

BYLAW NUMBER 55-22
A BYLAW ESTABLISHING THE CODE OF CONDUCT FOR THE ELECTED COUNCIL OF
THE VILLAGE OF GRAND MANAN.

Short title: This Bylaw may be cited as the ‘Code of Conduct Bylaw”

WHEREAS: The Local Governance Act authorizes and requires local governments to establish and implement a Code of Conduct Bylaw.

WHEREAS: The citizens and taxpayers of the Village have a right to be served by a council committed to performing their functions of office with integrity, respect, accountability, leadership, collaboration, public interest and transparency to the best of their knowledge and ability.

Now therefore the Council of the Village of Grand Manan being duly assembled enact the following.

DEFINITIONS:

1. In this Bylaw:

‘Village” means the Village of Grand Manan.

“CAO”means the Chief Administrative Officer of the Village of Grand Manan.

‘Council ' means the elected Mayor and council of the local municipal government.

“Employees” means all employees of the local government full time, part time, contract or seasonal.

“Members” means members of the local municipal government.

‘Social Media” means freely accessible, third party hosted, interactive, internet technologies used to produce, post and interact through text, images, video or audio to inform, share, promote, collaborate or network.

“Village Property’ means the Village’s financial and non financial assets including but not Limited to land, vehicles, equipment, electronic devices and documents.

“Confidential” or Confidential Information” means any aspect of the in-camera/closed deliberations; information identified as confidential within the provisions of the Right to Information and Protection of Privacy Act; and information subject to solicitor-client privilege;

‘Officer”means an employee of the town that reports directly to the CAO and may carry some delegated or designated duties of the CAO.

PURPOSE

The purpose of this Bylaw is to establish standards for the ethical conduct of members relating to their roles and duties as representatives of the Local Government and a procedure for enforcement of those standards.

1. CODE OF CONDUCT

Members shall follow a Code of Conduct by;

- a. Representing the Village and working for the common good of the village citizens and taxpayers while promoting the public interest and advancing the mandate and long term interests of the Village.
- b. Conducting Council business in an open and transparent manner that promotes public confidence and trust, recognizing that an individual councilor cannot exercise individual authority over the Village.
- c. Exercising their duties with care, diligence and skills that a reasonably prudent person would exercise in comparable circumstances;
- d. Exercising their duties by placing the interests of the Village ahead of their personal interests to a reasonable extent; and
- e. Exercising their duties in an impartial manner, making decisions based on objective criteria, rather than on the basis of bias or prejudice.

2. Communicating on Behalf of the Village

- a. The Mayor, or in his/her absence the Deputy Mayor, is the official spokesperson for the Village.
- b. All Councilors acknowledge that official information related to the decisions of Council will be communicated to the community and the media on behalf of the Council as a whole.
- c. Where practical and possible, The Village of Grand Manan Social Media accounts, such as Facebook, Twitter, etc are to be administered by Village staff, and not members of Council.

3. Respecting the Decision Making Process, All Councilors shall:

- a. Foster respect for the democratic decision making process; and
- b. Work towards effective and consistent implementation of the positions and/or decisions of Council.

4. Adherence to Policies, Procedures and Bylaws

- a. As the Village stewards and decision makers, all Councillors shall respect, and adhere to the established policies, procedures, and bylaws of the Village, showing commitment to performing their duties and functions with care and diligence.

5. Respectful Interaction with Councillors, Staff, the Public and Other Members of society.

- a. Treat fellow Councillors, Administrative/Staff and the public with respect, concern, and courtesy and not engage in discrimination, bullying, making threats, using abusive activity or offensive language towards others in their elected roles.
- b. Demonstrate the highest standards of personal integrity and honesty;
- c. Communicate and work with fellow councillors and staff in an open and honest manner promoting a spirit of cooperation by listening to and respecting those opinions that may differ;
- d. Use communication tools and social media in a professional and appropriate manner only to promote the approved objects of Council and not attempt to reflect on Council decisions or disparage or criticize other Councillors or Village staff. Derogatory, defamatory, discriminatory, indecent, obscene or false comments shall not be posted.
- e. Councilors shall make every reasonable effort to give 4 hours prior notice if unable to attend the regular monthly council meeting.

6. Confidential Information

- a. All councillors shall hold in strict confidence all information concerning matters deemed confidential and shall not, either directly or indirectly, release or make public or in any way divulge any information which is deemed to be confidential unless authorized by Council or required by law to do so.

