



COUNCIL REPORT FORM (CRF)

To	Fundy Albert Council in Public Session
From	Kim Beers
Date	July 15, 2025
Subject	Code of Conduct By-Law
Presenters (if applicable)	N/A
Length of Presentation (if applicable)	N/A
Type	Public Private ✓ Committee of the Whole

PROPOSAL

For Council to approve By-Law No. 2025-02, A Code of Conduct By-Law for the Council of Fundy Albert.

BACKGROUND

At the time of amalgamation, the Province of New Brunswick Local Governance department issued By-Law No. 2022-02, A Code of Conduct By-Law for the Council of Fundy Albert. In August of 2024, staff received new regulations from the province that need to be included in the Code of Conduct By-Law.

DISCUSSION

Staff reviewed the regulations, which have been included in By-Law No. 2025-02 Code of Conduct of By-Law. Regulation 2024-08 was provided to all Municipalities across the province and are in addition to section 10(2)(b) of the Local Governance Act which authorizes and required local governments to establish a Code of Conduct. Sections 3-6 of the Regulation indicates what is required within a Code of Conduct By-Law. Schedule A of By-Law No. 2025-02 outlines the full formal complaint process to be followed upon receipt of a complaint.

RECOMMENDATION

It is recommended that Council consider first and second reading of By-Law No. 2025-02 Code of Conduct By-Law at the Regular Council Meeting of August 5, 2025.

OTHER OPTIONS

1. Do not approve By-Law No. 2025-02 A Code of Conduct By-Law for Council of Fundy Albert. The Local Governance Act requires a Code of Conduct By-Law for Municipalities, including the updated regulations. Should Council choose not to approve the By-Law, direction must be given to Staff on what recommended changes Council need prior to approval.

RISK ANALYSIS

CONSIDERATIONS

Legal	Reviewed by the Municipal Solicitor
Financial	The cost associated with a Code of Conduct Complaint will be discussed at budget time and should come from the Human Resources general budget line item.
Environmental	NA
Policy	By-Law 2022-02 Code of Conduct By-Law for Fundy Albert Local Governance Act NB & Regulation 2024-48
Stakeholders	Elected Officials must adhere to the parameters within the Code of Conduct By-Law which provides standards for the conduct of all Members of Council relating to their roles and responsibilities.
Community Sensitivities	NA
Council priorities	Strategic Plan Alignment: <ul style="list-style-type: none"> • Infrastructure ✓ Village Services • Communications • Strategic Partnerships • Economic Development & Tourism
Documents, maps, photos or presentations attached	Draft By-Law No. 2025-02 Code of Conduct By-Law Memo from Jennifer Wilkins, Assistant Deputy Minister Local Government Regulation 2024-48
Consultation	Legal review
Intergovernmental considerations	Interaction with other levels of government (provincial regulations)

BY-LAW NO. 2025-02
A CODE OF CONDUCT BY-LAW FOR THE COUNCIL OF FUNDY ALBERT

BE IT ENACTED by the Council of Fundy Albert under the authority vested in it by the *Local Governance Act*, S.N.B. 2017, c.18 as follows:

1. SHORT TITLE

- a) This By-law will be cited as the "Council Code of Conduct".

2. DEFINITIONS

- a) "Act" means the *Local Governance Act*, S.N.B. 2017, c.18;
- b) "CAO" means the Chief Administrative Officer for Fundy Albert;
- c) "Complaint" means the complaint made in accordance with this By-Law;
- d) "Confidential" or "Confidential Information" includes all information that may cause harm to any other Councillor, any officer or employee of Fundy Albert or other entity or individual if improperly disclosed or any other information which is not otherwise publicly available and includes, without limiting, any aspect of in-camera deliberations in accordance with Section 68(1) of the Act, information identified as confidential within the provisions of the Right to Information and Protection of Privacy Act and information subject to solicitor-client privilege;
- e) "Council" means all members of Council duly elected and holding office;
- f) "Councillor" means any member of Council including the Mayor and Deputy Mayor;
- g) "Fundy Albert Property" means Fundy Albert's financial and non-financial assets including but not limited to land, vehicles, equipment, electronic devices and documents;
- h) "Officer" means an employee of Fundy Albert that reports directly to the CAO and may carry some delegated or designated duties of the CAO.

