ask informed questions of, the public and City staff providing information at a Council or Committee meeting. Members will not provide information contained in records or documents at a meeting unless those records or documents have been provided to all of Council in advance.
18. Members will make all reasonable efforts to attend all Council and Council Committee meetings.
19. Members who act as chair of a meeting will, at the start and throughout the meeting, set expectations for appropriate decorum and conduct for all in attendance.

Council-Staff Protocol

20. A member must obtain all necessary information about the operations and administration of the City from the City Manager using processes established by the City Manager.
21. A member will respect the role of City staff to provide neutral and objective information without undue influence and interference.
22. A member must not request City staff to undertake personal or private work on behalf of the member or accept such from City staff.
23. A member must not demand City staff to engage in partisan or political activities at any level of government or subject any City staff to reprisal for a refusal to engage in such activities. A member must not subject any City staff to reprisal for any engagement in partisan or political activities, at any level of government, which is done in their personal capacity.

Communication with Public & Media Relations

24. Without limiting the ability of a member to hold a position on an issue and respectfully express their opinions, members will:
 - a) Ensure their communications accurately reflect the facts of Council's decisions;
 - b) Ensure that all communications are accurate and not issue any communication that the member knows, or ought to have known, to be false;
 - c) Ensure that all communications issued by, or on behalf of the member, including social media, are respectful and do not discriminate harass, defame, or demonstrate disrespect toward any persons; and
 - d) Not issue any communication that mislead Council or the public about any matter.

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25. No member may engage in negotiations or make representations of commitments on behalf of the City unless authorized to do so by Council but may advocate for the City's interests to any level of government or non-government body as opportunities arise.

DIVISION IV
Property

Gifts and Benefits

26. In this Division, "gift or personal benefit" means an item or service of value that is received by a member for their personal use. It includes money, gift cards, tickets to events, clothing, jewelry, pens, discounts/rebates on personal purchases, entertainment, participation in sport and recreation activities, and invitations to social functions. Gift or personal benefit does not include:
- a) Food or beverage consumed at receptions, meetings, sporting events, or other similar activities; and
 - b) Campaign contributions received by a member in compliance with The Campaign Disclosure Bylaw 3-2021.
27. A gift or personal benefit provided to a member's family or the member's staff that, to the member's knowledge, is connected directly or indirectly to the performance of the member's duties is deemed to be a gift or personal benefit to that member.
28. A member must not accept a gift or personal benefit that is connected directly or indirectly with the performance of their duties unless permitted by the exceptions listed in section 29.
29. A member may receive a gift or personal benefit if it is:
- a) Compensation authorized by law, including compensation for serving on external bodies as a Council-approved City representative;
 - b) Received as a normal or necessary incident to fulfilling the member's duties;
 - c) Received as an incident of protocol or social obligation;
 - d) A person's volunteer time or activities provided to further the interests of the City;
 - e) A suitable memento of a function honouring the member;
 - f) Lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the Federal government or by a foreign government within a foreign country;
 - g) Reimbursement of expenses associated with travel to and attendance at a conference or other event where the member is speaking or attending in an official capacity
 - h) Tickets to meals, banquets, receptions, sporting events, or similar activities if:

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- (i) Attendance serves a legitimate purpose associated with the members duties;
 - (ii) The person extending the invitation, or a representative of the inviting organization is in attendance; and
 - (iii) The value is reasonable and the invitations infrequent.
- 30. A member must, as soon as practicable; return to the donor any gift of personal benefit that does not comply with this Bylaw, along with an explanation as to why the gift or personal benefit cannot be accepted.
- 31.
 - (1) In the case of exceptions listed in subsection 29(b), (c), (e), (f), (g), and (h), if the value of the gift or personal benefit exceeds \$100 or if the total value of gifts or personal benefits received from one source during the calendar year exceeds \$100, the member shall include the information required by subsection (2) on the disclosure statement.
 - (2) For each gift or personal benefit that must be disclosed pursuant to the subsection (1), either individually or as part of a cumulative total, the disclosure statement shall indicate:
 - a) the nature of the gift or personal benefit, by description, photograph, or both;
 - b) the estimated value of the gift or personal benefit;
 - c) the source of the gift or personal benefit; and
 - d) the circumstances under which the gift or personal benefit was given or received.
- 32. A member must file an annual disclosure statement with the City Clerk outlining the information described in section 31 or stating that there is nothing to disclose.
- 33. Disclosure statements pursuant to section 32 will be a matter of public record in the prescribed format determined by the City Clerk.

