

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 all reasonable 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, Fundy Albert 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 by a Councillor, 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 of 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 Councillors 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 staff, and shall:

- i. Refrain from giving direction to any municipal employee or contracted resource, except through the CAO or their designate;
- 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 (including but not limited to: 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 October 7, 2025 and signed by:

MAYOR

CLERK

Read a First time this 5 day of August, 2025

Read a Second time this 5 day of August, 2025

Read a Third time and done and passed by Council this 7 day of October, 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: 80%; margin-left: 20px;"></div> Signature
Before me _____ <div style="margin-left: 100px;">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> .