

**IN THE MATTER OF A CODE OF ETHICS COMPLAINT
INITIATED BY JERRY KAISER AGAINST REEVE ANTHONY AND COUNCILLORS
SHORTLAND, LEWIS, HANLAN, HUNTLEY, AND MCDONALD**

**INVESTIGATION REPORT FOR CODE OF ETHICS BYLAW COMPLAINT
WITHIN THE RM OF BAILDON NO. 131**

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Investigation Report for Code of Ethics Bylaw Complaint

I. Introduction

On April 13, 2023 RM of Baildon (“RM”) Division 5 Councillor Jerry Kaiser (“Kaiser”) filed a formal complaint alleging the Reeve and all other councillors had contravened the RM Code of Ethics Bylaw (“Code of Ethics”) by failing to enforce Section 4.7 of the RM’s Zoning Bylaw, which relates to junked vehicles and storage of vehicles.

II. Process

- [1] Part 3 of the Code of Ethics sets out the formal complaint process. Kaiser’s complaint document conforms with section 7 and the Designated Officer’s acknowledgment of receipt indicates it was properly filed.
- [2] As a result, pursuant to the Code’s section 11, the Designated Officer retained me to conduct this investigation. She then informed the complainant and respondents accordingly.
- [3] As was the case with a previous investigation I also conducted, because Kaiser’s complaint was launched against the Reeve and all other council members, the RM determined that it would publicly release this report to ensure transparency. All participants were made aware of this plan and willingly participated in interviews I conducted in person on July 26, 2023. Prior to the interviews, all respondents had an opportunity to review Kaiser’s complaint and related RM documentation. Additionally, Kaiser sent me a “Position Paper” in advance of our meeting which he also shared with the respondents.

III. Context

Kaiser’s Historical Grievance Regarding Junk Vehicles Owned or Stored by an Adjacent Landowner

- [4] Prior to 2001, Kaiser owned a quarter section of land originally owned by his grandfather. The land was subdivided into Block A and Block B, with Block A being located on the south side of the railway line in the Hamlet of Baildon, and Block B being located on the north side of the railway. In 2001, Kaiser sold Block A to William Stock (“Stock”), who remains the assessed owner. Kaiser continues to own Block B, in addition to other properties in the hamlet.
- [5] Even prior to selling Block A to Stock, Kaiser had frequently voiced a variety of complaints about Stock’s use of nearby property. Kaiser alleged, for example, that Stock was operating an autobody shop without authorization, that his activities were creating a fire hazard, that he was harboring pests, and causing environmental damage. During this time, Stock’s son,

Jerry, sat on the RM council as the Division 5 representative. Kaiser appeared periodically at council meetings to advance his complaints. He also communicated his grievances in writing to the council via the RM administrator.

- [6] When Kaiser assumed the position as Division 5 Councillor in late 2020, Kaiser continued to raise concerns and complaints about the number and condition of vehicles stored on Stock's property in two locations, i.e. on Block A in the hamlet and on Stock's acreage outside the hamlet limits.
- [7] In two letters dated March 12, 2022, Kaiser requested that the RM's Development Officer and Administrator, Carol Bellefeuille ("Bellefeuille"), facilitate an environmental assessment of Stock's property. Kaiser also asked, in writing, that the RM enforce Section 4.7(a) of the Baidon zoning bylaw against Mr. Stock. In her reply to Kaiser's letters, Bellefeuille indicated she was unprepared to enforce the bylaw. She provided eight facts which she considered in arriving at her decision at that time.
- [8] Kaiser, with the assistance of counsel, launched an appeal of Bellefeuille's decision to the Development Appeals Board on May 16, 2022. By written notice to Kaiser and his counsel on August 15, 2022, the Development Appeals Board determined there were insufficient grounds to warrant a hearing by the Board, particularly because Bellefeuille's decision communicated to Kaiser months earlier was not an appealable order.
- [9] Next, during the March 8, 2023 RM council meeting, Kaiser moved the following motion:

Motion 28/23 Kaiser: That Council approve the enforcement of Bylaw 4.7(a) in relation to the operation of an illegal wrecking/salvage business located on Block A, Block 1 – Lots 8 to 16, Block 2 – Lots 1 to 9 and Pt NW 15-15-26-W2.

The motion was defeated.

During that same meeting, another Councillor moved to establish a committee for the review of all new and existing bylaws for the RM, which would, presumably, allow the committee to explore issues around bylaw enforcement more deeply and report back to council. The motion (**31/23**) was carried, and councillors Huntley, Lewis, and Hanlan were appointed together with administration staff. Later, Councillor Hanlan was appointed to be the committee chair.