3. APPLICATION AND PURPOSE

- a) This Council Code of Conduct applies to all Councillors.
- b) The purpose of this Council Code of Conduct is to provide standards for the conduct of Councillors relating to their roles and responsibilities as elected officials of the municipality of Fundy Albert in order to ensure that Councillors share a common basis and understanding for acceptable conduct extending beyond the legislative provisions governing the conduct of Councillors.

4. INTERPRETATION AND SCOPE

- a) This Council Code of Conduct provides a framework to guide ethical conduct in a way that upholds the integrity of the municipality of Fundy Albert and the high standards of professional conduct the public expects of its Councillors. This Council Code of Conduct is intended to supplement existing legislation governing the conduct of Councillors.
- b) In addition to the bylaws and policies of Fundy Albert, Councillors' conduct is also governed by applicable provincial and federal legislation, including but not limited to:
 - The Local Governance Act;
 - The Right to Information and Protection of Privacy Act;
 - The Elections Act;
 - The Human Rights Act (New Brunswick);
 - The Occupational Health and Safety Act and
 - The Criminal Code of Canada.

Where there is any conflict between this Council Code of Conduct and the requirements of any federal or provincial laws, such federal or provincial laws shall take precedence.

- c) This Council Code of Conduct is to be given a broad and liberal interpretation in accordance with applicable legislation. It is not possible for a code of conduct to cover every possible scenario. Therefore, Councillors must be guided by and conduct themselves in a manner that reflects the spirit and intent of this Council Code of Conduct.

5. CODE OF CONDUCT

- a) **Representing Fundy Albert**

All Councillors shall:

- i. Work for the common good of Fundy Albert's citizens and taxpayers while promoting the public interest and advancing the mandate and long-term interests of Fundy Albert;
- ii. Conduct Council business in an open and transparent manner that promotes public confidence and trust, recognizing that an individual Councillor cannot exercise individual authority over Fundy Albert;
- iii. Exercise their duties with care, diligence, and skills that a reasonably prudent person would exercise in comparable circumstances;
- iv. Act honestly, in good faith and in the best interest of Fundy Albert.
- v. Exercise their duties by placing the interests of Fundy Albert ahead of their personal interests;
- vi. Exercise their duties in an impartial manner, making decisions based on objective criteria, rather than on the basis of bias or prejudice; and
- vii. Adhere to core values of honesty, integrity, objectivity, impartiality, and accountability.

b) Communicating on Behalf of the Municipality

- i. The Mayor, or in their absence the Deputy Mayor, is the official spokesperson for Fundy Albert;
- ii. All Councillors 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.
- iii. No Councillor shall make a statement that the member knows or reasonably ought to know is false or misleading with respect to a material fact or omits to state a material fact, the omission of which makes that statement false or misleading.
- iv. In the event Councillors provide a personal view or opinion on social media, Councillors will take steps to ensure that such personal views or opinions are not construed to be those of Fundy Albert or its Council.

c) Respecting the Decision-Making Process

All Councillors shall:

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

d) Adherence to Laws, Policies, Procedures and Bylaws

All Councillors shall:

- i. Respect, and adhere to, the established policies, procedures and bylaws of Fundy Albert, showing commitment to performing their duties and functions with care and diligence; and
- ii. Be familiar with the relevant federal and provincial laws including, without limitation, the *Right to Information and Protection of Privacy Act*.

e) Respectful Interaction with Councillors, Staff, the Public and Other Members of Society

All Councillors shall:

- i. Treat fellow Councillors, Administration/Staff and the public with respect, concern and courtesy and not engage in discrimination, bullying, harassment or use of derogatory language towards others in their roles as Councillors and shall not make a statement that is defamatory to a member of Council, an officer or employee of Fundy Albert or a member of the Public;
- ii. Demonstrate the highest standards of personal integrity and honesty;
- iii. Communicate and work with all fellow Councillors in an open, transparent and honest manner promoting a spirit of cooperation by listening to and respecting those opinions that may differ;
- iv. Avoid forming "alliances" with other Councillors for the purpose of controlling Council meetings, agendas or outcomes; and
- v. Use communication tools and social media in a professional and appropriate manner only to promote the approved objectives of Council and not to attempt to reflect on Council decisions or disparage or criticize other Councillors or staff. Derogatory, defamatory, discriminatory, indecent, obscene or false comments shall not be posted on any social media account, including, without limiting, any posts made anonymously.

f) Confidential Information

All Councillors shall hold in strict confidence all confidential information which the Councillor becomes aware during the exercise of their duties concerning the property, personnel or legal affairs of Fundy Albert, or a member of Council, an officer or employee of Fundy Albert or a member of the public.