7. Conflict of Interest

- a. No Councillor shall engage in any activity which is incompatible or inconsistent with the ethical conduct of their elected official duties in the public interest. These activities include but are not limited to:
 1. Use of any influence of the office for any purpose other than official duties;
 2. Use any information gained in the execution of the office that is not available to the general public for any purpose other than official duties;
 3. Place themselves in a position of obligation to any person or organization who might reasonably benefit from special consideration or may seek preferential treatment; and
 4. Influence any Council decision or decision making process involving or affecting any person or organization in which a Councillor or Councillors have financial interest.

8. Respecting Roles and Responsibilities

- a. Members of Council shall accurately communicate the decisions of Council, even if they disagree with Council's decision, such that respect for the decision making process of the Council is fostered.
 - b.. Decision making authority lies with Council, and not an individual member. No Member shall, unless authorized by Council, attempt to bind the Village of Grand Manan or give direction to employees, Agents , Contractors, consultants or other service providers or prospective vendors to the Village.
 - c. Convey all concerns or requests for action or information directly to the CAO or, where appropriate, and as agreed by the CAO, communicate with an officer without committing the Village to any specific course of action, expenditure, or use of Municipal resources outside of the Village's established policies, procedures, budget or otherwise.
 - d . Avoid any situation in which a friendship, social relationship or social interaction with a member of staff may be seen to create undue influence, access to information, conflict of interest or to undermine the authority of the Council or CAO; and
 - e. Not advocate for the promotion, sanction, or termination of any municipal employee.

f. Not express any opinion on the performance of any municipal employee with the exception of the formal CAO performance evaluation unless filing a formal complaint as required by the Village.

9. Use of Municipal Government Property, Resources and Services.

- a. No Councillor shall use or attempt to use the Village's property, funds, services or information for personal benefit or for the benefit of any other individual.
- b. No Councillor shall use Village assets including Village cell phones or email accounts for provincial or federal political activity.
- c. No Councillor shall sell or trade Village assets.

10. Complaints

- a. Any person, in good faith, may report perceived wrongdoing or make a complaint alleging a breach of the Council Code of Conduct by a Councillor. All reasonable attempts shall be made to keep the reports and complaints confidential until a full investigation is completed in order to protect a Councillor and a Complainant.
- b. The report or complainant shall be in writing outlining the nature and specifics, be dated, include a name of the complainant, signed, addressed to the Mayor (or in case of perceived wrongdoing of the Mayor, to the Deputy Mayor), and marked "Confidential". The complaint will be mailed, emailed or hand delivered to the Village Office and the councillor in question.
 1. Upon receiving the complaint, if the issue cannot be resolved in a mutually satisfactory manner upon consultation with Mayor/ or Deputy Mayor, the Councillor in Question and the Complainant, then the complaint or report shall proceed to step two of the process which is;
 2. Review by the Personnel Committee to suggest remediation of mutual satisfaction; or in the case that no agreement or resolution is available, presentation and recommendation to full Council. All received complaints shall be included in the in camera/closed session of a regular Council meeting for Council's perusal upon receiving it.
- c. An anonymous report or complaint shall not be considered valid.
- d. Councillors, Mayor and Deputy Mayor who may be reported shall not undertake any act of reprisal or threat against a complainant, employees or any other person for providing relevant information in relation to a possible violation of this bylaw.
- e. Depending on the nature of the complaint, Council may:
 1. Authorize the Mayor and Deputy Mayor (or in the case of perceived wrongdoing of the Mayor, the Deputy Mayor and one Councillor), to investigate the complaint and report to Council;
 2. Dismiss the report or complaint as invalid;Request legal opinion regarding the report or complaint;

3. Request the Village legal counsel to investigate the complaint and report to Council through the Mayor (or in case of perceived wrongdoing by Mayor, through Deputy Mayor).

- f. If the complaint is determined to be valid by the majority of Council or through independent legal advice , Council may impose sanctions, defining the specific action to be taken by a motion.

11. Sanctions Available to Council but not limited to:

- a. A letter of reprimand;
- b. A letter of apology;
- c. Attendance at training;
- d. Suspension or removal of Mayor or Deputy Mayor as official spokesperson for the Council;
- e. Suspension or removal from some or all Council Committees and bodies to which Council has the right to appoint members;
- f. Restricting the privileges of attending conferences and workshops at the Villages expense;
- g. Reduction or suspension of remuneration as Council may deem appropriate.

12. Review

The Council Code of Conduct Bylaw must at a minimum be reviewed every five (5) years.

Read a First time in its Entirety and by Title: _____

Read a Second Time by Title only: _____

Read a Third Time by Title and Enacted: _____