- [10] Two months later, during the May 4, 2023 meeting, Kaiser moved **Motion 89/23** to rescind the establishment of the bylaw committee, which was **defeated**. Kaiser had also previously indicated he wished to discuss the potential formation of a junk vehicle committee during the meeting, but he withdrew the item prior to discussion.
- [11] The complaints and actions noted above are examples, but not an exhaustive list, of Kaiser's efforts to pursue complaints regarding Stock using his property to store, repair, sell, or collect vehicles. Kaiser's longstanding concerns in this regard are significant because they fuel his desire for council to act in accordance with his views. The respondents' collective unwillingness to do so, even at his urging, appears to be the substantive basis for Kaiser's allegations that they have breached the Code of Ethics.

Previous Complaints, Investigation, and Recent Court Decision

- [12] Kaiser's current complaint is not the first he has launched against his fellow councillors and the Reeve. In March 2021, Kaiser filed a formal complaint alleging the Reeve and all other council members had contravened the RM Code of Ethics by publishing a report which listed the number of legal actions, appeals, and complaints Kaiser had initiated against the RM from 2013 to 2021, together with a summary of legal costs the RM had incurred in dealing with those matters.
- [13] Kaiser's complaint triggered the Reeve, the Administrator, the Assistant Administrator, and the former Reeve to file ethics complaints against Kaiser. These counter complaints alleged that Kaiser had breached the Code of Ethics and the RM's Harassment Policy. The [Investigation Report dated August 10, 2021](#), concluded that Kaiser's complaint was not well-founded, but the counter-complaints were.
- [14] Kaiser took no steps to dispute the report's findings or attempt to have its conclusions set aside. Consequently, council moved to implement some protective measures intended to reduce Kaiser's negative impact upon the RM office staff and council's business.
- [15] At a council meeting on October 14, 2021 the following sanctions were passed by resolution:
- 1) Mr. Kaiser will not be permitted on any RM property without an appointment arranged ahead of time for the remainder of his elected term. This restriction does not apply to regular or special RM of Baildon Council meetings.
 - 2) If Mr. Kaiser does not show up for the scheduled arranged appointment time promptly, the appointment is considered cancelled and Mr. Kaiser may not enter the premises. The RM office will allow a 5 minute window around the arranged appointment time.
 - 3) All legal correspondence is to be directed to the RM of Baildon's legal counsel.

On November 18, 2021 a fourth sanction was passed by resolution:

- 4) That Councillor Kaiser is suspended from the R.M. of Baildon Council until all sanctions have been met. Delivery of letter to be made in person by Security Collections Agency. Councillor Kaiser must return iPad to the R.M. of Baildon by November 25, 2021, at 12 noon, and will be returned to Councillor Kaiser once sanctions are lifted. ...
- [16] Kaiser responded to these sanctions by making a court application for an order setting aside the resolutions. In the Court of King's Bench, Kaiser advanced several arguments. Some were successful, and some were not.
- [17] The Court's judgement (Megaw, J.) dated [January 25, 2023](#) upholds resolutions 1, 2, and 3 on the basis that the resolutions were within council's jurisdiction and Kaiser was provided with procedural fairness. The Court confirmed that council has the authority to require Kaiser to make a public apology, remove him from committees, and restrict his access to the RM property and interaction with RM personnel.

[18] On the other hand, the Court found that council exceeded its legislative authority when it suspended Kaiser from his council position indefinitely (not for a specified/limited time). The resolution was also flawed because the Court found Kaiser was not given an opportunity to attend the meeting during which the resolution was presented and discussed. As a result, Kaiser was not provided with procedural fairness.

[19] In arriving at a decision with mixed success for Kaiser and the RM, the Court commented¹:

[98] The case before the court here had certain complexities and was of some considerable importance to both the applicant and to the broader issue of ensuring democratically individuals are permitted to serve their terms subject to any legitimate restrictions. It was similarly of considerable impact to the R.M. as it attempted to control its process and ensure there were controls in place for what it considered, and what had been determined to be, inappropriate behaviour.

[99] While I have determined the R.M. should have adopted a different tact to handle that which was before it, it cannot be suggested that its actions were either in bad faith or driven by any concern other than the council's perception of the good governance of the R.M. As can be seen from the findings of the investigation report, the applicant had, by his own actions, made matters quite difficult for the council and for those employees working for the R.M. and, he was entirely unapologetic for his actions in this regard.