Support for Charities

- 34.
 - (1) A member may lend their support to and encourage community donations to registered charitable, not-for-profit and other community-based groups, as long as monies raised through fundraising efforts go directly to the groups or volunteers or chapters acting as local organizers of the group.
 - (2) A member shall not directly manage or control any monies received relating to community or charitable organization fundraising, unless the member is an employee of the community or charitable organization.
 - (3) A member shall not communicate with, solicit or accept support in any form from an individual, group or corporation with any planning, conversion or demolition variance application or procurement proposal pending before Council.
 - (4) Nothing in this section affects the entitlement of a member to:

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- a) urge constituents, businesses or other groups to support community events put on by others in the City to advance the needs of a charitable organization.
- b) play an advisory ex-officio, honorary, board director or membership role in any charitable or non-profit organization that holds community events in the city; or
- c) collaborate with the City and its agencies, boards or commission to hold community events.

Appropriate Use of City Assets and Services

- 35. A member must not use, or permit the use of, City Land, facilities, equipment, supplies, services, staff or other resources for activities other than the business of the City.
- 36. A member may use City assets that are generally available to the public on the same terms and conditions offered to the public, including complying with booking procedures and paying applicable fees.
- 37. A member may use communication facilities, such as computers, telephones, email, and mobile devices, provided by the City for personal use provided that such use is not offensive or inappropriate, or would not cause harm to any person.
- 38. A member will comply with all information security procedures applicable to City staff and will not take any actions that may compromise the integrity or security of the City's information systems.
- 39. A member must not attempt to obtain financial gain from any of the City's intellectual property and acknowledges that the City's intellectual property is owned by the municipal corporation.
- 40. A member will maintain City records in accordance with City policies and applicable laws.
- 41. Immediately prior to the end of their term or office, members will return City assets, including City records, to the City Manager.

DIVISION V
Influence

Improper Use of Influence

- 42. A member must only use the influence of their office for the exercise of their official duties.
- 43. A member must not use, or attempt to use, their office for the purpose of intimidating, influencing, threatening, coercing, or directing City staff.
- 44. A member must be independent and impartial and must not provide preferential treatment to any person or organization except as warranted by the ordinary and lawful discharge of the member's duties.
- 45. A member must not use the prospect of future employment by a person or entity, or other future economic opportunities, to detrimentally affect the performance of their duties to the City.

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46. A member should avoid carrying out their duties in any manner that may reasonably be perceived as being in conflict with any future endeavour that may be undertaken by the member.
47. If serving as a reference or recommending an individual for employment with the City, a member must comply with the City's hiring practices and must not use their role as an elected official to unfairly influence any hiring decisions.
48. A member must not contact or attempt in any way to influence any member of a quasi-judicial body before which the City may be a party regarding a matter before that body.

Employment of Relatives

49. 1) A member shall not attempt to influence any City staff to hire or promote the member's relative.
- 2) A member shall not make any decision or participate in the process to hire, transfer, promote, demote, discipline or terminate the member's relative.
- 3) A member shall not attempt to use a relationship with the member's relative for the member's personal benefit or gain.

