



PURPOSE:

As local elected representatives we recognize that responsible conduct is essential to providing good governance for the Town of Conception Bay South.

We further recognize that responsible conduct is based on the foundational principals of integrity, accountability, respect, and leadership and collaboration.

In order to fulfill our obligations and discharge our duties, we are required to conduct ourselves to the highest ethical standards by being an active participant in ensuring that these foundational principles, and the standards of conduct set out below, are followed in all of our dealings with every person, including those with other members, staff and the public.

AUTHORITY:

This Code of Conduct is a complement to existing legislations and Town of Conception Bay South policies including, but not limited to:

- Municipalities Act, 1999
- Municipal Conduct Act
- Newfoundland and Labrador Human Rights Act
- Municipal Elections Act
- Workplace Harassment Policy, Town of Conception Bay South

STATEMENT OF POLICY:

This Code of Conduct applies to the members of the Conception Bay South Town Council. It is each member's individual responsibility to uphold both the letter and the spirit of this Code of Conduct in their dealings with other members, staff and the public.

Elected officials must conduct themselves in accordance with the law. This Code of Conduct is intended to be developed, interpreted and applied by members in a manner that is consistent with all applicable Federal and Provincial Laws, as well as the bylaws and policies of the Town of Conception Bay South, the common law and any other legal obligations which apply to members individually or as a collective Council.



1.0 DEFINITIONS

Accountability – means an obligation and willingness to accept responsibility or to account for one's actions. Conduct under this principle is demonstrated when Council individually and collectively, accept responsibility for their actions and decisions.

Integrity – means being honest and demonstrating strong ethical principles. Conduct under this principle upholds the public interest, is truthful and honourable.

Leadership and Collaboration – means an ability to lead, listen to, and positively influence others; it also means coming together to create or meet a common goal through collective efforts. Conduct under this principle is demonstrated when a council member encourages individuals to work together in pursuit of collective objectives by leading, listening to, and positively influencing others.

Respect – means having due regard for others' perspectives, wishes and rights; it also means displaying deference to the offices of local government, and the role of local government in community decision making. Conduct under this principle is demonstrated when a member fosters an environment of trust by demonstrating due regard for the perspectives, wishes and rights of others and an understanding of the role of local government.

2.0 STANDARDS OF CONDUCT

Accountability is demonstrated through the following conduct:

- Members will be responsible for the decisions that they make and be accountable for their own actions and the actions of the collective Council.
- Members will listen to and consider the opinions and needs of the community in all decision-making, and allow for appropriate opportunities for discourse and feedback.
- Members will carry out their duties in an open and transparent manner so that the public can understand the process and rationale used to reach decisions and the reasons for taking certain actions.



Integrity is demonstrated by the following conduct:

- Members will be truthful, honest, and open in all dealings, including those with other members, staff and the public.
- Members will ensure that their actions are consistent with the shared principles and values collectively agreed to by Council.
- Councillors must work in the best interest of the municipality without regard for their personal interests.
- Councillors must act competently and diligently and perform at a level expected of those working in the public interest.
- Councillors must be prepared for meetings, aware of agendas, informed of issues, and contribute to debate in a manner that is meaningful, candid, honest, respectful and equitable.
- Councillors must only use the influence of their position for the exercise of their official duties.
- Councillors are prohibited from accepting gifts, favours, or free or discounted services from any individual, vendor, contractor or others which could reasonably be perceived to show undue favour, bias, or disadvantage to any individual or organization or could reasonably be perceived to place the Councillor in a conflict of interest.
- Councillors must not communicate on behalf of the municipality unless authorized by Council or by virtue of a position or role the Councillor has been authorized to take by Council.
- Councillors must report all expenses promptly, accurately, provide adequate detail, and shall maintain all receipts, invoices and other relevant financial records and details when claiming expenses.
- Councillors must ensure that the business of the municipality is conducted efficiently and must avoid waste, abuse, and extravagance in the provision and use of municipal resources.
- Councillors must not request, use, or permit the use of municipal-owned vehicles, land, equipment, materials, or other property for personal convenience or profit, except where such privileges are granted to the general public.
- Members will follow through on their commitments, correct errors in a timely and transparent manner, and engage in positive communication with the community.
- Members will direct their minds to the merits of the decisions before them, ensuring that they act on the basis of relevant information and principles and in consideration of the consequences of those decisions.
- Councillors must not make decisions, take positions, or make statements which are unreasonable, unjust, arbitrary, oppressive or discriminatory.



