

By-law No. GG-002: RESPECTING THE CODE OF CONDUCT FOR MEMBERS OF THE TOWN COUNCIL

The Council of the Municipality of Grand Bay-Westfield under authority vested in it by Section 10.2 of the *Local Governance Act* Chapter 18 hereby enacts By-law No. GG-002, Town of Grand Bay-Westfield By-law Respecting the CODE OF CONDUCT FOR MEMBERS OF THE TOWN COUNCIL as follows.

That the document attached to and forming part of this By-law as "Appendix A", Agreement to Abide by the Code of Conduct of the Town of Grand Bay-Westfield, be adopted.

1. That the terms and conditions of the "Council Code of Conduct" come into full force and effect upon the final passing hereof.
2. That no complaint with respect to an action having occurred prior to the enacting hereof shall be considered pursuant to this by-law.

TERMS AND CONDITIONS

1. By-law Statement

The purpose and intent of the Council Code of Conduct is to establish standards of conduct for Members of Council in the individual conduct of their official duties. These standards are intended to enhance public confidence that the Town of Grand Bay-Westfield's elected officials operate from a basis of transparency and openness, integrity, justice, and courtesy.

A written Code of Conduct helps to ensure that the Members of Council share a common basis of acceptable conduct. These standards are designed to supplement the legislative parameters within which the Members must operate.

2. Scope

For the purposes of paragraph 10(2)(b) of the Local Governance Act, a by-law made by a local government to establish a code of conduct for members of council shall include the following matters:

- (a) the values to which members of council are expected to adhere;
- (b) the behaviour by the members of council toward other members of council, officers, employees and residents of the local government, including provisions

I certify that this instrument
is registered or filed in the

Kings
County Registry Office,
New Brunswick

J'atteste que cet instrument est
enregistré ou déposé au bureau
de l'enregistrement du comté de

Kings
Nouveau-Brunswick

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K. Matt

Registrar-Conservateur

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- respecting bullying, discrimination and harassment by members of Council;
- (c) the use of local government property, resources and services by members of Council; and
- (d) the use of communication tools and social media by members of Council.

3. Legislation

3.1 This Council Code of Conduct operates along with and as a supplement to the existing statutes governing the conduct of Members, including:

- a) *Local Governance Act*
- b) *Municipal Elections Act*
- c) *Right to Information and Protection of Privacy Act*
- d) *Human Rights Act*

3.2 The *Criminal Code of Canada* also governs the conduct of Members.

4. General Standards of Conduct

4.1 Council Members shall perform their official duties in accordance with the following general principles:

- a) Be honest and open with Council Members, local government staff, and the general public;
- b) Make decisions that are in the best interest of the community as a whole;
- c) Make decisions based on careful and objective consideration and review of the facts;
- d) Ensure that objectivity, impartiality, and transparency are emphasized in decision-making;
- e) Be accountable for the decisions made by the Council;
- f) Demonstrate a high level of professionalism when representing the local government and in their dealings with members of the broader community; and
- g) Ensure that all duties are performed in compliance with federal and provincial laws, as well as By-laws, policies, and procedures adopted by the local government.

5. Respecting Roles and Responsibilities

5.1 Members of Council shall ensure that they:

- a) Focus on their governance role of providing leadership for the community in an open, accountable, and transparent manner, establishing strategic direction and

- providing oversight of the local government;
- b) Respect the role of the local government's staff, which is to provide day-to-day administration of the local government, provide advice and analyses, implement Council decisions, and carry out their responsibilities as required under the *Local Governance Act* and any other relevant federal and/or provincial legislation, regulations or By-laws of the local government;
 - c) Council as a whole has the authority to approve budget, By-law, policy or committee process, including the structures and procedures for committees. Authority to act on behalf of Council, including through a committee, can only be delegated by Council or through law.
 - d) Respect the role of the Council as a whole being the decision-making body for the local government. Only Council as a whole and no single Member including the Mayor has the authority to direct staff, approve budget, By-law, policy, committee processes and other matters, unless specifically authorized by Council.
 - e) In practical terms, there are distinct and specialized roles carried out by Council as a whole and by Councillors when performing their other roles. The key requirements of these roles include dealing with constituents and the general public, participating as committee members, participating as Chairs of committees, and participating as Council representatives on agencies, boards, and commissions and other bodies. Similarly, there are distinct and specialized roles expected of staff in both carrying out their responsibilities and in dealing with Council.

6. Transparency and Accountability for the Decision Making Process

6.1 Members of Council shall conduct and convey Council business and all their official duties in an open and transparent manner so that the public can view the process and rationale used to reach decisions.

