



## BY-LAW #2A

### CODE OF CONDUCT BY-LAW

**PURPOSE:** A By-Law of Arcadia, in the Province of New Brunswick, for the purpose of establishing a Code of Conduct for Elected Members of Arcadia.

**WHEREAS:** the section 10(2)(b) of the *Local Governance Act*, authorizes and requires local governments to establish a *Code of Conduct By-Law*; and

**WHEREAS:** *New Brunswick Regulation 2018-64* stipulates that the Code of Conduct must include the following mandatory provisions:

- a) The values to which Members of Council are expected to adhere;
- b) The behavior by the Members of Council toward other Members of Council, officers, employees and residents of the local government, including provisions respecting bullying, discrimination and harassment by Members of Council;
- c) The use of local government property, resources, and services by Members of Council;
- d) The use of communication tools and social media by Members of Council; and

**WHEREAS:** A *Code of Conduct* ensures that Members of Council share a common basis and understanding for acceptable conduct extending beyond the legislative provisions governing the conduct of Members of Council, as set out in the *Local Governance Act*; and

**WHEREAS:** Members of Council recognize that our actions have an impact on the lives of all residents and property owners in the community; and

**WHEREAS:** The establishment of a *Code of Conduct By-Law* is consistent with the principles of transparent and accountable government, reflecting the values of Arcadia, its commitment to professional, accountable, and lawful conduct, and its desire to provide strong local governance and leadership; and

**WHEREAS:** the enactment of this by-law repeals the following by-laws

- By-Law #2 – Code Of Conduct By-Law

**NOW THEREFORE:** the Council of Arcadia adopts the following as A Code Of Conduct By-Law for Arcadia and that such by-law does further underscore the requirement that elected officials be independent, impartial, and duly responsible in serving their constituents.

ARCADIA

## **1. TITLE**

- 1.1. This by-law will be cited as the "Code of Conduct By-Law".

## **2. APPLICATION**

- 2.1. This *Councillor Code of Conduct By-Law* applies to all members of Council, including the Mayor and Deputy Mayor.

## **3. DEFINITIONS**

- 3.1. "Village" means Arcadia.
- 3.2. "CAO" refers to the Chief Administrative Officer for Arcadia.
- 3.3. "Council" means all members of Council duly elected and holding office.
- 3.4. "Councillor" means any members of Council including Mayor and Deputy Mayor.
- 3.5. "Arcadia Property" means the financial and non-financial assets including but not limited to land, vehicles, equipment, electronic devices, and documents of Arcadia.
- 3.6. "Confidential" or "Confidential Information" means any aspect of in-camera/closed deliberations; information identified as confidential within the provisions of the *Right to Information and Protection of Privacy Act (RTIPPA)*; and information subject to solicitor-client privilege.

## **4. VALUES OF MEMBERS OF COUNCIL**

- 4.1. The values of Members of Council include:
  - 4.1.1. Honesty - Members of Council shall be truthful and open in their roles as Council Members and as members of the Village they serve.
  - 4.1.2. Respect - Members of Council shall treat every person, including other Members of Council, municipal employees, and the public with dignity and respect.
  - 4.1.3. Transparency and Accountability - Members of Council shall 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.
  - 4.1.4. 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 any information that is obtained during, or as a result of, their official duties or position that is not in the public domain.
  - 4.1.5. 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 Entity. 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.

4.1.6. Responsibility – Members of Council shall act responsibly and in accordance with the Acts of the Parliament of Canada and the Legislature of New Brunswick including the *Local Governance Act*. This duty includes disclosing actual or potential conflicts of interest, either financial or otherwise relating to their responsibilities as Members of Council. Each Member of Council is individually responsible for preventing potential and actual conflicts of interest.