g) Conflict of Interest

All Councillors shall be familiar with the conflict of interest provisions under Part 8 of the Act, including any amendments thereto, and shall comply with those provisions. 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:

- i. Use any influence of the office for any purpose other than official duties;
- ii. 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;
- iii. 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
- iv. Influence any Council decision or decision-making process involving or affecting any person or organization in which a Councillor or Councillors have a financial interest.
- v. Favouritism or bias towards any vendor, contractor, or others doing business for the Municipality. Members are prohibited from accepting any fees, gifts, gratuities or other benefits.

All Councillor must complete schedule "B" DECLARATION OF FAMILIARITY WITH THE CONFLICT OF INTEREST PROVISIONS within one (1) month of coming into office or the coming into force of this by-law.

h) Improper Use of Influence

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:

- i. Refrain from giving direction to any municipal employee or contracted resource, except through the CAO;
- ii. 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 Fundy Albert to any specific course of action, expenditure, or use of municipal resources outside of Fundy Albert's established policies, procedures, or budget, or otherwise;

- iii. Not solicit, demand or accept the services of any municipal employee;
- iv. Avoid any situation in which a relationship (ex. friendship, social relationship or social interaction) with a member of staff may be perceived to create undue influence, access to information, conflict of interest, or to undermine the authority of the CAO;
- v. Not express any opinion on the performance of any municipal employee unless through a formal performance evaluation;
- vi. Not advocate for the promotion, sanction, or termination of any municipal employee; and
- vii. Not use their position for any purpose other than the exercise of their official duties.

i) Use of Municipal Assets and Services

- i. No Councillor shall use or attempt to use Fundy Albert's property, resources, funds, services, or information for personal benefit or the benefit of any other individual, in a manner that is unreasonable or for purposes other than those intended.
- ii. No Councillor shall use Fundy Albert's assets including cell phones or email accounts for provincial or federal political activity or in support of a candidate in a local government election.

j) Orientation and Other Training Attendance

All new Councillors must attend the local orientation sessions. All Councillors are encouraged to attend training opportunities that may be provided during their term.

6. COMPLAINTS

- a) Any person, in good faith, may report a perceived wrongdoing or make a complaint alleging a breach of the Council Code of Conduct by a Councillor. By using the complaint form found in schedule "A".

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.

- b) All complaints must be filed within three (3) months of the perceived wrongdoing.
- c) The complaint must be 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 in-camera session of an upcoming Council meeting for Council's review upon receiving it within one (1) month, by following the process outlined in Schedule "A" of this By-Law.

- d) An anonymous complaint shall not be considered valid.

7. COUNCIL DECISIONS

- a) Once the formal complaint process in Schedule "A" is finalized, an in-camera meeting will be scheduled within one (1) month for Council to review the final report. When the review is finished, Council will hold a vote:
 - i. To determine whether the member of council breached the code of conduct, and
 - ii. To pass a resolution respecting the appropriate corrective action, if any.
- b) If the report deals with any of the matters referred to in subsection 68(1) of the Act, the public may be excluded from the meeting for the duration of the review under Section 7(a) of this By-Law.
- c) The affected member of council shall not participate in any debate or vote held under Section 7(a) similar to the provisions in the Local Governance Act for Conflict of Interest.

8. CORRECTIVE ACTIONS

- a) Council may impose corrective actions on a Councillor who contravenes the Council Code of Conduct which may include (without limiting):
 - i. A letter of reprimand;
 - ii. Requiring the Councillor to issue a letter of apology;
 - iii. Requiring the Councillor attend training or counselling as directed by council;
 - iv. Suspending the member from exercising the powers or performing the duties conferred under section 48 of the Act;
 - v. Reducing or suspending the member's compensation for the duration of any suspension imposed under paragraph (iv);
 - vi. Reducing or suspending the member's privileges including travel or the use of resources, services or property of the Municipality.
- b) A corrective action under Section 8(a)(iv) or (v) shall not be imposed for a period longer than the maximum period prescribed for suspension under the Local Governance Commission Act.

9. REPEAL

- a) By-Law No. 2022-02 A Code of Conduct By-Law for the Council of Fundy Albert is hereby repealed.

10. EFFECTIVE DATE

- a) This By-Law comes into effect on the date of final passing thereof.