6.2 Members shall accurately and adequately communicate the decisions of Council and Local Boards such that respect for the decision and decision-making process is fostered.

6.3 Members shall not attempt directly or indirectly, to influence the decision-making process, as it relates to the award of contracts or settlement of claims. This includes but is not limited to direct or indirect personal contact or interaction with parties

administering or directly involved in such processes.

7. Respectful Behaviour

7.1 Members shall at all times serve and be seen to serve their constituents in a conscientious and diligent manner.

7.2 Members will conduct their dealings with each other in ways that maintain public confidence in the office to which they have been elected, are open and honest, focus on issues rather than personalities, avoid aggressive, offensive or abusive conduct.

7.3 Members of Council have a duty to treat members of the public, other Council members, local government staff or individuals providing services on a casual or contractual basis with dignity, understanding and respect.

7.4 Members of Council shall promote the governance framework to ensure their work environment is free from discrimination, bullying, offensive and/or derogatory language, and harassment and that they are in compliance with the local government's policies and procedures, where applicable.

7.5 Without limiting the generality of the foregoing, Members shall not:

- a) Make inappropriate comments or gestures to or about an individual where such conduct is known or ought reasonably to be known to be offensive to the person(s) to whom they are directed or about;
- b) Display materials or transmit communications that are inappropriate, offensive, insulting or derogatory;
- c) Make threats or engage in any abusive activity or course of conduct toward others;
- d) Vandalize the personal property of others;
- e) Commit assault of any kind, including making unwanted physical contact, including touching, patting or pinching;
- f) Refuse to converse or interact with anyone based on any ground listed in the *Human Rights Act*.

8. Conduct at Meetings

8.1 Members of Council shall be respectful of their Council colleagues, the staff of the local government and the public in attendance during Council and committee meetings as well as other meetings (both internal and with the general public). Meetings shall provide an environment for transparent and healthy debate on matters requiring decision-making. Furthermore, Members of Council shall conduct themselves in accordance with the provisions set out in the local government's *Procedural By-law*.

8.2 Members of Council may not impugn or malign a debate or decision or otherwise erode the authority of Council. Members have the right to express disagreement with positions put forward by other Members provided such disagreement remains focused on the issue. Once the Council has adopted a resolution, Members of Council are expected to support the resolution and the work associated with carrying out this resolution.

9. Use of Social Media

9.1 Members of Council shall use social media in a responsible and respectful manner that is in keeping with the local government's policies and procedures where applicable. Social media tools are not to be used as a means to criticize other Members of Council, the local government staff or the general public.

10. Handling of Confidential Information

10.1 Members of Council shall refrain from disclosing or releasing any confidential information to any member of the public, or in any way divulge any confidential information, including personal information or any aspect of deliberations obtained through their holding office, in either oral or written form, in accordance with the *Right to Information and Protection of Privacy Act*.

10.2 Members of Council shall keep confidential those matters that are discussed in a meeting that is authorized under the *Local Governance Act* to be closed to the public.

10.3 Nor shall members use confidential information including information that they might have knowledge of by virtue of their position that is not in the public domain, including emails or correspondence from other Members, or third parties, for personal or private gain, or for the gain of relatives or any person or corporation or cause detrimental to the Town Council, Local Board, or others.

11. Use of Local Government Property, Services and Other Resources

11.1 No Member of Council shall make use of, or permit, the use of any local government property (land, facilities, equipment, supplies, etc.), staff or other resources (computers, networks, websites, social media) other than for carrying out the business of the local government.

11.2 Members shall avoid waste and extravagance in the provision or use of the local government's resources or property belonging to the local government.

11.3 No Member shall use the facilities, equipment, supplies, services or other resources of the Town for any election campaign or campaign-related activities. No member shall undertake campaign related activities on Local Government property. No member shall use the services of persons during working hours in which those persons receive any compensation from the Local Government.

12. Conflict of Interest

12.1 Members shall commit to making decisions impartially and in the best interests of the local government and recognize the importance of fully observing the requirements of the *Local Governance Act* with regard to the disclosure and avoidance of conflicts of interest.

13. Improper Use of Influence

13.1 No Member of Council shall use the influence of the office they hold for any purpose other than for the exercise of his or her official duties.

13.2 In accordance with section 90.8(2)(b) of the *Local Governance Act*, a Member of Council shall not, for his or her personal gain, or for the personal gain of a family associate, make use of his or her position or of any information that is obtained in his or her position and is not available to the public.

13.3 Furthermore, no Member shall use one's status as a Member of Council or the influence of the office they hold to the advantage of any other relatives, friends, or business associates.