[...]

[102] The R.M. here committed some missteps in its efforts to control the behaviour of the applicant. The record indicates that the R.M. was attempting to preserve and protect its proceedings and its personnel. While ultimately proven to have gone beyond that which is authorized by the legislation, the record does not allow for a conclusion their efforts were inappropriate or done for any wrong purpose.

[...]

[62] In effect, what the R.M. is arguing is that it was justified in imposing the suspension because of the extreme behaviour and actions of Mr. Kaiser. The frustration of council with these actions is evident in the steps it has taken to try to control his various behaviours as to express disapproval of those behaviours. As indicated, there is no suggestion in the material that Mr. Kaiser's behaviour or actions are sought to be justified. It is apparent that because of his behaviour and actions, council was at its wits end as to how to effectively deal with the various difficulties he presented. The R.M. is frustrated. Effectively the R.M. says "what else can we do?" in these egregious circumstances.

[63] There is no question but that Mr. Kaiser's behaviour has been both difficult and inappropriate. That has been established by the investigation report. His counsel, during argument on this matter, did not seek to justify that behaviour but rather solely sought to challenge the authority of the R.M. to take the actions which it did. The applicant's confrontational actions, his recurrent demands, his generally pugnacious behaviours have been very difficult for council and for those employed by the R.M. Clearly they are looking for a solution to remove the frustration, the impasse, and the emotional impact, of his actions.

[64] However, I determine that council's frustration with the circumstances cannot drive a finding of their authority to act beyond that mandated by the legislation. For all

¹ [Kaiser v Rural Municipality of Baidon No. 131](#), 2023 SKKB 50 (CanLII).

of the forgoing reasons, I determine that the sanction resolution suspending the applicant, Resolution 302/21, is beyond the jurisdiction of the R.M. pursuant to the Act and it is set aside.

[20] Accepting the wisdom of the Court's judgement that it lacked the authority to suspend Kaiser indefinitely (because he refused to apologize/comply with sanction 1), council considered other options. Given constraints or gaps within the current legislation, council ultimately crafted a resolution for presentation by the RM to an upcoming Saskatchewan Association of Rural Municipalities (SARM) convention scheduled for March 2023.

[21] During its meeting on January 18, 2023, the following proposed resolution was passed:

Resolution – SARM Convention - Municipal Code of Ethics Bylaw

8/23 Shortland: That the Council of the RM of Baildon #131 forward the following resolution to SARM for consideration at the March 2023 Convention...(preamble omitted)

Municipal Code of Ethics Bylaws – Provision to Disqualify from Office

Rural Municipality of Baildon No. 131

WHEREAS all Rural Municipalities are required to have a Code of Ethics bylaw, pursuant to Section 93.1 of *The Municipalities Act*.

WHEREAS subsection 93.1(7)(d) of *The Municipalities Act* states that the Lieutenant Governor in Council may make regulations prescribing rules or limitations regarding the censure or suspension of a member of council who has contravened a code of ethics adopted pursuant to this section

WHEREAS the sample Code of Ethics Bylaw prepared by the Ministry of Government Relations only contemplates remedial actions as strong as suspension of a member of council for a Code of Ethics violation.

WHEREAS section 147 of *The Municipalities Act* states the reasons that a member of council may be disqualified, which include violations of section 142 (Public Disclosure Statements) and section 144 (Disclosure of Conflict of Interest) of the act, but not around matters relating to violations of Code of Ethics.

BE IT RESOLVED that SARM lobby the Provincial Government to amend *The Municipalities Act* to contemplate members of council being disqualified from council as a remedial measure to the most severe violations of a Code of Ethics bylaw.

Municipal Code of Ethics Bylaws – Immunity Provisions for Municipalities from Litigation

Rural Municipality of Baildon No. 131

WHEREAS all Rural Municipalities are required to have a Code of Ethics bylaw, pursuant to Section 93.1 of *The Municipalities Act*.

WHEREAS aggrieved members of council, committees, controlled corporations or other bodies established by council who are not members of council, who, upon being made subject to remedial provisions of a municipal Code of Ethics bylaw, could pursue legal recourse against the municipality, rather than complying with the bylaw provisions.

WHEREAS such legal recourse taken against the municipality can cost the municipality greatly in terms of financial resources, human resources and morale.

WHEREAS municipalities placed in this situation can be there through no fault of their own, other than the legal requirement to have a Code of Ethics bylaw.