## **5. BEHAVIOR OF MEMBERS OF COUNCIL**

- 5.1. Members of Council shall conduct themselves in a professional manner with dignity and make every effort to participate diligently in the meetings of Council, committees of Council and other bodies to which they are appointed.
- 5.2. Members of Council shall perform their official duties in accordance with the following general principles:
  - 5.2.1. Be honest and open with Council Members, local government staff, and the general public
  - 5.2.2. Make decisions that are in the best interest of Arcadia as a whole
  - 5.2.3. Make decisions based on careful and objective consideration and review of the facts
  - 5.2.4. Ensure that objectivity, impartiality and transparency are emphasized in decision-making
  - 5.2.5. Be accountable for the decisions made by the Council
  - 5.2.6. Demonstrate a high level of integrity and professionalism when representing the local government and in dealing with the members of the broader community
  - 5.2.7. Ensure that all duties are performed in compliance with federal and provincial laws, as well as by-laws, policies, and procedures adopted by Arcadia.
- 5.3. Members of Council shall always serve and be seen to serve their constituents in a conscientious and diligent manner.
- 5.4. Members of Council shall conduct their dealings with each other in a way that maintains public confidence in the office to which they have been elected, and are open and honest, focus on issues rather than personalities, avoid aggressive, offensive, or abusive conduct.
- 5.5. Member of Council shall 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.
- 5.6. Members of Council shall promote the governance framework to ensure their work environment is free from offensive and/or derogatory language, and harassment and that they follow local government's policies and procedures where applicable.
- 5.7. Without limiting the generality of the foregoing, Members of Council shall not:
  - 5.7.1. Make inappropriate comments or gestures to or about an individual where such conduct is known or ought reasonably to have known to be offensive to the person(s) to whom they are directed about;
  - 5.7.2. Display materials or transmit communications that are inappropriate, offensive, insulting or derogatory;

- 5.7.3. Make threats or engage in any abusive activity or course of conduct towards others, including bullying;
- 5.7.4. Vandalize the personal property of others;
- 5.7.5. Commit assault of any kind, including making unwanted physical contact, including touching, patting or pinching;
- 5.7.6. Refuse to converse or interact with anyone based on any grounds listed in the *Human Rights Act*.

## **6. CONFLICT OF INTEREST**

- 6.1. Members of Council have a statutory duty to comply with the Conflict of Interest provisions set out in Part 8 of the *Local Governance Act*.
- 6.2. Members of Council are to be free from undue influence and not act or appear to act to gain financial or other benefits for themselves, family friends or associates, business or otherwise.
- 6.3. It is the individual responsibility of each Member of Council to seek independent legal advice, at the Member's sole expense, with respect to any situation that may result in pecuniary or other conflict of interest.
- 6.4. No Councillor shall engage in any activity which is incompatible or inconsistent with the ethical conduct of official duties in the public interest. These activities include but are not limited to:
  - 6.4.1. Use any influence of the office for any purpose other than official duties
  - 6.4.2. Use any information gained in the execution of the office that is not available to the general public for any purpose other than for official duties;
  - 6.4.3. 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
  - 6.4.4. Influence any Council decision or decision-making process involving or affecting any person or organization in which a Councillor or Councillors have financial interest.

## **7. RESPECTING ROLES AND RESPONSIBILITIES**

- 7.1. Decision-making authority lies with Council, and not any individual Member. No member shall, unless authorized by Council, attempt to bind Arcadia, or give direction to employees (including members of the Fire Departments), agents, contractors, consultants or other service providers or prospective vendors to Arcadia.
- 7.2. Members of Council shall accurately communicate the decisions of council, even if they disagree with the Council's decision, such that respect for the decision-making process of Council is fostered.
- 7.3. Members of Council shall ensure they:
  - 7.3.1. Focus on their governance role of providing leadership for the community in an open, accountable and transparent manner, establishing strategic direction and providing oversight to the local government;