14. Gifts and benefits

14.1 In accordance with section 96(a) of the *Local Governance Act*, a Member of Council shall not accept any fees, gifts, gratuities or other benefit that could reasonably be seen to influence any decision made by him or her in the carrying out of his or her functions as a Member of Council.

14.2 The following are recognized as exceptions:

- a) Compensation or benefit authorized by Council;
- b) Services provided without compensation by persons volunteering their time;
- c) Food, lodging, transportation and entertainment provided by provincial, regional and local government or political subdivisions of them, by the federal government or by a foreign government within a foreign country;
- d) Food and beverages consumed at banquets, receptions and similar events, if attendance serves a legitimate business purpose; the person extending the invitation or a representative of the organization is in attendance; and the value is reasonable and the invitations infrequent.

15. Application, Administration, and Enforcement

15.1 Application

The Code of Conduct will be implemented upon resolution of Town Council.

- a) "Members of Council" includes the Mayor and all Councillors.
- b) The Code of Conduct will apply to all Members of Council.

15.2 Administration

Members of Council will each be required to sign an agreement to abide by the Code of Conduct, attached as Appendix A. This form must be signed, filed with the Clerk and be available for public review.

15.3 Enforcement

The agreement to abide by the Code of Conduct will be signed and submitted as described above. Regarding the handling of complaints regarding potential Code of Conduct breaches, complainants are to:

- 1. File a complaint with the CAO.
- 2. The CAO will investigate in consultation with the Town Solicitor.
- 3. A findings report will be filed with Council within a reasonable period of time.

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4. Council will receive the report and determine whether there has been a breach of the Code of Conduct by the member and, if there has been a breach, what, if any, sanctions are to be imposed by Council.
5. The CAO is expected to follow the directions of the Council, and to the extent necessary, to carry out sanctions imposed by Council.
6. Should the complainant still be dissatisfied, then they are to refer the complaint to the Ombuds Office.

The Code is “self-enforced” and considered as a document that sets out expectations in terms of the conduct of the Members of the Council.

16. Glossary

a) “official duties” means the public duties of a Member and includes functions performed by Members necessary to demonstrate responsible and accountable government with respect to matters within the Town of Grand Bay-Westfield’s jurisdiction, and which are done for the purpose of providing good government with respect to those matters.

REPEAL

- 17.** By-law No. 120, being Town of Grand Bay-Westfield By-law Respecting the Code of Conduct for Members of the Town Council, enacted on 13 November 2018, and all amendments thereto, is hereby repealed.

READ A FIRST TIME by summary this 9th day of January, 2023.

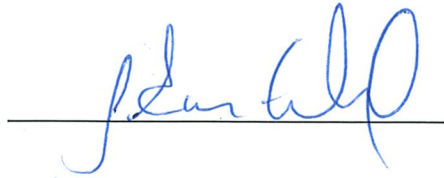
READ A SECOND TIME by title this 9th day of January, 2023.

READ A THIRD TIME by title and ENACTED on this 21st day of February, 2023.

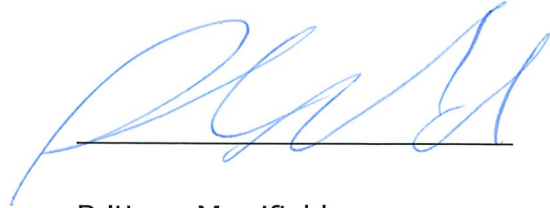
This By-law comes into force on the date of final passing thereof.

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SIGNED AND APPROVED this 21 day of February, 2023.

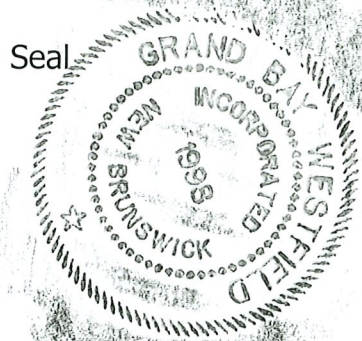
A blue ink signature of John Enns-Wind, written in a cursive style, positioned above a horizontal line.

John Enns-Wind
CAO / Clerk

A blue ink signature of Brittany Merrifield, written in a cursive style, positioned above a horizontal line.

Brittany Merrifield
Mayor

Seal



Appendix - A

Agreement to Abide by the Code of Conduct of the Town of Grand Bay-Westfield

As a Member of the Council of the Town of Grand Bay-Westfield, I affirm that I have read and understood the Code of Conduct of the Town of Grand Bay-Westfield and I agree to uphold the Code of Conduct as adopted by the Town of Grand Bay-Westfield.

I understand that upon my signing, this Agreement will be filed with the Office of the Clerk and available for public inspection.

Signature: _____

Date: _____

Name (please print): _____

Council Position: _____