BE IT RESOLVED that SARM lobby the Provincial Government to amend *The Municipalities Act* to add provisions for immunity for municipalities against litigation over their Code of Ethics bylaws, unless the aggrieved party can prove that such action was taken as a result of bad faith on the part of the Municipality.

Carried Un.

- [22] Minutes of the April 12, 2023 council meeting reflect that the above resolution, among other proposed by the RM, were passed at the SARM convention.
- [23] The day after this meeting, Kaiser filed his Code of Ethics complaint and the RM's Designated Officer (Bellefeuille) acknowledged receipt of the complaint on April 17, 2023. Next, this investigation was initiated.

IV. Legal Framework

- [24] The purpose of the Code of Ethics Bylaw is to “outline basic ethical standards and values for members of council... to guide members... when fulfilling their duties and responsibilities as elected officials.” There are several standards and values set out in the Bylaw, but the most significant for the purposes of this investigation are as follows:

5(a) Honesty

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

5(b) Objectivity

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

5(c) Respect

- i. Members of council shall treat every person, including other members of council, municipal employees and the public, with dignity, understanding and respect;
- ii. Members of council shall not engage in discrimination, bullying or harassment in their roles as members of council;
- iii. Members of council shall not use derogatory language towards others;
- iv. Members of council shall treat people with courtesy; and
- v. Members of council shall recognize the importance of the different roles others play in local government decision making.

5(d) Transparency and Accountability

- i. Members of council shall endeavor 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 a closed session, so that stakeholders can view the process and rationale used to reach decisions and the reasons for taking certain actions; and

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

5(f) Leadership and the Public Interest

- i. Members of council shall serve their constituents in a conscientious and diligent manner and act in the best interests of the R.M. of Baildon #131;
- ii. Members of council shall strive, by focusing on issues important to the community and demonstrating leadership, to build and inspire the public's trust and confidence in local government;
- iii. 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; and
- iv. Members of council shall not accept a gift or personal benefit that is connected directly or indirectly with the performance of their duties.

5(g) Responsibility

- i. Members of council shall act responsibly and in accordance with the Acts of Parliament of Canada and the Legislature of Saskatchewan, including The Municipalities Act 2010;
- ii. Members of council shall disclose actual or potential conflicts of interest, either financial or otherwise, related to their responsibilities as members of council, following the policies and procedures of the R.M. of Baildon #131, and exercising all conferred powers strictly for the purpose for which the powers have been conferred; and
- iii. Members of council are individually responsible for preventing potential and actual conflicts of interest.

V. Complaint, Responses, and Analysis

Complaint

- [25] Kaiser included a [handwritten narrative](#) with his complaint form. While this document contains some extraneous allegations outside the scope of this investigation, the complaint is based on Kaiser's underlying concern that the respondents have failed to interpret the zoning bylaw sections relating to junk vehicles in accordance with his view.
- [26] Kaiser has advocated for years that council should (or must) enforce the junk vehicle provisions strictly. This means, in Kaiser's view, that Stock must be prosecuted to the full extent of the bylaw's sanctions because there are currently approximately 50 vehicles on his Block A property in the hamlet and 350 on his acreage property.
- [27] The RM, through councils past and present, does not agree with Kaiser's opinion that s. 4.7(a) must be strictly enforced. Instead, the prevailing approach has been that enforcement of the junk vehicle provisions (and any other provision in the zoning bylaw) is enforceable by discretion which the RM cannot be compelled to exercise or refrain from exercising.
- [28] Kaiser also complains that the creation of a bylaw committee was procedurally flawed and ill-conceived, and that responding to litigation launched by him against the RM demonstrates a lack of objectivity, accountability, and leadership.

Issue

- [29] Fundamentally, Kaiser disagrees with the principle that the RM has discretion in determining how or when it will enforce its bylaws. Given that the RM has not moved against Kaiser’s neighbor, Stock, who appears to be violating the junk vehicle provisions of the bylaw, have the respondents in this complaint breached their duties set out in the Code of Ethics?