**DIVISION VI
Elections**

50. In this Division:

- a) **"campaign period"** means the period commencing the first of June immediately preceding a general election;
- b) **"City resources"** includes city owned, City supplied or City paid cell phones, smart phones, computers, other electronic devices, phone numbers, email address, website, business cards, official photographs, facilities, equipment, supplies, services, staff time and the City logo;
- c) **"election campaign"** means all activities related to the re-election of a member and not to their duties under *The Cities Act* as a member;
- d) **"election day"** means election day as defined in *The Local Government Election Act, 2015*;
- e) **"fundraising event"** means a fundraising event as defined in The Campaign Disclosure Bylaw #3-2021
- f) **"nomination day"** means nomination day as defined in *The Local Government Election Act, 2015*.

51. A member must comply with *The Local Government Election Act, 2015* and The Campaign Disclosure Bylaw #3-3031 in undertaking election campaign activities and fundraising.

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Communications

52. A member must not use City postage or other resources for mass mailings of any kind between nomination day and election day.
53. A member must not use any City communications, facilities or services for their campaign; this includes the use of media addresses, email addresses and distribution lists, the City's photo library, website development, writing or print material services.
54. No member will refer to themselves in election campaign advertisements as "Councillor X" or "Mayor Y"
55. 1) A member may only use the City's website, social media, email and phone number for official duties.
- 2) A member will maintain separate websites, social media, email and phone number for all campaign activities and communications. These accounts shall include, where possible, a disclaimer that they are not City-funded, nor do they reflect City policy during a campaign period. Account names should not include the member's current position title, where possible (for example, Jane Smith is preferable to Councillor Jane Smith)
- 3) Website and email distribution lists that are used for official duties may not be used for campaign activities and communications.
- 4) Links are not allowed on City websites or external websites paid for by the City to a member's campaign website at any point in time during a term of office.

City Staff

56. No member shall use the services of City staff for election campaign related purposes during hours in which those City staff receive any compensation from the city.
57. City staff shall not identify themselves as City staff while working on an election campaign.
58. A member must not seek individual advice from City staff regarding election rules and processes, or regarding their obligations as candidates, including any obligations as candidates that may apply while the member holds office. Nothing restricts a member from receiving information available to all candidates for an election.

Other City Resources

59. City resources must not be used by a member or staff for election campaigns or for a fundraising event at any point during a term of office.
60. Under no circumstances should member's offices be used to engage in election campaign related activities.

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- 61. City data must not be used by members for election campaigns or fundraising events unless those data sources are publicly available and all fees associated with the use of the data have been paid for by the election campaign funds
- 62. Any election campaign related activities that occur in City Hall or any civic facility must take place in a location that is normally available for rental to the public and that has been arranged through the normal rental process.

City Functions

- 63. A member who is nominated to run for re-election must not participate in any City-sponsored events requiring them to perform official ceremonial duties between nomination day and election day.
- 64. A member must not use their office to gain an unfair advantage over other candidates, or to provide an unfair advantage for a candidate.

Other Elections

- 65. A member must not use City resources to promote or oppose the candidacy of any person to elected office in any municipal, provincial or federal campaign.
- 66.
 - 1) A member may choose to take an unpaid leave of absence to run for elected officer of another government.
 - 2) During a period of leave under subsection (1), the member:
 - a) shall not receive any confidential agendas, communications or documents from the city;
 - b) shall receive copies of all public information;
 - c) shall not be required to return their City resources, but will not use them for any non-civic purpose; and
 - d) shall not be reimbursed for any mileage or telephone or similar expenses.

PART III

CONTRAVENTION OF THE CODE OF ETHICS

Complaint Procedure

- 67. As required by clause 66.1(5)(c) of *The Cities Act*, the following section details the procedure for handling contraventions of the code of ethics.
 - a) To report an alleged contravention of the code of ethics, an individual/organization/member of council may submit the form found in Schedule B, by sending the form directly to the City Manager or City Clerk, by mail, e-mail, fax, in-person or courier. The complaint will then be presented to council at the next regular meeting of council in an *in-camera* session.