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- Members will behave in a manner that promotes public confidence in all of their dealings.
 - Members will comply with all applicable legislation, regulations and policies.
 - Members shall avoid the improper use of the influence of their office.

Leadership and Collaboration is demonstrated by the following conduct:

- Members will behave in a manner that builds public trust and confidence in the local government.
- Members will consider the issues before them and make decisions as a collective body. As such, members will actively participate in debate about the merits of a decision, but once a decision has been made, all members will recognize the democratic majority, ideally acknowledging its rationale, when articulating their opinions on a decision.
- Members will recognize that debate is an essential part of the democratic process and encourage constructive discourse while empowering other members and staff to provide their perspectives on relevant issues.
- As leaders of their community, members will calmly face challenges, and provide considered direction on issues they face as part of their roles and responsibilities while empowering their colleagues and staff to do the same.
- Members will recognize, respect and value the distinct roles and responsibilities others play in providing good governance and commit to fostering a positive working relationship with and among other members, staff and the public.
- Members will recognize the importance of the role of the Chair of meeting, and treat that person with respect at all times.
- Members of Council shall be respectful of the role of staff to provide advice based on political neutrality and objectivity and without undue influence from an individual member or a group of members of Council.
- Members of Council shall not:
 - o Maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff;
 - o Compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities; or
 - o Use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering in staff's duties.



Respect is demonstrated through the following conduct:

- Members will treat every person with dignity, understanding and respect.
- Members will have consideration for every person's values, beliefs, and contributions to discussions.
- Members will demonstrate awareness of their own conduct, and consider how their words or actions may be perceived as offensive or demeaning.
- Members will not engage in behavior that is indecent, insulting or abusive. This behavior includes unwanted physical contact, or other aggressive actions that may cause any person harm or makes them feel threatened.
- Members will conduct themselves with decorum at Council and Committee meetings.

3.0 Social Media

- Councillors must not engage in conduct on personal or official social media platforms which would bring the integrity of themselves, the Council, or the Municipality into disrepute.
- Councillors must, where possible, conduct municipal business through official accounts and devices and avoid conducting Council business on personal devices or through personal accounts.

4.0 CONFIDENTIALITY

By way of their office, members of Council acquire confidential information from a variety of different sources including confidential personal information related to residents who have contacted their office. Confidential information includes information in the possession of, or received in confidence by the Town that the Town is prohibited from disclosing, or is required to refuse to disclose under the Access to Information and Protection of Privacy Act. Members shall not use information that is obtained in his or her capacity as a member and that is not available to the general public to further or seek to further the member's private interest or improperly to further or seek to further another person's private interest.

Members of Council shall not:

- Where a matter has been discussed "in camera" or "in a privileged meeting" and where the matter remains confidential, disclose the content of the matter or the substance of the deliberations of the meeting; and



- Disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so.

5.0 PROCEDURE FOR COMPLAINTS

- Council or Councillors must take no action, and must to the best of their ability, ensure no action is taken, which would be reasonably perceived as a reprisal against any person acting in good faith who brings forward a complaint or information which leads to a complaint.
- A Councillor or municipal official shall not file a complaint under this policy which is retributive, made in bad faith, or with malicious intent. A complaint will not be deemed to be retributive, made in bad faith, or malicious solely because it is ultimately determined to be unfounded.
- A Councillor shall not hinder, obstruct, attempt to obstruct, interfere with, threaten, harass or fail to cooperate with a person conducting an investigation under the Act and regulations, and this Code of Conduct.
- A complaint filed under this Code of Conduct shall be filed with the Chief Administrative Officer.
- Where the complainant is the Chief Administrative Officer, the complaint shall be filed with the Mayor. Where the Mayor is the respondent, the complaint shall be filed with the Deputy Mayor. Where the Chief Administrative Officer reasonably believes that neither the Mayor nor Deputy Mayor could act impartially and fairly, the Chief Administrative Officer may consult with the Department of Municipal and Provincial Affairs (The Department).
- Where the complainant is the Chief Administrative Officer, the following process will still apply, but the Mayor or Deputy Mayor will act as Chief Administrative Officer for the purpose of administering the complaint.
- The complaint shall be in writing. A complaint may be made by other means where the complainant has a limited ability to read or write English or has a disability or condition that impairs their ability to make a complaint.