- 7.3.2. Respect the role of local government’s staff, which is to provide day-to-day administration of the local government, provide advice and analysis, 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;
- 7.3.3. Respect the role of 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 budgets, policy, committee processes and other matters, unless specifically authorized by council.
- 7.3.4. Council as a whole has the authority to approve budgets and policy statements, including structures and procedures for committees. Authority to act on behalf of Council, including through a committee, can only be delegated by Council.
- 7.3.5. When hearing of a concern, feedback or complaint of a resident, the Member of Council must direct the resident to call the municipal office.
- 7.3.6. All Councillors must attend local orientation sessions. All councillors are encouraged to attend training opportunities that may be provided to them during their term.
- 7.4. All Councillors shall, at all times conduct themselves in a manner that reflects the separation of roles and responsibilities between Council and administration and shall:
  - 7.4.1. Refrain from giving direction to any municipal employee (or contracted resource) or involving themselves in matters of administration which fall under the jurisdiction of the CAO;
  - 7.4.2. Use or attempt to use their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any employee of the Municipality with the intent of interfering in employee duties; or
  - 7.4.3. Maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of employees of the Municipality.
  - 7.4.4. Convey all concerns for action directly to the CAO
  - 7.4.5. Not solicit, demand, or accept the services of any municipal employee;
  - 7.4.6. Avoid any situation in which friendship, 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 CAO; and
  - 7.4.7. Not advocate for the promotion, sanction, or termination of any municipal employees

## 8. COMPLAINTS

- 8.1. Any person, who in good faith, may report perceived wrongdoing or make a complaint alleging a breach of the *Council Code of Conduct By-Law* by a Councillor. All reasonable attempts shall be made to keep the reports and complaints confidential until full investigation is completed in order to protect a Councillor and a complainant.
- 8.2. The report or complaint shall be in writing outlining the nature and specifics, be dated, include a name of the complainant, signed, addressed to the Mayor/or in the case of perceived

wrongdoing of the Mayor, to the Deputy Mayor), and marked “confidential”. The complaint may be mailed, emailed, or hand delivered to the municipal office. All received complaints shall be included in the camera/closed session of a regular Council meeting for Council’s perusal upon receiving it.

8.3. An anonymous report or complaint shall not be considered valid.

8.4. Depending on the nature of the complaint Council may:

8.4.1. Authorize the Mayor and Deputy Mayor (or in the case of perceived wrongdoing by the Mayor, the Deputy Mayor and one Councilor), to investigate the complaint and report to Council;

8.4.2. Dismiss the report or complaint as invalid;

8.4.3. Request a legal opinion regarding the report or complaint,

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

8.4.5. 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 actions to be taken by a motion.

## 9. GIFTS AND BENEFITS

9.1. In accordance with subsections 96(a), and (b) of the *Local Governance Act*, a Member of Council shall not:

9.1.1. 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; or

9.1.2. 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.

9.2. Members of Council are not precluded from accepting:

9.2.1. Compensation or benefit authorized by Council;

9.2.2. Rewards, gifts or benefits not connected with the performance or duties of office;

9.2.3. Services provided without compensation by persons volunteering their time;

9.2.4. Food lodging, transportation and entertainment provided by other levels of local governments, boards and commissions;

9.2.5. Reasonable quantities of food and beverages consumed at banquets, receptions, ceremonies and similar events

9.2.6. Token gifts such as souvenirs and commemorative gifts that are given in recognition of service for attending an event;

9.2.7. Gifts received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of office.

## **10. USE OF LOCAL GOVERNMENT PROPERTY, RESOURCES, AND SERVICES BY MEMBERS OF COUNCIL**

- 10.1. No Member of Council shall make use of, permit the use of Any Arcadia premises (land, facilities, equipment, supplies, etc.) Staff or other resources (computers, networks, websites, social media) other than for carrying out the business of local government.
- 10.2. Members of Council shall avoid waste and extravagance in the provision or use of Arcadia's resources or property belonging to the Entity.
- 10.3. No Member of Council shall use the facilities, equipment, supplies, services, or other resources of Arcadia for any election campaign or campaign-related activities on Arcadia property. No member of Council shall use the services of persons during working hours in which those persons receive any compensation from Arcadia.