Analysis

- [30] Kaiser provided a “Position Paper” to me prior to our in-person meeting on July 26, 2023. In the paper, Kaiser wrote that “the Reeve agrees that zoning bylaw section 4.7(a) is in effect but when asked to do his sworn duty, he cynically [sic] defers to waiting for the [zoning bylaw] committee report”. Kaiser expects the RM to pursue full enforcement of unconditional bylaw compliance by Stocks and he interprets the respondents’ inaction as an “ethical violation of the highest order”.
- [31] Before addressing the merits of Kaiser’s position regarding the substantive issue of bylaw enforcement, it is necessary to deal briefly with the context within which council conducts its business and makes decisions in general.
- [32] While speaking with me, Kaiser acknowledged that the Reeve chairs council meetings in accordance with the common rules of board governance, which includes adherence to well-established board governance principles and processes. For example, regarding meetings: an agenda is circulated, attendance is noted, decorum is expected, motions are made/discussed/voted upon, and minutes are recorded, among other things. Kaiser also acknowledged that democratic principles animate the meetings, one of the most important being that votes on motions are passed or are defeated on a “majority rules” basis. Kaiser purports to be a strong defender of democratic principles, but has obvious difficulty accepting that once a motion has been voted upon, the majority’s view carries the result and is final.
- [33] When occasions have arisen to discuss Kaiser’s concerns regarding Stock’s junk vehicles, the process has unfolded as described above. Most recently, Kaiser’s motion for enforcement of the junk vehicle bylaw against Stock was made, discussed, and defeated. Thereafter, a motion to form a bylaw committee was made, discussed, and passed. There is nothing in the minutes to indicate that either item was particularly contentious. What is apparent is that Kaiser is alone in his view that the junk vehicle bylaw should be enforced in the ways he has advocated, and the majority of his fellow council members have voted in the opposite direction.
- [34] As discussed in the Court’s January 2023 judgement, Kaiser is concerned about upholding democratic principles. He is not wrong to do this, nor is he unreasonable to expect that council operate democratically. The puzzling aspect of Kaiser’s insistence that “democracy be upheld against fascism” is that, when every other council member votes in favor or against a particular motion, and Kaiser is the lone dissenter, he is unwilling to accept the result.

- [35] I will move now to the substantive issue of bylaw enforcement and whether the respondents' treatment of the issue might contravene the Code of Ethics.
- [36] It is well-settled law that a municipality has a duty to enforce its bylaws, but it also has broad discretion in determining how it will do so provided it acts reasonably and in good faith. Courts have held that, absent findings of bad faith or unreasonable conduct, a municipality's discretionary decision regarding the enforcement of a bylaw is not vulnerable to reversal by a reviewing court.
- [37] In Kaiser's words, "discretion is the first step down a slippery slope", but this is simply his opinion. The law permits council to examine bylaw enforcement on a case-by-case basis and to make decisions as it sees fit – as long as it is acting reasonably and in good faith.
- [38] All documents I have reviewed (including meeting minutes, background material provided by Kaiser, and information provided by all participants in this investigation) supports my finding that council has acted reasonably and in good faith regarding its approach to the zoning bylaw generally and to Kaiser's concerns specifically.
- [39] The exercise of discretion depends on a careful analysis of relevant facts, which include information provided by Kaiser and others. Administrator Bellefeuille's letter to Kaiser dated April 19, 2022 in which she lists her considerations in coming to the decision not to enforce the bylaw presently, is an example of this. In her letter, Bellefeuille notes:
- I am not of the view that Mr. Stock is operating a junk yard on his property located within the Hamlet of Baildon;
 - Baildon is in possession of information that suggests the vehicles have been on Mr. Stock's land since before the current Zoning Bylaw came into force in 2016;
 - That there are approximately 12 vehicles located on Mr. Stock's property, not 64;
 - That the storage of vehicles on Mr. Stock's land is authorized by s. 89 of *The Planning and Development Act, 2007*;
 - That the storage of vehicles on Mr. Stock's land was a permitted use at the time the 2016 Zoning Bylaw was adopted, and therefore this previously permitted use would have been grandfathered;
 - That Baildon has not been presented with any independent, scientific evidence or study to suggest that Mr. Stock's storage of vehicles on his land within the Hamlet is causing environmental damage as you have alleged, or at all;
 - That, therefore, I am not of the view that Mr. Stock's current use of his land within the Hamlet gives rise to an infraction under the 2016 Zoning Bylaw; and
 - That, even if I was of the view that Mr. Stock's current use of his land amounted to a bylaw infraction, the question of whether a municipality enforces a bylaw or not is discretionary, and it is not possible to compel the enforcement of a bylaw by a municipality.
- [40] The respondents I interviewed expressed agreement with the considerations set out in the above list, although they noted that Ms. Bellefeuille's belief that 12 vehicles were located on the property was a considerable underestimation. This is not a fatal flaw. The nature of this discretionary decision permits it to be revisited and revised as and when considerations

and facts change. The Development Appeals Board implicitly acknowledged this in its refusal to consider Kaiser's appeal.