IN WITNESS WHEREOF Fundy Albert has caused hereto affixed its Corporate Seal of the said Municipality to be affixed to this by-law the day of _____, 2025 and signed by:

MAYOR

CLERK

Read a First time this ____ day of _____, 2025

Read a Second time this ____ day of _____, 2025

Read a Third time and passed by Council this ____ day of _____, 2025.

SCHEDULE "A"
FORMAL COMPLAINT PROCESS TO THE CODE OF CONDUCT

- a) Upon receipt of the complaint form as outlined in Section 6 of By-Law No. 2025-02 A Code of Conduct By-Law for the Council of Fundy Albert:
- i. The Mayor (or in the case of perceived wrongdoing by the Mayor, the Deputy Mayor) will provide notice in writing of the complaint to the affected member of council immediately and schedule a meeting with the affected member of council to review the complaint in its entirety prior to reviewing the complaint with all Council.
 - ii. At the council meeting where Council reviews the complaint, the affected member of council shall not be present.
 - iii. At the council meeting where Council reviews the complaint, Council:
 - a. will consider all documentary material obtained;
 - b. shall determine if the complaint is frivolous, vexatious or filed after the required time period;
 - c. determine if the complaint does or does not have merit; and
 - d. determine if further investigation is necessary.
 - iv. The Council may summarily dismiss the complaint if the Council concludes that the complaint as presented: (i) is frivolous, vexatious or made for an improper purpose; (ii) is devoid of merit; or (iii) even if committed, the actions or conduct described in the complaint are clearly not a matter that falls within the scope of this Council Code of Conduct or any other relevant legislation, policy or procedure
 - v. Following the council meeting where Council reviews the complaint, The Mayor (or in the case of perceived wrongdoing by the Mayor, the Deputy Mayor) will provide notice in writing of the determination of Council, with reasons for the determination and any next steps that may follow to the complainant and the affected member of council.
- b) Should Council determine an investigation is warranted, a fair and impartial process for the investigation of the complaint by a third party will be applied which includes:
- i. An investigator appointed by Council shall review the Complaint and decide whether to proceed with an investigation of the Complaint or not. If the investigator is of the opinion that a formal Complaint is frivolous, vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, the investigator may choose not to conduct an investigation and, if already commenced, may terminate the investigation and shall advise Council accordingly.

- ii. If the investigator decides to investigate the Complaint, the investigator shall take such steps as they may consider appropriate, including conducting interviews of Members, Administration or members of the public and which may seek legal advice in appropriate circumstances. An investigator shall make all reasonable efforts to conduct their investigation on a confidential basis.
 - iii. While, ultimately, Council adjudicates the validity of any Complaint and/or imposes the resulting actions, if any, the investigator shall, upon conclusion of the investigation, provide Council including the Member who is the subject of the Complaint, with a written report outlining the outcome of the investigator's investigation, including any conclusion reached by the investigator on the validity of the Complaint and their recommendation of an appropriate actions, if any.
 - iv. A Member who is the subject of an investigation shall be afforded procedural fairness, including an opportunity to respond to the allegations before Council deliberates and makes any decision on the validity of the Complaint and/or any actions imposed.
- c) Should the Code of Conduct complaint be against Council as a whole, the complaint will automatically be referred to the Local Governance Commission by the Chief Administrative Officer for their direction on the formal complaint process.
- d) The decision of Council on the validity of a Complaint, including any actions imposed shall be a matter of public record.
- e) A Member who is the subject of a Complaint is entitled to be represented by legal counsel, at the Member's sole expense.

Schedule A

COMPLAINT FORM

This complaint is against what member(s) of council?

What section(s) of this by-law do you believe has been violated?

Section(s) of the by-law contravened?

Facts: Why do you believe a member of council has contravened the by-law. Include the date, time and location of the conduct, details and names of all persons involved as well as any witnesses and their contact information.

Attach extra page(s) if necessary.

By signing below,

- I understand that this form may be sent to the member(s), council, an external investigator and the Local Governance Commission and
- I certify having personal knowledge of the facts as laid out in this form and declare that the information is true and accurate to the best of my knowledge.

Date : _____

Signature : _____

Please provide your name, complete address and how to reach you (telephone, cell and email):

Name: _____

Address: _____

T: (____) _____ - _____ C: (____) _____ - _____

Email : _____

This complaint may be subject to requests under the *Right to Information and Protection of Privacy Act*.