## **11. USE OF COMMUNICATION TOOLS AND SOCIAL MEDIA**

- 11.1. Members of Council shall use communication tools, such as newsletters, websites and social media in a responsible and respectful manner.
- 11.2. Members of Council must not claim to speak on behalf of Council unless authorized to do so.
- 11.3. Unless Council directs otherwise, the Mayor is Council's official spokesperson and in the absence of the Mayor, it is the Deputy Mayor. All inquiries from media regarding official Council position on an issue shall be directed through the CAO.
- 11.4. A member of Council who is authorized to act as Council's official spokesperson must ensure that their comments accurately reflect the official position and will of Council as a whole, even if the Member of Council personally disagrees with Council's position.
- 11.5. Members of Council must keep in mind they are always representatives of Arcadia, including when engaging in social media activities, and Members of Council are encouraged to identify when views expressed are not theirs alone and not official Arcadia communication.
- 11.6. Members of Council shall not use communication tools and social media to engage in criticism of other Members of Council, Arcadia staff or the general public.
- 11.7. Members of Council shall not engage in or encourage bullying, blaming, or shaming of any other social media users. These types of interactions on social media misplace the focus of interaction on attacking individuals rather than engaging in constructive discussion or debate. This manner of communication is inconsistent with the *Code of Conduct* and unbecoming of the office that members hold.
- 11.8. No Member of Council shall make a statement with the intent to mislead Council or members of the public.
- 11.9. No Member of Council shall make a statement when they know the statement is false.
- 11.10. Members of Council cannot respond to comments on social media and should instead refer questions, comments or complaints to the municipal office.

## 12. CONDUCT AT MEETINGS

- 12.1. Members of Council shall conduct themselves in accordance with provisions set out in Arcadia's Procedural By-Law.
- 12.2. Members of Council may not impugn or malign a debate or decision or otherwise erode the authority of Council. Members of Council have the right to express disagreement with positions put forward by other Members provided such disagreement remains focused on the issue. Once Council has adopted a resolution, Members of Council are expected to support this resolution and the work associated with carrying out this resolution.

## 13. HANDLING OF CONFIDENTIAL INFORMATION

- 13.1. 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 deliberation obtained through their holding office, in either oral or written form, in accordance with *Right to Information and Protection of Privacy Act* (RTIPPA)
- 13.2. 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.
- 13.3. Members of Council shall not 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 of Council, or third parties, for personal, private gain, or for the gain of any relatives or any person or corporation or cause detrimental to the Entity, Council local board or others.
- 13.4. The obligations identified in this section constitute continuing obligations that apply following service on Council by any Members of Council

## 14. REMEDIAL ACTION IF CONTRAVENTION OCCURS

- 14.1. Should a Member of Council breach any of the principles outlined in the *Council Code of Conduct By-Law*, the possible courses of action that are available to Council include but are not limited to:
  - 14.1.1. Reprimand;
  - 14.1.2. An apology by the Member of Council to the impacted individual(s), Council and or the general public;
  - 14.1.3. Expulsion and/or suspension of a member from a Meeting of Council or Council Committee;
  - 14.1.4. Removal of the Member from the Council Committee and/or bodies;
  - 14.1.5. Request to attend training;
  - 14.1.6. Restricting the privileges of attending conferences and workshops at Arcadia's expense;
  - 14.1.7. Reduction or suspension of remuneration as Council may deem appropriate.
  - 14.1.8. Other penalties and sanctions contained in relevant federal or provincial legislation.

**15. COMMITMENT**

15.1. The Mayor, Deputy Mayor and all Councillors will be asked to sign the form in Appendix A as a commitment to the principals set forth in this by-law.

**16. EFFECTIVE DATE**

16.1. Given under the hands of the Mayor and Clerk and under Corporate Seal of Arcadia this 24<sup>th</sup> day of July, A.D. 2023.

First Reading: June 19<sup>th</sup>, 2023

Second Reading: June 19<sup>th</sup>, 2023

Third Reading: July 24<sup>th</sup>, 2023



Mayor – Derek Pleadwell



Clerk – Robert White



Corporate Seal

**APPENDIX "A"**

**STATEMENT OF COMMITMENT TO THE  
CODE OF CONDUCT FOR ELECTED OFFICIALS**

I, (Full Name please print) \_\_\_\_\_ declare that,  
as a member of the Council of Arcadia, I have read and support the *Code of Conduct By-Law* for  
Arcadia.

Signed: \_\_\_\_\_

Declared this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Before me:

\_\_\_\_\_  
Clerk/CAO  
Arcadia