- [41] When I interviewed the respondents, they provided more information about their ongoing consideration regarding enforcing the junk vehicle bylaw. They expressed concern that the RM cannot selectively enforce a bylaw and, if this part of the bylaw were enforced widely, it could trigger a significant and unnecessary backlash. The respondents shared their view that provoking this potential would be counterproductive. The respondents also noted that no ratepayer in the municipality except Kaiser has complained about junk vehicles, even though several other properties have them on site. The respondents said they suggested that if Kaiser could obtain a petition to show broader support for his position, then council could reconsider the matter because his concerns would be amplified by other ratepayers. The respondents advised that Kaiser was unwilling to do this, which he confirmed with me. From his reluctance to demonstrate support from the people in his district whom he represents, the respondents drew a reasonable inference that broad support for Kaiser's concern does not exist.
- [42] Further, the respondents explained that Stock's vehicles are behind a fence, hidden from view. On Stock's other 40-acre parcel where more junk vehicles are stored, the land is on a back road and Kaiser's property is approximately 2 miles away.
- [43] Finally, the respondents noted that the RM hasn't been completely unwilling to enforce the bylaw against Stocks. I was provided with correspondence demonstrating that the RM recently required Stock to remove a few vehicles from the hamlet street where they were parked, which he did.
- [44] Thus, when Kaiser presented a motion (28/23) to enforce the bylaw against Stock, it was not supported by the respondents based on their consideration of the foregoing circumstances. In doing this, they understood that, collectively, they could exercise discretion accordingly.
- [45] Further, while Kaiser describes it as a "cynical tactic", counsel's decision to strike a committee to deal with concerns such as Kaiser's regarding bylaw enforcement appears to be a reasonable response. Again, in accordance with democratic and sound board governance principles, creating a committee to investigate a problem or issue more deeply is a commonly employed process which can move matters forward, among other purposes.

Observations About Kaiser's Approach and Engagement with Issues Preceding this Complaint

- [46] While not raised within the context of a formal complaint against Kaiser, the respondents shared their concern that Kaiser's sustained focus upon Stocks' collection of vehicles appears to distract him from discharging his duties to the RM overall. The evidence in this matter supports that this concern may be well founded.
- [47] Prior to assuming his role as the Division 5 representative, Kaiser communicated with the RM and appeared at council meetings to share his views on the junk vehicle bylaw and other matters. After he became a councillor, Kaiser continued his quest to have the bylaw enforced against Stocks.

- [48] The evidence does not demonstrate that Kaiser has used his “power” as a councillor against Stocks as contemplated by the conflict-of-interest section 5(g) in Code of Ethics, because Kaiser’s motions and contributions to discussion during meetings are within his role and responsibilities. However, the longstanding nature of his grievance against Stocks and/or his vehicles complicates and may compromise the integrity and purpose of his interest in enforcing the bylaw.
- [49] There is no doubt Kaiser has devoted considerable time and energy toward pursuing his objective that the junk vehicle bylaw be enforced the way he believes it should be. The respondents observed that Kaiser appears much less engaged in other council business, to the detriment of the RM at large. Given, however, that this concern was not raised as a Code of Ethics complaint, I have not formulated a finding in this regard.

VI. Findings

- [50] In their capacity as members of council and the Reeve, the respondents have acted within their authority to consider and deal with motions put before them during RM council meetings. The RM’s current approach to enforcement of the junk vehicle bylaw involves consideration of facts and circumstances which support the exercise of its discretion.
- [51] Dealing specifically with the five allegations in Kaiser’s complaint, the evidence does not support a finding that the respondents failed to act with honesty, objectivity, respect, transparency, or leadership when they voted against motion 28/23 or supported motion 31/23. Further, there is no evidence to support the allegation that abiding by the formal Harassment Policy or Code of Ethics complaint investigation process and/or responding to litigation or administrative applications launched by Kaiser is unethical or improper.

VII. Conclusion

- [52] The complaints made by Kaiser and filed against Reeve Anthony and Councillors Shortland, Lewis, Hanlan, Huntley, and McDonald are not substantiated. The evidence does not support a finding that any of the respondents breached the RM Code of Ethics Bylaw as alleged.

DATED at Saskatoon, Saskatchewan on August 29, 2023.

Leslie Belloc-Pinder

Leslie Belloc-Pinder, K.C.
Investigator