Schedule B
DECLARATION OF FAMILIARITY WITH THE CONFLICT OF INTEREST PROVISIONS
I, (full name) _____ declare that, as a member of council,
<ul style="list-style-type: none"> - I have read and understood Part 8 of the <i>Local Governance Act</i> regarding conflicts of interest, - I commit to respecting those requirements, - I understand that any breach to those requirements may be investigated and sanctioned by council and the Local Governance Commission and - I understand that any violation to this by-law may constitute an offence or penalty as per section 97 of the <i>Local Governance Act</i> within three (3) years on which the offence was, or is alleged to have been, committed.
Declared on _____ 20 _____
<div style="border-bottom: 1px solid black; width: 100%; margin-bottom: 5px;"></div> Signature
Before me _____ <div style="text-align: center;">Clerk</div>
A copy of this declaration is filed with the Clerk's office and may be subject to requests under the <i>Right to Information and Protection of Privacy Act</i> .

MEMO / NOTE



Date :	August 27, 2024 / le 27 août 2024
To / Dest. :	Local Government Administrators / Administrateurs des gouvernements locaux Regional Service Commission CEOs / Premiers dirigeants des Commissions de services régionaux
From / Exp. :	Jennifer Wilkins, Assistant Deputy Minister, Local Government / Sous-ministre adjointe, Gouvernements locaux
Copies:	Municipal Associations / Associations municipales Local Governance Commission / Commission de la gouvernance locale
Subject / Objet :	Legislative and Regulatory Changes / Modifications législatives et réglementaires

<p>This is to advise that several legislative and regulatory changes have recently come into effect. We encourage you to familiarize yourselves with these changes and to share this information with your respective councils, boards, and others within your organization.</p>	<p>Veuillez prendre note que plusieurs modifications législatifs et réglementaires sont entrées en vigueur récemment. Nous vous encourageons à vous familiariser avec ces changements et à partager cette information avec vos conseils, conseils d'administration et autres au sein de votre organisation.</p>
<p>New: There has been an amendment to the Local Governance Act (LGA) under Section 20.1 that provides the Minister of Local Government with the authority to repeal or amend a by-law in specific circumstances. The new Bylaw Repeal or Amendment Regulation establishes a list of bylaws exempt from this authority. It also establishes some administrative requirements such as timelines and notification rules.</p>	<p>Nouveau : Il y a eu une modification à la Loi sur la gouvernance locale (LGL) en vertu de l'article 20.1 qui donne au ministre des gouvernements locaux le pouvoir d'abroger ou de modifier un arrêté dans certaines circonstances. Le nouveau Règlement sur la révocation ou la modification d'arrêtés établit une liste d'arrêtés exemptés de cette autorisation. Elle établit également certaines exigences administratives, comme les délais et les règles de notification.</p>

Environment and Local Government / Environnement et Gouvernements locaux

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<p><i>Code of Conduct Regulation - LGA</i> - The previous version of this regulation was repealed and replaced by a new version, which is more detailed and outlines the following minimum requirements: matters to be included in a code of conduct by-law, a requirement to include a complaints process, procedures for related council decisions, and corrective actions.</p>	<p><i>Règlement sur le code de déontologie - LGL</i> - La version précédente du présent règlement a été abrogée et remplacée par une nouvelle version, plus détaillée, qui énonce les exigences minimales suivantes : les questions à inclure dans un arrêté sur le code de conduite, exigence d'inclure un processus de traitement des plaintes, les procédures relatives aux décisions du conseil et les mesures correctives.</p>
<p><i>General Regulation - Local Governance Commission Act (LGCA)</i> - This regulation outlines the fee and expense recovery process for investigations and audits, supervisors, and other matters.</p>	<p><i>Règlement général - Loi sur la Commission de la gouvernance locale (LCGL)</i> - Ce règlement décrit le processus de recouvrement des honoraires et des dépenses pour les enquêtes et les vérifications, les superviseurs et d'autres questions.</p>
<p><i>Regions of the Tribunal Regulation - (LGCA)</i> - This regulation lists the established regions of the Assessment and Planning Appeals Tribunal per Section 55 of the LGCA.</p>	<p><i>Règlement sur les régions du Tribunal - (LCGL)</i> - Ce règlement énumère les régions établies du Tribunal d'appel de l'évaluation et de la planification en vertu de l'article 55 de la LGCA.</p>
<p><i>Code of Conduct Regulation - Regional Service Delivery Act (RSDA)</i> - This regulation outlines the minimum requirements and includes the following: matters to be included in a board's code of conduct by-law; a requirement to establish a complaints process; procedures for related board decisions; and corrective actions.</p>	<p><i>Règlement sur le code de déontologie - Loi sur la prestation des services régionaux (LPSR)</i> - Ce règlement décrit les exigences minimales et comprend les éléments suivants : les questions à inclure dans l'arrêté procédural d'un conseil d'administration en matière de déontologie; l'obligation d'établir un processus de traitement des plaintes; les procédures relatives aux décisions du conseil d'administration; et les mesures correctives.</p>
<p>Amended: <i>Forms Regulation - LGA</i> - This amendment updates Form 2 - Oath of Office or Affirmation of Office for Mayor or Councillor adding that the council member acknowledges and will</p>	<p>Modifié : <i>Règlement sur les formules - LGL</i> - Cet amendement met à jour la formule 2 - Serment d'entrée en fonction ou affirmation solennelle du maire ou conseiller, en ajoutant que le membre du conseil reconnaît</p>