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- b) Upon receipt of a complaint, Council shall discuss the complaint and take all necessary steps to ensure the complaint is valid.
- c) All discussions surrounding alleged and substantiated contraventions of this policy shall be conducted in an *in-camera* session at a meeting of council.
- d) If the claim is found to be substantiated, Council may, by resolution, impose an appropriate penalty detailed in 69 (a) to (f) based on the severity of the contravention of the code of ethics.
 - (i) Any action taken by Council should include a time frame to complete the expected remedial action.
- e) Council shall inform the claimant, member of council, and any other relevant party of council's decision, which includes:
 - (i) Informing the claimant and member of council that the complaint is dismissed, or
 - (ii) Informing the complainant and member of council of the corrective action and/or the measures taken to ensure the behavior or activity does not continue.

Contravention during a Council Meeting

- 68.** If council is of the opinion that a member has violated the code of ethics during a council meeting, council may require the member to remove themselves for the remainder of the council meeting. Council may apply additional penalties based on the severity of the contravention.

Remedial Action if Contravention Occurs

- 69.** Should a Member of a Council breach any of the principles outlined in this code, the possible courses of action that are available to Council include but are not limited to:
- a) An apology, either written and/or verbal, by the Member of Council to the impacted individual(s), Council, and/or the general public.
 - b) Educational training on ethical and respectful conduct.
 - c) Repayment of moneys/gifts received.
 - d) Removal of the Member from Council Committees and/or bodies.
 - e) Dismissal of the Member from a position of Chairperson of a Committee.
 - f) Reprimand.

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**PART IV
COMING INTO FORCE**

70. Bylaw 11-2019 is hereby repealed.

71. This bylaw shall come into effect on the day of its final passing.

Read a first time this 20th day of April 2021

Read a second time this 20th day of April 2021

Read a third time and adopted this 20th day of April 2021

{Seal}

MAYOR

CITY CLERK

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Schedule A

Oath or Affirmation – Member of Council

I, _____, having been elected to the office of Council in the City of Martensville,

DO SOLEMNLY PROMISE AND DECLARE THAT:

1. I will truly, faithfully and impartially, to the best of my knowledge and ability, perform the duties of this office;
2. I am qualified to hold the office to which I have been elected;
3. I have not received and will not receive any payment or reward, or promise of payment or reward, for the exercise of any corrupt practice or other undue execution or influence of this office;
4. I have read, understand and agree to abide by the Code of Ethics, Rules of Conduct and Procedures applicable to my position as a member of council required of me by *The Cities Act* and any other Act and by the Council;
5. I will:
 - a) Perform the duties of office imposed by *The Cities Act* and any other Act or law and by the council.
 - b) Disclose any conflict of interest within the meaning of Part VII of *The Cities Act*; and
 - c) Comply with the Code of Ethics, Rules of Conduct and Procedures applicable to the office I now hold that are imposed by *The Cities Act* and any other Act and by the Council.

DECLARED before me at the City of
Martensville in the Province of Saskatchewan
This _____ day of _____.

Commissioner of Oaths for Saskatchewan

Signature of Council Member

Appointment expires: _____

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Schedule B

Formal Complaint Form

Please note that knowingly signing a false affidavit may expose you to prosecution under the Criminal Code of Canada.

I _____ of _____,
(First and Last Name) *(Full mailing address)*

do solemnly swear/(affirm and declare) that the following contents of this statement are true and correct and hereby request the council of the City of Martensville to *look into/ conduct an investigation/ inquiry/ follow-up on* whether or not the following member(s) of the City Council has (have) contravened the Code of Ethics:

Member(s) of council name(s)

I have reasonable and probable grounds to believe that the above member(s) has (have) contravened the Code of Ethics by reason of the following:

1. insert date(s), time and location of conduct;
2. include the sections of this bylaw that have been contravened;
3. provide the particulars and names of all persons involved, and of all witnesses;
4. provide contact information for all people listed;
5. any exhibits can be attached; and
6. if more space is required, please attach additional pages as needed.

(Signature of Complainant)

(Date signed)

For Office Use Only

(Date filed)

(Signature of City Manager or City Clerk)

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