- A complaint shall include the following:
 - The complainant's name
 - The names of the person or persons the complaint is about
 - A summary of the complaint, and any steps taken to resolve it
 - The date that the breach of the code occurred, if known
 - A description of how the complaint can be resolved, if applicable
- The Chief Administrative Officer may accept a complaint confidentially where, in the opinion of the Chief Administrative Officer, it is reasonable to do so, taking into account the public interest.
- A complainant may withdraw their complaint in writing or by other means. Notwithstanding, the Chief Administrative Officer or investigator may continue investigating where it is reasonable to do so, taking into account the public interest.
- Where a complaint is received alleging criminal behaviour, or at any point it becomes apparent that criminal behaviour may have occurred, the Chief Administrative Officer shall immediately contact law enforcement, and notify the Department through the Minister's Office.
- A person may file a complaint within 6 months of becoming aware of a Code of Conduct violation. The Chief Administrative Officer may accept complaints outside of that timeframe in instances of harassment, bullying, financial impropriety, or where it is reasonable to do so, taking into account the public interest.

Informal Resolution

- Where the Chief Administrative Officer determines the complaint to be interpersonal in nature, or relates to a disagreement, the Chief Administrative Officer may ask the parties if they wish to resolve the complaint through mediation, or Alternative Dispute Resolution (ADR).
- ADR must not be used where there is a significant power imbalance between the complainant and respondent, where there is a reasonable apprehension of harm, where the allegations involve issues of financial impropriety, sexual harassment, violence, criminality, where either party does not consent, or where other circumstances would prevent the success of ADR.



- Informal resolution efforts shall be concluded within 20 business days, and may be extended for additional business days with consent of both parties and approval of council.

Referral to Council - Resolution or Agreement of Facts

- As per sections 14 (2) of the Act, where a complaint is successfully resolved or not resolved but complainants agree on the facts, the Chief Administrative Officer shall provide Council with a report.
- As per sections 14(4) and (5) of the Act, Council shall review the report at a privileged meeting of Council. Following the review of the report, Council shall open the meeting to the public and shall, by resolution, dismiss the complaint or make a determination that the Councillor contravened the Code of Conduct.
- Where the Council determines that a Councillor has contravened the Code of Conduct, the Council may impose penalties in accordance with section 15 of the Act..

Formal Investigation

- Where the complaint is not resolved or the facts are not agreed on, the Chief Administrative Officer may investigate or appoint an investigator. There shall be 40 business days to conclude an investigation from the date the informal resolution period has expired. Upon request of the Chief Administrative Officer, Council may approve up to an additional 40 business days for the completion of an investigation.
- The investigator will notify the respondent within five business days of the failure of informal resolution and provide a copy of the complaint.
- The respondent may provide a written response to the Chief Administrative Officer no later than 10 business days after receipt of a copy of the complaint.
- The investigator will prepare a written report for Council.
- The report shall at a minimum outline the investigative process, facts, analysis, test (an assessment of the facts relative to the Code of Conduct), conclusion, and recommendations. The following format is flexible but may be of assistance.



Town of Conception Bay South Corporate and Operational Policy

Title: Code of Conduct for Members of Council
Policy Number: 094

Resolution Number: 22-387
Date Approved: October 18, 2022

- Introduction
 - Investigative Process
 - Background
 - Events before the incident
 - The incident(s)
 - Events after the incident
 - Evidence
 - Analysis
 - Decision
 - Recommendation(s)
- Council shall review the report at a privileged meeting, and shall within 20 business days, dismiss the complaint or find that a Councillor contravened the Code at a public meeting.
 - If Council finds a Councillor contravened the Code, Council may, by resolution, take an action as set out in Section 15 (Penalties) of the Municipal Conduct Act.

REVISION HISTORY:

Revision:	Author:	Change Made:	Date:
1	Town Clerk	Additions as a result of the enactment of the Municipal Conduct Act.	September 2022