MEMO / NOTE



follow the code of conduct established by a by-law of the local government.	et respectera le code de conduite établi par un arrêté du gouvernement local.
Section 91- Local Governance Act This section of the <i>Local Governance Act</i> was amended and now requires that all statements disclosing conflicts of interest (Form 3) must be filed with the Local Governance Commission.	Article 91 - Loi sur la gouvernance locale Cette section de la <i>Loi sur la gouvernance locale</i> a été modifiée et exige maintenant que toutes les déclarations divulguant des conflits d'intérêts (Formule 3) soient déposées auprès de la Commission de la gouvernance locale.
General Regulation - RSDA - There are new regulatory requirements around conflicts of interest and the process for filing disclosure statements with the Local Governance Commission.	Règlement général - LPSR - Il y a de nouvelles exigences réglementaires concernant les conflits d'intérêts et le processus de dépôt des déclarations de divulgation auprès de la Commission de la gouvernance locale.
The full list of Annual Volumes of Regulations for 2024 can be found online .	La liste complète des Volumes annuels des règlements pour 2024 est disponible en ligne .
We trust that this information is useful to you and others within your organization.	Nous croyons que ces renseignements vous seront utiles, ainsi qu'aux autres membres de votre organisation.
Sincerely,	Cordialement,

(Original signed by/Original signé par)

Grace Lee Cutler for
Jennifer Wilkins
Assistant Deputy Minister, Local Government /
Sous-ministre adjointe, Gouvernements locaux

Environment and Local Government / Environnement et Gouvernements locaux
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**NEW BRUNSWICK
REGULATION 2024-48**

under the

**LOCAL GOVERNANCE ACT
(O.C. 2024-194)**

Filed July 26, 2024

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**RÈGLEMENT DU
NOUVEAU-BRUNSWICK 2024-48**

pris en vertu de la

**LOI SUR LA GOUVERNANCE LOCALE
(D.C. 2024-194)**

Déposé le 26 juillet 2024

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Under subsection 191(1) of the *Local Governance Act*, the Lieutenant-Governor in Council makes the following Regulation:

Citation

1 This Regulation may be cited as the *Code of Conduct Regulation – Local Governance Act*.

Definition of “Act”

2 In this Regulation, “Act” means the *Local Governance Act*.

Matters to be included in a code of conduct

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

(a) the values to which the members of council shall adhere, including

- (i) honesty,
- (ii) integrity,
- (iii) objectivity,
- (iv) impartiality, and
- (v) accountability;

(b) a requirement that members of council be familiar with the conflict of interest provisions under Part 8 of the Act and shall comply with those provisions;

(c) the behaviour of the members of council toward other members of council, officers and employees of the local government and members of the public, including

- (i) a prohibition against the use of their position for any purpose other than the exercise of their official duties, and
- (ii) a requirement that they be familiar with the relevant federal and provincial laws and local government by-laws, policies and procedures, including, without limitation, the *Right to Information and Protection of Privacy Act*;

En vertu du paragraphe 191(1) de la *Loi sur la gouvernance locale*, le lieutenant-gouverneur en conseil prend le règlement suivant :

Titre

1 *Règlement sur le code de déontologie – Loi sur la gouvernance locale*.

Définition de « Loi »

2 Dans le présent règlement, « Loi » s’entend de la *Loi sur la gouvernance locale*.

Questions à traiter dans un code de déontologie

3 Aux fins d’application de l’alinéa 10(2)b) de la Loi, l’arrêté que prend le conseil établissant un code de déontologie pour les membres du conseil traite notamment des questions suivantes :

a) les valeurs auxquelles ils doivent adhérer, y compris :

- (i) l’honnêteté,
- (ii) l’intégrité,
- (iii) l’objectivité,
- (iv) l’impartialité,
- (v) la responsabilité;

b) l’obligation qui leur incombe d’être au courant des dispositions de la partie 8 de la Loi traitant des conflits d’intérêts et de s’y conformer;

c) leur comportement à l’égard des autres membres du conseil, des fonctionnaires et des employés du gouvernement local ainsi que des membres du public, y compris :

- (i) l’interdiction de profiter de leur poste en dépassant le cadre de leurs fonctions officielles,
- (ii) l’obligation d’être au courant des lois fédérales et provinciales applicables, notamment la *Loi sur le droit à l’information et la protection de la vie privée*, ainsi que les arrêtés, politiques et procédures du gouvernement local;

(d) the use of property, resources and services of a local government by a member of council, including a prohibition against use that is

- (i) unreasonable or for purposes other than those intended,
- (ii) for their personal gain, or
- (iii) in support of a candidate in a local government election;

(e) public communications by a member of council, including a prohibition against

(i) making a statement that the member knows or reasonably ought to know

(A) is false or misleading with respect to a material fact or omits to state a material fact, the omission of which makes that statement false or misleading, or

(B) is defamatory to a member of council, an officer or employee of the local government or a member of the public, and

(ii) disclosing confidential information of which the member becomes aware in the exercise of the member's duties concerning

(A) the property, personnel or legal affairs of the local government, or

(B) a member of council, an officer or employee of the local government or a member of the public; and

(f) a requirement to comply with applicable federal or provincial law or local government by-laws, policies and procedures in the performance of their duties.

Complaints

4 For the purposes of paragraph 10(2)(b) of the Act, a by-law established by a council respecting an alleged breach of a code of conduct shall provide for the following:

(a) a process for filing complaints with the council, including

d) leur utilisation des biens, des ressources et des services du gouvernement local, y compris l'interdiction de les utiliser :

(i) de manière déraisonnable ou à des fins autres que celles prévues,

(ii) pour en tirer un gain personnel,

(iii) en vue d'appuyer un candidat dans une élection d'un gouvernement local;

e) leurs communications publiques, y compris l'interdiction :

(i) de faire toute déclaration dont ils savent ou devraient raisonnablement savoir qu'elle :

(A) ou bien est fausse ou trompeuse en ce qui concerne un fait important ou omet un fait important dont l'omission la rend fausse ou trompeuse,

(B) ou bien est diffamatoire à l'endroit soit d'un membre du conseil, soit d'un fonctionnaire ou d'un employé du gouvernement local, soit d'un membre du public,

(ii) de divulguer des renseignements confidentiels dont ils ont pris connaissance dans l'exercice de leurs fonctions, lesquels portent :

(A) soit sur les biens, les ressources humaines ou les affaires juridiques du gouvernement local,

(B) soit sur un membre du conseil, un membre du public ou un fonctionnaire ou un employé du gouvernement local;

f) l'obligation qui leur incombe de se conformer, dans l'exercice de leurs fonctions, aux lois fédérales et provinciales applicables ainsi qu'aux arrêtés, politiques et procédures du gouvernement local.

Plaintes

4 Aux fins d'application de l'alinéa 10(2)b) de la Loi, l'arrêté que prend le conseil concernant la façon de traiter les prétendues contraventions au code de déontologie établit :

a) une procédure de dépôt des plaintes auprès du conseil qui prévoit notamment :

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| <ul style="list-style-type: none"> (i) the information required to be set out in a complaint, (ii) the time period for filing a complaint, processing the complaint and imposing corrective action, and (iii) designation of a person responsible for receiving complaints on behalf of the council; | <ul style="list-style-type: none"> (i) les renseignements que les plaintes doivent renfermer, (ii) les délais de dépôt et de traitement des plaintes et ceux pour l'imposition de mesures correctrices, (iii) la désignation d'une personne chargée de recevoir les plaintes au nom du conseil; |
| <ul style="list-style-type: none"> (b) a process to provide notice in writing of the complaint to the affected member of council and to review the complaint; | <ul style="list-style-type: none"> b) une procédure pour fournir un avis écrit de plainte au membre du conseil visé et pour examiner la plainte; |
| <ul style="list-style-type: none"> (c) a fair and impartial process for the expeditious determination of complaints that are frivolous, vexatious or filed after the required time period; | <ul style="list-style-type: none"> c) une procédure d'enquête équitable et impartiale permettant de trancher rapidement les plaintes frivoles, vexatoires ou déposées après le délai prévu; |
| <ul style="list-style-type: none"> (d) a process to provide notice in writing of a determination under paragraph (c), with reasons, to the complainant and the affected member of council; | <ul style="list-style-type: none"> d) une procédure pour fournir au plaignant et au membre du conseil visé un avis motivé par écrit de la décision visée à l'alinéa c); |
| <ul style="list-style-type: none"> (e) a fair and impartial process for investigation of complaints by the local government or a third party; and | <ul style="list-style-type: none"> e) une procédure équitable et impartiale relative aux enquêtes sur les plaintes qu'effectue le gouvernement local ou un tiers; |
| <ul style="list-style-type: none"> (f) a process to provide a report of the results of the investigation to the complainant and the affected member of council. | <ul style="list-style-type: none"> f) une procédure pour fournir au plaignant et au membre du conseil visé un rapport des résultats d'enquête. |

Council decisions

5(1) A code of conduct shall require the council, at its next meeting after receiving a report under paragraph 4(f), to do the following:

- (a) review the report; and
- (b) when the review is finished, hold a vote
 - (i) to determine whether the member of council breached the code of conduct, and
 - (ii) to pass a resolution respecting the appropriate corrective action, if any.

5(2) If the report deals with any of the matters referred to in subsection 68(1) of the Act, the public may be excluded from the meeting for the duration of the review under paragraph (1)(a).

Décisions du conseil

5(1) Le code de déontologie renferme des dispositions voulant que le conseil prenne les mesures ci-dessous lors de sa prochaine réunion suivant la réception du rapport d'enquête visé à l'alinéa 4f) :

- a) examiner le rapport;
- b) une fois l'examen terminé, tenir un vote afin :
 - (i) de déterminer si le membre du conseil a contrevenu au code de déontologie,
 - (ii) d'adopter une résolution concernant les mesures correctrices appropriées, le cas échéant.

5(2) Si le rapport traite de l'une quelconque des questions visées au paragraphe 68(1) de la Loi, la réunion peut être tenue à huis clos pour la durée de l'examen que prévoit l'alinéa (1)a).

5(3) The affected member of council shall not participate in any vote held under paragraph (1)(b).

Corrective actions

6(1) In the case of a breach of a provision of the code of conduct, the code may provide for the imposition of corrective actions by council, including, but not limited to

- (a) reprimanding the member,
- (b) requiring that the member issue a letter of apology,
- (c) requiring that the member attend training or counselling as directed by council,
- (d) suspending the member from exercising the powers or performing the duties conferred under section 48 of the Act,
- (e) reducing or suspending the member's compensation for the duration of any suspension imposed under paragraph (d), and
- (f) reducing or suspending the member's privileges, including travel or the use of resources, services or property of the local government.

6(2) A corrective action under paragraph (1)(d) or (e) shall not be imposed for a period longer than the maximum period prescribed for a suspension under the *Local Governance Commission Act*.

5(3) Le membre du conseil visé par la plainte ne participe à aucun vote tenu en application de l'alinéa (1)b).

Mesures correctrices

6(1) Le code de déontologie peut prévoir, dans le cas d'une contravention, l'imposition de mesures correctrices par le conseil à l'endroit d'un membre du conseil consistant notamment à faire ce qui suit :

- a) le réprimander;
- b) exiger qu'il présente une lettre d'excuses;
- c) exiger qu'il suive une formation ou des séances de counseling selon les directives du conseil;
- d) suspendre l'exercice des attributions qui lui sont conférées à l'article 48 de la Loi;
- e) réduire ou suspendre sa rémunération pour la durée de toute suspension imposée en vertu de l'alinéa d);
- f) réduire ou suspendre ses privilèges, notamment les déplacements ou l'utilisation des ressources, des services ou des biens du gouvernement local.

6(2) La mesure correctrice visée à l'alinéa (1)d) ou e) ne peut être imposée pour une période plus longue que la période maximale prévue par la *Loi sur la Commission de la gouvernance locale* pour les suspensions.